



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 11 November 2021

REVISED EDITION

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Thursday 11 November 2021

The Speaker, **Mr Shelton**, took the Chair at 12 noon, acknowledged the Traditional People and read Prayers.

STATEMENTS BY PREMIER

Remembrance Day - Commemoration

Mr GUTWEIN (Bass - Premier) - Mr Speaker, on indulgence, first of all, today is Remembrance Day. All members in this place would have paused earlier today for a minute's silence in commemoration of our servicemen and women. We all thank them for their service and sacrifice.

Absence of Minister - Ms Howlett MLC

Mr GUTWEIN (Bass - Premier) - Mr Speaker, due to the adjusted sitting times for Remembrance Day, I advise the House that Jane Howlett MLC will be absent from the House today. I will be taking questions on the minister's behalf relating to the portfolios of Sport and Recreation, Racing, Women and Small Business.

RECOGNITION OF VISITORS

Mr SPEAKER - Honourable members, I acknowledge presence in the gallery of the Certificate I in Transition Education students from TAFE. Welcome.

Members - Hear, hear.

QUESTIONS

Department of Education - Responses to Child Sexual Abuse

Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY

[12.02 p.m.]

Yesterday you would only outline the action taken to investigate five of the 21 teachers listed in the Independent Inquiry into the Tasmanian Department of Education's Responses to Child Sexual Abuse. What action has been taken against the other 16? How many of those 16 continue to be able to work in schools?

ANSWER

Mr Speaker, I thank the member for her question. I will go to the subject of your question. However, I will make it clear that I am proud to be part of the Government that has taken action to ensure that we can thoroughly investigate not only historic claims but, importantly, have a

pathway to ensure that not only the Department of Education but the entire government has the most robust systems as possible.

It was this Government that implemented the investigation into the Department of Education, and it is this Government that has commenced the commission of inquiry.

I will read into the *Hansard* a statement by Mr Bullard, the secretary of the Department of Education, which I believe will respond fully to the members' question:

The Department of Education takes all allegations of misconduct very seriously and is acutely aware of the need to ensure that we provide the best possible safeguards for children and young people.

Immediate action has been taken in respect to any potential immediate risks to children and young people in Tasmanian government schools that were identified by the Report.

The Department of Education provided Professors Smallbone and McCormack with access to a broad range of information and people, to inform their inquiry.

As part of the inquiry, the Department advised the Professors that there were 41 current employees or relief staff who may have a 'record of concern', some of which may have related to historical child sex abuse, and others which may not have been related to that.

Information was further reviewed by internal audit and human resources and a total of 32 records that related to potential historic allegations of sexual abuse against current employees or relief staff have been identified.

All 32 matters have been referred (or re-referred) to Registration to Work with Vulnerable People, Tasmania Police and where appropriate to the Teachers Registration Board.

Each of these records has also been reviewed in detail and a decision made as to whether matters need to be subject to further investigation or management action.

For any workplace, it is important that the principles of natural justice and other legal considerations apply and we must ensure that we fulfil our duty of care to our employees and do not prejudice investigations.

As a result of that review, five employees have received a suspension from duty and a formal Code of Conduct investigation commenced on the basis that, although the matters were investigated at the time of the allegations being raised, those investigations were not undertaken in accordance with contemporary practice.

On the basis of these Code of Conduct investigations being undertaken, two employees have been returned to work, with no evidence being found of

sexual misconduct. Others remain underway with the employees still suspended from duty.

A number of relief employees have been identified as being the subject of allegations relating to potential child sex abuse, and they have been advised that they will not be able to work for the Department in any capacity, unless they wish to be subject to an independent investigation.

Review of the remaining matters has identified that the matters were properly investigated at the time, and that there was either: a determination made; no evidence of child sexual abuse (for example an employee transported a student in a private vehicle with parental permission but not in accordance with Departmental policies); the allegation was unsubstantiated (for example reporting to Police by a member of the public but after Police investigation, the allegation could not be substantiated); that the matters were handled appropriately at the time (for example through a comprehensive Code of Conduct investigation), or the employee had left employment (for example through retirement).

It is important to note that every single allegation, and investigation relating to current employees, has been provided, in full, to the Commission of Inquiry.

The Department recognises the community's concern regarding current employees who are the subject of these allegations, and has submitted comprehensive information on these matters, and their review, to the Commission of Inquiry, for scrutiny.

All children and young people have the right to an education, to be heard and to be kept safe from harm. As a Department, it is our greatest commitment and our highest priority.

Department of Education - Responses to Child Sexual Abuse

Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY

[12.07 p.m.]

The safety of our children at school is fundamentally important. You have provided some further answers today to questions that we asked yesterday, for which we are grateful, but we continue to have questions. I ask if you can address these questions: has the Teachers Registration Board cancelled any registrations? Have any of the identified teachers had their Working with Vulnerable People check revoked? Did any resign before a code of conduct investigation could take place? Were any of these referred to the police?

I am sure you understand that the community interest in this matter requires answers to these important questions.

ANSWER

Mr Speaker, I thank the member for her question. I agree that we need to ensure that we have robust systems in place, and that our entire community has confidence in those systems and in our schools.

As to the range of questions that you asked, I am happy to seek further advice on whether I am able to provide further detail about those other organisations, particularly the TRB.

What I can say is to reiterate the statement I have already made relating to all matters that have been raised being re-examined, referred to police, referred to the commission of inquiry and to the appropriate bodies.

The secretary of the department and I share the importance of making sure that these matters are thoroughly looked into, but also in a contemporary way, which is why we have taken the action that we have taken. It is why the department has acted swiftly on the information that has come to light, not just through this report, but also any information that comes to light.

I have had a number of conversations with the secretary, particularly in recent days. I have every expectation that further stories will come forward. We expected that through the commission of inquiry, and indeed through the public discourse that we are having at the moment.

As the Minister for Children and Young People, I assure any Tasmanian who wants to come forward with any information that they will be taken seriously, they will be supported, and we will ensure that all allegations are appropriately referred to anybody appropriate.

Department of Education - Responses to Child Sexual Abuse - Release of Report

Ms O'CONNOR question to MINISTER for EDUCATION, Ms COURTNEY

[12.10 a.m.]

In asking this question, it is important to acknowledge that your Government did the right thing for the right reasons in initiating this inquiry. What we want to understand is why the secrecy thereafter? Professors Smallbone and McCormack's full report of the inquiry, which was only released through right to information and tabled by the Greens in here yesterday, points to a culture of cover-up in the Department of Education, historically and, likely, to this day.

Do you agree it does not help that culture to decide to wait five months to release a cut-down version of this critical report and to decide to table it on the same day the national broadcaster obtained the full report through right to information? To change culture in any organisation requires leadership from the top. Do you not agree that your decisions, as minister for Education and Children, about this inquiry report regrettably reinforces the culture of cover-up in Education?

ANSWER

Mr Speaker, I thank the member for her question. I reject any allegation or assertion that the Government has improperly acted over the handling of the investigation and the outcomes.

I want to be very clear about the report: we have provided the full report to the commission of inquiry, as we committed. I noted their comments and, in line with what they have said, we have sought to look at what we can now release. We have been clear that the Government has received advice that there is a range of legal concerns and legal impediments relevant to the release of the full report. This is why we have taken the action we have taken.

This inquiry was first announced by the former minister, Jeremy Rockliff, on 27 August 2020. On 23 November the Government announced the establishment of the commission of inquiry and stated that:

The agency-specific investigations currently underway will continue until the commission of inquiry is established. All information gathered will be rolled to the commission of inquiry.

On 2 December, the Attorney-General reiterated this in a media release. This was restated on 2 March 2021, when the Attorney-General advised the House that the important work already underway by Professors Stephen Smallbone and Tim McCormack in relation to the Department of Education, and Ms Maree Norton into the Department of Health, the Tasmanian Health Service and other entities, would all continue by being rolled into the commission of inquiry. On 7 June 2021, the report was received by the Department of Justice. On 14 June 2021 it was provided in full to the commission of inquiry.

Mr Speaker, we did what we publicly committed to do. When the Government received the report, it was provided, as I said, to the commission of inquiry. We also took advice on what could be publicly released at the time. The advice to the Government was that the report should only be published by the commission of inquiry, with legal impediments to the release of the report. The advice considered a range of issues, including the potential identification of victims, with many people contributing to the inquiry on a confidential basis, as well as consideration of section 194K of the Evidence Act. The Government accepted that advice.

Concurrent to this, it was provided to the Department of Education in July. The department took immediate action with the establishment of the Office of Safeguarding Children and Young People in August.

The Government and I take not only the outcomes of this report seriously, but we are ensuring that the very sensitive information contained in reports like this is appropriately handled. We want those who have been impacted by child sex abuse, their families and their loved ones to feel confident to come forward and know that their information will be appropriately protected.

This Government has not only delivered on what we said we would, in terms of providing that to the commission of inquiry in full, on receipt of it but we have stood up within the Department of Education, the Office of Safeguarding Children and Young People, so that we can get on with delivering the outcomes.

Department of Education - Responses to Child Sexual Abuse - Government Response

Mr ELLIS question to PREMIER, Mr GUTWEIN

[12.15 p.m.]

Can you update the House on the strong actions taken by the majority Liberal Government to ensure our children and young people are safe and protected from any form of sexual abuse?

ANSWER

Mr Speaker, I thank Mr Ellis for that question and his interest in this matter.

Yesterday was a pretty disappointing effort by those on the other side of this House. The cheap politics played on such an important issue was very disappointing. My Government takes the safety of children extremely seriously.

The first thing I want to do is apologise on behalf of this Government, and also on behalf of previous governments, to those victims and survivors of historical abuse in our schools and education facilities.

What I will not apologise for is being the first government to take serious action on this issue.

While the tone of the House appears to have changed somewhat today, and that is pleasing to see, this is a very difficult issue for the people it affects, for the victims and survivors.

Regarding that last question to the Minister for Education, of course this Government wants to be as transparent as it possibly can be, as it possibly can lawfully be. We received advice on that report and, as the point has just been made, on numerous occasions we did exactly what we said we would do. When I announced the commission of inquiry we said that we would roll the work of the Education inquiry and the ongoing work of the Health inquiry into the commission of inquiry, and we have done that.

What also occurred was the report and the recommendations and findings were considered by Education within a matter of weeks and they took action.

What appeared to be missing from this place yesterday was any acknowledgement by those on the other side that all of us in this place want to see the best outcomes for children, and we want to keep our children safe.

Immediately, even though we were hamstrung by legal advice about what we could do with that report, we began the process within Education of ensuring our kids were safe and that the matters raised and recommendations made were followed up. This is exactly what I hope that you on that side of the House would have wanted us to do.

Opposition members interjecting.

Mr GUTWEIN - The cheap politics that was played in this place - and, again Mr Winter interjects. I sat in this place yesterday for over an hour as the Premier of this state and not one single question of the nine questions -

Members interjecting.

Mr SPEAKER - Order.

Mr GUTWEIN - that the Opposition had was directed my way as the Premier of this state - the first premier to actually call for a commission of inquiry into this most difficult and challenging matter. Again, the Leader of the Opposition, in terms of the politics played yesterday, it was disgraceful. It was disgraceful because on that side of the House it was not about the safety of children. It was not about accepting that, as a government -

Ms WHITE - Point of order, Mr Speaker. I take personal offence to statements made by the Premier that he does not think I care about children. I ask him to withdraw those remarks.

Mr SPEAKER - No, it was not directed at any individual. It was -

Ms WHITE - I believe that it was, Mr Speaker, and I will reflect back on the *Hansard*.

Mr GUTWEIN - Mr Speaker, the point that I make to everyone in this place is that we are on a journey and it is going to be a very difficult journey but it is a journey that we all bear responsibility for in this place. It is not this Government or the past government, it is governments over the last three to four decades. This commission of inquiry is going to bring forward a range of difficult and challenging matters that all of us in this place are going to need to deal with.

I hope that those on the other side can understand and accept that we want to do this job once, to do this job right, and to ensure that in decades to come there is not another premier who is calling another commission of inquiry. When they look back in decades to come they will see that this Government and this parliament had the courage to ask the questions that needed to be asked, and put in place the mechanisms and the processes where we were deficient with them, to ensure that regardless of what engagement they have with the public bodies that we are responsible for that all children can be safe.

We cannot change the past but we can shape the future. I am determined to ensure that we shape that future in a way that is positive for the children of this state, both now and into the future.

Mary Ann's Island Pty Ltd - Alleged Involvement of Matthew Groom

Ms JOHNSTON question to PREMIER, Mr GUTWEIN

[12.21 p.m.]

Earlier this month journalist, Callum Foote, published an article in Michael West Media which raises two very concerning issues around the proposed golf course development for South Arm. The first concerns a Commonwealth grant of \$5 million to construct a seven-

kilometre pipeline under the Derwent River to water this privately-owned golf course. The author claims that irrigating a golf course is outside the guidelines of the grant program and that the company receiving the grant, Mary Ann's Island Pty Ltd, is associated with the family of Matthew Groom, a former state Liberal minister.

A further claim is that Matthew Groom, when a minister in 2014, approved a lease to Mary Ann's on Crown land at South Arm to construct the golf course. Matthew Groom's brother, James Groom, was a director of Mary Ann's.

I understand that Matthew Groom did not disclose this personal conflict of interest and in fact denied it when asked in parliament at the time. Do you agree that there appears to be a serious conflict of interest here? Given the serious nature of the concerns raised in the article, what steps are you taking to ensure that the public has confidence in the probity of government?

ANSWER

Mr Speaker, I thank the member for Clark for her question and her interest in this matter. The first thing I will say is that it is a fantastic project that is going to breathe life into that area. I know that, through the National Water Grid Connections, there was a range of announcements made.

Regarding the people behind that business, I do not think there has ever been an issue of anyone trying to hide their identity, if that is what you are suggesting. Everyone understands that James Groom has been part of that process. I have not read that particular article, nor do I have any advice on it. I am prepared to have a look at that article and respond to you. My understanding is that every step of the way, every appropriate oversight has been taken.

Members interjecting.

Mr SPEAKER - Order.

Mr GUTWEIN - I will happily look at the article and I will respond directly to Ms Johnston on that matter. My understanding is that every appropriate step regarding oversight has been taken. What we are hopefully seeing come to fruition is a project that is going to provide greater economic benefit to that part of Tasmania.

Department of Education - Responses to Child Sexual Abuse - Release of Report

Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY

[12.24 p.m.]

You have received the report on the independent inquiry on 7 June. When did you provide a copy to the Premier and when did you provide a copy to your colleagues? Why was the redacted report able to be released under RTI but you chose not to proactively release it? We have been contacted by survivors and families of survivors who contributed to the inquiry who feel incredibly let down that they were not provided with a copy of the report before the media. What evidence can you point to that will help them or anyone else believe that you

would have done anything except to cover up this important report if it was not for the ABC's right to information request?

ANSWER

Mr Speaker, I thank the member for her question. I am happy to re-state many of the dates that I have already stated in my previous answer that should help clarify this response for Ms White.

As I have already stated, the inquiry was first announced by former minister, Jeremy Rockliff, on 27 August 2020. On 23 November 2020, the Government announced the establishment of the commission of inquiry and stated that agency-specific investigations currently underway will continue until the commission of inquiry is established. All information gathered will be rolled into the commission of inquiry.

On 2 December 2020, the Attorney-General reiterated this in a media statement. This was restated on 2 March 2021 when the Attorney-General advised the House that the important work already underway by Professors Stephen Smallbone and Tim McCormack in relation to the Department of Education, and Ms Maree Norton into the Department of Health and Tasmanian Health Service and other entities, will all continue by being rolled into the commission of inquiry. On 7 June 2021, the report was received by the Department of Justice. On 14 June 2021, it was provided, in full as we committed to, to the commission of inquiry.

Mr Speaker, the report when received was provided to the commission of inquiry. We also took advice on what could be released publicly at that time. That advice to the Government was that the report should only be published by the commission of inquiry with legal impediments to the release of the full report. The advice considered a range of issues including the potential identification of victims with many people contributing to the inquiry on a confidential basis as well as consideration of section 194K of the Evidence Act. The Government accepted that advice.

Concurrent to this, the report was provided to the Department of Education in July 2021. The department took immediate action with the establishment of the Office of Safeguarding Children and Young People in August, which is working to implement every recommendation.

I was first briefed on the report, verbally, in late July and received a copy of the report in the days after that. As I have said previously, and as I will continue to say, we have acted upon advice that has been received with regard to us providing to the commission of inquiry. I take my obligations as a minister very seriously.

The most important thing we need to acknowledge is that the Department of Education, in a matter of weeks of receiving this report, had established the Office of Safeguarding Children so that the recommendations could be implemented in full.

Department of Education - Responses to Child Sexual Abuse - Legal Advice

Dr WOODRUFF question to ATTORNEY-GENERAL, Ms ARCHER

[12.19 p.m.]

Following the Minister for Education tabling the short version of Professors Smallbone and McCormack's full report of the inquiry into sexual abuse in the public school system, you released a joint media statement with Ms Courtney. In that statement you said:

We understand the public interest in this matter and, while we aim to be as transparent as possible, the Government has previously received advice that there is a range of concerns and legal impediments relevant to the release of the full Report.

What advice did you receive that meant you could not release the same full redacted report that was released to the ABC under right to information the very same afternoon? Why would the advice you received be contrary to what the Right to Information Act enabled? Why was your reflex to evade scrutiny on the details in the full redacted report? What advice was that based on?

ANSWER

Mr Speaker, I welcome to opportunity to respond, first to that last unfortunate allegation. It is not a knee-jerk action for us to hide anything. What we have done all along, as the Minister for Education has quite correctly identified, and the Premier also in his response, is follow the advice that we have received all along.

Right from when we first announced the commission of inquiry, we said that the work in relation to this investigation into the Department of Education would be enveloped or provided to the commission of inquiry, and that was done. We have done what we said we would do. We have provided the report to the commission of inquiry. It must be remembered that the commission of inquiry works within the framework of the Commissions of Inquiry Act, and is protected by that act.

We have now released the findings and recommendations of the report -

Members interjecting.

Mr SPEAKER - Order.

Ms ARCHER - It is absolutely impossible for the member for Franklin to listen to an answer.

Dr Woodruff - You have not addressed the question.

Mr SPEAKER - Order.

Ms ARCHER - I am going to address the question. This is a very serious matter. You have made serious allegations -

Mr SPEAKER - Through the Chair please, Attorney-General.

Ms ARCHER - of the Government, of the Minister for Education, me and the Premier, and I am attempting to answer the question.

We acknowledge the public interest in the matter. As we have said, the Government has received advice that there is a range of concerns. The member knows where the Government receives advice from.

Dr Woodruff - Just say it, for the people who are listening.

Mr SPEAKER - Order, member for Franklin.

Ms ARCHER - The member knows that, and they know the particular parameters around the advice that the Government receives.

Ms O'Connor - Was it the SG? Who gave it to you?

Mr SPEAKER - Order.

Ms ARCHER - It is sufficient enough for members in this place to be aware that we receive legal advice.

It is important to note that many people contributed to the inquiry on a confidential basis. We acknowledge their valuable contributions to the inquiry, and we want to ensure the rights of these individuals are protected. That is pursuant to both section 194K of the Evidence Act and our defamation laws as well.

RTIs are different. They are a matter for the relevant department to which that RTI is submitted. In accordance with that particular act, the department assesses and releases information at arm's length.

Dr Woodruff - It was deemed in the public interest. That is the why they released it.

Mr SPEAKER - Order, member for Franklin.

Ms ARCHER - I am aware that many RTIs go out. What recipients do with the contents of what they are provided through the RTIs is a matter for them, and a matter for their own legal advice. Journalists regularly seek their own legal advice as to what they can and cannot report on, and what they can and cannot release.

The Greens chose to table the full report -

Dr Woodruff - Redacted report. Who gave you the report?

Mr SPEAKER - Order, member for Franklin. That is at least half a dozen times you have interjected on the Attorney-General. If you do it again, I will ask you to leave.

Ms ARCHER - That is a matter for the Greens, and they do have the protection of parliamentary privilege, but they do not when they walk outside this House.

I will conclude by saying that RTIs are a separate matter. The Government does not have the protection of a Commissions of Inquiry Act. We take advice, we took advice, we have provided the findings and recommendations and our Government's response. The Minister for Education and the Premier have clearly identified the time line and the process that we adopted, and the extreme caution that we necessarily took in that regard. We have been open and transparent according to the process that we needed to adopt, and we acted swiftly.

COVID-19 - Vaccination Program Update Prior to Border Reopening

Ms OGILVIE question to MINISTER for HEALTH, Mr ROCKLIFF

[12.34 p.m.]

Can you update the House on Tasmania's vaccination program, which is a key component of the Liberal Government's Reconnecting Tasmania safe border reopening plan?

ANSWER

Mr Speaker, I thank Ms Ogilvie for her question on what is an increasingly important matter as we approach 15 December. Throughout the pandemic, the health and wellbeing of Tasmanians has been the number one priority. Vaccination still remains the most important way to protect you, your family, your workmates and the community against COVID-19. By being vaccinated, you are less likely to contract COVID-19, you are less likely to pass it on, and you are significantly less likely to have serious illness, require hospitalisation or die.

Yesterday we reached another major milestone with over 80 per cent of Tasmanians over 16 years old fully vaccinated. Nearly 91 per cent of Tasmanians over 16 years old have received at least one dose.

Unfortunately, there remains about 40 000 Tasmanians over 16 years old who still have not received their first dose. They are running out of time if they want to be fully vaccinated before the borders open on 15 December. There are only 35 days to go, and you need two doses to receive full protection.

Nearly 10 000 school children aged 12 to 15 years still have not received their first dose. As a parent, I implore all parents to get their children into a vaccine clinic in the next week to ensure they can get two doses in before our borders open. I urge Tasmanians not to be complacent. Teenagers and people in their twenties are not immune to COVID-19, or from becoming seriously ill.

This weekend, we have special youth clinics for 12- to 17-year-olds running in Hobart, Launceston and Devonport, with no appointment required. There are plenty of opportunities to get vaccinated.

In the next week, we are holding clinics in Burnie, Devonport, Launceston, George Town, Scottsdale, Sheffield, Ulverstone, Smithton, Latrobe and Wynyard. As well as our pop-up clinics, we are continuing our main clinics in the major centres. There are many primary care vaccination points through GPs and pharmacies, who are doing a wonderful job administering vaccines across the state, as we expressed in this place yesterday.

We continue to liaise with local councils and community groups such as Neighbourhood Houses, the Tasmania Network, the PCYC and large workforce businesses in areas where pop-up clinics are planned. This local level of engagement has been behind the success of our vaccination efforts to date.

I am also pleased to advise that booster doses commenced in Tasmanian community clinics on Monday for people over 18. I understand that over 1000 booster doses have already been administered in state clinics. There are over 60 000 third doses due to be delivered in coming months, with 18 236 due by the end of this month, 19 659 due by December, and 25 550 due during January.

I thank Tasmanians who have rolled up their sleeves and been vaccinated, and those who have booked in. To those who still need their second jab, a further reminder that one dose is not enough. It is important that we have actually had health staff ringing up each and every person who is a no-show, to rebook them for their second dose.

Tasmania, we need to finish the job and get two doses for all eligible Tasmanians before 15 December for absolute full protection.

Department of Education - Responses to Child Sexual Abuse - Ministerial Briefings

Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY

[12.39 p.m.]

You have confirmed that the Government received the Independent Inquiry into the Tasmanian Department of Education Responses to Child Sexual Abuse on 7 June, and that you were not briefed on it until late July. You must have regular briefings with your department, and you must have known that the inquiry was either due for completion, or had possibly had been finalised in early June. Why did it take you six weeks to be briefed on this crucial report?

ANSWER

Mr Speaker, I thank the member for her question. I am disappointed that she is seeking to look at conspiracy theories, when we have demonstrated that the Government has taken the outcomes of this report seriously, and we have done what we have said we would do. As I have outlined -

Opposition members interjecting.

Mr SPEAKER - Order. You have asked the question. Allow it to be answered, please.

Ms COURTNEY - I was briefed soon after the Department of Education was provided with the report. That was provided, as I have outlined, from the Department of Justice to the Department of Education. It is my role, as the Minister for Education, to ensure accountability of the Department of Education's delivery of the outcomes of the investigation, which we have accepted in full.

I was very pleased that within a matter of weeks of having received this report, the Department of Education had already moved to establish the Office of Safeguarding Children

because that is the place that we are going to deliver these outcomes. We now have a senior member of the public service leading that role to ensure these are delivered in full across all our learning and children areas across the state, not just with the outcomes of the independent review but also the commission of inquiry, the royal commission, and other matters.

We have a place within the Department of Education embedded in the secretary of the Department of Education's office to ensure that the culture of the Department of Education is of a place where we are believing our young people, where we have a culture of reporting so we can ensure every single person has a role of keeping our young people safe and they go to work every day knowing that.

Child Safe Organisations Bill 2020

Ms WHITE question to MINISTER for EDUCATION, Ms COURTNEY

[12.41 p.m.]

The commission of inquiry heard key recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse have still not been implemented. This includes a reportable conduct scheme. Reportable conduct schemes already operate in Victoria, New South Wales, Queensland and the Australian Capital Territory. In these states, allegations of sexual and physical abuse of children must be reported immediately. The commission of inquiry also noted that the Child Safe standards have not been implemented.

The Education inquiry found that people were not clear on their reporting obligations and noted the importance of the Child Safe Organisations Bill 2020. Consultation on a draft version of this bill closed in June. Why has this bill not been a priority for you and this Government? Will it be legislated before the next school year commences? What actions have you taken to ensure that your colleagues realise that this bill should be one of your Government's highest priorities?

ANSWER

Mr Speaker, I thank the member for her question. With regard to the implementation of the royal commission recommendations, I am advised that the Department of Education is responsible for 15 recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. To date, the department has implemented nine of the recommendations for which it has responsibility, with the outstanding recommendations remaining a priority.

The nine completed recommendations are largely related to the development of appropriate record retention policies for records related to child sexual abuse; the establishment of effective record disposal schedules for records relating to child sexual abuse; the provision of guidance to government and non-government institutions regarding the appropriate identification of relevant records; the development of policies, mechanisms and safeguards to support the exchange of relevant students' information when they move to another school; the establishment of record keeping standards for non-government schools that align with those of government schools; and the development of policies and procedures for managing complaints about children with harmful sexual behaviours.

With regard to the component of the question about Child Safe organisations, perhaps it would have been better directed to the Attorney-General who is leading this body of work. Our Government is committed to implementing a child safety framework for all organisations engaged in child-related services to ensure a cultural change in organisations so that we can keep children safe from abuse and that this is embedded into everyday thinking of practice leaders, staff and volunteers. This is much broader than just the departments of government; this is across our entire community. To this end, we have committed to introducing a legislative framework which ensures organisations providing services for children prevent and appropriately respond to child sexual abuse.

The draft Child Safe Organisations Bill 2020, which proposes to create standalone legislation and to establish the principles for the safety and wellbeing of children and child safe standards, was released for public consultation between 22 December 2020 and 19 February 2021. The bill outlined the proposed approach to implementing key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse by establishing the principles of the safety and wellbeing of children and child safe standards. There are 27 submissions that are currently being reviewed by the Department of Justice with options continuing to be developed in order to provide the Government for consideration.

The Attorney-General and I have met with the Victorian Principal Commission for Children and Young People together with the Tasmanian Commissioner for Children and Young People to learn more about the Victorian model and consider any further options that might be suitable for the Tasmanian context. Ms O'Connor has raised this a number of times in the Chamber. In my capacity as Minister for Children and Young People, and I know from the Attorney-General's perspective as well, it was a very informative session. It is important that we understand and fully investigate these alternative options, considering the advocacy that we have had from the Tasmanian Commissioner for Young People. It is important that we do this thoroughly and we do it right. I have every confidence the Attorney-General will deliver on those.

Securing Tasmania's Future - Agricultural Productivity

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

[12.46 p.m.]

Can you outline how the majority Liberal Government is delivering our plan to secure Tasmania's future, particularly the further support for landholders to develop initiatives that are a win for our agricultural productivity and the environment while providing opportunities to new income streams?

ANSWER

Mr Speaker, I thank the member for his question and his interest in this matter. The Government is delivering when it comes to promoting all things agricultural and supporting our environment. We are competitive, we are resilient, and sustainable growth and innovation is at the heart of our plans for agriculture in Tasmania.

We have plans to reach that farmgate value of \$10 billion by 2050 and I am pleased to advise we are on track. Sustainability underpins the Tasmanian brand. This is often spoken of by the Premier and others on this side of the House: the importance of the Tasmanian brand - clean, fresh, pure and natural - and agriculture is a key part of that.

Since 1990 we have doubled our agricultural production. What has happened with respect to carbon emissions? They have gone down more than 8 per cent. The Premier has advised this before. This is good news for agriculture. They are delivering, they are kicking goals and that is to be applauded. We have that bold plan to get to 2030 with our zero net emissions target with the minister for Climate Change, the Premier and the Government leading the way.

I am pleased to advise today of two new programs that have opened to support farmers and landholders to develop carbon initiatives, improve land management, and access the carbon credit market.

The \$250 000 Carbon Farming Advice Rebate pilot program will align with the Landcare Action Grants which have been expanded to include carbon farming. The Landcare Action Grants program will continue through to 2025 with an additional investment of \$900 000 from our Government. The 2021-22 Budget included \$250 000 for a carbon farming advice rebate pilot program to help our farmers and our land holders to develop carbon initiatives and participate in the Australian Government's Emissions Reduction Fund farming initiative. Carbon farming initiatives not only provide those farmers and landowners with potential new income streams but they can help improve agricultural productivity.

I had the opportunity to be with Tim and Catherine Reid at Wenlock at Rosevale not so long ago. It was great being down and dirty with Tim, and digging up some dirt and seeing their good work with the carbon farming initiatives on that property at Rosevale. It was clearly a win-win - a win for agriculture and a win for the environment. Congratulations to Tim and his family.

Under the Carbon Farming Advice Rebate program, primary producers will be able to claim a rebate of up to \$10 000 for advice sought about the costs and benefits of accessing carbon credits, auditing requirements and on-ground actions that are eligible for carbon credits.

The expanded Landcare Action Grants will also provide grant funding for on-ground works needed to access the carbon credit market. This is all about supporting sustainable agriculture and river-care activities. Those Landcare Action Grants are delivering. Thank you to Landcare Tasmania and the Tasmanian Farmers and Graziers Association for delivering on those Landcare Action Grants. A total of \$530 000 is available for this round, with grants of up to \$10 000 per applicant, and I thank those stakeholders for their work.

We have held workshops in Deloraine in the last couple of weeks on carbon credit markets and how to access those markets, with hands-on practical advice provided. More workshops will be held early in 2022.

Information on the Carbon Farming Advice pilot program and workshops and Landcare Action Grants for farmers and landholders is available on my department's website and the TFGA website. This is happening under a united Liberal Government, as opposed to those on the other side who are fiercely divided. The Leader of the Opposition said 'we will end all the

infighting and we will be united'. But what has happened? There is more infighting, more factions, putting Labor preselections at risk. Seriously, if you cannot govern yourselves, you cannot govern the state.

We stand united and we are going to continue to move ahead with agriculture, carbon farming and delivering for our community.

Child Safety Services - Resources

Ms WHITE question to MINISTER for CHILDREN and YOUTH, Ms COURTNEY

[12.52 p.m.]

Disturbing claims were made in the independent inquiry report that schools have stopped reporting allegations to child safety services because they do not believe any action will be taken. At the same time that allegations are not being reported, those that are reported are taking longer to be investigated. For years, the dedicated staff at Child Safety Services have been working under unsustainable workloads and insufficient budgets.

According to the latest Human Services dashboard, the number of children who have been referred for investigation but have not been allocated a caseworker within priority time frames continues to grow out of control. In September, the circumstances of 121 children were found to warrant an investigation, but were not allocated a caseworker on time. This has nearly tripled from the beginning of the year.

What are you doing, right now, to show your words actually mean something, and that keeping children safe really is the number one priority of your Government? Can we expect to see the number of children left in potential danger continue to grow?

ANSWER

Mr Speaker, I thank the member for her question. The member raised a number of different aspects, all of which are important, because they go directly to the safety of our young people, and indeed the culture, and what we are doing to address that.

I will provide an update, particularly regarding the engagement with the Department of Communities Tasmania. One of the recommendations from the independent review concerned our engagement with other agencies. The Department of Education has commenced developing the MOU with the Department of Communities Tasmania. The MOU will be directed towards preventing and responding to sexual abuse in government schools, and will include agreements on respective roles and responsibilities; information gathering, exchange and recording; and how outcomes for child complainants are to be monitored.

There will always be challenges with sharing personal information, including statutory protections. This is one reason why, as our election commitments stated, the Department of Communities Tasmania is currently conducting an extensive review of the Children, Young Persons and Their Families Act 1997. Among other matters, the review will consider the suitability of information sharing provisions within the act and propose any further changes necessary.

The member also referred to our amazing and very hardworking staff within child safety. I thank them for the work they do every day on the ground all around Tasmania, ensuring that young people are kept safe, often in very challenging circumstances. We recognise that they play a critical role, and we are very focused on ensuring that the Child Safety Service is well resourced and supported. Ultimately, this is a frontline service providing care in challenging circumstances.

Since the beginning of this Government in 2014, our frontline staffing has increased by 20 per cent, and we have worked steadily to strengthen the capability of our staff and provide better structures and supports. We have recently increased staffing in child safety by 13 full-time equivalents, with recent appointments including three permanent child safety officers, and 10 mobile relief staff to cover leave and absences.

We recognise there is more to be done. We are listening to our staff in particular, and to stakeholders, on what can be done. As I highlighted earlier, in 2018-19 this Government invested an additional \$24 million into recruiting 25 additional child safety officers. There are now over 160 child safety officers, supported by team leaders, clinical practice consultants and educators, child safety liaison officers, support workers, unit coordinators, court coordinators and staff safety wellbeing officers.

We are continuing our Strong Family Safe Kids redesign, which is importantly focused on early intervention and wraparound services. We have also implemented a range of supports for staff, as well as strategies to ensure that our recruitment processes are as appropriate as possible, and as swift as possible.

On the data that the member referred to, we are starting to see the outcomes from our \$51 million Strong Family Safe Kids reforms, which as I mentioned do focus on supporting families to stay together, where it is safe to do so, and providing those wraparound services early.

The number of children referred for investigation continues to remain well below what they were in the year prior to the introduction of the Strong Families Safe Kids advice and referral line in December 2018. The number of children in out of home care has also trended down. These data show that the ARL is successfully diverting those children with families who need a family support response away from involvement with statutory child safety and entry into out-of-home care.

The Department of Communities Tasmania continues to closely monitor the number of children in active transition. All children in transition are actively triaged, with oversight provided by senior staff who will escalate the urgency of allocation as required. In all cases, if a child is assessed to be at immediate risk, they are allocated and seen within 24 hours.

I thank our staff for the work they do, and will continue to be focused on taking any additional steps we need to keep our young people safe.

Securing Tasmania's Future - State Service Review

Mr STREET question to PREMIER, Mr GUTWEIN

[12.59 p.m.]

Can you update the House on how the Liberal Government is delivering our plan to secure Tasmania's future by ensuring the State Service is in the best shape to deliver the services Tasmania needs now and into the future?

ANSWER

Mr Speaker, I thank the member for his question. I will start with a preamble. Last week I had the pleasure of presenting awards to long-serving state servants, some whom had served 40 years with the service, and some who had served 25 years with DPAC. I was, once again, energised as a result of having the opportunity to meet with such a dedicated group of people. They do fantastic work across the service.

Right now, today, thousands of Tasmanian state servants are working for Tasmanians, doing the work that many of us and especially many Tasmanians take for granted. They work hard, and they work long. Every one of those state servants is an important part of a much larger machine that allows us to keep delivering services and support Tasmanians.

Again, I thank our State Service, especially for the work they have done as we work through COVID-19, and as we continue with our reopening plan and the challenges, as I have pointed out on many occasions, that we will see in front of us over the next six to 12 months.

To ensure that we are in the best shape we can be to deliver the services we need into the future, and to be more flexible, responsive and adaptive, we must rely on a highly capable, agile and flexible State Service. One of the things that stood out to me, regarding COVID-19, was the inter-operability arrangements across agencies. We were flexible when we needed to be, we were nimble and we got the job done. I want to shout out again to the public servants for the work they have engaged in.

In 2019, independent reviewer Dr Ian Watt began his review of the Tasmanian State Service with the aim of identifying any structural, operational, service-practice and legislative improvements we could implement. We want to ensure that we are doing everything we can to attract and retain the best possible people in the State Service. We want the state to be an employer of choice.

Dr Watt's roadmap was released in September and we committed to consult the public sector unions before providing a response from Government. I am pleased to inform the House that after that consultation, it would be fair to say that not every union is in full agreement with the Government on this, but of the 77 recommendations, we are going to be able to move forward supporting them and supporting all of them in principle.

There are 63 recommendations recorded without modification. The Government supports the intent of the remaining 14 recommendations but the specifics of how they are implemented may need to be modified following further consultation with agencies, unions and stakeholders.

The reform agenda will focus on actions that have the highest impact on improving the lives of our employees and, importantly, improving the lives of the people we serve, Tasmanians. The reforms will ensure that organisational boundaries do not get in the way of achieving results and will build the skills and expertise of the State Service, including in data and digital technology.

We can no longer continue to operate in a 1980s silo-type of structure. We are going to need to think about how we can be flexible and nimble. The reforms will make dealing with government easier and more productive for Tasmanians.

The author of the review suggested that the recommendations be implemented over a three-year period. However, I make the point that many of our public servants, especially our senior leaders, have had the hardest two years they have ever had. To stick to that three-year timeframe would be an ambition that would take a step too far and we will be looking at a five-year period to implement the recommendations and three rolling 18-month timeframes within that five-year period.

The first stage will focus on strengthening the mandate for an enhancement to the capabilities of Service Tasmania. It is interesting that Service New South Wales, which now allows you to do everything off your phone, had its genesis in Service Tasmania: a great idea coming out of Tasmania, and we need to build on that and take it to the next step. The immediate reforms will support improved service delivery.

One of the recommendations was to rewrite the employment directions to ensure that they support a capable, agile and accountable service and a targeted reform of the State Service Act 2000 to provide a new foundation for a modern service.

Stages two and three will build on these foundations, covering reforms across all of the other recommendations of the review.

Implementation of the recommendations will be led from the most senior levels of the State Service through the creation, as recommended, of a Secretaries Board, chaired by the secretary of the Department of Premier and Cabinet. The board will provide twice-yearly reports to Cabinet. A union reference group will be established to support the ongoing involvement of unions and the implementation of the recommendations.

I know that many in this place, in the discussions we have had with union leaders over time, recognise that there are things we can do. I want to take them with us and take our staff with us as we go on this journey because, ultimately, it will mean better and more enjoyable careers for our people as well as improved service to Tasmanians.

We will provide additional resourcing, as required. That will be considered in the upcoming Budget process. A strong, capable and agile State Service is a key part of a thriving Tasmania and these reforms are to ensure that the State Service can continue to play the very important role.

The Government's response is available on the DPAC website at www.dpac.tas.gov.au

I also announce today a realignment in the organisational structure of DPIPWE. From 1 December, the department will no longer be known as the Department of Primary Industries, Parks, Water and the Environment. It will be known as Natural Resources and Environment

Tasmania. The name better reflects the work of the department in developing a sustainable Tasmania, protecting our state's natural, cultural and environmental values.

It is not just the name that will change. We have already announced the Environment Protection Authority's transition to an independent state authority from 1 December. As part of the organisational restructure, the forestry policy, planning and regulatory functions that currently sit within the Department of State Growth will move to the new department. This will include administration of the Forest Practices Authority and Private Forests Tasmania. These changes will commence from 31 March 2022. This will bring decisions on the management of forests into the same department as water and land resources.

The new agency will continue will well-known brands such as Tasmanian Parks and Wildlife Service and Biosecurity Tasmania. 'Natural Resources and Environment Tasmania' will reflect the purpose of the agency to lead and coordinate the sustainable management of Tasmania's natural resources. This aligns with the recommendations of the State Service review to develop and implement the concept of a single State Service delivering complementary services and programs to better reflect their purpose and their focus.

Consultation with staff will begin today.

Royal Hobart Hospital - Emergency Department Issues raised by the Coroner

Ms DOW question to MINISTER for HEALTH, Mr ROCKLIFF

[1.07 p.m.]

Coroner Simon Cooper this week released a devastating report into the death of an infant child at the Royal Hobart Hospital in September 2019. Mr Cooper's report shows a broken emergency department plagued by staff shortages, treatment delays and excessive waiting times for patients. He found the required diagnosis was not made for nearly six hours, by which time it was almost certainly too late to save the child.

This tragic event occurred under failed former health minister, Ms Courtney. Yet, in the two years since this horrific failure, the emergency department has, unbelievably, become worse. In September 2019, 57 per cent of emergency department patients at the Royal were seen within clinically recommended time frames. Today it is just 28 per cent - by far the worst it has ever been.

How many avoidable deaths have occurred in Tasmania's emergency departments since this tragic case? How many of these have involved our children? Why did it take several months for this baby boy's tragic death to be reported to the Coroner, as was required by the Coroners Act?

ANSWER

Mr Speaker, I thank the member for her question, which is a very serious matter. As members would be aware, I am unable to comment on individual cases. Regarding the death of the baby in 2019, I cannot think of a greater tragedy for the family and my heart goes out to them. As Minister for Health, together with the entire Department of Health, I sincerely

apologise to the family. The Tasmanian Health Service will review the findings of the Coroner and implement any and all changes required.

On the last point of your question, I am advised that the statement that the matter was not initially reported, in accordance with the requirements of the Coroners Act 1995, was disputed. However, the Tasmanian Health Service will review the findings of the Coroner and implement any and all changes required.

More generally your question highlighted challenges within our emergency department with an increase in demand. We are working, and investing, and have delivered more staffing and more health services than any previous government when it comes to our health system more generally. Despite this, there are ongoing challenges with demand increasing and more people presenting for care in emergency departments in our public hospitals.

I have previously said that more people are presenting with complex issues and more people coming to our EDs are needing admission to our hospitals. We are also operating in a COVID-19 environment which means additional requirements relating to assessment and to accommodating social distancing requirements in our EDs. All of this puts additional pressure on our health system and on our staff and can make it difficult for patients to be seen on time in emergency departments in our public hospitals.

Regarding emergency departments in our public hospitals continuing to increase in demand, we are working with clinicians to look at all options for responding to the rising number of people presenting for care. We are opening more beds in our hospitals, with 152 new beds coming into our public health system. We have recruited more staff, some 840 since July last year, and we are continuing to recruit. We have a \$20 million investment for our private hospitals to reduce pressure in our public system through the purchase of general, medical, surgical, rehabilitation and palliative care beds and elective surgery for public patients. Across our hospitals we are looking at admission and discharge processes to help reduce pressure on our EDs, including direct admissions -

Ms DOW - Point of order, Mr Speaker, standing order 45, on relevance. The minister has failed to answer the question on the number of deaths and the number of children who may have been involved in the Accident and Emergency Department.

Mr SPEAKER - There are many parts of the question and the minister is answering the question. I cannot tell the minister what he needs to say. We will allow the minister to continue.

Mr ROCKLIFF - Mr Speaker, we are also increasing care in the community through the Community Rapid Response Service, Hospital in the Home, Ambulance Secondary Triage service and we have provided \$9 million for GPs and pharmacies after-hour initiatives as well. I have spoken about Royal Hobart Hospital extra investment and the super-sizing of the emergency department at the Royal Hobart Hospital, as well.

I will take on notice the question about the death of children and I will seek to get that to you as soon as I can. It is a serious and tragic matter and I want to be very accurate with that data. I reflect on the question and speak of the work and our commitment to look at all the Coroner's recommendations following such a tragedy, and reflect on the resources, the staff and the work with respect to access and flow that has been ongoing in recent year.

I recognise, very solemnly, that all the work that can be done can never bring a child back. I again offer my sincere condolences to the family and an commitment to ensure that we learn from any death of an infant in our hospital system and act to ensure it never happens again.

PETITIONS

Castle Forbes Forest - Removal from Permanent Timber Production Zone

[1.15 p.m.]

Dr Woodruff presented a petition from approximately 684 residents of Tasmania, requesting that the House call on the Government to facilitate the removal of Castle Forbes Forest from the Permanent Timber Production Zone, or otherwise permanently exclude it from logging operations.

Petition read.

Dr Woodruff presented an e-petition from approximately 730 residents of Tasmania, requesting that the House call on the Government to facilitate the removal of Castle Forbes Forest from the Permanent Timber Production Zone, or otherwise permanently exclude it from logging operations.

Petition read.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2021 (No. 60)

First Reading

Bill presented by Ms Archer and read the first time.

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL AMENDMENT (EXHIBITION OF AMENDED APPLICATIONS) BILL 2021 (No. 62) ELECTORAL AMENDMENT (INTEGRITY OF ELECTIONS) BILL 2021 (No. 61)

First Reading

Bills presented by Ms O'Connor and read the first time.

SITTING DATES

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

That the House at its rising adjourn to Tuesday 23 November next at 10 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Integrity

[1.20 p.m.]

Ms JOHNSTON (Clark) - Mr Speaker, I move -

That the House take note of the following matter: integrity.

As we race to the end of the parliamentary year, with only one more sitting week to go after today, I rise to reflect on how this place is perceived. Maybe it is because I am a new member of the House, or maybe because I am an Independent, but I am becoming increasingly aware of the community concern and conversations about how cynical and disillusioned people are with politics, and with politicians in general. There is a groundswell of discontent, which I find quite disturbing. It casts a shadow over all that we do in this place, and the very important work that we do.

It is my view - and I am sure the view of many in this place and, indeed, the community - that politicians need to demonstrate to the public that they do behave and uphold the highest ethical standards, and that they will defend ethical standards.

In talking to my community, I am constantly hearing concerns about things like the undue influence of election donations, and its secrecy. I note that when I have repeatedly asked the Premier about how much money had been donated by the gambling industry to the Liberal Party, both financially and in in-kind assistance, there has been a refusal to answer the question. The community is concerned about these matters. They want to know who is paying for whom.

When I have asked previously about the refusal to conduct a reasonable review into the conduct of elections - a motion that I had before this House, and the request from the Legislative Council - again this Government declined to take the opportunity to conduct a very reasonable review into the conduct of elections.

Members of the public continue to talk to me about their concerns about the protection of vested interests. They continue to talk to me about concerns about how friends, family members and associates of members of parliament might be benefiting from decisions that we make in this place. They talk about their concern that there are decisions being made that blatantly appear not to be in the best interest of the community -

Ms O'Connor - Pokies.

Ms JOHNSTON - You are right, Ms O'Connor. When we continue to have poker machines in our community that cause enormous harm but are of significant benefit to the poker machine industry, I completely understand how these concerns are real and, indeed, reasonable.

We have the lack of requirement or compulsion for ministers, in particular, to report corrupt behaviour. Our Integrity Commission Act does not require that, unlike the ICAC Act in New South Wales. We hear about secret deals done with tax breaks, behind closed doors, between the Premier and the Federal Group, and a reluctance by the Premier on ABC radio to

Speak about and to disclose this. Multiple times Leon Compton asked him what the tax rate was and he declined to answer.

We have a TEC report that suggested evidence of indirect electoral bribery in the giving out of grants, and the huge cynicism around pork-barrelling come election time in the community.

The community is rightly concerned and it is our responsibility in this place to ask questions.

As I have stated today, only this week there was an article published in the Michael West Media journal alleging conflicts of interest with ministers and private property deals. For the record, it is worth reading these concerns into *Hansard* -

A director of Mary Ann's Island is James Groom. James is the brother of former Tasmania Liberal minister for the environment, parks and heritage, Matthew Groom. The land on which the South Arm Golf Course is to be built is Crown land, which was leased to Mary Ann's Island Pty Ltd in 2014 when Matthew Groom was still in charge of the parks and heritage portfolio.

It goes on to talk about Bernacchi Lodge, where again there were concerns - and I note that the Greens at the time raised questions about this - and no conflict of interest was declared.

With all these conflicts of interest and concerns and questions around probity, and who is acting in whose interest, the community looks to a strong Integrity Commission to investigate and uphold standards, but we do not have one. We do not have the strong Integrity Commission or anti-corruption body that you find in New South Wales or Victoria, for instance. We have seen very clear examples in the last three months of what a well-resourced and fearless anti-corruption body can do, particularly in New South Wales.

I find it very hard to understand or comprehend that in this place, in Tasmania, that we would have an Integrity Commission that would be willing to put the Premier of the state in the witness box and ask questions, because we have not had a public hearing. Our Integrity Commission has declined, despite having the power to hold public hearings.

Disturbingly, what we have seen, time and again, is this Government's refusal to accept that there are real concerns in the community. The only way to restore public trust and confidence is by strengthening the commission and changing the cover-up culture.

I note again that we continue to have questions about the timeliness of reports being released, or redacted reports, as we have discussed today, or about the implementation of recommendations. Instead, we see this Government refuse inquiries, drag their heels when it comes to implementing recommendations - and consistently bizarre claims that there is no corruption in this state.

Mr Speaker, if you have your eyes closed, as the Government clearly does, of course you cannot see anything. The public have their eyes wide open. They are angry, disturbed and have many questions. We should not be afraid to ask questions about integrity in this place, to challenge each other to do better and to be better.

I will keep doing this, because there is a clear stench in the air. I hope 2022 brings a better standard of probity, accountability and transparency.

Time expired.

[1.27 p.m.]

Ms ARCHER (Clark - Attorney-General) - Mr Speaker, I was hoping to respond to other members, because I am sure they are going to make some terrible allegations, like the Independent member for Clark - well, independent in name only, looking at the voting record.

I reiterate that I am deeply concerned about the theme emerging from the member on this matter, and particularly concerned about some of the comments she makes about our independent Integrity Commission. I will say that, and make that statement. She appears to be making very serious and continued assertions that there are fundamental integrity issues that are not currently being addressed or investigated. That is an issue of integrity.

I was interested to listen to that contribution and there was even an allegation of corruption. The member for Clark, Ms Johnston, actually used the word 'corruption'. If she has an example of corruption, she has a duty, not only as a member of this place but any member of the community has a duty to report such conduct. I have said that in her repeated questions to me in question time.

I welcome those questions because I have nothing to hide. I am very happy to provide responses, particularly as Attorney-General and Minister for Justice, with administration and oversight of the Integrity Commission Act. I am very happy to respond to the work that we have done, and continue to do, in relation to our first tranche of reforms on the legislation of the Integrity Commission Act, and the review that is currently underway following on from the Cox review, and the work we are currently doing with the Integrity Commission.

The member for Clark also seems to continue to insinuate that there are current or past members she suspects of not abiding by the obligations under the Integrity Commission Act and the various codes of conduct in place to cover expected behaviours of ministers and members of parliament. I painstakingly went through in question time the other day the obligations that members have. The member is yet to point to a single specific instance of alleged corruption but she is throwing around that term, as well as 'misconduct', in Tasmania. If she is referring to New South Wales, that is fine. In Tasmania, she needs to be able to substantiate these claims and not just come into this place under parliamentary privilege and make wild allegations.

She has referenced allegations of wrongdoing and investigations occurring in other jurisdictions, seemingly conflating the issues that appear to be happening in other states to what she thinks is occurring in this state. However, it is disingenuous at best. Is headline-grabbing what this is all about? I do not mind if a member is making such allegations that have some substantive basis to them but it is disingenuous to come in here and make these wild accusations.

It goes towards a single-track mind that appears to not be able to take on board the information provided in answer to questions during question time. It is evident as, yet again, we are discussing concerns and somewhat offensive allegations that we, as a government, are failing to address fundamental issues and avoiding scrutiny. We are not avoiding scrutiny.

I have provided answers. It just does not fit with the narrative of Facebook the member wishes to have on any given day.

I strongly challenge all the allegations, particularly as we are doing exactly what she and other members of this House are asking: progressing reforms to our Integrity Commission legislative framework.

The member has even referred to the fact that the Integrity Commission has not had to utilise the power of public hearings. It has that power. It currently has extensive powers. It has referred to the fact that it has extensive powers in its reports.

Our Government values the work of the Integrity Commission. I value the work of the Integrity Commission and I respect its independence. I have every confidence in its ability to undertake its duties. The Integrity Commission Act clearly outlines the role of the commission to investigate any claim or suspicion of misconduct. It will do so of its own volition. It does not have to wait for matters to be referred. I again remind the member of her obligation to report matters if there is a suspicion of any sort of misconduct or corruption. Not only is it the role of the commission to investigate and prosecute misconduct; a supplementary and equally important role is to deliver education and guidance to members of parliament and the public sector workforce. I have had a recent discussion that perhaps we need to have another course for members of this place to remind them of their own duties and obligations under the act because it might be sorely missing at the moment.

The educational role is critical. As the commissioner indicated in Estimates, it is one that the commission takes very seriously and devotes a lot of time in developing and delivering new and innovative training packages to support organisations to identify and prevent misconduct. That has to include parliament as well.

Mr Speaker, I recently met with the commissioner. The Integrity Commission has been provided with an additional \$600 000 per annum over the forward Estimates so that they can perform the extensive functions they carry out and also, further extensive education, to which I have referred, in this contribution. I fully back them in doing so.

Time expired.

[1.35 p.m.]

Dr WOODRUFF (Franklin) - Mr DeputySpeaker, the minister would get hot under the collar because she knows that the reason Ms Johnston has brought forward this matter today is because there remain open, weeping sores, and a lack of public confidence in the way this Government manages matters of its own interest; the interest of members of Government, and that is never properly investigated by the Integrity Commission.

It is a fact that our Integrity Commission does amazing work in a very specific range of areas. However, there have never been any public hearings about the matters that have been brought to them. There have never been any public hearings, which regularly occur in other states and are a very important pillar in public confidence about how government does its business. That is what is missing in Tasmania and how convenient it is not there.

It means that public confidence cannot be achieved because everything is secret; everything is silent. Not only does this Government routinely do everything possible to hide

things in right to information, it even fails to release important reports in a timely manner unless it is required to do so because of public exposure through the media.

This has happened on multiple occasions. We have just talked today, and the minister has failed to answer the questions about why the full report, with the appropriately redacted information, about the inquiry into child sexual abuse in the Department of Education was not released to the public in the first instance; why it was only released when a right to information, which was asked for by the ABC, was about to be delivered anyway. It was at that point the Government provided the information.

This is the latest in a string of examples. We have a history of the minister behind the original approval of the leasing of publicly owned land on Gellibrand Point, on South Arm, to a private company, a golf-course owner who happened to be the brother of Matthew Groom, then minister for parks, who stepped aside from the Cabinet when the decision was made but all the rest of the processes, were made by his Cabinet colleagues. They signed off on a deal with his brother, James Groom, to have access to that nature recreation area, which is a unique place of natural beauty. It is a place of significant Aboriginal importance. It is not the plaything for private proponents to make money, totally taking over the whole of Opossum Bay, that South Arm area, for a private golf course. We do not get to know the information.

What we have, six years later, is Liberal mate, Senator Jonno Duniam, signing off on the first \$5 million of an \$11 million amount to go to that proponent, South Arm Recycled Water Pipeline, to provide them with the water from Blackmans Bay, through a pipeline, to water the golf course.

There are many questions that have not been answered and we will continue to follow this up at the federal level, as well as at the state level. Who pays? Who is paying for the reclassification of the water from Class B to Class A? Who is paying for the pipeline and all the other infrastructure? Most importantly, where will the Environment Protection and Biodiversity Conservation assessment be for the spotted handfish, which has an very important place just off the side of the golf course, and will be affected by treated water? It will be affected by sediment run-off.

We also have a history with this Government with so much stink around salmon farm expansion plans for the south of Storm Bay. Then we had the two and only scientists on the marine farming review panel resign in protest. As they said in their own words, they are protesting at the failure of process - what they called corrupted processes for the marine farming review panel. There was no independent science for that. It was always going to be approved because it was a gift of public waterways to Huon Aquaculture, Tassal and Petuna - ASX listed companies - well, Huon was, it no longer is; it has been taken off, now owned by JBS.

Bernacchi Lodge - Matthew Groom at it again when he was parks minister - handed over, re-arranged the TWWHA, provided a new management plan that would enable him to excise a beautiful area of the wilderness area and call it a Visitor Recreation Area, I think, to enable the building of Bernacchi Lodge.

It also enabled the process for Halls Island to be excised from the Tasmanian Wilderness World Heritage Area and gifted in a perpetuity lease for a peppercorn to Daniel Hackett. We have first of all, Ian Johnston being gifted the South Coast Track to put a private

development on, and now that has gone to Experience Co, an ASX-listed company which has also been gifted parts of Maria Island.

All this has happened so no wonder the community is asking who benefits? Why do we not know? Because of our weak donation laws. That is the problem. The Integrity Commission never investigates politicians and we cannot find out where the money goes.

Time expired.

[1.42 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I have spoken in this place many times about the cynicism that continues to surround politics not just here in Tasmania but everywhere around the world. It is saddening that people have lost trust and are increasingly cynical about the jobs that we do, all of us here, and the jobs that are performed as politicians and serving our public, serving the community. So many things add to that. It is growing, not just in Australia, but around the world. People have lost faith in politics and they have lost faith in the public institutions that hold up the democratic principles we all rely on. So many things add to that -

Mr Ferguson interjecting.

Mr DEPUTY SPEAKER - Order, minister.

Ms HADDAD - When the Premier came to office, he promised to make Tasmania a caring state -

Members interjecting.

Mr DEPUTY SPEAKER - Order, Ms Butler. Order, minister. I will have silence for Ms Haddad's contribution.

Ms HADDAD - Thank you, Mr Deputy Speaker. Instead - and I have said these words in here before - he has transformed Tasmania into the secret state. There is a reflex action. I will give two examples because I know I have a short amount of time to contribute. This Government has been blasted by the Ombudsman and by many of us here in this place about their reflex action to refuse to release information when confronted with a right to information application. It is to hide that information. It is to redact it almost in full. One document that we saw released had everything but the page numbers redacted. It was laughable that a wholly-redacted document could be released on right to information like that. In fact, that is borne out in the figures.

It is not just me saying it. In the annual report of the Ombudsman he said that in 30 per cent of cases there was a refusal to release information. On appeal, the Ombudsman overturned nearly 100 per cent of the decisions that came to him from appeal. What that means is, the original decision-maker made the wrong decision. I believe that is because there has been a significant culture shift in the public service agencies under the leadership of these ministers about how to deal with right to information applications.

That was proven still further, as I addressed in Estimates in 2020, when a new standard question appeared on the questions that a Right to Information officer is allowed to ask a

member of parliament when they put in a request for right to information: have you sought this information on the public record and what efforts have you made to seek this information for yourself?

A new question emerged: 'Have you sought this information from the government media unit'? Why would the government media unit have anything to do with how a public service agency makes a decision about an RTI application? That is deeply disturbing.

We have the worst electoral rules in the country. Labor put forward a private members' bill last year. I am encouraged by some of the content of the draft bills that the Government has put out, although I will foreshadow that I intend to move amendments to that legislation. The fact that there is no requirement for political candidates or parties to disclose donations they receive, or how they spend them, or to limit their spending, adds to the cynicism that many people are continuing to feel about politics in Tasmania.

I turn now to the use of public funds. I have spoken about this in this place before. There has been a lot said about the Integrity Commission. I want to talk specifically about the use of taxpayers' money to produce what was Liberal Party electoral material during the election. I referred it to the Integrity Commission. They deemed it unable to be investigated because they said we are not public officers for the purpose of the Integrity Commission Act once the election has been called.

The problem is that the decision to spend this money, the decision to print brochures and the decision to distribute brochures during the period of the election was made prior to the proroguing of parliament, prior to the election being called. Additionally, it was the Premier who called the election. One of the reasons to refuse to investigate the matter that I referred to was that nobody could know when the election was going to be called, but it was the Premier who ordered the brochures and it was the Premier who called the election. That is enough for me.

It was deemed that these brochures - and I am aware we are not meant to use props, but it is relevant - were not electoral material because they do not say the words 'Vote 1' and they do not have the faces of people who were candidates; only of sitting members. However, as you will see, it carries the election logo for the Liberal Party that appeared only in election material and only on corflutes and other printed material. Here is an example of one that does say the word 'vote' and that would be deemed electoral material -

Mr DEPUTY SPEAKER - Ms Haddad, you correctly -

Ms HADDAD - Thank you, Mr Deputy Speaker, I will put my examples away. The fact is that up to \$150 000 of taxpayers' money was used to produce Liberal Party brochures that were distributed during the election campaign. The Integrity Commission said it could not investigate because it cannot investigate the Liberal Party. Well, it was not Liberal Party money. It was taxpayers' money. That is the point. It was taxpayers' money used, as much as \$150 000 potentially, to produce Liberal Party electoral material and to order for that to be distributed via postal delivery service during the election period.

Mr Ferguson - Where else did you make a complaint and what was the response?

Ms HADDAD - Thank you for the reminder of that. I also referred it to the police and they also said that they were not able to investigate.

Mr Ferguson - Are you going to attack police now?

Ms HADDAD - I am not attacking the Integrity Commission or the police. I am disappointed in the decision. I am disappointed in the decision that it was not deemed able to be investigated because to my mind, and the minds of most people when they look at that material, they will see that is Liberal Party electoral material ordered by the Premier before the election was called. They knew they were being sneaky about it because they made sure that the faces of the candidates were not on the brochure. They did their best to get around the law and they did it in a very sneaky way.

Time expired.

[1.49 p.m.]

Ms OGILVIE (Clark) - Mr Deputy Speaker, the Attorney-General gave a sophisticated, intelligent and quite correct at law response and it is good to have all of that on the record.

I am pleased to be the second speaker on this matter. I concur with the Attorney-General that the Tasmanian Government, of which I am a proud member, very much values the work of the commission. We respect its independence and have every confidence in its ability and capacity to undertake its duties.

Briefly, a key principle of our democracy, which goes to the structural integrity of what we do in this place and how we go about our business, is the separation of powers. It is very important that the legislative, executive and judicial branches of government and of our democracy under our Westminster system are managed as independently of each other as can be - which is why we want to ensure the independence of our judiciary, court system, integrity bodies and quasi-judicial bodies in general. That is why we keep the independence of the Integrity Commission in our minds at all times.

Our Government has increased funding to the Integrity Commission in the 2021-22 Budget, with an additional \$600 000 per annum. It is a sizable amount of money over the forward Estimates, to boost its capacity to carry out compliance and monitoring work, which is obviously a very important part of its duties, but also to expand its preventive and education delivery. These are important things.

It is true to say that we can always be doing more on the education side. I am often very impressed in this place with our ability under our great schools program to bring in children and TAFE students - we have had them in here today - to see how things actually work. That in itself will improve people's understanding that there is integrity, that our democracy is working, that our politicians are working hard for the people of Tasmania, and that we apply intellectual and behavioural standards to the work that we do.

That additional funding will significantly expand the resources available to the commission to carry out its vital and significant work. It is really pleasing to see that the commissioner noted this in the annual report. Independent authorities such as the Integrity Commission - and our Ombudsman, which does such a good job - ensure appropriate

assessment of current practices, and that we allow government agencies to continually improve their standard of service delivery and public administration. These things are very important.

It is one thing for us to come in here - which we love to do, because we are politicians - and debate these issues, but it is also very important that we have a clear eye on making sure that our Integrity Commission, Ombudsman and RTI processes are as robust as possible. This Government put more resources into the RTI process; it is forward-leaning into disclosing information. That is the right trajectory to be on.

We heard a bit from the Premier this morning about work that is being done on digital service delivery and engagement. I am thinking about the great task that is being done with Service Tasmania to have a customer focus through digital technology. Some intense work is going into that; it is not a simple thing, but that is another way government can disclose and engage, and be more open and transparent. I am very supportive of that. Everybody in this Chamber will recall I love digital technology and our capacity to use that for more openness and transparency. Big ticks for the work that is currently being done.

The Integrity Commission operates completely independently of government, and that is because of the separation of the powers. Under the Integrity Commission Act 2009, the commission is there to achieve three primary objectives. It aims to improve the standard of conduct, propriety and ethics in public authorities in Tasmania; that is a great headline. It is there to enhance public confidence that misconduct by public officers will be appropriately investigated and dealt with - as it has been. Finally, it is there to enhance the quality of and commitment to ethical conduct by adopting a strong educative, preventive and advisory role.

From what I have seen, that is happening. We have very good people in our Integrity Commission who are working hard on those elements. There is capacity, there is resourcing, and I am sure that organisation is responding to and reflecting contemporary issues and modernisation of the way it goes about its work. The Department of Justice is working with the Integrity Commission to consider any areas for reform of the Integrity Commission Act. We have heard the Attorney-General speak about the work that is being informed by the recent independent statutory review undertaken by the honourable William Cox, former Chief Justice and Governor, a great man - together with any other potential issues subsequently identified.

We can be assured that the review conducted by William Cox was robust, and that it delivered a forward perspective on reforms that could happen, and I know the Attorney-General has these underway.

Time expired.

Matter noted.

JUSTICES (VALIDATION) BILL 2021 (No. 52)

Second Reading

[1.56 p.m.]

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

That the bill be now read the second time.

In 1988 and 2004, respective governments introduced Tasmania's restraint order and family violence order frameworks under the Justices Act 1959 and the Family Violence Act 2004. It has been longstanding policy in Tasmania under these frameworks that an applicant or respondent in the Magistrates Court may apply for a summons to compel a witness to attend court or provide evidence relevant to the proceedings. As Attorney-General and Minister for Justice, I understand that summonses are issued frequently.

It recently became apparent that the Justices Act 1959 is problematic in its provision of power for justices in the Magistrates Court to issue these summonses, because this power is not specifically provided for. It is a technical issue of statutory interpretation, and it requires urgent legislative amendment. This is why I have acted quickly to introduce this bill.

The Justices (Validation) Bill 2021 will amend the Justices Act 1959 to rectify this technical issue at law. The bill also validates previous summonses and warrants purportedly issued in these proceedings under the Justices Act 1959.

I will now turn to the clauses of this bill.

Clause 3 of the bill provides for the validation of summonses and warrants purportedly issued pursuant to section 41 of the Justices Act 1959. The intention of this provision is to validate only those summonses and warrants that would have been validly issued if the justices had had the relevant power when they issued them, and lawfully exercised that power.

The validation of warrants is required, as some persons may have been convicted for failing to appear in response to a summons pursuant to section 42 of the Justices Act 1959. Moreover, witnesses may have relied in good faith on the summonses when giving or producing otherwise confidential evidence to the court. It is not proposed for clause 3 to be inserted as an amendment in the Justices Act 1959.

The Justices Act 1959 is scheduled for repeal upon the commencement of the Magistrates Court (Criminal and General Division) Act 2019. This act is scheduled to commence in late 2022, upon the completion of the remainder of the related legislation to implement the new Magistrates Court Criminal and General Division. In other words, if the validation clause was inserted into Justices Act 1959, it would no longer exist upon the repeal of that act, and the invalidity issue that the clause validated would spring back to life.

Clauses 5 and 6 of the bill provide justices with the sufficient express powers required to issue summonses in restraint order and family violence order proceedings, to overcome the issue that has arisen. The clauses will amend the general powers of a justice at section 23 of the Justices Act 1959, and the specific powers of a justice to summon a witness at section 41 of the Justices Act 1959. The bill remedies this issue, as a matter of priority, to ensure proceedings are not frustrated due to the court's lack of power.

As I mentioned earlier, the Magistrates Court Criminal and General Division Act 2019 will repeal the Justices Act 1959.

The Magistrates Court Criminal and General Division Act 2019, and related legislation, provides for a new witnesses and production of documents framework that will replace the

existing framework under the Justices Act 1959 and address this recently identified legislative gap. Given the Magistrates Court Criminal and General Division Act 2019 will not commence until late 2022, this legislative amendment to ensure justices have sufficient power to issue summonses then warrants, if necessary, in restraint order and family violence order proceedings is urgently required.

This is an important bill to rectify this technical issue at law and I thank the Department of Justice and the Office of Parliamentary Counsel for their work to urgently deliver this bill to the parliament.

I commend the bill to the House.

[2.01 p.m.]

Ms HADDAD (Clark) - Mr Deputy Speaker, I am pleased to contribute on the Justices (Validation) Bill 2021.

As we heard from the Attorney-General in her second reading contribution, this is procedural. It is a necessary but technical bill which addresses the fact that it was discovered by the Chief Magistrate, who requested the change, that, in fact, the authority to issue witness summonses did not exist, as was assumed to be the case, in either the Justices Act or the family violence legislation of 2004. This bill will amend the Justices Act to enable the issuing of those summonses in restraint order and family violence order proceedings in the Magistrates Court.

The second thing this bill will do is validate those previous witness summonses and warrants that were issued under the act under the assumption that the legislation allowed those documents to be issued. They will rectify that technical issue at law that has recently arisen in relation to the power to issue summonses under the act in restraint order and family violence order proceedings. It will bring the legislative framework back to conformity with longstanding and existing government policy, and the assumption that the applicant or respondent may apply for witness summonses to compel a person to attend and give evidence or to provide certain information in proceedings.

The bill amends sections 23 and 41 of the Justices Act to enable summonses to be issued by both justices of the peace and magistrates in restraint order cases and in family violence order proceedings, as well as validating those previous summonses and warrants purportedly made pursuant to section 41.

As I said, it was assumed that the authority to issue those summonses did exist. The fact that it did not exist was probably a legislative error made in 2004 when the family violence legislation was dealt with in this place.

I will reflect on that legislation and how ground-breaking it was at the time when the family violence legislation was introduced by former attorney-general, Judy Jackson. I recall the significant shift that represented - and it did not come without some controversy, moving to the system of family violence legislation we have now.

In the intervening years, while family violence still occurs with far too frequent regularity in Tasmania, we have seen a fundamental shift in culture as a result of that legislative change. We have seen society increase their understanding of family violence, understanding of the

complexities involved with family violence and recognition that family violence is not just physical violence but can take all forms.

Parliaments are increasing in their knowledge all the time about other forms of family violence beyond physical forms - things like coercive control, or social and financial manipulation of domestic partners. Those kinds of family violence can be prosecuted under Tasmanian law and I believe ours is the only legislation in the country that allows for charges to be laid for non-physical forms of family violence, which are broadly described as coercive control forms of family violence.

Sadly, there has not been many charges laid or prosecutions for those forms of family violence. The reason for that is probably people not understanding that availability is there in the legislation and that it is possible for charges to be laid for non-physical forms of family violence. It does happen. Also, I believe police are increasing their understanding. As with every MP, many people come through my office who have had experiences of family violence. They describe it as a little bit of a Russian roulette when they approach police. They can have a very positive experience in reporting their family violence matter to a police officer who has very good understanding of coercive control. Unfortunately, there are also cases where people are not taken seriously, or those red flags are not necessarily recognised. That is a training issue and something I have spoken about at Estimates for a couple of years now.

I am very keen for the Government to commit to compulsory family violence training for police officers. I know they receive some training in the police academy then some ad hoc training happens throughout police officers' careers, for example, if they take a promotion or if they specifically seek out that extra professional development.

While some training is better than none, there is a divergent understanding of family violence across the police force. There is an argument for compulsory, regular, mandated family violence training because our understanding as individual community members of family violence is constantly changing. It is constantly evolving and maturing, as we understand the depths of family violence better. Our legislation needs to keep pace with that and our responses need to keep pace with that as well.

I have been a strong advocate for a long time now that there should be compulsory and regular training for police in understanding those red flags. The alternative is that sometimes there are tragic and even fatal consequences for people who are sadly turned away from assistance when they seek it due to a failure to recognise some of those early red flags.

Coercive control and non-physical forms of family violence do not always lead to physical forms of family violence. However, when there has been physical family violence and fatal family violence incidents, they have almost always been preceded by coercive control and non-physical forms of family violence. I have also talked about this before in here.

When we hear these heartbreaking and tragic fatal family violence cases in the news, often the media response is one of shock and horror, as it should be. Often people come forward saying they would never have imagined that the person could be a family violence offender. Sure enough, in nearly all those cases, you start to hear their friends and family members talk about realising, 'actually there were red flags there if we think back about the experience that the person had in that relationship', 'they did tell her what she could wear or where she could go', or 'actually, she did say some things to me that made me think maybe he was tracking her

movements'. Slowly but surely, we start to get a better understanding of what those red flags of family violence are.

I also put on the record my admiration for the work of people in the family violence support sector, particularly people working at Engender Equality, in the family violence support service and in a number of other community and government-led organisations. They work on the front line, dealing with people who are in crisis, people who are in terrible situations that often they never imagined themselves being in, needing that immediate support from people who understand family violence, and understand how to support families and children, and all people who are affected by family violence, needing that immediate and ongoing support, to understand how to get through horrific experiences like that. I have gone somewhat off track on the purpose of this bill -

Ms Archer - It would not be the first time someone in this House has done that.

Ms HADDAD - Thank you, that is true. As it is a relatively procedural bill, I wanted to put on the record my views on the need for that police family violence training, and also my respect and admiration for people who work with victim survivors of family violence, particularly people in Engender Equality and the Family Violence Support Service, who I know work incredibly hard to support women, families and children going through family violence matters.

I will conclude with those brief comments, and put on the record that Labor will support the Justices (Validation) Bill 2021, recognising that it will do two things. One, it will allow for those witness summons to be issued in future family violence and restraint order matters. Also, it will validate those previous orders made under the incorrect assumption that the law allowed for it.

I know the criminal and general division bill, when it comes into force, will take over from this change, which I have not expressed in very eloquent terms, but my understanding is that the criminal and general division bill, which we have already dealt with, provides for the rules and systems around how all summons, including witness summons, are to be handled in the future. This is in some ways an interim measure that will be overtaken once the criminal and general division bill comes into force.

[2.12 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens will be supporting the Justices (Validation) Bill, which validates certain summons and warrants, and assumes that these existed. It seems as though previous orders have been made, or can be made if this validation bill is not passed, with the incorrect assumption that the summons and warrants and other orders are indeed valid, when it appears they are not. This, I assume, is an administrative error only.

I note that this may be the third or fourth validation bill that we have had. It may be that some overall processes have changed at a level of increased assiduousness in -

Ms Archer - No, this is just an interpretation issue. The others are in relation to different technical issues.

Dr WOODRUFF - Right, an interpretation issue. It is important to get these things perfectly right, so of course we support what this bill will do. In addition to the validation of certain warrants and summons, it also amends the powers of the single justice.

I do not have anything more to add to the comments made by the minister. We are pleased to support the bill.

[2.14 p.m.]

Ms ARCHER (Clark - Minister for Justice) - Mr Deputy Speaker, I do not need to do much summing up. There were no questions to address. It was only recently that it became apparent that the Justices Act is problematic in its provision of power for justices in the Magistrates Court to issue these summonses, because this power is not specifically provided for. It is a technical issue, but interpretation issues like this, where we find there are no specific powers provided for, obviously need clarification from time to time. That is exactly what this bill does.

I thank my department for their work in producing this bill so quickly. As soon as I was made aware of this particular issue, it was my view that it could not wait until next year, given the sensitive nature of the subject matter that we are dealing with, and that we would need to bring a bill before this House as swiftly as humanly possible, which we have done today.

I thank members for their understanding in producing this bill at fast pace, and for dealing with this matter today. I also thank my office, as always, and the Office of Parliamentary Counsel, which dealt with this very quickly for us.

Bill read the second time.

Bill read the third time.

REPEAL OF REGULATIONS POSTPONEMENT BILL 2021 (No. 59)

Second Reading

[2.16 p.m.]

Ms ARCHER (Clark - Minister for Workplace Safety and Consumer Affairs) - Mr Deputy Speaker, I move -

That the bill now be read the second time.

The purpose of this bill is to postpone the automatic repeal of the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998, until 1 January 2023.

The code of practice for retail tenancies regulation establish a range of obligations on parties who enter into retail lease agreements, including leases in shopping centres. Such obligations include requirements regarding market rent, disclosure statements, methods for determining rent adjustments, the negotiation of adjustments, renewal and termination of leases, security deposits and indemnities.

The regulations were first made in 1998 under the Fair Trading Act 1990, and then reinstated in 2008 for a period of two years by the Fair Trading (Reinstatement of Regulations) Act 2008. In 2010, the regulations were again re-made, this time by section 49 of the Australian Consumer Law (Tasmania) Act 2010, affording them a new repeal date of 1 January 2021.

Section 25 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 provided for the postponement by one year of all regulations and rules specified within schedule 1 of that act, including these regulations. This now means that the regulations will be repealed on 1 January 2022.

Stakeholders have in recent years been critical of the regulations for being outdated and not having kept pace with modern business and leasing practices. For this reason, as the minister responsible, I tasked my department to commence a review into the regulation of retail leases in Tasmania in 2019. This review and public consultation attracted a range of views in late 2019.

In the intervening period, significant resources were committed to assisting retail and commercial tenants, due to the impacts of COVID-19. For this reason, the Tasmanian Government put in place protections for commercial tenants via the COVID-19 Disease Emergency (Commercial Leases) Act 2020. These measures provided vital and timely support to Tasmanian businesses.

COVID-19 continues to have a significant impact on Tasmanian businesses. Following the 2019 review and consultation into the regulation of retail leases in Tasmania, a new retail leases bill is in the process of being drafted. This new bill will seek to provide a modern and effective framework for the regulation of retail leases in Tasmania.

It is essential for our Government to provide Tasmanian businesses and stakeholders with sufficient time to review and comment on the new draft Retail Leases Bill. This is even more the case in light of what Tasmanian businesses have experienced throughout the last almost two years. The Repeal of Regulations Postponement Bill 2021 will continue the current code of practice for retail tenancies regulations for a period of 12 months to ensure that Tasmanian businesses are provided sufficient time to review and provide feedback on the new Retail Leases Bill. The code of practice regulations will continue to work as they do currently and will continue to ensure that Tasmanian businesses are afforded the minimum standards and protections that the regulations provide.

Mr Deputy Speaker, I commend the bill to the House.

[2.20 p.m.]

Ms BUTLER (Lyons) - Mr Deputy Speaker, Labor will be supporting this bill. It provides for the postponement of the repeal of the Fair Trading Code of Practice for Retail Tenancies Regulations 1998, which is due to expire in January 2022.

From briefing information, we understand that the bill will allow time for the introduction of the Retail Leases Bill, which was out for consultation in October 2019. I have asked the department to provide copies of the submissions that were part of that 2019 submission process.

We know that the existing code was considered by many as draconian, out of date and in severe need of an update and review. We accept the argument that the bill's progress has been

stalled due to COVID-19. However, I point out, for the record, that other government bills, such as Stadiums, have been progressed quickly and prioritised.

This retail leases consultation began in October 2019. That is over two years ago. The additional consultation will provide greater insight into commercial tenancies and how they have weathered the effects of COVID-19. I believe this will be released again for draft consultation early next year but, minister, can you confirm when are you looking at releasing the draft bill for consultation for the second time around? I do not think the actual bill was ever released in the first place but if you can confirm that process for us, that would be positive, thank you.

We think that with that additional four months from now, when we return after the summer break, we would have had Tasmania opening up the borders on 15 December. Then we will be exposed to COVID-19 and we know from the modelling that we will have cases here and the impact that will have on businesses. Therefore, they will be able to provide more robust information to that consultation process which will, hopefully, enhance that bill. We support the postponement in this case.

We look forward to reading the submissions from the previous consultation. They will be interesting. We also look forward to that new round of consultation. Let us hope that the additional 2.5 years you will receive since the initial consultation in October 2019 will provide a very thorough, robust bill and code. We support this bill.

[2.24 p.m.]

Dr WOODRUFF (Franklin) - Mr Deputy Speaker, the Greens will support this bill to enable the postponement of what would have been an automatic repeal on 1 January next year. It would put that date to 1 January 2023, which gives them another year. That is obviously important in the circumstances. The minister said that this is ostensibly to provide for a fuller consultation process with businesses about the forthcoming new Retail Lease Bill which is in formation at the moment. I am pleased to hear that there will be a full consultation process. It is definitely the case that many businesses would like to at least understand, if not make an informed comment about any changes that affect the way they do their business and the impacts in terms of costs and administration that the Retail Lease Bill might enable.

There continue to be enormous pressures on businesses and we do not understand how the opening of the borders will impact on them at the moment. We all hope that the impact will be as little as possible that is negative and as much as possible that is positive. I would like to hear from the minister, on behalf of business owners who might ask me or other members of the Greens, what the time frame for that bill is and what substantial changes are planned. Maybe, minister, you could provide an indication of a time frame for that bill and the public consultation process so that if people ask questions, I can answer them. On behalf of the Greens, we will support these amendments.

Ms ARCHER (Clark - Minister for Workplace Safety and Consumer Affairs) - Mr Deputy Speaker, I thank both Ms Butler and Dr Woodruff for their contributions and their understanding in relation to this issue.

I will quickly state what has been done to permanently replace the Retail Code because it might be useful as background regarding the time frames we are talking about here and why this has occurred - and, obviously, COVID-19 has had a significant impact.

The Retail Code is basically unchanged since it was made in 1998 and it is now considered by industry to be outdated and inadequate for modern business practices. Consumer, Building and Occupational Services (CBOS) has been working on drafting a modern retail leases bill since 2019, putting out a discussion paper on the regulation of retail leases in Tasmania in late 2019.

In the intervening period we have had the COVID-19 pandemic. Significant resources were committed to assisting retail and commercial tenants due to the impacts of the COVID-19 disease emergency. In relation to that, members will recall the Government's response in acting quickly. In April 2020 we issued a notice under section 22 of the COVID-19 Disease Emergency Miscellaneous Provisions Act 2020 to implement two key principles of a new code of conduct for commercial tenancies. These two principles of the code were preventing termination of leases for rent arrears and preventing rental increases from taking effect. In recognising these impacts and taking these steps, Tasmania was the first state to put in place protections for commercial tenants. These measures, along with a commitment by our Government to introduce legislation to implement the remainder of the code, provided vital and timely support to Tasmanian commercial tenants.

The Tasmanian Government put in place temporary protections for commercial tenants via the COVID-19 Disease and Emergency Commercial Leases Act 2020. This act put into effect a financial hardship period and provided that rents could not be increased during that period. These measures provided vital and timely support to Tasmanian businesses, including landlords and tenants of retail premises. As a result, many tenants and landlords started negotiating changes to their contractual arrangements to manage the impacts of COVID-19.

I thank them for their cooperation among themselves in this regard. I have very few issues actually arising out of the commercial tenancy arrangement. Overall, those provisions worked very well and parties to agreements also worked very well.

We also put in place dispute mediation measures, and provided the ability for each party to access \$500 so that financial hardship was not a barrier to accessing a mediation service in the first place. During 2020, there were 19 applications for mediation. During that year, the CBOS also provided general advice and support to over 140 tenants and landlords to explain to each party their rights and obligations under the retail tenancies code.

To the delay of the Retail Leases Bill due to focusing efforts on COVID-19, members will appreciate and understand that the focus needed to be on COVID-19. In 2021, we have now been able to embark on developing a new Retail Leases Bill. This new bill seeks to provide a modern and effective framework for the regulation of retail and leases in Tasmania. Obviously, stakeholder views may have changed since 2019 when we originally went out for consultation, due to the impacts that businesses, tenants and landlords experienced because of the pandemic. This is why it is important that we have sufficient time to adequately consult with them on the new Retail Leases Bill, given that stakeholder and public views may have changed since 2019.

It is expected that the new Retail and Leases Bill will be introduced following stakeholder consultation, early next year and so we will be dealing with the bill next year. I wanted to provide that comfort to members. It is important that we consult, and do so as quickly as possible.

Ms Butler asked about submissions to the 2019 review. The public submissions are on the Department of Justice website, in accordance with our Government's Public Submissions Policy. I am very happy to facilitate a link if you are unable to access that. They are public submissions, so you should still be able to access them.

Ms Butler - Through the Chair. Yesterday when I was being briefed, I was advised that because the policy direction of that draft bill was not finalised with the 2019 submission, those submissions were not made public.

Ms ARCHER - I will follow that up for you. We currently have a draft bill in draft form. I expect that to be finalised soon, so that we can release it for consultation, as I said, early next year and get it introduced into parliament to be dealt with. Giving us 12 months is to ensure that we do not run out of time again, and that the process can be embarked upon and dealt with as quickly as possible in the earlier part of next year.

Mr Deputy Speaker, I thank members for dealing with those two technical matters today swiftly and quickly, given we have a few more things to get through today - no less important, of course; just the size of the bill is smaller. I thank members for their time and cooperation. I also thank, as usual, the Office of Parliamentary Counsel for their work on this and their continued work on the draft bill and my SLP unit for their assistance, as always, and my office.

I commend the bill to the House.

Bill read the second time.

Bill read the third time.

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

Second Reading

[2.35 p.m.]

Mr JAENSCH (Braddon - Minister for Environment) - Mr Deputy Speaker, I move -

That the bill be read the second time.

This bill establishes a compulsory statewide waste levy that will encourage the diversion of waste from landfill, and raise funds for investment in alternative resource recovery options. The levy will help build a circular economy in Tasmania, supporting the creation of new jobs and businesses.

In 2018 China, followed by other South-East Asian countries, changed their import regimes for recycled materials, and introduced restrictions on waste entering their countries. These bans have honed Australia's focus and resolve on waste management, resource recovery and our circular economy.

The Waste and Resource Recovery Bill will mark a significant change in the way Tasmania manages waste. It is part of our policy position that provides a vision for the future of waste and resource recovery in Tasmania. This bill recognises the value of resources

contained in waste, including plastic, glass, rubber, paper, metals, organics and construction materials. The waste levy will provide a disincentive for businesses and individuals to send recoverable materials to landfill, by increasing the cost of burying that material in the ground.

In 2018, Australian environment ministers committed to a number of actions to stimulate Australia's resource recovery capacity. They also endorsed the National Waste Policy: Less Waste, More Resources, which is based on circular economy principles. A circular economy does not use a traditional linear model of, 'take resources to make products and dispose of waste'. Instead, it maximises the value and use of materials and resources at every stage of the life of a product or material.

To improve resource recovery and increase the use of, and demand for, recycled and reusable products, we need to consider the whole life cycle of materials previously considered to be waste. In order to truly embed these circular economy principles, the Waste and Resource Recovery Bill will ensure that all money raised via the levy will be invested back into waste management and resource recovery in Tasmania.

The bill does two key things:

- (1) it creates a Tasmanian Waste and Resource Recovery Board to set strategic directions for waste and resource recovery across the whole of Tasmania. It will do this through a comprehensive waste strategy, developed in consultation with a wide range of stakeholders and the community; and
- (2) it establishes a statewide compulsory waste levy, which will increase the cost of sending waste to landfill, making resource recovery a more competitive option, and it will generate funding for the initiatives in the waste strategy that create alternatives to disposal at landfill.

The new Tasmanian Waste and Resource Recovery Board will be critical in deciding how the levy funds will be spent, and in establishing a strategic approach to managing waste and resource recovery across Tasmania. Within six months of the commencement of the act, the board will provide the minister with a draft waste strategy, which will have three key objectives:

- (1) to divert waste from landfill
- (2) to maximise resource recovery; and
- (3) to improve waste management practices.

Through its waste strategy, the board will drive positive change by providing investment, direction and support for businesses to foster the growth of the circular economy across our state. The waste strategy must cover a period of at least three years.

The bill also provides that when the board is preparing the draft waste strategy, it must consult with the minister, the Local Government Association of Tasmania, the EPA director and relevant industry stakeholders, as determined by the board. The draft strategy will also be subject to a period of public consultation.

The bill provides for regulations to specify requirements for the provision of information about waste by operators of landfill and resource recovery facilities, thereby providing data to support strategy development and tracking of performance as well as compliance auditing. The funds collected from the levy will be deposited into a special purpose account called the Waste and Resource Recovery Account. It will be administered by the secretary of the department for certain defined and prescribed purposes. The board will utilise these funds for the purpose of implementing the waste strategy enabling the board to perform its functions and meeting costs associated with its operation.

I want to highlight that the administrative arrangements in this bill are in places a little different from those outlined in the draft version of the bill that was released for consultation earlier this year. The recent decision to strengthen the independence of the EPA has meant that the waste levy will now be administered by the department, to be re-named the Department of Natural Resources and Environment, which will collect the levy funds and enforce the legislation.

We have listened closely to the experience of other jurisdictions and we are ensuring that in implementing the waste levy in Tasmania, we are maximising the opportunity for landfill operators to claim a full rebate for each tonne of reusable waste that they divert from their landfill to a resource recovery facility. This bill works to provide a framework with as many mechanisms as possible to encourage resource recovery. The bill also provides for certain facilities and waste types to be exempt from the levy if there is a clear public interest to do so.

We recognise that sometimes it is more important that a waste is disposed of properly and quickly. Asbestos for example, or during a public emergency such as a flood or bushfire, where there is a need to have waste materials gathered up and properly disposed of quickly for health and safety reasons. There will be some further information provided in the regulations but we have the ability in this bill to use ministerial orders to respond quickly if circumstances require it. It will be important for landfill and resource recovery operators to comply with the requirements including operating in accordance with ministerial standards and guidelines issued by the secretary. This will ensure consistency across the state, avoid any confusion about the rules and reducing the likelihood of waste producers shopping around.

We understand that the new arrangements will require a period of transition for landfill operators. That is why we are finalising a levy-readiness support package to assist relevant operators to make the transition before the levy liability commences. We will be working closely with affected operators to help them understand the new arrangements and obligations and supporting them through this transition. At the request of local government, collection of the levy will commence on 1 July 2022 to enable them to organise their administrative processes and budgeting. From finalising the legislation, this will allow at least six months preparation for waste producers to factor waste costs into their operations and to plan to reduce the volume of waste they send to landfill.

On this basis, the incentive to divert waste from landfill will have practical effect immediately ahead of the levy commencing. There were 31 formal submissions received in the public consultation period which included the views of local government, regional groups, industry representatives, waste and resource recovery operators, commercial and not-for-profit organisations. I thank all those who took time to be involved in this important improvement process. This bill before us now reflects the very valuable feedback we have received.

Mr Speaker, I note the economic modelling undertaken for this bill and the significant benefits to the community it revealed. My department engaged consultants who modelled a variety of scenarios and found that the optimal waste levy rate for Tasmania is \$60 per tonne of waste disposed of in landfill. This levy amount will be specified in the regulations and introduced in a staged manner to prevent price shock. This will allow alternatives to landfill disposal to be developed before the levy reaches the \$60 per tonne rate. When the waste levy is introduced, it will start at \$20 per tonne. It will increase to \$40 after two years and to \$60 two years after that. These rates will be expressed as fee units so that the rates are maintained in real terms over time. The consultant's modelling showed that the waste levy may support 130 new full-time ongoing positions in the waste and resource recovery sector once the maximum levy rate is reached.

The modelling projected that the total waste levy collection would reach \$8.3 million in the first full year of operation and that the levy is expected to deliver a decline in landfill disposal of around 210 000 tonnes per annum by 2030-31. This means fewer resources lost to landfill, less land used for landfill and, in the case of organic waste, the production of less greenhouse gases. This will have significant benefits for Tasmania's environment as well as its economy. The consultants estimated that by 2028 up to an additional 120 000 tonnes of recyclables will be diverted from landfill and predict it will drive more than \$10 million in investment in our recycling sector.

The Government also recognises the good work that Tasmania's regional waste bodies do, using the funds collected from their existing regional waste levies or direct council contributions which will be replaced by the statewide levy. We want their important work to continue which is why we have set the following important principles. First, that no regional waste management body will be worse off with the transition to a statewide levy. Second, that all regional waste management bodies will be treated consistently; and, third, that all regional bodies receiving funds from the statewide levy will be accountable for use of those funds in accordance with the waste strategy.

We also acknowledge the unique circumstances of King Island and Flinders and the West Coast councils. It is the government's expectation that these councils will participate in the levy under special arrangements that ensure they are net beneficiaries of the levy to assist them to invest in waste management options that help overcome the disadvantages of remoteness and scale faced by these communities.

This bill presents a fundamental shift in the way we view waste, not as rubbish but as a reusable resource, supporting our circular economy and creating jobs for Tasmanians.

Mr Speaker, I commend the bill to the House.

[2.47 p.m.]

Ms WHITE (Lyons - Leader of the Opposition) - Mr Speaker, I rise to speak on the Waste and Resource Recovery Bill 2021. I am surprised it is called that because I think it really should be called a waste tax. I have not seen any communication from this Government about the intention to introduce a new tax on Tasmanians. In fact, I have seen the complete opposite of that. We have repeatedly heard from the Premier, Peter Gutwein, statements that they will not introduce any new taxes into Tasmania. He said it on 20 April 2021 and repeated it in the parliament most recently on 24 June that there will be no new taxes under his Government. We appreciate and support efforts to reduce waste but this Government has not done its

homework. They are proposing to introduce a new tax on the Tasmanian community at a time when the cost of living is pushing some families to the brink and there is no doubt that this will have an impact on families.

Also, we know from looking around the country that there are other models that would not only have limited impact on household budgets but actually improve waste recovery and reduce the amount that is going to landfill. Queensland is a very good example of that.

Mr Jaensch - Good government there.

Ms WHITE - The government there is a Labor government, Mr Speaker.

Mr Jaensch - Of course.

Ms WHITE - We are not supportive of this bill and I will explain why throughout the course of my contribution.

Dr Woodruff - You are kidding. It is unbelievable.

Ms WHITE - I am not surprised that the Greens are jumping up and down here. Of course, the Greens are supportive of a waste tax. In fact -

Dr Woodruff - What huge pile of sand have you got your head stuck in this time?

Mr SPEAKER - Order.

Ms WHITE - it is probably Greens' policy that the Liberal Party has adopted again.

Dr Woodruff - It beggars belief. It is 2021.

Ms WHITE - No doubt the member who is shouting at me is very excited.

Dr Woodruff - It is not 1821.

Mr SPEAKER - Member for Franklin, order. You will have your opportunity.

Ms WHITE - I know that the Greens' member for Franklin is super-excited the Liberal Party has introduced another bill that is essentially a Greens Party policy because -

Dr Woodruff - Yes, you bet. You bet.

Ms WHITE - There we go, you bet.

Dr Woodruff - Of course we are pleased. Thank you for recognising good Greens policy.

Mr SPEAKER - Member for Franklin, order.

Ms WHITE - from the mouth of the member for Franklin herself, thanking the Liberal Government and the minister for introducing Greens policy again. We have seen this already,

when the member for Franklin put out a media release the other week saying the Liberals have brought another core Greens policy to parliament.

Today the Liberal Party is again teaming up with the Greens to tax Tasmanian mums and dads, Tasmanian businesses, when they were told repeatedly by Peter Gutwein that there will be no new taxes. You cannot believe what Peter Gutwein says. This is something many Tasmanians believe will be core to the Liberal Party, and core to Peter Gutwein and who he is, and what he stands for. He does not support new taxes. It is not true. Not true at all. A new tax. Not just a little tax: this is a significant tax that will affect every single Tasmanian.

A number of submissions were made through the process that was set up by the Government, through conversations that were had on the draft bill. I will speak to some of those and read some of them out. A number of significant industries across our state have raised concerns about what this wasted tax will mean for them - including some of the organisations that operate some of those wasted facilities.

What we have here is a massive broken promise that will directly hit the budget of families, and the bottom line of businesses. It will put up rates - there is no doubt councils will pass this cost on to their ratepayers. They will have to do that; they cannot absorb these costs. It will put up rents.

Ms O'Connor - That is what it is all about.

Mr SPEAKER - Order.

Ms WHITE - It is all about putting up the cost of rates, according to the member for Franklin. Mr Speaker, the Greens might like to tax Tasmanians at a time very many of them can barely afford to scrape by, but the Labor Party does not support that - particularly when we are not reassured that the model the Government has proposed would actually have a tangible improvement on the amount of waste going to landfill or change behaviour. What this tax actually does is flood every single Tasmanian with this same rate of tax.

You might, Dr Woodruff -

Mr SPEAKER - Through the Chair, please.

Ms WHITE - Through the Chair, Mr Speaker. A Tasmanian in a street, an ordinary mum and dad, might think, what is this waste tax going to mean for me? I can barely make my rent every week, but perhaps if we do not produce as much waste as we ordinarily would, we will not have to pay it. That is not true.

They might make sure they are reducing their waste, week on week, but they will still be sluggish with the Liberal Party's waste tax. How will that incentivise them to change their behaviour? It will not at all, because they will still be hit with the waste tax. What it could do is see an increase in illegal dumping of waste in our environment. That is something that has been presented through the submissions made through the consultation on this bill. There is a genuine concern that because people are worried about the impact of this waste tax on them and their families, they will choose to burn their rubbish or dump it illegally.

Not only are you going to get slugged with the waste tax as a ratepayer, you will also get slugged with the tax when you take your rubbish to the tip, so you cannot avoid it. No matter how you might do your best to reduce your waste and the way you might be impacting on the environment, you cannot avoid this tax, and businesses cannot avoid it either.

We know that the cost of living keeps going up, and I will run through some of these matters because I believe the Government has lost touch with the impact that their policies are having on people across Tasmania. The waste tax is just one example. We have seen rents go up - \$6000 a year higher than when this Government came to office. We see no end in sight for that, and this Government does not seem to have a plan to support families to manage those ballooning costs.

We have seen petrol prices rise more than 50 cents a litre in the past year. I remember when the Premier said he would bring legislation to this parliament to put a cap on petrol prices if they kept going up. What has happened to that? He does not seem to care anymore about rising petrol prices and the impact it is having on household budgets.

We have a situation on King Island now where fuel costs are more than \$2 a litre. That is extraordinary. I expect on mainland Tasmania we are, unfortunately, going to see similar prices. We also know that the Government plans to jack up water bills by 15 per cent, which will cost the average family \$450 over the next four years - not a small cost. Now they want to impose this tax, at a time when wages are not increasing at the same rate as the cost of living, and we know families are doing it tough.

We have concerns about where this will end. You just have to look at what has happened in other jurisdictions. We remain concerned that not only is this a new tax the Government promised they would never introduce, but it could potentially end up being a massive tax. A waste tax was introduced in South Australia at the rate of \$5 per tonne in 2003-04. With inflation, you would expect that to be about \$8 per tonne today, but it is nowhere near that. It is \$146 per tonne. That is a massive jump, a massive increase for people in South Australia. It is a story that has been repeated across the country by governments of all colours, and there is no reason to believe it would be a different story here in Tasmania.

Not only has this Government done nothing to communicate to the Tasmanian community that you were bringing in a bill today to introduce a waste tax, I have not seen anything -

Dr Woodruff - It has been on the table for seven years. All councils have agreed to it, universally, for seven years.

Ms WHITE - Have they?

Dr Woodruff - Yes, they have.

Ms WHITE - Really. I think you might be misleading the House, Dr Woodruff, through your interjections.

Dr Woodruff - Well, LGAT has.

Mr SPEAKER - Order.

Ms WHITE - Can I just point out, Mr Speaker, how out of touch the Greens are if they think the community knows about something because it has been talked about in the parliament for seven years.

Dr Woodruff - Because their local council has been talking about it? Why would their council -

Mr SPEAKER - Order, member for Franklin, I am sure you want to contribute to this debate. You cannot do it from outside the Chamber. Please leave your comments until you have the call.

Ms WHITE - Mr Speaker, the Greens are out of touch if they think the Tasmanian community is paying as close attention to the parliament as everyone in here. There is no doubt the community does not know this tax is coming. I have not had anyone raise their interest in a waste tax, because they do not know it exists as a proposal.

There is no doubt that local councils might have been consulted. Through submissions you can see some industries have certainly had input through the draft bill process, but when it comes to your average mum and dad living in Glenorchy, do you reckon they know they are about to be slugged with a waste tax? I reckon the answer to that is no.

This is a massive surprise from the Government that promised no new taxes. It is a regressive tax because a pensioner in the northern suburbs will pay the same as Tasmania's richest person. That is not fair, Mr Speaker. A family struggling to make ends meet every single week is going to pay the same amount as somebody who might own five or six houses and a yacht. That is not fair. We do not support taxes that are a disproportionate burden on those who can least afford it.

We hear the Greens certainly do. They have made that clear. The Government does, because they have introduced this bill.

Dr Woodruff - No, we do not. There is a way that it can be dealt with under this bill.

Mr SPEAKER - Order.

Ms WHITE - We also think this is unfair for regional Tasmanians, despite the provisions that have been made for the islands and the west coast, because it appears that if you live in a regional part of the council area without kerbside collection you will still pay this waste tax because it is collected through your rates. Then you will be hit again at the tip when you take your rubbish there.

If that is not the case, I would like the minister to explain it. We know recycling is more expensive per capita in regional areas, so if you live in the regions and rural parts of Tasmania, this will have a disproportionate impact on you, and there will be an impact on business.

I have referenced some of the submissions, and I will get to some of those in a moment. We firmly believe the Government and the Greens have got it wrong when it comes to the impact this tax will have on businesses, because any businesses that pay rates will see their costs rise. That is a statement of fact and this is unlikely to be a tax that they will pass on to

their customers. It will impact their margins and any business that uses private waste services will see their costs rise even more.

Construction and demolition businesses will now be taxed to clean fill, despite clean fill being excluded from the Government's cost-benefit analysis. Those businesses and industries that do not have alternatives to landfill, because there is no alternative that might exist, will be faced with a massive tax hit for no environmental gain. There will be lots of Tasmanians who will also be surprised to learn about this tax being applied to clean fill because that was not something that was flagged in the earlier iterations of this bill; that is even if people knew it might be something that affected them in the first place.

The Government claims it has modelling that shows 130 jobs will be created through the subsidies on offer. I would like to understand where their modelling is on the number of jobs that will be lost as a result of the tax that funds these subsidies. If the minister is able to provide an answer to that, I will be very interested. I would also like to know whether the minister has spoken to the businesses in the industries that will be most affected. If so, can he detail to the House which ones - I am concerned that he has not - and I would also like the minister to name which industries will be most affected.

I will go to some of the submissions that have been provided through the process. The Tasmanian Farmers and Graziers Association wrote a submission as part of this process. They highlighted and repeated in their submission the concern that this will encourage individuals to anonymously dump rubbish in undisclosed locations to avoid the expense. We share that concern. They have raised a number of questions through their submission. I am going to ask some of them here and hope that the minister can answer them when he sums up.

The TFGA has flagged that they think the bill looks fraught with dangers for producers. They would like to understand how this bill will affect regional waste management sites, such as Hamilton which is unique in that it offers offal disposal. They would like to understand whether this will incur the levy cost or the waste tax which is a more appropriate representation of what the Government is proposing here. The TFGA has also asked about the operation of regional sites, noting that they are normally only opened four days per week at two to three hours per day. Staffing is an ongoing issue and this levy may make it worse and more expensive, especially if they must collect fees as well. Has the Government considered this and how do they intend to mitigate any impacts?

They have also asked their processors for feedback and have proposed some questions. The processors have numerous waste types that they dispose of on a daily basis including general recycling, biological and cardboard to name a few. Will all these waste classifications attract the new levy? An individual processor has estimated this levy will cost the business \$60 000 more per annum to dispose of waste if the levy applies to all waste classifications. How will the increased cost on business be managed? Further, this extra cost could contribute to more processors closing their doors as most have very tight budgetary margins. Which mechanisms are being put into place to manage this risk?

I would like to point out as I am sure you are well aware, Mr Speaker, that there are very few processors continuing to operate in Tasmania in the livestock sector because of a number of reasons over the years. If we are to lose any more because of the Government's waste tax eroding their margins further, that would have a significant impact on the agriculture sector in

Tasmania and for farmers being able to have their livestock slaughtered in Tasmania and processed locally.

In another question from the TFGA, selling and exporting of offal provides most meat processors the profit margin needed to stay financially viable. This profit margin will not cover the extra costs the levy would generate. What risk analysis has been done on the effects of this levy on business?

A further question, which I was impressed to see, asks will the levy apply to sanitary bin disposal? Further, this processor asks Veolia if they would be on-charging the cost of the levy when disposing at refuse sites. They did not know because they do not know the categories of waste that will attract the levy. I am hoping by now the Government can explain the categories of waste that will attract the levy so that our primary producers can understand if they will be facing increased cost that will be passed on to them by operators such as Veolia.

A concern that has been mentioned on numerous occasions by our members is if rates will increase due to the new levy. Agricultural rates are already much more expensive than residential rates. Most of the time they only get half or less of the benefits such as normal waste removal, street cleaning, regular road maintenance and community infrastructure. I would be grateful if the minister could answer that, because my electorate of Lyons is rural and there are many agricultural producers and people living in the regions who do not get those types of benefits but who, I understand, will still be slugged with the waste tax.

The TFGA is disappointed that this bill seems to be rushed through without all the facts being decided upon, such as what waste classification will attract the levy. A thorough, balanced and accurate submission cannot be submitted without all the relevant information. The fact that this information is unavailable has been interpreted by many of our members as a 'tick and flick' exercise and not as consultation at all. This causes uncertainty and distrust which in turn makes it very hard for Government to achieve their desired outcomes efficiently and amicably. Indeed, Mr Speaker, since this submission was provided through that process by TFGA and others, there still has not been appropriate consultation by the Government with the community because, as I said at the outset, very few Tasmanians know that they are about to be slugged with a waste tax. Further, in the TFGA's submission they go on to say:

These unknown aspects of the bill could have significant flow-on effect which stop other stakeholders from being able to keep their customers and clients fully informed. This is unacceptable as it stops local businesses from providing the best customer service experience that they can. TFGA would like to reiterate that this extra levy will cause a substantial rise in illegal dumping and burning. Could you please advise how this risk is going to be mitigated?

I will read in a summary of the TFGA submissions because it is important. I would be grateful if the minister could respond to this as well:

In summary, there is substantial concern associated with the new proposed levy and the bill itself from TFGA members and stakeholders. We are very concerned that this consultation process has been undertaken without providing all the facts so that a fair and equitable understanding of this significant change to business practice and expenditure can be understood. It

has caused angst, uncertainty and distrust among all stakeholders involved which immediately puts Government on the back foot for community consensus and adoption of this new levy.

The TFGA requested further information via email ... regarding a complete list of exemptions for this new levy. Unfortunately, we were informed that this information could not be supplied at this time which is also a concern. This has prevented the TFGA from submitting a more informed and useful submission which could have been avoided through a more thorough and transparent consultation process.

There are also representations made by another important industry in Tasmania and that is the Tasmanian Minerals, Manufacturing and Energy Council (TMEC) which, through its submission to Government on this process, points out a number of concerns raised on behalf of its members that I would also appreciate if the minister addresses through his answers. They raised concerns particularly around historical mines and the rehabilitation of those mines. I will read a paragraph from the TMEC submission and ask the minister to provide a response:

The bill should ensure that historical mine site rehabilitation is not disadvantaged or burdened with additional cost which ultimately see funds deferred from rehabilitation to paying a levy. Minerals Resources Tasmania are currently provided with funds out of the state budget and together with TMEC and CCAA oversee how the funds are deployed for the rehabilitation of an old mine/quarry sites - this can include cleanup of illegal dumped waste 'not related to the previous operator'. The bill should not add further cost burden in the event of illegal dumped waste on sites earmarked for rehabilitation.

They share a similar concern to the TFGA in that many of their members' sites, old quarries, old mine sites, are where people illegally dump rubbish. They want an assurance that when they do the right thing in the clean-up of that rubbish, they will not be slugged with a waste tax. They go on to say, consistent with the point made earlier:

... the act of stockpiling material for the purpose of rehabilitation, the prevention of acid mine drainage and used to backfill legacy voids should be exempt from this bill.

I ask the minister to confirm whether that is the case. Further, TMEC goes on to say:

The dumping of illegal waste is an issue which remains prevalent in Tasmania, as is the case nationally. Mine sites, mineral processors and manufacturing businesses are typically large land-holders and often located away from populated or busy areas and therefore are rife for illegal dumping. This bill needs to ensure that businesses who invariably remove this illegal waste at their own expense are not further burdened by a requirement to pay a levy. Penalising businesses for the cost of removing someone else's waste would be seen as a perverse outcome.

They go on to say, and this is very pertinent, in relation to the bill generally and the Government's proposal to introduce a waste tax:

If this is not done well, the proposed bill will be labelled as little more than a revenue-raising act which has accentuated the dumping of illegal waste to avoid incurring costs.

Mr Speaker, that is an important industry for Tasmania and we are concerned that both agriculture and the Tasmanian Minerals, Manufacturing and Energy Council, and the sectors they represent, have put forward submissions with a number of questions that we do not think have been appropriately responded to.

Responding to the Greens interjection earlier, Dr Woodruff, member for Franklin, claimed that all councils support this. I will point out the submission by the Central Highlands Council. Their minutes clearly say that 'council reiterate their position that has been continually put forward that the council are not supportive of paying a waste levy and transporting waste when council have provided their own provisions that will last for 100 years'. There are some councils that do take a different point of view.

I will also raise some questions that came out of the Copping Refuse Disposal Site Joint Authority submission and talk about what the impact on them might mean. I ask the minister to respond to the questions they have asked. This is a submission put forward by the chair of the Copping Refuse Disposal Site Joint Authority, Mayor Kerry Vincent:

The timing of payment of the levy places a significant financial burden on some landfills. The levy is required to be paid by landfills within 10 days. Southern Waste Solutions is not open to the public and does not accept cash payment. Most Southern Waste Solution customers pay in just over 30 days. With deliveries approximating 10 000 tonnes per month and a levy of \$60 per tonne, Southern Waste Solutions will be financing approximately \$600 000 for a period of 20 days on an ongoing basis. This will potentially contribute to an uneven playing field, with landfills primarily dealing with customers paying cash receiving a considerable advantage.

Southern Waste Solutions is also concerned about the possible financial impact of a significant customer becoming insolvent. Southern Waste Solutions will then be responsible for the levy with no recompense.

Can the minister respond to that statement in the submission provided through this process to explain how the Government intend to deal with that significant problem? The submission goes on to say:

Another matter that concerns Southern Waste Solutions is the publicity and education campaign associated with the introduction of the levy. Members of the public as well as those involved in the waste management industry need to be made aware of the reasons and quantum of the levy to minimise negative reactions being directed to landfill operators and their employees.

That is a very important point because we do not want to see any staff copping abuse because the Government has not done its job consulting and informing the community that they are about to be taxed with a waste tax.

I will go through some further points I want the minister to respond to. The Government has made a decision to pick some winners in the Tasmanian business sector because what they are proposing to do is raise a new tax on productive profitable businesses. They are going to quarantine those tax funds outside of the State Budget and use those tax funds to provide subsidies to the recycling industry.

There is no doubt that the recycling industry would merit from some initial government support so that it can continue to do its important work. The question I have is why does the money raised through the waste tax not come back into consolidated revenue, particularly at a time when our health system is at breaking point? We have child protection under-resourced and people on public housing waiting lists sometimes 18 months or more for somewhere to call home. I want to understand why the Government has chosen not to use the money that will be collected through their waste tax, which will be tens of millions of dollars, to put that into providing services for the Tasmanian community.

This Government seems to be having a bit of a change of heart when it comes to promises it has made to the people of Tasmania. There is a bit of a pattern emerging about broken promises, particularly broken promises to the business community which, I think, for some time has felt that it can rely on the Liberal Government. That is starting to change. We are now talking about a new waste tax that will be imposed on important industries across Tasmania at a time when the Premier said there would be no new taxes and he has repeated that. We heard from the former minister for primary industries, Mr Rockliff, that there will be no moratorium on the salmon industry. A backflip on that one. No more lock-ups, says Mr Barnett. On the same day when he is saying no more lock-ups, the Minister for Parks locks up more of Tasmania's land. All these things are completely contradictory to what the Liberal Party and the Premier has said that he stands for.

This is starting to raise some questions in the business community's mind. They do not know if they can believe what the Premier says any more and they are not really sure which industry is going to be thrown under the bus next or what policy position they took to the election that they are going to backflip on when it comes to industries they say they support.

We have already heard from the member for Franklin, Dr Woodruff, in this place that the Liberals have adopted another Greens policy. We have heard that before. At the same time that we heard that, what did we hear from Michael Bailey, the CEO of the Tasmanian Chamber of Commerce and Industry? He said: 'This is a Liberal Government that is acting anything but.' I point those things out because there is a shift in sentiment occurring across the business community and industry in Tasmania that they are not really sure this Liberal Government is one that has their back any longer, because they have seen a few backflips happen.

The biggest concern that we have is the fact that this will have a significant impact on families and on households. It will be coming as a massive shock to them, particularly at this time of year. People are already trying to scrimp and save to get to Christmas time, making sure they can have ham on the table, buy presents for their kids, and many people are struggling to make ends meet. To hear today that the parliament, because the Government has brought in a waste tax bill, might be thinking about imposing a new cost on them and their families would come as a massive shock.

The biggest flaw in this bill is that there is no evidence that it will actually reduce household waste. There is no evidence that this will act as an incentive for families to reduce

their waste because every single family will get slugged exactly the same waste tax irrespective of their own individual efforts.

They will not be rewarded for effort when it comes to this waste tax. This waste tax will not only be levied at their homes, it will be levied at landfills and even councils that deliver household waste to these facilities will pass that tax bill onto households, so it will be spread across everybody by their rates. That means whether a household doubles the amount of waste that they produce or cut it in half, they will still pay the same waste tax.

It does not create a price signal for households, as the member for Franklin, Dr Woodruff, tried to imply. It does not create a price signal for business. This waste tax will not reduce household waste by a single wheelie bin. It will do nothing to reduce the impact of household waste on the environment. It will just cost families more.

There are alternative models. I spoke about the Queensland model earlier in my contribution. You only need to look there - and I know it is a Labor government. Perhaps you do not feel very comfortable about doing it, minister, but you only need to look to other Australian jurisdictions for a model that could produce a real price signal for municipal waste and could make a significant difference to the amount that is going into landfill. We acknowledge that we need to do more but we do not accept that this is the way to do it.

Unfortunately, the Government has not done that. It seems all the Government has done is pick up the Greens policy, adopted it, and brought it into the parliament today and not told the Tasmanian community what they are up to. They back-flipped on a promise not to introduce any new taxes and mums and dads of Tasmania are going to find out they are going to get slugged with a new waste tax when they get their rates bill.

It is terrible that this Government thinks that this is an appropriate way to deal with a very serious issue. This is a very blunt instrument to deal with a serious problem. It is bad policy. It will not deliver the outcomes that we would like to see in terms of reducing the amount of waste that goes to landfill here in Tasmania. It will have an impact on business. For those reasons, Mr Speaker, we will not be supporting the waste tax bill.

[3.21 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, I am extremely proud to make the obvious statement that decades of conservation work and the work of Greens members and good Greens policies have finally led to this Government taking the obvious step of introducing this waste and resource recovery legislation.

We are very pleased that the Liberals have been dragged into the reality of what we are confronted with today, with an enormous and damaging amount of plastic pollution which we are creating, and pollution of all sorts that we have not yet put our mind to dealing with in a way that is not damaging to the environment, damaging to the climate, damaging to human health, damaging to marine animals and birds, and extracting resources that we can no longer afford to extract from countries all around the world.

We cannot continue without having a circular economy approach. We have no choice and the great thing that has finally happened, the light bulb moment has gone on for the Liberals where they have realised, as the Greens have been saying for years, this is a great boon for an investment in Tasmania into circular economy jobs, into beneficial industry for our state and

Tasmania has a great opportunity. The Greens will be watching and scrutinising the developing of the regulations that will govern the waste recovery resource board, the waste strategy and the investments that are made in this area to make sure that we make the absolute most from this state what should be a clean green Tasmania.

We will continue to fight to make sure that brand is authentic. It is not at the moment and we have to do everything we can to regain lost ground, not just because of the investment opportunities and the jobs that it provides Tasmanians but, ultimately, for the most important reason, because we need to have a clean and green Tasmania so that we can all live here in a place in our natural environment which provides us with everything we need to live and flourish.

Without our natural world intact, we cannot continue to flourish and survive, so we strongly support the intent of this legislation. We will be going into Committee. We have a few amendments that we will propose and we have quite a number of questions about the bill, but the principle of the bill and what it seeks to open up for Tasmania, which is the strategic direction for waste and waste recovery, and the statewide compulsory waste levy, are important and essential steps to bring Tasmania along with where most of the rest of the world has been for some time. We need to put hard targets, hard performance indicators and a lot of transparency and scrutiny around the waste strategy and the waste levy. That is work that will be done by many people who have been interested and following this area for decades and we will be working together to make sure we get the best model for Tasmania.

On 4 February when the Government announced its intention to finally introduce a statewide levy, we made the point that we were amazed that the day had come where the Liberals had woken up because they had been comprehensively asleep at the wheel for seven years. I will withdraw that. They were not asleep at the wheel. They were actively driving the car off the road. They chose at every step under previous minister for the environment, Mr Groom, not to take up LGAT agreement to have a statewide levy that was provided to Mr Groom when he was the minister for the environment after the 2014 election. He did not sign that. It sat on his desk. The then premier, Will Hodgman, established the Premier's Local Government Council and it spent its time stalling on enacting the waste levy.

I have a letter here from Jamie Wood, who was Waste Management Association of Australia, Tasmania branch, and Martin Tolar, the CEO of the Waste Management Australia branch, expressing their disappointment that this waste levy had been stalled by the recent decision of the Premier's Local Government Council and that came from all members of the Waste Management Association.

It is a case of better late than never. It is a case that although the Government has done everything to avoid going down this path it is inevitable that we have to reach there because of the way the things are and what we are confronted with as a planet. We are confronted with plastic pollution which is literally choking waterways and the marine environment around the world. Tasmania plays our part, we know we do. We have had an appallingly high rate of litter because it has taken the Government so long, but they finally have introduced a Container Refund Scheme legislation. These are the sorts of hard incentives that are required, incentives in the form of mandatory legislation that requires actions to happen because there is always a case of carrot and stick in any behavioural change in any social change.

Businesses will always maximise their profit. Change, if it comes with any cost, is something they are disinclined to do unless they are very socially minded. Most businesses are looking first and foremost at their own business interest. It is the role of governments to lead and it is the role of parliaments to legislate, for the good of us all. What we have in the world at the moment is a really concerning horrifying situation with the amount of carbon that is being released into the atmosphere. We have to understand that plastic is carbon, plastic is made from fossil fuels. It is a product of the fossil fuel industry. It is impossible to have zero emissions as a target while we still consume plastic. It is a big problem for us. We are, as a society, addicted to plastic. We cannot imagine living without it. I do not have a solution to what we can do with most of the plastic, what we can replace most of the plastic with, and the Greens do not have a solution. We just follow the evidence and the science. We know we have to do something about it because our consumption of plastic is literally killing us. It is damaging the biosphere. The carbon that is released from plastics as they degrade in tips will go on for thousands of years.

It is not an easy solution. We cannot electrify plastic pollution. It relies on hydrogen and methane, and they themselves come from fossil fuels. We cannot use carbon capture and storage because, besides the fact that it does not functionally exist, it is just a form of spin for the coal, gas and oil industries to perpetuate the idea that we can continue to live in a world of fossil fuels being extracted. That is a lie. It is not true.

Carbon capture and storage cannot be a technological fix that, in any meaningful way, will do anything to mitigate the enormous emissions that come from the extraction and burning of fossil fuels. That is not a solution, and it is not a solution for plastics, either. Despite the fact it has taken so long for the Liberals to get to this point, a lot of work has led to this moment.

I thank and put on the record the work of people like the Waste Management Association of Australia, the Tasmanian branch; like Peter McGlone from the Tasmanian Conservation Trust, who has been such a strong advocate for waste recycling; and especially Brad Masham and Renae Dare and all the other people on the board of the Resource Recovery Centre in Hobart. It has been a real beacon for decades now for alternative use of materials. It has had a constant presence that people in Hobart who go to the South Hobart tip would know and love. They have always been there providing us with an option, an alternative to dumping to landfill. They have been doing the work.

When he went to Europe on his Churchill Fellowship on behalf of Tasmanians, Brad Masham came back with some amazing information about what the European Union is doing for their circular economy strategy. In the development of the waste strategy, which will be overseen by the Waste Resource Recovery Board, it will be important for Tasmania to be as up to date as possible with what is happening around the world. We need to synchronise with the targets that are being established in other countries.

From what is happening at Glasgow, we understand carbon tariffs are on the table. They are being heavily and actively discussed by the European Union. They will come our way if we do not play our part.

This is where the world is leading - and it is not leading there in decades. It is leading there in maybe six months time, maybe next year. I draw the attention of members in the House, if you have not seen the news, that China and the United States have just released a pact, an agreement, a statement of commitment, to going a lot further on the COP26 summit

agreements than their individual country's commitments have been so far. This is welcome, important news. It is a critical step for the survival of us all. This geopolitical shift that is happening is heading in the right direction. Yes, there is not the detail about when they will both be phasing out from the fossil fuel industry, but there is a very strong statement on the table at Glasgow from China, from the United States, that we must pitch ourselves not to 2050, but to 2030.

That brings us into the time frame of science, what scientists are telling us. It also points to the fact that Australia has to have a target by 2030, and it puts the pressure on all of us. They have made it very clear in their statement that we have to realistically push for 1.5 degrees; none of this rubbish about 2 degrees. We are on track for 2.76 degrees as a global community. We cannot go there, so the pressure is on Australia.

When it comes to Tasmania and waste strategy, we have to be pitching ourselves to what other countries are doing. The European Union is leading the way. Their circular economy has, for example, a clear target for the reduction of wastes, that include targets for recycling across the whole EU countries by 2030: 65 per cent recycling of municipal waste; 75 per cent recycling of packaging waste; a binding landfill target that reduces landfill to a maximum of 10 per cent of municipal waste by 2030; separate collections for hazardous household waste by 2022, for biowaste by 2023, and for textiles by 2025.

No-one that I know of, no councils, are talking about separate collections of textiles at kerbside recycling or anywhere in the state. The biowaste - these are things we will have to be addressing in our waste strategy. They also have a ban on landfilling of separate collected waste, and concrete measures to promote re-use and stimulate industrial symbiosis, which is turning one industry's waste into another industry's raw material. They provided economic incentives for producers to put greener products on the market, and support recovery and recycling schemes for, for example, packaging for batteries for electric and electronic equipment and vehicles.

Some of these have been discussed already in the draft waste strategy; some of them have not been mentioned. Australia has had a national waste policy from 2018, but it has no targets. Typical, Mr Speaker, of this Liberal Government. We have to get there at a national level.

I want to turn to the waste levy in a bit more detail and mention my absolute shock. I cannot believe the Labor Party will not be supporting this bill. I cannot understand why the Labor Party does not understand what the work of the Opposition should be. The work of the Opposition should be what the Greens have been doing for years, for decades. The work of the Opposition should be to put up prospective good policy, to work with the community, to push with the community, to have policies that are based in science, based in evidence and based in reality -

Mr Winter - Yes.

Dr WOODRUFF - Not hand-picked, cherry-picked evidence, Mr Winter; actual real evidence. The science of carbon, the science of pollution. The marine science on the damage it causes in the marine environment and in the terrestrial environment, the impact on the planet, the inability of us as a species to keep extracting. These are the things that an Opposition should do. Silence from the Labor Party on what their policies will be. All they can do is to cut down something that has a beneficial environmental component in it.

I am deeply disappointed that the Leader of the Opposition, Ms White, ticked off the minister for not doing his homework, put her hand on her heart about how upset she was about a statewide waste levy being a tax, how terrible it was, the minister did not do his homework, did not do the work, and pointed to Queensland as a good model.

Mr Winter - Great.

Dr WOODRUFF - Yes, great. The Labor Government in Queensland has a waste levy, and the waste levy is \$85 to \$165 per tonne.

Mr Winter - Not like this one and it does not hit households.

Mr SPEAKER - Order.

Dr WOODRUFF - She points to South Australia's having gone up to \$146 a tonne which is somewhere in between the Labor Party in Queensland's tax on waste. It is unbelievable that the Labor Party would talk about a tax when they point to their own state and accuse the minister of not having done his homework.

The Liberal Party in Tasmania, like all sensible governments, have finally understood that we have to have waste levies, that we have to put pressure on the non-recycling of waste. We have to create a circular economy and we cannot do it any longer by hoping people will do the sorts of things that need to be done.

This requires investment, a serious amount of money hypothecating directly into this area. I understand Ms White's desire to have more money put into the health system. The Greens strongly agree with that and we regularly speak about the fact that the Liberals have the capacity to do that. They have a fund of money sitting aside which ought to be going today into restoring the vacancies amongst nurses and midwives in the health system, for example.

This is not the place to start with a waste levy to direct it into the health system. We desperately need to have funding going into resource recovery to create the new businesses that we must have. We must extract every single bit of value from resources that have already been dug up using fossil fuels extracted mostly from other places on the planet, imported to Australia, mostly using fossil fuels from other places on the planet, have come to Tasmania, then used here often only once and that is a situation we cannot continue. We cannot continue to have throw-away plastic bottles and we have to start creating alternatives and we have to start using what we have. It is a simple law of physics. We cannot keep using what we do not have and we cannot keep using what we do have: that is damaging.

We have quite a few questions to ask the minister and a number of amendments I want to make in the Committee stage of the bill. It will be important to have a substantial level of public consultation in the waste strategy development. It is important that we have people who are doing the forward-thinking work about the circular economy. I mention, for example, the Huon Valley Circular Economy and again, Brad Mashman and others from Resource Recovery Centre and the Resource Centre in the north.

There are many people around Tasmania who have been working quietly in this space. I will not forget one of the comments that Mr Mashman made when he gave a presentation about his Churchill Fellowship period in Cygnet one time where he said, 'Tasmania is actually beautifully placed for a circular economy because we have had people here who have been

quietly doing this for many decades'. We actually have quite a lot of skills. We are a small island, we are networked very well and people have a real commitment to innovation in Tasmania and a commitment to creating solutions. We only have to look at the big plastic-free groups which have established on Facebook of often parents, who have small children and who are trying to connect with each other to come up with ideas about how to use less stuff and how to have less impact on the planet, and to show their children good examples of how we can live differently.

We have become normalised to operating in a certain way and we can normalise ourselves to operating in a different way. That is what humans do incredibly well. It is the job of government to provide support and to provide some funding.

Ms White's point is an important one. Where people are financially disadvantaged, where householders are disadvantaged and are truly incapable of being able to find the resources to be able to take something to landfill, they ought to be able to approach the council and they ought to be able to receive a discount or an exemption depending on the circumstances. We expect that would be something that the board would consider in the regulations. It is important to make sure that there are exemptions for people who are disadvantaged and do need to, for legitimate reasons, take things to landfill and they cannot afford to do that. There is no reason for people not to be able to find places to recycle things. Ultimately that is going to be made easier for people when we have many more opportunities for recycling than we currently do.

Illegal dumping is a huge problem in many parts of Tasmania. I know there are areas, particularly on windy roads just off the side, where it is a convenient place for people to stop with their trailer. You will often find a cascade of rubbish where people have used it as their personal tip-face. This was a spectre which was used by the government as a reason for not bringing on a waste levy sooner. There is no doubt this is something that has to be addressed. There has to be penalties and there has to be people undertaking enforcement activities. That is why the levy, as I understand, has been graded over the \$20 and \$40 and \$60 per tonne increments, ramped up so that there is the minimum delay possible getting to the full amount that is required to provide real incentive for investment. Unless there is a big enough dollar rate per tonne of landfill that is being recovered then there is not an incentive to establish new business. If it is too big straight away, then that also becomes an incentive for illegal dumping. That will have to be very carefully managed and a close relationship developed between councils and the Waste Resource Recovery Board.

Minister, we are very pleased that this has come to this point. There is still a lot more work that needs to be done. We are clearly nowhere near having a circular economy in Tasmania. What is happening globally, both in the resource recovery sector but importantly at Glasgow, is setting a standard that we can no longer avoid to keep up to and whether we do it willingly or whether we are forced to move there because of ultimately trade tariffs from other countries if we are a poor performer in our carbon emissions. Ultimately, we will have to move to being a 100 per cent circular economy.

The Greens commit to working with any government to make sure that we can play our part towards that date.

[3.50 p.m.]

Mr WINTER (Franklin) - Mr Deputy Speaker, here we go again. I feel like yesterday. I had a look at the concept for the waste levy and when you dive down into the selected model, there are some key concerns, not just that Labor has raised within the consultation the Leader of the Opposition went through in her contribution but also some that I will touch on today.

This is a proposal for a new tax. This goes back to the old debate: is it a tax or a levy? Governments sometimes like to call things a levy but this is a tax on every Tasmanian household with a wheelie bin. Every time a Tasmanian wheels the wheelie bin out, the cost of that goes up under this legislation. Every time you drive to the tip and drop your household rubbish, you will feel the cost of this because the only thing that local government can do with what is being proposed here is to increase the cost for consumers.

As Ms White said in her contribution, there is no way for households with a wheelie bin to avoid this tax. There is no incentive for you to reduce your waste because you get slugged the same amount. No matter how much waste you produce or how much you want to reduce your amount of waste, you still pay the same amount. That is the problem with the model that has been selected.

The Greens have already taken credit for this. Dr Woodruff took great pleasure in taking credit for the Government adopting another Greens policy. Quite rightly she did that because this is the case of the Government doing it again. They did it on salmon when they adopted the Greens policy with a moratorium. They have done it with lock-ups. Here we are with the waste tax that again mirrors, as Dr Woodruff pointed out, a Greens policy that they have been advocating for a very long time.

As I said, the design of this gives no incentive for households to reduce waste. It does not matter if you are someone, as I have met a lot in my experience in local government, with a worm farm, people who love and use FOGO, people who only select packaging that means they do not produce as much waste - they still pay the exact same amount. There is no price incentive for a household to reduce their waste under this model. They still pay the same waste tax, tip tax, that the Government is proposing within this legislation.

If you are a household dealing directly with your waste transfer station or local tip, you will see the price rise under this. Having worked in local government for a long time and having been there when prices go up, I can tell you that households notice it and they do not like it. It impacts the cost of living and impacts their preparedness to take waste to the transfer station or to the tip.

Likewise, tradies. When the price goes up at the waste transfer station or the tip, you hear about it in local government. I can give you that guarantee. If this legislation was to get through the parliament, the Government would be surprised at the amount of pain that this inflicts on tradies, on households, and it will hurt families. The design of this has not been well thought through because it does not provide the right disincentives, or right incentives, depending on which way you look at it, for people to reduce waste.

Tasmanians are looking towards reducing their waste more and more. My experience in local government is that it is becoming more of an issue for Tasmanians, something they really care about, and some households get passionately around solutions. Some communities get hugely passionate about these issues.

It was my great pleasure one day to launch a worm farm in Taroona. I never thought I would launch a worm farm but I did, and that was due to a very passionate community which was trying its best to reduce waste. Of course, government policy should be set to provide the right incentives to reduce waste, and disincentives, for people when they are going about their daily lives. The design of this does not do that and that is the problem here. I am not sure how this is going to assist.

There are other models in place. Ms White talked about the Queensland model and I was just reading about it. The Palaszczuk Government reintroduced a waste levy in Queensland which included a 105 per cent rebate for local councils for the waste levy they were charged for municipal waste in the previous year. This meant the waste levy did not increase costs for households and also provided local governments with a significant financial incentive to implement strategies to reduce their municipality's collective production of waste every year.

You can have waste levies that work and models that work, but this one has missed the mark. Like the container deposit scheme model that has raised so many concerns within the Tasmania business sector, this is also raising concerns. Some of the submissions the Leader of the Opposition went through were telling about the concerns of industry.

The Leader of the Opposition, speaking first, did get the best ones but there are a few other submissions I thought she might have also read from. One was the Housing Industry Association response. It says:

HIA is circumspect on whether the proposed statewide waste levy will ostensibly meet its objectives in encouraging the diversion of waste from landfill and increasing the recovery of resources from waste. Due to the burden of the additional cost, HIA believes it may have the opposite effect and become a deterrent to the responsible disposal of waste.

That is not what we want. In Dr Woodruff's contribution, she talked about not wanting to have illegal dumping in Tasmania, and that would be something that the entire parliament would agree with. Labor does not either. The problem with the proposed model, as put by the HIA, is that this may have the opposite effect and become a deterrent to the responsible disposal of waste. My interpretation of that is they are talking about dumping, talking about people who see the price at their local waste transfer station or their local tip as being a deterrent to the appropriate disposal of their waste.

I also read from the Circular Head Council submission, which talks about communication, in particular. It said there has been no targeted campaign from the Government for community members' education with regards the benefits expected from the state waste levy introduction. This was spoken about by the Leader of the Opposition. I know it was announced before the election but we all know that there are some policies within elections that get huge amounts of -

Mr Jaensch - It turns out it was in the election after all. It turns out it was hidden in plain sight as an election promise and two elections.

Mr WINTER - The point I was trying to make before the minister interjected is that there are policies within elections that get a huge amount of examination and discussion within the community. However, I am not sure that anyone who was watching this election would

have seen that there was a waste tax proposed by the Government. I am not sure that many Tasmanians are aware that this is being debated today or have seen the bill.

There will be significant concerns about the way this has been designed, and the way that the incentives and disincentives are proposed under the model because they do not provide disincentives to households. They provide disincentives for trades, business and industry to appropriately reduce their waste.

I am concerned about the way this is proposed to operate. As part of the construction of the bill, the Government commissioned the environmental consulting group, Urban EP, to conduct a cost-benefit analysis of varying rates. The major cost identified was to business and industry, which could expect to see expenses rise by \$71 million over 10 years. Presumably, this would be a cost worn by a relatively small section of Tasmanian industry, but no assessment on how each sector would be affected was undertaken.

Household costs would rise by \$43 million. Landfill sites were projected to see revenue reductions of approximately \$150 million. Job losses at landfill sites were not discussed in that.

I understand the minister is busy at this time, but I was going to ask him a question. The Urban EP analysis assumes clean fill would not attract the waste levy, and the construction and demolition sector would therefore be largely unaffected but this is not the case. Given that is not the case, how is this significant policy change going to affect the overall cost-benefit analysis or overall cost to business?

I believe this will be a surprise to Tasmanians. All of us know about putting out media releases and no-one ever seeing it, but I do not think this is well understood by Tasmanians, and they will have concerns about the proposed approach by the Government. For that reason Labor will not be supporting the bill.

[4.02 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, I was not going to make a contribution on this legislation because Dr Woodruff is doing an excellent job of carrying this bill, but I cannot help it. I was in my office with the television on when the Leader of the Opposition was responding to this bill. I could hear this gasping in our offices at the audacity of the Leader of the Opposition to go to a tax, rather than what this legislation is all about. It is about attacking the Government. That is all Ms White's contribution was about, because she went for the tax angle.

I could not help but recognise the contrast between the faux passion of Ms White on this legislation, and the craven capitulation that we saw on the Future Gaming Market legislation. As I have said, at least with the Liberals in this place you know where they stand. We can disagree strongly with many of their policy positions, but with Labor you just never know what you are going to get. The passion just then from Ms White, attacking good policy designed to clean up litter in Tasmania and provide incentives to people to produce less waste - and the angle they take is the tax angle. It is the same as on the Container Refund Scheme legislation backing in Coca-Cola's position. Really, where are these people at? What does Labor stand for? It is a question that is being asked in the community every day.

We just heard giggles from Mr Winter who, as a former mayor of Kingborough Council, knows that local government overwhelmingly supports the introduction of a waste levy. The Local Government Association of Tasmania supports the introduction of a waste levy. Councils that are thinking about this support a waste levy.

We have Labor coming in all hot and heavy on legislation like a container refund scheme and the waste levy, and yet breaking their promises to the people of Tasmania about prioritising harm minimisation in the Future Gaming Market legislation. It is disgusting, really. People elect us to this place to have a set of values and principles. What do we get out of Labor? Politics, all the time. They did not even have the decency to do good politics on the pokies legislation, and highlight the fact that the Government had ignored harm minimisation. We did not even get that out of them. What we got was that Labor went to the 2018 state election saying we will remove poker machines from pubs and clubs, loses the election and folds straight away, and then promises the people of Tasmania - Ms White did this - that Labor's priority would then be harm minimisation. They then broke that promise after signing a secret agreement with the Tasmanian Hospitality Association and accepting the Federal Group's contribution towards their 2021 state election campaign.

I have said that a number of times in this place, and on ABC radio, and never once has Ms White or any member of the Labor Opposition disputed it. We know that Labor was bought by the Federal Group and the Tasmanian Hospitality Association -

Members interjecting.

Ms O'CONNOR - There have been countless opportunities to counter what I have said.

It is well past time Tasmania had a waste levy. We are the most beautiful state in Australia. Visitors come to this island and are stunned by the amount of roadside litter. They are stunned by the careless regard some people have for the natural environment. It is confronting, for example, when you drive across to the west coast through the Southwest World Heritage Area to see plastic bottles and rubbish that has obviously been chucked out of a car by someone driving through the World Heritage wilderness. Of course we need a waste levy. This is sound legislation that should be supported by every member of this place. Labor could not resist the opportunity to play politics with this, to pretend they stand for something.

Mr Deputy Speaker, when you look at the regime that is proposed, it is actually quite conservative and thoughtful. It says here:

The waste levy will have a staggered introduction over four years, with the intention of starting at \$20 a tonne and rising to \$40 and then \$60 at two yearly intervals.

It is staged, incremental, to give it the best possible chance of success. What is not to support about that? Why should there not be a levy on waste? What is Labor's alternative? We had Ms White saying the Government had not done its homework and it should look at what Queensland is doing. Queensland has a waste levy of between \$85 and \$165 per tonne -

Members interjecting.

Ms O'CONNOR - Sorry, minister?

Mr Jaensch - We are going for \$60 in five years' time.

Ms O'CONNOR - Yes. So, relative to other jurisdictions, this is a very conservative waste levy that is introduced in a staged way.

Members interjecting.

Ms O'CONNOR - Sorry, Mr Winter, what was that?

Mr Winter - You say it is not big enough now.

Ms O'CONNOR - Well, it is not. But it is something. It is a start. We are not going to let the perfect be the enemy of the good.

Members interjecting.

Ms O'CONNOR - You poor people, what do you stand for? Seriously. Your fake laughter over there on this legislation. Of course we support it because it is the introduction of a waste levy in Tasmania, which is something that civil society, local government, the Southern Regional Waste Group, the Local Government Association of Tasmania itself, and the Greens, of course, have been pushing for for a very long time.

I remember having this conversation in Cabinet with the former environment minister, Brian Wightman. We were trying to get Labor then to do the right thing and start looking at a waste levy. Oh no, totally antagonistic towards it. That is 10 years ago, and they have not progressed a single millimetre on this issue. I just cannot not say these things. Sitting in my office listening to that political garbage coming out of Ms White's mouth, said as if she had some conviction about it.

This is evidence-based policy. It has broad community support. It has local government support. It is the right thing to do by this beautiful island. It brings us into line with the rest of the country. I commend the minister and the Government on this issue because this is good policy and it is sound legislation.

[4.11 p.m.]

Mr JAENSCH (Braddon - Minister for Environment) - Mr Speaker, I thank my parliamentary colleagues for their contributions. It is hard to know where to start by way of responding.

I need to start with Ms White and Labor. Yet again - this is the third time this week - the sentence starts with, 'We know we need to do more and we are fully supportive of, but not this way'. 'We need to know more on landfill emissions; we need to do more on recycling but not this model - some other way'. 'We support there being a container refund scheme but we are just not sure that anyone has really done their homework yet.' 'We believe in science and sustainable fisheries but we reject, on principle, altering the bag limits for abalone.'

There is a pattern emerging here whereby Labor, in the absence of policy, in the absence of unity, in the absence of momentum or any purchase on the electorate, is out there trying to scrape any shred of cheap, dumb political advantage out of any issue at the expense of their integrity as a potential future alternative government. It is becoming very obvious that they are a policy-free zone; they are stunt monkeys. They have absolutely nothing to offer the very

important business of helping to ensure that there is good policy, good governance and sound initiatives to help Tasmania deal with the challenges of the years ahead.

It is economic growth, it is sustainability, it is recovery from the pandemic, and it is dealing with the ability to reduce emissions and to deal with climate change.

Tasmanians want and expect more from a government. That is what we are delivering and Tasmanians are lucky that Labor is not in government right now with the way they are behaving. Labor has not read this bill, like they did not read the last one. What they have done is have had someone run through the list of submissions made, pick out anything that looks vaguely like a concern, string them together and read them into *Hansard*. That is their contribution to the debate.

As Ms O'Connor said, it is not in the interests of improving the legislation or contributing to good policy but simply trying to score a political point or two, wherever they can, based on someone else's work, which is not only lazy but is bankrupt for an organisation that would hope to present itself as a future alternative government.

This waste levy has been Government policy for many years and at least two elections. It has had a long gestation. We are the only state in Australia that does not have a statewide waste levy to fund advances in the management of waste at all levels in its economy.

Ms White asked the question, 'Why does the levy not come back to consolidated revenue where it could be used to fund nurses and teachers and hospitals and child protection?'. The answer is because it is not a tax. It is a levy. It is a hypothecated levy that will be collected from users of landfills, a charge per tonne. It will remit to a specially created separate account that can only be used for dealing with waste management. The news is, we are the only state in Australia to propose a levy that is going to operate that way. In every other state, the waste levy is a tax that returns to consolidated revenue and then is clawed back at Budget time for initiative to pay for them from Treasury.

Ms White, you are saying there are other models out there that we should be looking at, like Queensland. That is a tax. This is a levy. This is a separate account, a glass jar of funds that can only be used for the purposes of waste management across Tasmania. You clearly do not understand that and that disqualifies you from any meaningful contribution from this point forward on this matter.

Anyone who has taken a serious interest in this issue because of their liability, potentially, under it, because they are looking for new solutions, because their communities, as Mr Winter points out, want to do more, to do waste management better to protect the environment, to be able to respond to their kids when they come home and say 'are we separating our waste, are we doing different things with it?', someone has to pay for all that.

Mr Winter - We are doing it already.

Mr JAENSCH - Ah, we are paying for it already. That is exactly right. Mr Winter, in his contribution, pointed out that councils want to do more, communities want to do more and that he opened a worm farm. I am guessing that he maybe donated to it. Somebody paid for that. The reality they conveniently ignore is that all the waste management that goes on in Tasmania at the moment is being paid for by Tasmanians. They are paying for it through their

rates. They are paying for it through their gate fees when they go to the tip. They are paying for it through regional voluntary waste levies that already exist in the north and the north-west on every tonne of landfill. In the south, where there is not a voluntary waste levy in place, the councils there periodically invest big heaps of money into similar sorts of initiatives. They invest directly in them rather than through a levy. They have a different model for doing that.

Every Tasmanian pays for waste management through their taxes. Not only in managing the legacies and compliance matters, the upgrades and investments in new facilities around the state that governments co-invest in with local government, but also dealing with the legacy issues of past poor policies and practices in waste management as well where we have gas, leachate and various other emissions arising from old landfills that have not been managed well, partly because in the day, everybody tried to make the disposal of waste as convenient as possible at the lowest possible cost for everyone but at the expense of good sorting, good management, good planning for the future and good prevention of escape to the environment of contaminants that are in that landfill in the past. We end up paying for that, one way or the other.

We end up paying for that in our health, in our environment, in our clean-up costs, which all taxpayers will contribute to through their taxes. This year, in Tasmania, this Government has invested \$5.5 million in conjunction with the federal government and with recycling businesses to establish \$20 million of investment in new industrial-scale recycling enterprises.

We have invested \$3 million in Dulverton Waste Management, establishing an industrial-scale in-vessel commercial composting system; we have put up \$1.5 million for the development of a similar concept which does not yet exist, serving councils and the region in the south; we have allocated \$3 million to co-invest in the establishment of an end-of-life tyre re-processing plant so that we can use end-of-life tyres in our road resurfacing programs; and we have allocated up to \$2 million to help our local governments, our landfill operators and our waste industry to set up to participate in this levy that we are here to talk about.

This year, this Government is spending \$15 million of Tasmanian taxpayers' money on waste management solutions which are all about diverting waste from landfill, which are about addressing the environmental impacts of waste management and creating a circular economy. That is the sort of thing that will be funded from our waste levy in the future. Tasmanians are already paying for it, all of them. Not only the ones who produce this waste, but all Tasmanians, out of their pockets are paying that \$15 million plus all of the routine costs of having waste management, regulation, and environmental repair in Tasmania.

That \$15 million is about twice what we are going to raise from the levy in the first year. It is closer to the amount that we will get in year five. That is what the levy is for. All Tasmanians are already paying it. The way this levy works is that the people who produce the waste and take it to landfill and bury it in the ground, contribute to the costs of not having to do that any more, and producing other ways of disposing of those materials safely and appropriately, that saves them money and creates another business and another life for the material that they used to bury in the ground.

Tasmanians want this. This is sensible, it is clever and it is good. We are paying already. This is a better way of paying. It is not a tax and it is different from the levies that apply everywhere else in Australia that are taxes because this one is focused only on reinvestment in landfill.

Dr Broad - Listen to yourself. Come in. You just said levies are a tax.

Mr JAENSCH - You know this. You are part of this dumb circus that you are running this week, you blokes, trying to get yourself a few points but it does not wash and I do not think anyone is going to be very impressed.

Ms White and Mr Winter raised some issues that I will try to give them answers for, although I do not think they really care. What consultation has been done? You asked if we had spoken with industry and what submissions we received. You quoted quite gratuitously from a couple of them. There were 31 formal submissions received as part of our public consultation process for the bill that encompassed the views of local government regional groups, industry bodies, waste and recovery businesses, commercial and not-for-profit organisations, and individuals in respect of the proposed legislation. Notably, only two of the 31 submissions did not support the waste levy at all.

There have been a series of follow-up meetings with a range of those submitters on the issues they have raised. There have been changes made to the legislation in response to issues they have raised. For example, Ms White referred to Southern Waste Solutions and their submission and their concern about the period for submitting waste levy returns. In response to their submission, that return time frame was extended from 10 days to 30 days as was the period for submitting the volumetric survey report after their concerns that the 10 days was too short a time frame.

DPIPWE staff met with the TFGA to discuss the concerns raised in their submission. To some extent their concerns arose from a misinterpretation of the bill and what is technically recognised as landfill for the purpose of applying the levy. The conclusion from those discussions was the TFGA was satisfied that the levy would not greatly impact their members. We note that materials like offal and meat waste and other organic materials - where there is approval for it to be disposed of at landfill - has options including the investment that I have just mentioned in facilities like those at Dulverton which will also be, and is currently, receiving waste from the meat industry, the fish processing industry, from TasWater and from other sources.

In the future a waste levy fund is the type of source of co-investment to create more solutions and more facilities of those kinds so that businesses like abattoirs have an environmentally sound and compliant way of disposing of their effluent and materials. Also, and related, the spread of waste on land for agricultural purposes - bio-spreading - is specifically excluded from the levy by way of the approved management method for bio-spreading which is referenced in the bill. The TFGA was invited to further consult their members and to advise if they had any outstanding concerns in August this year and they have not come back with more.

We note that in the event that farmers or any particular types on business or operations in the agricultural sector are inadvertently disadvantaged or affected by the scheme arrangements there is capacity to provide exemptions in the regulations as are being provided for other materials and facilities and events.

The Local Government Association Tasmania has been referenced a number of times and LGAT has been calling for and now welcomes the levy as a significant opportunity to reduce

waste to landfill. The Australian Industry Group has supported the phase-in process and the attempts made there to ensure that there are not shocks for business and industry.

There were questions raised about clean fill charges. The proposed changes in this bill to the definition of clean fill in the Environmental Management and Pollution Control Act 1994 and its regulations were proposed back in 2019 with consultation undertaken with stakeholders and there was support for the changes back then. The change means that dumping of clean fill will now become a regulated activity. We all know about the Clean Fill Wanted signs around Tasmania. This is not a problem where the material really is clean, meaning it is not contaminated with materials that might cause environmental damage where it is dumped. However, unfortunately a lot of material is dumped as clean fill that really is not clean and there are plenty of situations where contaminated building rubble is dumped, potentially causing ongoing environmental harm and amenity issues.

We want to encourage appropriate resource recovery. Clean fill type 1 - which is typically reasonably clean virgin excavated material - will still be able to be used, as is currently the case. That will be because the EPA has advised they intend to release an approved management method that will allow for the re-use of such material, as long as it meets certain criteria. Such material must not include harmful contaminants or be contaminated with other wastes. Clean fill type 1 will be exempt if managed in accordance with approved management methods. That is the important message. Clean fill type 1, under those methods, is exempt from the waste levy.

Reference was made to the mining industry and its concerns regarding mining waste. The explanatory paper released by the department makes it clear that mining material disposed of on site, with approval, will be exempt from the levy by virtue of the regulations.

Coming back to local government and alternative models and the options that are out there, Mr Winter, who I think has fled the Chamber -

A member - He has another appointment.

Mr JAENSCH - I think that is the technical term.

Ms O'Connor - Scuttled is another term you could use. Scuttled out of the Chamber.

Mr JAENSCH - Yes. Scuttled, scuttled away. Embarrassed, ashamed. Mr Winter referred to the fact that in Queensland - which seems to be the state of the week for Labor to refer to for better models that are worth looking at - the innovation that exists in the Queensland model that he really liked, is that local councils get money back from the levy to invest in waste diversion, and new waste initiatives in their communities that give people the ability to get involved with food and organic or garden waste, or worm farms, like the one he is patron of in his former council area.

That is exactly what will happen here, because the waste levy will include a grants program that will be open to councils and community organisation - groups of councils working together, exactly for doing those community-level activities - that divert waste from landfill, invest in the capacities to do more with their garden waste, food and organic waste, their recycling initiatives, et cetera. In fact, and I have put this in the second reading speech, for the particularly remote councils, we acknowledge the costs of doing anything are much

higher let alone moving materials on and off island, or investing in sophisticated treatments for very small quantities of waste. Our intention is that through the regulations, we will develop special arrangements whereby those councils will be net beneficiaries from the levy. They will get more from it than they put in, with the explicit intention of helping them overcome their problems with economies of scale, remoteness, the costs of getting technology to their islands, and not having sufficient quantities of materials to warrant or make viable their own ability to invest in solutions for their islands. This will apply to the Bass Strait Islands, and also to the West Coast Council as well.

As for Labor's support for doing more in this area, and preference for models like the one in Queensland, we are able to show that the bits you most like about Queensland are possible under this approach as well.

We also point out that the Queensland model is a tax. It goes to consolidated revenue. This one does not. This is just for waste management in accordance with a publicly consulted waste management strategy, for a period of three years - regularly reviewed, consulted with industry, put out for public consultation - that sets the rules, priorities and strategic objectives of waste management in the state. That is what this levy will be used to fund, whether it is applied statewide, or at regional level through the regional waste bodies whose operations it will continue to support as well - which used to be paid for by councils, and by landfill users in those regions, where they were paying a voluntary levy, which will be replaced by this levy, Ms White.

It is replacing the existing ways that people have been paying for this, with a different way that does not add to it, but replaces it with a larger, more efficient and more strategic model statewide, because it is going to give us economies of scale to work with.

One of the speakers asked: what is the plan to educate the general public about the operation of the levy and the waste strategy? There is a plan to ensure an appropriate public awareness campaign is in place. The Government has already given \$95 000 in a grant - again, taxpayers' money, people pay for this. In the future, this sort of thing gets paid for from the levy - from people who produce the waste, not everybody. The \$95 000 grant to rethink waste was set up by local government regional bodies for the purpose of waste education. I mentioned in my second reading speech that we will continue to support those regions and activities like this, and that education and information at regional level will be continuing, funded as we go into the operation of the levy, and continuing.

Mr Winter asked about the cost-benefit analysis by Urban EP. The report stated that the levy itself will collect \$8.3 million in its first full year, rising to \$17.1 million by 2030 - not, as Ms White said in her contribution, tens of millions of dollars a year. The \$17.1 million is similar to the amount of money that Tasmanians are already spending through their taxes to reinvest back into resource recovery. This will drive the circular economy in investments such as those that I have spoken about.

The member for Franklin asked about policy change with clean fill. Just to be clear, the Urban EP report correctly asserts that the levy will not apply to clean fill, which is not a change of policy, and there has never been an intent to levy it. The purpose is to bring clean fill into the regulatory sphere with better definition, and enable tracking of where clean fill is going to ensure it is kept in the circular economy and does not pose environmental risk.

Ms White and Mr Winter asked will a levy reduce waste. All Australian states have implemented levies for this very purpose, except us so far. Modelling undertaken by Urban EP shows a decline in the demand for landfill disposal of around 210 000 tonnes per year by 2030 under a levy. This finding is based on a detailed understanding of the interstate situation and many conversations and surveys directly with stakeholders in Tasmania.

This is the other one from Ms White. Again, on behalf of rural residents of her electorate of Lyons I am guessing, which takes in a large part of the state. An important correction there. People who are in rural areas who do not have kerbside rubbish collections, generally are not paying for a rubbish collection in their rates. It is a separate rate that applies to people who live in certain zones. I am one of them who does not pay for my waste to be collected but I take it down to the landfill at Wynyard, as I am sure many people who live in Lyons also do. In future when they have waste to cart to an appropriate facility, they will have opportunities to use a resource recovery facility or range of bins to choose from for their waste that they are currently taking and paying for already at the gate, and have more options to divert that waste into other collection facilities rather than it going to landfill. I am going to benefit from that as someone who lives in a rural area without a waste collection.

Ms White, it would be good if you cleared-up this perception with your constituents if you have been telling people who do not get a waste service that they are going to be 'taxed' under our waste levy arrangement over and above, even though the council does not collect their waste. You should know that if you service a rural area in your constituency.

Dr Woodruff asked, will there be adequate consultation by the new board? In the bill there is a requirement for the board to consult with the EPA, the Local Government Association of Tasmania, other stakeholders and the public of Tasmania in preparation of its waste strategy. The Waste and Resource Recovery Board will itself be comprised of members drawn from and well versed in the needs of key sectors within engagement with the waste management and its challenges, both producers and people involved in the disposal of waste.

There have been some amendments foreshadowed and so if I can conclude my comments there, well within time for a change, I will be happy to go into Committee and I will get my piece of paper.

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

The House divided -

AYES 15

Ms Archer
Mr Barnett
Ms Courtney
Mr Ellis
Mr Ferguson
Mr Gutwein
Mr Jaensch
Ms Johnston
Ms O'Connor
Ms Ogilvie (Teller)

NOES 9

Dr Broad
Ms Butler
Ms Dow
Ms Finlay
Ms Haddad
Mr O'Byrne
Ms O'Byrne
Ms White
Mr Winter (Teller)

Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Dr Woodruff

Motion agreed to.

Bill read the second time.

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

In Committee

Clauses 1 to 5 agreed to.

Clause 6 -
Ministerial order

Dr WOODRUFF - Minister, this clause provides situations for when the minister is able to consult with the board and secretary before making an order under this act.

Subsection (2) says:

The Minister, if he or she considers it practicable to do so in the circumstances, is to consult with the Board and the Secretary before making an order under subsection (1).

Could you outline what circumstances would justify the minister not consulting with either the board or the secretary before making such a decision?

Mr JAENSCH - Mr Chair, I will ask my department to prepare any additional information. The principal circumstance, I believe, would be in relation to where a decision needs to be made very quickly, possibly in association with an emergency response where there may be a need to be able to remove contaminated waste - the damaged materials arising from flooding, fire or some form of industrial accident, potentially - where there could be public health consequences from not moving quickly.

In order to be able to engage say, contractors, to quickly get material off to a suitable receiving facility and to reduce costs and questions there, being able to put an order in place for those circumstances, may under some circumstances need to be able to be done where it is not possible to get the board together for those sorts of discussions or consultation.

Dr WOODRUFF - Okay. I can imagine circumstances where it might not be possible in those circumstances to consult with the board. It seems implausible to think that it would be possible to consult with the secretary. Or is this taking account of situations where parts of the act require consultation? Would it not be the case that the minister would consult with the secretary if the board was not able to be convened to have that conversation?

Mr JAENSCH - In most cases, the intention would be and the standard arrangement would be that you would consult with the board and the secretary as provided for. I believe the legislation is trying to create a power that in exceptional circumstances, if time frames or logistics did not allow, that you could still produce an order if it was needed.

Dr Woodruff - Okay.

Clause 6 agreed to.

Clauses 7 to 10 agreed to.

Clause 11 -

Membership of Board

Dr WOODRUFF - We have produced an amendment and circulated it in relation to this. This is a small matter and it is an OPC drafting but it is not the standard OPC drafting I am aware of in other legislation. Section 11 is about the appointment of the board, 'not less than five, and not more than seven members'. Subsection (2) says that:

The Minister may -

- (a) appoint a person to be a member of the Board ...

Subsection (3) makes for one of them to be a representative of local government.

Subsection (4) says:

In appointing the members of the Board under subsection (2)(a), the Minister is to ensure that the members -

- (a) have skill, experience and knowledge in one or more of the following matters ...

It is not clear from the way that this is drafted whether subsection (4) is talking about the collective or the individual. It is written in a complicated way. Is it the intention that the board will be comprised of members who, as a collective, have the skills, experience and knowledge in those following matters so that none of those skills and experience are absent from the board? Or, as it reads, it seems possible that the minister could appoint five or seven people who all are accountants or all are specialists in waste management, or regional development.

I do not believe that is the intention, which is why we have drafted this amendment to try and fully clarify the intention.

I will read the amendment into the House. I move -

Page 15, clause 11, subsection (4)

Leave out the subsection.

Insert instead the following subsection:

"(4) In appointing a member of the Board under subsection (2)(a), the Minister is to ensure that the member -

- (a) has skill, experience and knowledge in one or more of the following matters:
 - (i) waste management;
 - (ii) remote area waste management;
 - (iii) resource recovery;
 - (iv) industry development;
 - (v) regional development;
 - (vi) finance;
 - (vii) public sector administration;
 - (viii) risk management;
 - (ix) corporate governance;
 - (x) a particular function, or vocational interest, that is relevant to the functions of the Board; and
- (b) is able to make a contribution to the functions of the Board."

Mr JAENSCH - Thank you. In relation to the proposed amendment, we have sought advice from the OPC on this matter. Of the two scenarios that you put, it is the latter. The intention, as I understand, it is that the board should be a multi-skilled board. There is a spectrum and there are nine specific skill sets referenced there, by way of example. Because that exceeds the number of members, it is possible that you will have members with different combinations of those backgrounds and there is the capacity to augment that with other special skill sets. That is what the tenth category indicates.

The advice is that this is a form of wording that OPC employs to give that meaning. It is common to the wording in the Tasmanian Museum and Art Gallery Act and the Brand Tasmania Act for their respective boards. It is an established use of terms regarding the membership that gives the minister flexibility to set up and add to the board, using those skills sets as a guide, with the intention that the board includes a diversity of those skills, not that they could all end up being accountants, which would be pointless.

That is the question I asked as well. I believe that you correctly surmised that the intention was to have a skills-based board with a variety of skills potentially, including those on that list, rather than all of one type. I understand that that is the intention of the wording in this bill and it has been used with that same intent in other acts with comparable board structures.

On that basis, with that intent recorded in the speech for clarity, if required, I suggest that the amendment is not supported by the OPC advice and if we agree on what it should mean, and that has been supported by OPC advice as well, then we should be right without the amendment.

Dr WOODRUFF - I will respond to that, thank you. With the greatest of respect to the OPC drafters, who we are on record for having a lot of respect for, we still take the view that

the way it has been drafted is not clear, and will be read by people who will not be reading it in concert with the second reading speech.

While the intention is there - and you have stated that, which is great - it is about other people being able to interpret the bill. Our policy adviser, Thomas Whitton, who we all know is a genius in this space, did not find it clear from the way it has been drafted. We will still put the motion, but thanks for the clarification.

I have two other questions, because I can only have two questions on this clause. With part (v), regional development, which is one of the skills, can you please explain what you think 'skill, experience and knowledge' means? It is pretty broad. Is that someone who has done business in a region, or someone who has been working on a council who has done some waste recovery development project? I do not understand what the skill is trying capture.

With part (vii), public sector administration, that seems to be a double-up, because is the chair not required to have expertise in public sector administration? I thought I read that this was the case. I wonder whether it is important to have even more public sector administration, when having remote area waste recovery, resource recovery or industry development would seem to be critical issues as well.

Mr JAENSCH - Thank you, Dr Woodruff. I am advised that the reference to the skill set in the list of 'skills, knowledge and experience' in a range of matters needs to include the skill set that the chair would have. You are appointing a group of people, and you are appointing one of them as chair. That skill set needs to be recognised in the mix.

On the issue of regional development, my interpretation and intention for putting that in the bill would be to seek the involvement of people who have been involved in strategic planning and governance arrangements for regions, maybe through organisations, or activities of organisations, like the Cradle Coast Authority or the Northern Tasmania Development Organisation, or a regional NRM. They are the types of bodies that work at regional scale on strategic issues across local government areas, across councils, and who would have useful background at a similar scale to which things like MRFs - material recovery facilities - and landfills would be operating, and seeing how the interaction between those functions of local government in the waste industry might interact with economic development, planning issues and those sorts of things.

Amendment negatived.

Clause 11 agreed to.

Clause 12 -
Functions of Board

Dr WOODRUFF - Clause 12 relates to the functions of the board. In subclause (2), the functions of the board are described. I have a few questions. Function (e) is:

to promote community, business and industry awareness of, and education in relation to, waste reduction and resource recovery;

Can you say whether that will include providing education? It has 'promote' and 'awareness', and 'education in relation to', but it is not really clear that it is promoting the provision of education, or whether it is promoting the funding of education elsewhere. 'Education' - is it expected that the board would be, say, running education campaigns, making media statements, doing any of that sort of work? Or is that all part of something that would be outsourced to another body to do as part of the fund and the hypothecation that comes from that, the resources that come from the levy.

A few other questions have come from people who made submissions.

The Resource Work Cooperative, which does such fantastic work, says they believe statewide education is a critical part of really kickstarting a circular economy, so statewide education as well as locally specific education are important.

The Tasmanian Minerals, Manufacturing and Energy Council asked whether the bill would promote the aggregation of similar waste streams to achieve an economical processing scale. I am not sure whether that forms one of the functions of the board. In the submission by Don Thwaites -

Mr Jaensch - I know Don.

Dr WOODRUFF - Do you? Yes. He has grave concerns about illegal dumping in bush and forestry lands and along roadsides, that will escalate in regions such as where he lives following the introduction of the levy, which we talked about earlier. That is why he believes that massive prevention programs, education in other forms and the funding of clean-ups will be essential to accompany this bill, to prevent illegal dumping in those places.

I suppose they all essentially boil down to education, and the board being active in that regard.

Mr JAENSCH - Thank you, Dr Woodruff. The best way to understand the intention of clause 12(2)(e) in relation to the board's role in promoting awareness and education is to go over the page and look at some of the other things that the bill asks the board to promote:

- (f) to promote and support State policies and programs relevant to the Act;
- (g) to promote and support access to waste services in remote areas;
- (h) to promote and support coordination and cooperation with statutory authorities, local authorities and industry to prevent waste ...

My understanding is that these are named in here to ensure they are functions or responsibilities of the board to be included in and pursued through the waste strategy as activities that are important, not only activities that are about building landfills, et cetera. On that basis, I expect that the board would be investing the way that the three regional-based bodies are collectively investing now and the Government is co-funding with things like the Re-Think Waste initiatives, which have a community education component to them, producing information materials, television advertising and a range of other collateral to ensure that messaging and awareness of opportunities to be involved in, programs, potentially information

for schools and community groups, et cetera, is provided as part of what the board does. It is likely that the board is to cause that to happen rather than going around itself educating people individually. It would be for them to make a plan and to fund from the levy funds, activities that meet those requirements.

Dr Woodruff - So 'promote' is synonymous for education and other things?

Mr JAENSCH - No, it says, '... is to promote awareness of an education', so, promoting education of the community with regard to waste.

Dr Woodruff - Okay.

Mr JAENSCH - I agree with the other comments that you had regarding statewide education. That is going to be important, particularly as the strategy is being developed and included. We want to engage people in the consultation process on that.

You also raised the issue of aggregation of similar waste streams. I am not sure what to do with that in this clause. It is more of a matter that would be dealt with in the statewide strategy as a way of ensuring that there was an efficient way of dealing with certain types of waste that had economies of scale and that is the benefit of a statewide approach.

In relation to Don Thwaite's questions regarding illegal dumping, that has an education element to it. It was raised in the second reading speech itself and it is acknowledged as a 'thing', but it is happening now as well and it is illegal now. This Government has recently increased penalties for illegal dumping and introduced tools like the Report Rubbish app which is not quite an app but is designed to ensure that there is an easy way, a portal, for reporting on illegal dumping on public land and a way to ensure that the managing of that land can be engaged very quickly in remedying that where it occurs.

Certainly, the board has many roles. Education is one of them. It has applications to things including people knowing how to use the strategy and apply to the levy, but also to support several people knowing about what they can do about illegal dumping which is happening now and is illegal now.

I hope that answers your question.

Dr Woodruff - Yes, that is good, thanks.

Clause 12 agreed to.

Clause 13 to 17 agreed to.

Clause 18 -
Waste strategy

Dr WOODRUFF - Clause 18(2), the waste strategy, is to do a number of things in respect of the period of at least three years specified in the waste strategy. There were a number of submissions made that said the period of three years was too short and five years would be more appropriate. LGAT in their submission made that point and also the Waste Management and Resource Recovery Association of Australia with the Tasmanian branch president, Justin

Jones, and the CEO Gayle Sloan felt that a waste strategy should be developed once every five years. They thought that it was too short to appropriately analyse gains, shortcomings and gaps based on the time taken to develop and roll out for initiatives, actions and infrastructure as well as the typical timelines allocated to develop, consult and finalise on the plans.

They propose annual reports of actual expenditure of levy monies against a five-year plan to develop that reinvestment meets the objects of the plan. I know the board will be required to do annual reports. I hope it would have expenditure of levy monies against any strategy targets and plans.

Personally, I am not sure about the three year or five year - I would like to hear the minister's rational for why. I see it says 'at least three years'. It gives the opportunity to provide five years if the board decides that is appropriate. The other way of looking at it is it is a first strategy and it might be in the first period that it is more appropriate to have a shorter time frame and at a later time they settle down into five-year time frames. Could you please speak to the reasons behind the wording as it stands?

Mr JAENSCH - My understanding is that it is put there to be at least three years as you mention, noting that the strategy is to identify long-term and short-term objectives. Getting the balance right is important. It is important that we do not have strategies that are so long-term that they are necessarily very generic, not very specific and hard to hold to account. You need to be able to have the short-term as well but you have to be able to take a long-term outlook.

My view is that it is written as 'at least three years' to ensure that there is at least some good strategic view, it can be longer and it is not just a short-term list of jobs. It is able to engage with issues that might be required to be dealt with over several years including succession of board members, governments potentially, local councils and other bodies. It is a strategy which can hold them to a longer-term vision for what they are trying to do.

I will double check with my department if there is anything else there. We note that the first strategy needs to be created within six months of the creation of the board as well, which might mean it will need to come together very quickly. It may not be possible to get a five-year type strategy fully resolved within that period. We also note that under the same clause 19, subclauses (4), (8), (9), et cetera, there is the ability for the board to amend and update the scheme during that time as well so that when we are talking about the time frame of the scheme, it is not locked for that period. The scheme can be added to and updated, and there is a requirement for it to go through the consultative process for amendments as if for a new strategy.

The other matter that you raised was reporting. The bill provides for there to be annual reporting on the use of levy funds, and for the levy funds to be used in accordance with the strategy. So that we are not reliant on the three-year reporting or review of the strategy to have accountability for the use of funds.

Clause 18 agreed to.

Clause 19 -

Preparation, approval and amendment to waste strategy

Dr WOODRUFF - This is an important clause that provides for the consultation processes around a draft waste strategy. It is important that we have as wide engagement as

possible with the draft waste strategy in Tasmania. It is something which has been called for and waited for by people in the conservation and recycling industry, as well as their conservation and local government community, for a very long time.

As has been discussed, the waste strategy seeks to encourage or require big changes of behaviour, so there needs to be opportunity for wide public involvement, and it must be more than with individual stakeholder members. It is not enough to say that because there is somebody on the board who is from the north-west or the south, that is all that region done. We need to have a good process, which is why we have prepared an amendment, because there is nothing in here about the time frame for public comment. At a minimum it would be one month; preferably, for a draft waste strategy, it really should be three months.

I will move the following amendment -

Page 25, clause 19, subsection (2), paragraph (b), after "public comment".

Insert ", for a period not less than one month,".

We expect for the draft waste strategy there would be three months, but not less than a month brings it in line with LUPA and other public comment processes. It is very important to signal the commitment and the spirit of this bill, that there is a mandated minimum public consultation period.

Mr JAENSCH - I have taken advice on this as well. It is important to note that the clauses in the bill that relate to the minimum consultation requirements - and who with, et cetera, and for there to be public consultation - refer to the development of the strategy itself, every three years or five, whatever cycle that ends up working on - but it also applies to amendments to the strategy. Those amendments can be substantial policy matters, or significant additions or changes to the purpose and intent of the strategy, but they can also be minor administrative matters.

Our advice is that we should retain the ability to consult in accordance with the nature of the change being made. While that does not give you a minimum, it does let us consult broadly with the full suite of players for an appropriate period, as per other similar things that government does, as per convention where needed - but also to do targeted consultation or notification of maybe minor technical corrections or clarifications in a strategy, if needed, without being committed to a full consultation period each time.

For avoidance of doubt, or for your comfort, what I will refer to now is a standing arrangement that exists between the Government and the Local Government Association of Tasmania on policy matters of interest to local government, that to accommodate the meeting cycles of Local Government Association members, their recommendation is to us - and we have agreed to - a minimum of five weeks consultation on things that local government really needs to have a say on.

My expectation would be that on waste strategy matters in which local government does have a critical interest, we would be guided by that, and this would also benefit a range of other parties who would have an interest - and it is a week longer than what you have proposed in the amendment.

With that intent, and the ability to consult in accordance with the matter, but to ensure there is reasonable opportunity for meaningful engagement of stakeholders and the public, we want to keep that flexibility, rather than specifying a minimum period for all consultation cycles. On that basis I think the amendment is not needed, and our intention is clear and on the record.

Dr WOODRUFF - It is good to hear those words. I am sure people who are listening or who read the *Hansard* at a later date will pay attention to them. You also are the Minister for Planning, and the issue of public consultation on planning matters is not one that, with respect, you have covered yourself in glory.

I hear what you are saying about an amendment, and the distinction between the draft waste strategy and an amendment to the draft waste strategy. It would have been possible for this bill to have been drafted to make a distinction between the draft of the first draft waste strategy. The initial draft waste strategy will be a really important foundational document. I do not agree that five weeks is long enough for something so foundational, because there is so much that we could garner in terms of the innovation and expertise from people in Tasmania who can contribute to making that document as good as it can be.

People who work outside of government bureaucracies and who working every day in other jobs with families and careers do not have time, even in five weeks, to have a meaningful contribution. Five weeks is not long enough. It might suit local government and their time frames - accepted - but I am speaking for people who actually work in other sectors. For the first time, five weeks is not long enough. I hear what you are saying. We do not know what amendments, big or small, will be.

The fact there is no time frame guiding how long public consultation will have to be - that amendments can be made without any commitment to having a consultation, other than a very targeted consultation, is concerning. It could be that what looks small to one stakeholder is very substantial for another. We have business interests at play here, we have local government, we have levies, we have a whole lot of things at play, so I do not accept that there should not be a minimum standard of time for public consultations.

Mr DEPUTY CHAIR - The question is that the amendment as read be agreed to.

The Committee divided -

AYES 3

Ms Johnston
Ms O'Connor
Dr Woodruff (Teller)

NOES 21

Ms Archer
Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Ms Finlay
Mr Gutwein
Ms Haddad
Mr Jaensch

Mr O'Byrne
Ms O'Byrne
Ms Ogilvie (Teller)
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Ms White
Mr Winter

Amendment negatived.

Clause 19 agreed to.

Clauses 20 to 23 agreed to.

Clause 24 -

Waste and Resource Recovery Account

Dr WOODRUFF - In contrast to what Ms White, the Leader of the Opposition, tried to pretend, the Local Government Association (LGAT) makes it clear in their submission that they are strongly in favour of a statewide waste levy which is fully hypothecated to fund a range of waste management and resource recovery services and projects, with administration costs limited or capped.

They have commented about the 'waste fund,' which is their words for what this clause describes as an account. They said initial advice is that the Government will provide the regional waste groups with funds from the levy revenue equivalent to what they were previously recovering or, in the case of the southern region, which is currently not applying a levy, equivalent to what they are expending on their southern regional waste programs.

They say it is essential that councils be reimbursed for their investment in regional waste initiatives. However, the proposed model for disbursement of funds will disadvantage two out of the three regions in Tasmania and, as such, they are strongly of the view that there should be equitable regional distribution of the statewide waste levy and it should be on either a population or waste tonnage basis and not simply on the historical regional levy rates.

Can you respond to that concern and talk about the regional disbursement of the funds, please?

Mr JAENSCH - This is something we have had a long engagement with LGAT on and they have raised it in their submission. We have agreed with them on a form of words for the purposes of the second reading speech in this debate. This is a matter that will be dealt with outside of the legislation itself, because it relates to the disbursement of the levy, guided by regulations and the board's operations but we have adopted a set of principles that I understand that the Local Government Association is comfortable with, addressing the issue that they raised in their submission. I included those in the second reading speech and I will put them again to the record:

The Government also recognises the good work that Tasmania's regional waste bodies do, using funds collected from their existing regional waste levies for direction council contributions.

In that case they are referring to the south, where there is not a voluntary regional waste levy but the participating councils contribute directly to the cost of initiatives done at regional scale which will be replaced by the statewide levy. We want this work to continue which is why we have set the following important principles. First, that no regional waste management body will be worse off with the transition to a statewide levy. That all regional waste management bodies will be treated consistently and all regional bodies receiving funds from the statewide levy will be accountable for use of those funds in accordance with the waste strategy.

On that basis, I propose to issue a direction to the Waste and Resource Recovery Board requiring it to incorporate a role for regional-based management groups into its initial waste strategy and to establish a process whereby all the regional groups may apply for a disbursement to fund that role. The regional waste management groups would report to and be accountable to the board for the use of those funds. This supports continuation of existing arrangements where council has already worked together on waste and resource recovery projects, but prevents there from being a duplication of levies for the users of their landfills.

Dr Woodruff - Minister, was that agreed to by LGAT?

Mr JAENSCH - Yes. We have agreement with LGAT on those principles. Noting that, the detail of those arrangements, the direction to the board is something which we will need to develop the detail of subsequently.

Dr Woodruff - Okay. Thank you.

Clause 24 agreed to.

Clauses 25 to 28 agreed to.

Clause 29 -

Prescribed levy

Dr WOODRUFF - Chair, when the waste levy was first considered for Tasmania and proposed to minister Groom who speedily did nothing about it for his whole period as minister for the Environment, it was set at \$10 a tonne. There was a lot of discussion at that point about concerns about illegal dumping and the motivation was far less strong as it is now. No doubt things have changed dramatically just in seven years. Where this Government has landed is starting off at \$20 a tonne for the prescribed levy, going to \$40 and then \$60 a tonne. That seems like a fairly decent amount. I note a number of submissions from resource recovery bodies or industry business have said that nothing is going to change at under \$60 a tonne: \$20 a tonne, \$40 a tonne is not going to drive businesses. It is not going to provide the margins that are needed to create new businesses and to do the hard work of recovering resources and repurposing them for other uses.

We need to have \$60 at a minimum. In the modelling by Urban EP, the data that they have developed of \$60 was queried by the Waste Management Resource Recovery and they felt the data it was based on was not robust enough and their cost-benefit analysis was not

robust enough. Even using those findings make the point that \$60 a tonne - which will only come into play in 2025 - is only going to be comparable to what today's average regional waste levy rate is across mainland Australia.

It was said that Tasmania was going to be at the higher end but actually it sits squarely, according to this body, below the average rate which, at the moment, across mainland Australia is \$73 or it will be \$76, they said, from July this year. Queensland, when it started its levy rate, it had a levy rate of \$70 so Tasmania is starting in four years' time, well below the average levy rate of across mainland Australian states today. That is a problem because, as the Waste Management Resource Recovery say, if we are serious about making genuine gains and given the cost to invest in the infrastructure that is needed to enable resource recovery infrastructure, then we have to have appropriate competitive gate fees to support the costs of operating the infrastructure, particularly for businesses which are operating across a variety of jurisdictions. It is all right if we are just talking about Tasmanian businesses perhaps. It is probably harder for a business to establish as a standalone only Tasmanian business at a rate like \$60 a tonne but for mainland companies who might want to extend their operations into Tasmania, they are getting a less and competitive return relative to what they are getting in mainland states. This is their argument.

It is not as great an incentive as we might think it is. We are coming from nothing but what we are talking about is asking businesses who are working at that higher average rate in Australia to set up business in Tasmania and to help employ Tasmanians, help remove some resources from the landfill stream so why did we settle for \$60? We had a discussion about this.

I thank the people who gave me the briefing. It was a very comprehensive briefing, with lots of different agencies, so that was very useful. We had a conversation about starting at \$20 being important so that we do not have a peak of illegal dumping straight away. That certainly makes sense. We are starting from nothing so there has to be a glide-in but ending at \$60 a tonne is a disappointingly insignificant amount relative to what will be required in 2025 to really drive investment in Tasmania.

Mr JAENSCH - The study conducted in 2020, the Tasmanian Waste Levy Impact Study, proposed the rate in such a way that it would have the best mix of a significant impact on reducing waste to landfill and increasing resource recovery while minimising the impact on households and businesses. That had to do with the rate but also the way it was stepped into over three stages to reduce shocks. The \$60 is also modelled on the average rate of levies applying in regional areas on mainland Australia. In terms of the range of statewide levies, there is an examination here of levies in regional areas around mainland Australia so we are making the comparison with similar economies and similar cost structures. I think you did -

Dr Woodruff - Through you, Mr Deputy Chair, their figures were about regional waste levies. If I did not make that clear, their figure is -

Mr JAENSCH - I am making it clear as well. We are talking about apples and apples, not major urban areas as well.

Dr Woodruff - Yes, we are. We are still below the apples in the other states.

Mr JAENSCH - We are starting off from a point where for the user of landfill services and the people who are paying per tonne now, where there is a gate fee that includes a voluntary levy in the north and the north west, not in the south, we are looking at an increase in their costs. We need to make sure that we are replacing existing levies and we are conscious of how this affects people's budgeting and the cost of their use of landfill, as they reduce the amount of material that they bring to landfill.

The modelling that has been done tells us that the levy at the rate proposed is expected to deliver a decline in landfill disposal of around 210 000 tonnes per annum by 2030-31 and, by 2028, up to an additional 120 000 tonnes of recyclables diverted from landfill.

We have come in low, particularly with the staged introduction, to ensure that there are no shocks but we believe that the modelled impacts of the levy and what it can resource at those levels is substantial as well. It is that balance and we believe we have that right. The matter of the levy needs to be continually reviewed, as does what communities' expectations are and what technologies are available.

In relation to your argument about businesses relocating here from other parts, probably our intention would be to grow businesses that are here or that staff here in our circular economy being part of this.

Dr Woodruff - That is obviously desirable.

Mr JAENSCH - That would be where our interests would be most, in getting home-grown economic activity here, growing up around what used to be waste management and can now be more resource recovery.

Clause 29 agreed to.

Clauses 30 to 59 agreed to.

Schedule 1 agreed to.

Schedule 2 -

Meeting of Tasmanian Waste and Resource Recovery Board.

Dr WOODRUFF - Page 72, section 3, on the quorum and voting at meetings, I raise a point that is an unlikely occurrence but a possible occurrence. The board has this quorum and voting at meetings. The board has a minimum of five and a maximum of seven members. The quorum is constituted by the majority of the total number of members appointed, so if there were five members, the majority would have to be three or more; if there were six members it would be four or more; if it was seven members it would be four or more.

Part 4(4) says:

At a meeting of the Board where a member is excluded from being present and taking part in the consideration and decision of the Board in respect of a matter, a quorum for the purposes of considering and making a decision in respect of that matter is constituted by the number

of members specified as constituting a quorum in subclause (1) less the number of members so excluded.

In the situation where there were three members, because people were absent from the meeting, there would be a quorum. However, if one of them needed to step out in respect of the matter, there would only be two people making a decision. That seems to be problematic from a representational and oversight point of view. Ideally it would need to be fixed by an amendment that would allow for a decision that was made in that circumstance to only be a temporary decision until it can be examined and voted on by a properly quorate board. I do not think two is quorate. I accept that this is exceptional but we have to prepare for those exceptional circumstances.

Mr JAENSCH - I am advised that the wording, and these quorums and voting provisions are drawn directly from and identical to those used in legislation for the Brand Tasmania Board and the TMAG Board, and that we are not aware of any circumstances that have arisen where this has been a problem for them; the situation you are referring to. However, on page 75, schedule 2, part 8, there is a part there called General procedure:

Except as provided by this Act, the Board may regulate its own proceedings.

Which is, I am advised, a provision by which the board may come up with -

Dr Woodruff - A situation to respond to an exceptional circumstance like this and require that a decision would be made, carried over, it would be preliminary until the next board meeting, when it could be voted on by the full board.

Mr JAENSCH - It could make a suitable provision for that rare circumstance.

Dr WOODRUFF - It is something the TMAG and Brand Tasmania boards should, I suggest, pay attention to, if they have not done that already. It sounds like a very good idea because boards should prepare themselves for exceptional circumstances. In my experience of being on quite a lot of boards over my life, exceptional circumstances always tend to coincide with the most controversial matters being discussed. It is inevitable when there is an enormous amount of heat over a decision that you end up needing to resort to the finer details of the constitution and the guidance for the board about how they will conduct themselves.

It certainly seems like Brand Tasmania and TMAG should go there as well and it is also possible that the OPC, because they have been the originators of drafting all these three pieces of legislation governing these boards, that this is something that OPC might take on board if they are drafting this in another instance for another board, because this is an unintended consequence of the way that have drafted it.

The next section of the bill I will speak about is part 7 which goes to 'Disclosure of interests'. I am particularly concerned about the disclosure of conflicts of interest and to talk about a matter which is in the public conversation and it was, in fact, in the *Mercury* newspaper today, and that is the Huon Valley Council. The Huon Valley Council has been publicly pilloried for the process that they took behind closed doors in the selection of a general manager. That process has been described as utterly conflicted. In fact, it was described as 'highly conflicted' by the Auditor-General. They were not the words of the Auditor-General - I do not have them in front of me so I am paraphrasing - but there was no doubt that the process

for selecting the general manager on the Huon Valley Council by a subset of councillors did not deal with a flagrant conflict of interest.

People who had the conflict of interest did not walk out of the room. They did not absent themselves, not only from the decision, but from the whole string of emails, the whole exchange that went on in between meetings that led to a very conflicted process, a very corrupted process that ended up with a person being selected for the role of general manager without the conflict of interest of the recruitment officer and recruitment agency who were employed to undertake the process for the engagement of the general manager. The person who was from the recruitment agency who is in a personal relationship with the now general manager, did not declare that at the start of the process.

Eighty-five people put in applications to the Huon Valley Council to be a general manager and there were 21 who were looked at in more detail. There was a large number of people who were cut off the list without even getting to the councillors to have a look at. That work was done by a person who had a conflict of interest by virtue of being in a relationship with one of the people who ended up on the list of people who got to have an interview. There is no doubt this is an outrageous abuse of process. That is why, minister, we have an amendment to this bill.

Mr Jaensch - Ah, it took a while getting to it.

Dr WOODRUFF - Well you got me started. The reason for this amendment is that the disclosure of interest here, subsection (2) says:

Unless the Board otherwise determines, a member who has made a disclosure under subclause (1) in respect of a matter must not -

which is whether a member has a direct or indirect pecuniary interest in a matter being considered:

- (a) be present during any deliberation of the Board in respect of the matter; or
- (b) take part in any decision of the Board in respect of the matter.

Not good enough, minister. From the experience of the Huon Valley Council, what can happen in situations is that whether you are present in the meeting is not enough because if you participate in the decision in other ways between meetings you are effectively engaging in developing a culture or a conversation, or approaching a decision, or putting your oar in, essentially, when you are not there.

Increasingly, it seems, because of the form of electronic communication that we have, because of its accessibility, availability, and ubiquity, a lot of decisions get pre-made before meetings. It could well be the case that something might happen where a person has an interest and they participate in conversations through emails or some other mechanism outside of a meeting. They are not technically present while that is happening - well, I do not know that an email communication is considered as being present - and they do not actually take part in the decision but they have participated in the deliberations around that decision.

I move the following amendment -

Page 74, schedule 2, clause 7, subclause (2), paragraph (a), after "present during".

Insert ", or participate in,".

This would read that in respect of a matter a member must not be -

- (a) present during or participate in any deliberation of the Board in respect of the matter.

Mr JAENSCH - We have taken some advice on this and agree with your sentiment. What we do note is that under 2(a) 'being present' in a discussion with the board includes - if you go back to page 73 part 4(2):

The Board may permit members to participate in a particular meeting or all meetings by -

- (a) telephone; or
- (b) video conference; or
- (c) any other means of communication approved by the Board.

Therefore the 'present' can include present by way of telephone, video conference, et cetera. So that if (2)(a) provides for someone not to be present during any deliberation, it is not just their physical presence but it is their participation by those other media. I think it captures your concern and I note that under (2)(b), whilst it relates to decisions only rather than deliberations, it says that:

... a member who has made a disclosure under subclause (1) in respect of a matter must not -

...

- (b) take part in any decision of the Board in respect of the matter.

The *Oxford Dictionary* defines 'participate' as 'take part'. I understand what you are going to do because it is not just about the final decision and who was in the room but (2)(a) goes to deliberations and under (2)(a) there is reference to (4)(2) on the previous page that 'presence' can be via any of those other means in that deliberation. On my reading, your concern is covered.

Dr Woodruff - 'Any other means of communication.'

Mr JAENSCH - If they are having meetings and deliberating, (4)(2) defines the ways by which people can participate in meetings - telephone, video conference, any other means of communication approved by the board.

Dr WOODRUFF - Chair, I appreciate the minister for walking through that, and it is important to have on the record. For the avoidance of doubt, we still support our amendment because it would cover most situations, except as I read (4)(2), it is about an actual meeting,

and it does have them being present, and is only covering it in different ways other than being there in person. It has telephone or video conference and taking part in any decision of the board.

It is the preparatory process and the preparatory conversations that happen. They may not happen in this board, but different boards have different practices, depending on the chair and the secretary, about how much of this work gets done in between meetings by conversation through email or other communication media. We do not think there is a problem with having the amendment provide the extra clarification.

Amendment negatived.

Schedule 2 agreed to.

Schedule 3 agreed to.

Title agreed to.

Bill reported without amendment.

WASTE AND RESOURCE RECOVERY BILL 2021 (No. 55)

Third Reading

[6.13 p.m.]

Mr JAENSCH (Braddon - Minister for Environment) - Mr Speaker, I take the opportunity to put on record my appreciation for the hard work, over a very long time, of a group of people from my department and my office.

I thank Wes Ford, Daryl Cook, Kerryn Barwick, Alistair Wells, Isobel Goodfellow, Jack Saywood, Brad Arkle, Robyn Shaw, Maree Backer, Ray Murphy, and to also thank Alice Clayton, Lauren Smith and Anthony Reid from my office for all their work, in our department, across government and with industry and other stakeholders to deliver us this bill today. Thank you.

[6.13 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, I thank the minister for such a constructive debate, and also note that despite the Leader of the Opposition saying they had a number of concerns about this legislation, that after the second reading there was no contribution from any Labor member to flesh out any of those concerns and scrutinise this bill. Yet again, all of the hard work, going through the clauses of this bill, was undertaken by the Greens.

Yet again, we have Labor not doing their job in here, cynically posturing on legislation, letting down the people who put them in here and then sitting back and not doing the work.

Bill read the third time.

**EDUCATION LEGISLATION AMENDMENTS
(EDUCATION REGULATION) BILL 2021 (No. 53)**

Second Reading

[6.15 p.m.]

Ms COURTNEY (Bass - Minister for Education) - Mr Speaker, I move -

That the bill be now read the second time.

Mr Speaker, the purpose of this bill is to improve learned outcomes by modernising the governance arrangements for four education regulators within Tasmania. The bill has three principle elements.

First, it provides a contemporary governance framework for regulators to support the delivery of outcomes while expanding the opportunity for stakeholder voice to be heard.

Second, it establishes a performance framework for regulators that requires them to report against outcomes achieved.

Third, it enhances the provision of independent regulatory decisions by the appointment of skills-based boards. It also does this by clarifying the respective roles and responsibilities of the regulators and the Department of Education in education regulation. The four regulators are the Teachers Registration Board of Tasmania, the Office of Tasmania Assessment Standards and Certification, the Registrar, Education, and the Non-Government Schools Registration Board. The bill does not change the regulator's function.

Why do we regulate education? Learners should be at the centre of regulation. Education regulators play an important role in driving quality in our education system for all Tasmanian learners across all education sectors. They contribute to the quality of teaching, the learner's experience, how student's learning is assessed and recognised, the quality and safety of learning environments, and the extent to which students are participating and engaged in learning pathways.

The modernisation of a governance arrangement for education regulation will deliver value to the community through the benefits of improved learner outcomes such as a skilled workforce, increased employment, economic growth and community wellbeing. Compliance with regulatory arrangements and improvements in the quality of education outcomes for students are a key means to that end.

Why have we undertaken a review? In the last 20 years there have been changes to the governance of education regulators interstate as well as governance reforms of regulators outside the education sector. There have also been significant changes to the education environment both locally and at the Australian government level, including:

- the Education Act 2016 which lays the foundation for improving the educational outcomes of Tasmanians;
- the extension of the requirement under the Education Act 2016 to remain in education or training until the completion of year 12, a Certificate III or attaining the age of 18;

- the National School Reform Agreement and accompanying bilateral agreement which have changed the funding arrangements for schooling in Australia and introduced National Policy Initiatives to drive national reforms and improve student outcomes; and
- the Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is the right time to consider whether, collectively, the existing regulatory arrangements best support learners within the current education environment. We also need to consider whether the purpose of regulation is now out of date or missing the mark for some of our regulators. In this context, the Government established a steering committee to review education regulation within Tasmania. The committee's report was released in January this year and included 24 recommendations which were adopted by the Government.

The majority of these require legislative change and are reflected in the bill. The steering committee had an independent chair and comprised the heads of the three school sectors: Independent Schools Tasmania, Catholic Education Tasmania and the Department of Education as well as senior representatives of the Department of Premier and Cabinet and the Department of Treasury and Finance. The committee considered the objectives of the review, best practice approaches to regulation, what happens in other jurisdictions and the current state in Tasmania. It directly engaged with the regulators and released a discussion paper and a report.

It understood extensive public consultation in framing its recommendations. These recommendations have unanimous support across the heads of the three school sectors.

Mr Speaker, I will now provide more detail about the three elements of the bill I referred to earlier.

Better practice regulation with a focus on learner outcomes

We need to be explicit in what we expect from our regulators. A contemporary approach based on evidence requires better practice regulation with a focus on outcomes. In order to give effect to this, the bill provides a performance framework for the regulators that has four elements, the first of which is setting of relevant principles.

Currently, the education registrar and the Non-Government Schools Registration Board are to observe the principles in the Education Act. These principles underpin all education in Tasmania. They were developed following two years of extensive consultation on the education bill, including more than 1000 responses over three consultation rounds, from submissions to participation in workshops and information sessions.

The principles were debated and agreed by this parliament in 2016, when the Education Act was passed. They include the right of every child to receive an education until the child completes year 12, a year of home education equivalent to year 12 or an approved learning program; that the state recognises the role and importance of a child's parents in the education of their child; and the importance of a collaborative approach to achieving the best educational outcomes for children.

It is appropriate this bill provide all four regulators to have regard to these principles in performing their functions and exercising their powers.

The steering committee also recommended that each regulator be subject to regulator-specific principles largely related to the quality with which they undertake regulation. These include requirements that regulators are to ensure that the wellbeing and best interests of students is foremost when they design and administer regulatory approaches, and that they undertake clear, targeted and effective communication with regulated entities such as teachers, students and schools.

After extensive consultation with regulators about the application of these principles, it was decided they would be better tailored for each regulator by their inclusion in ministerial instruction, rather than in this bill.

The second component of the performance framework relates to the minister setting annual policy expectations for each regulator. The bill provides for a ministerial statement of expectations to be provided to each regulator. It will include expectations in relation to organisational values and culture, having regard to government education policies, and the implementation of the funding recommendations in the steering committee report.

The Education Regulation Advisory Council will be established under the existing Education Act. It comprises the heads of the three school sectors. It will have an advisory role to the minister in relation to the statement of expectations, the corporate planning process and board appointments.

The Tasmanian Home Education Advisory Council will continue, as established in the existing Education Act, in its advisory role to the minister on matters relating to home education.

The third component requires each regulator to prepare a corporate plan, including details of the strategic direction of the regulator, risk identification and management, as well as outcome-based performance targets for annual approval by the minister.

The final component of the performance framework in the bill is a requirement for each regulator to report against these performance targets in its annual report.

A contemporary governance framework for regulators

The second element of the bill is to provide a contemporary governance framework for regulators to support the delivery of outcomes as well as enabling the provision of stakeholder voice in regulation. A fundamental question examined by the steering committee was whether there should be one or four regulators. There is considerable commonality of functions across Tasmanian education regulators.

New South Wales has amalgamated its regulators under the New South Wales Education Standards Authority, although other states have maintained separate regulators. The committee concluded that amalgamation would be a very significant undertaking at this stage, with more certain benefits and impact able to be delivered earlier through the other reforms it proposed through its integrated set of 24 recommendations. The Government endorses this view.

The bill provides for the continuation of the existing governance model of a board supported by a registrar for the Teacher Registration Board, the Non-Government Schools Registration Board, and a single regulator for the Registrar Education. It establishes a skills-based board for the Office of Tasmanian Assessment, Standards and Certification, or TASC. It removes the Framework Advisory Council and creates a registrar function to support the board. This change, from a single regulator to a board, is proposed because in the last five years the education training environment has continued to evolve. The specific context in which TASC operates has become more complex and dynamic. For example:

- there is increased demand for TASC services as a result of the extension of the requirement under the *Education Act 2016* to remain in education or training until the completion of Year 12, a Certificate III or attaining the age of 18;
- the Years 9-12 Project and associated senior secondary curriculum reforms intersect substantially with TASC's function; and
- National Cabinet's focus on managing the pandemic and on the economy and jobs. The Premier's Economic and Social Recovery Advisory Council has recommended improving pathways from education to jobs. TASC has a critical role in this process.

Best-practice principles for the governance of regulators include the adoption of a board where subject matter is complex, significant risk is present, and the environment in which it operates is dynamic. All of these factors exist for TASC.

The consequences of regulatory decisions by TASC are great. Failure to deliver on its core functions could have a significant and adverse impact on both learners and teachers, and reduce community confidence in regulatory decisions. The government firmly believes there is a need for diversity of wisdom and experience required for informed decision-making because of the level of judgment required and it is not feasible to continue to ask a single person to assume such responsibility, even supported by an advisory council. The bill therefore provides for TASC to be established as a skills-based board supported by a registrar.

The Non-Government Schools Registration and the Teachers Registration boards can be classed as representative. That is, they include members from organisations that they regulate, which creates a potential conflict of interest for board members. The bill establishes all three boards as skills based, and is more likely to avoid potential conflicts of interest, and will provide more independent regulatory advice.

Board members are required to have general board governance skills, as well as skills relevant to the board's function. Each board will be expected to identify the skills, knowledge, experience and capabilities it requires of members in aggregate. This will be used in the board selection process. The bill also provides the boards be made up of five to seven members appointed by the minister for three-year terms. The minister can decide on reappointments of existing board members for an additional term.

Director - Education Regulation

Mr Speaker, under the proposed regulatory model, each regulator would continue as a separate entity responsible for regulatory decision-making. Responsibility for administrative outcomes and the delivery of functions will be combined under a single director of education

regulation, which would take on the functions and powers of the Registrar Education; Teachers Registration Board Registrar; and the Tasmanian Assessment, Standards and Certification Registrar.

The bill provides that the registrars, and therefore the director, can delegate their functions and powers to the deputy director in each of these regulators. The role of a Director, Education Regulation, is established, given:

- the desirability of more collaboration and coordination across each of the regulators, and the commonality of legislated functions across the regulators;
- the delivery of which may be improved by shared processes supporting registration and the management of internal processes;
- the outputs of some regulators are inputs into the decision-making of another regulator;
- for example, decisions in relation to the registration of non-government schools need information as to whether their teachers are registered and their courses are accredited; and
- to provide more internal support for each deputy director and their performance management under the State Service Act.

What will the Director do?

The responsibilities of the Director, Education Regulation, will include:

- facilitating the adoption of modern regulatory practices across the regulators;
- strategic leadership; promote collaboration and coordination across the regulators; and
- development across the four regulators of a framework for managing risks, delegations and performance.

Delegation

How will the delegation of functions and powers work? Contemporary boards need to delegate their functions in order to effectively undertake their role in oversight of the performance and governance of the organisation. Board selection processes and the ministerial statement of expectations will support this. Boards can continue to delegate to the director and deputy directors.

Delegation frameworks already operate effectively in more complex environments than education regulation. For example, the Tasmania State Service Act provides for the Premier to delegate functions and powers to the head of the State Service and/or heads of State Service agencies. These delegations are then allocated within agencies. The Government intends that the new structure should be reviewed in three to five years' time to ensure its effectiveness.

Stakeholder Voice

The regulation of education impacts learners, parents, families, teachers, school's education systems and other education providers. Acknowledging the need for stakeholder voice to be represented in the model of regulation, the bill provides mechanisms for the creation of committees to provide policy and operational advice. This is especially important in the design of processes to support the discharge of regulatory functions in a contemporary way. One of the principles of the Education Act relates to the importance of students being actively involved in decisions affecting their participation in education or having regard to their age and understanding.

I expect regulators to establish mechanisms such as committees or student advisory groups to ascertain student voice. Likewise, I consider it essential that the voice of practicing and experienced teachers be a feature of a fit-for-purpose governance and committee structure established by the Teachers Registration Board. The Tasmanian Home Education Advisory Council has operated effectively as a stakeholder voice to the minister for home educators under the current Education Act. This will not change. The council will continue to have a role in relevant selection processes. The Education Act provides for the additional recognition of stakeholder voice in education regulation in relation to the three school sectors through the formation of the Education Regulation Advisory Council mentioned earlier.

Independent Advice

The third element of the bill enhances the provision of independent regulatory decisions. It does this for regulators by the appointment of skills-based boards. As noted earlier this reduces the potential of conflicts of interest with representative boards. It does this by clarifying the respective roles and responsibilities of regulators and the Department of Education in education regulation.

Independent regulatory advice is promoted by the clear separation and clarification of the role of the regulator, the minister and the Department of Education. The bill provides that regulators are not subject to the direction of the minister or secretary in respect of individual regulatory decisions. The framework agreement clarifies the application of Government policies to the regulator through the statement of ministerial expectations and through clarification in the bill that the Treasurer's instructions apply to the regulators.

All Tasmanian students are entitled to an education of a quality that is capable of enabling them to reach their full potential and so maximise their achievements and contributions to the community. The Government has observed significant change in the education environment both within Tasmania and the Commonwealth. There is need to ensure that Tasmania's regulatory framework is contemporary and supportive of our learners for our state to continue to prosper.

I commend the bill to the House.

[6.33 p.m.]

Ms O'BYRNE (Bass) - Mr Speaker, I thank the minister for her second reading speech which I read as she went along just make sure it had not changed. I am often critical of second reading speeches for being very political but I commend you on this one. It was a very good

explanation of the intent of the bill, so I commend you for that. If am going to criticise you, I should also take the other opportunity when possible.

While we are debating this bill, which does have relationship to teacher's registration, it does go to the issue of confidence in the processes. I wonder if I can draw your attention to some of the questions you took on notice that you said that you would seek answers for from Question Time today and that was about the number of teachers who may have had their registration suspended - possibly have access to that information - or revoked the working with children's check or were referred to police. I will flag that with you when you respond.

I flagged with the minister just one small amendment which we do not think fundamentally changes anything. It possibly gives a little clarity to some of the effect of the bill and intent of the bill. I am not sure if Ms O'Connor will go there as well because the former Leader of the Greens and I, in the early days of this Government's reign had a lot of concern about the rushing of the previous minister to abolish boards and change structures -

Ms O'Connor - To abolish?

Ms O'BYRNE - boards and committees. It was a very big election commitment to get rid of boards and committees. One of the first challenges we had was legislation around the TRB which did not clear the upper House. We had the abolition for TQA: it is not to say that there were not challenges for TQA at the time. I looked at all of the debate today. There were significant issues with TQA but in the absolute rush to meet an arbitrary deadline of abolishing boards, the work around TASC was not done. The consultation process around TASC was not done. Many of the concerns that were raised about the operation of TASC were found to be true, which is one of the reasons we are here today.

We spent, other than last year, almost every year coming into this House with concerns and questions about the way TASC was implemented. The minister would know the department regularly had to send senior staff into TASC in order to get the place back on an even keel and a lot of that could have been avoided, had the consultative work been done at that time and we might have found ourselves then a little closer to this kind of model perhaps, because that and certain elements of the Education Act 2016 were also rushed.

It was an amazing opportunity to review the Education Act and the minister was right in saying that at this really important time, it is a great opportunity to review but what we had in the end was almost a list of everything that people were not happy about with the Education Act and a resolution piecemeal to all of that. The work we are seeing today is the sort of work that I would have liked to have seen before, which is a genuine engagement and consultation, not about how we only deal with things we are annoyed about, find frustrating or that we do not want to deal with industrially or politically or culturally, but a conversation that if you are going to do this well, how would you do it?

I commend the consultation process and note how different consultation processes can be when things are actually about delivering the outcome rather than delivering the politics. I stood here at the beginning of the week really angry about the poorly-consulted and horrendous approach that was taken and the failure to listen to the voices of so many in the TAFE bill, yet the Steering Committee work that has been done here has actually been done really well and the consultation report that came out of it showed a genuine desire to get a resolution.

I want to draw that contrast because this is a better way to do things. Whilst I have a number of questions I will put on the record that are about clarification, and I am sure the minister will be able to answer quite easily, it is the purpose of government to create good working systems. What we are doing now is fixing up some hodgepodes of work that were done before that were rushed, that were about arbitrary timeframes, were potentially more about politics than solving things that annoyed people, rather than saying 'if you are going to do the best thing, how might you do it'? I commend the work that has been done which is probably not something that the minister normally hears from me, but it is good.

I also commend and thank the staff for the briefing they gave me while I was at a conference in Western Australia. I do not know if I made much sense at 6am over there, but I thank you for answering the questions I had, and I am hoping that any of the questions that I have because I did not understand, I am going to blame the time difference and the early hour rather than the information that the staff gave. They were very good.

It is a little bit of almost groundhog day to be resolving things when you would hate to say 'I told you so', but 'I warned you so' might be the thing. Not you minister, but the previous minister, rushing into some of those TASC changes has caused significant concern with the staffing in the system, significant concern to the students at the time and it was not easy for the department having to work their way through all of that period.

Because of the time of the evening, I will not go through all of the things that the minister has said, but it is about creating a better governance model and something that people can have confidence in. I like the fact that it will be reviewed in three to five years because sometimes we do not know until application. We have a number of issues that were raised as questions. Some of them were dealt with in consultation but possibly the way the minister came to the decision around how to implement it would be useful for people to hear, on the record.

Some of the concerns have stemmed from potential conflict around maintaining the independence of each of those regulatory roles, whilst you have a director on top of that and how you would align the strategic direction of that role with the independence that is required as the regulators underneath. It would be good if the minister could put something on the record about that.

I was pleased to see that some other entities were looked at. New South Wales did merge all of its roles into one board. I reckon the jury is probably out on how effective that is, but they are also dealing with quite a different system and a different structure as well. I am not sure it is the sort of thing that necessarily reflects too much for us. It might be somewhere we end up in the long term but I think this is a measured approach. There is a concern that each of those small entities probably do not have the funding and the resources to do the work they need to do. I understand that there will be resource-sharing so that the busier times for different sections will allow some flexibility for staff but that does go to whether or not there will be the capacity for some additional funding.

This has already been raised by people in the debate and in the consultation around this. If we are seeing that year 9 to 12 project being rolled out and the work that is going to be required for that, the relationship that TASC is going to have to have with the broader range of organisations and also the time constraints that will still exist in terms of achieving your qualifications within the two years, there is going to be quite a bit of work in that: quite a lot of work for TASC that will not necessarily be resolved by bringing in the resources from other

parts of the agency on difficult weeks or parts of the month. I think it is a huge amount of work and they are already stretched. I am interested to know where the minister sees the additional funding for that coming from.

It is a big transition and if we do not get it right, we do not want to put students through - . Last year was actually the first year that I did not see lots of TASC problems. I did feel sorry for the minister one year: there were so many problems with TASC and my children were both doing year 11 and 12, and both of my kids' results got stuffed up, which was a really bad test as to how the rest of it was going. If 100 per cent of the children I lived with were impacted by it, it did not sound very good at the time. There were a lot of young people who were impacted by that.

When you are an adult and when you have more time, you can think, 'well, that is not really the end of the world, we got it sorted out in a few days'. For young people who are doing year 11 and 12, who are doing those subjects, who are waiting for their university offers, who are trying to get first-round offers, there are moments that are utterly crucial and it is really distressing. I had many parents in tears over those years when the results would not make sense or things were left off the report, or they were marked in a way that had to be redone, that was really distressing. I would like some commitments to additional resourcing to make sure that this is seamless because I think that is important.

Ms O'Connor - Do you think it was just about the resourcing, though?

Ms O'BYRNE - No. It was fundamentally not about the resourcing. As we transition to this, it could be about resourcing. I think they were stretched before but it very much was the case, as we identified at the time, and Mr McKim also identified at the time, that the model that was put in place for TASC to replace TQA was not going to work. It was never going to provide the kind of structure and support. It created real tension between schools and having one person in that role was challenging for a range of reasons, which is not necessarily the subject for this place. It was a very difficult model and I will leave it at that but I think the people who are aware of those times know where those concerns came from.

The change of language around the best interests of students and the wellbeing of students, and the move to the language around 'having regard to', that language change was raised a number of times through the consultation. It has been picked up in the consultation review. Could you outline whether you think you have addressed all of the concerns around that, and the scope around that? There were people who were concerned with the issues of 'best interest' versus 'wellbeing'. I appreciate that but, in the end, we come to that phrase of the board 'having regard to', and I am trying to get an understanding of what the weighting or the import of that might be. We did talk about it in the briefing and I think the intent is actually to land in a really good place. If that could be put on the record, that would be great.

I am not sure this one falls into this, necessarily, but it was raised as part of the process and consultation. It probably comes to light after some of the events we have seen in schools recently. I know anecdotally from the stories that I am hearing - I raised them with the previous minister and I am going to seek to come and speak to you about it again - that we are getting a rise in some pretty unpleasant behaviours in schools. There are those physical attacks that we have seen recently and I am getting a quite disturbing rise in racism allegations. That concerns me a lot. Different schools seems to be dealing with it differently. A particular parent who made contact was saying that if you wished to remove your child and bring them home to home

education - and that is a decision that some parents make - that you have to gain provisional approval from the Office of the Education Registrar before you can remove your child. If their child is in a state of some trauma, that is quite a distressing period.

There were some questions about whether or not there was a capacity to look at the way that other states have addressed that, in that they have a window where they can bring their child home and have that breathing time to see whether or not they have to make that application. Queensland, Western Australia and ACT all have legislation that gives effect to that. They have a bit of time to make sure that it is the right decision so that they are not forced into making the call early in order to take their child out, or that their child is not left in a situation of trauma and distress for an unreasonable period of time.

The Tasmanian Home Education Advisory Council (THEAC) raised a number of questions. You have probably dealt with them but I want to get on record that commitment around that the person who is appointed as Director, Education Regulation or equivalent, that role will have an understanding and knowledge of home education, and that there is an active and clear role for THEAC. I think you did address that in your second reading speech but talk to me a little bit about how you feel that might play out. They are probably the two that still stand. Some of them I am not going to address because I think, primarily, you have addressed them.

The Children's Commissioner raised issues around the children's voice and the right of children to be heard. That is one of the other things we have learnt so much more, particularly through COVID-19, is the right of children's voices to be heard in education. When things are changing a lot around you, we need to be as responsive as possible to make sure that we are meeting the needs of young people.

I understand that having a children's voice in that formal structure, where the decisions lie, is not necessarily the right place for that voice to be. In your second reading you said you are expecting some entities will be established. I want to understand how you think your expectation will be met. Is that going to be part of a ministerial statement of expectations? Is it going to be a directive to schools or groups of schools that they formally create that mechanism? It is one of those things that tends to fall off the list, despite the greatest of intentions.

One of the examples of that is the wellbeing program that we run in schools.

Ms Courtney - Which one? The Respectful Schools Program?

Ms O'BYRNE - Yes, the Respectful Schools Program. It is phenomenal. Technically, every school does it. Some schools do it brilliantly and some schools do it in a manner that allows them to tick a box. I want to get an understanding of how you would ensure that the student voice is going to be heard.

Some of the really good education models we are seeing nationally and internationally are promoting the voices of children. The Templestowe model, which has been rolled out in a number of schools around the country now, is very firmly a student voice model. Is there a way of doing that? I accept that the suggestion that it might be at this level, there is possibly a bridge that is not necessarily going to work at this point, maybe down the track, but not now. Just how do you think that child's voice might be able to be met?

A concern has been raised and will go to the amendment I will move very quickly in committee. I am not planning to spend a lot of time in committee today. I just have the one amendment to deal with. Teacher representation on the Teacher Registration Board - I cannot envisage that the intention of Government is not to have that kind of knowledge there. The AEU, and in conversation with other organisations - but not anything written from them - said that they were concerned. I quote:

The teaching environment is unique and complex. The associated knowledge and skills cannot be gained anywhere else other than being on the ground in schools.

You can have a teaching degree and if you have never actually worked in a school, it is a completely different environment.

It is unconscionable that such a key and powerful entity as TRB that regulates day-to-day activities of teachers would not consider it anything other than imperative to have skilled teaching practitioners serving on its board. There is a range of very practical reasons to ensure teacher representation. Workload stress is an increasing problem and it must be fully understood that formulating policies and processes to ensure that they are workable in their educational setting. Teachers can put this lens over the TRB procedures such as the pathway to full registration and HALT, which is the Highly Accomplished Lead Teachers process. Effective communication with teachers is a key requirement so the teacher can be given advice about the best timing in the form of all communications. Teachers have an understanding of what professional learning looks like in schools as opposed to what we believe it is, so more of a practical level and about how much time can be effectively devoted to it.

It is important knowledge that must be considered when creating registration policies and teachers understand the complexities of working with students, families in the community and are able to apply these perspectives when dealing with professional conduct issues.

It is also most important for confidence in the system that teachers who are being investigated see that their peers are involved in the process. Their request and suggestion is, given the narrow scope of the phase of the consultation - and I have said the consultation is comparatively great - there is a view that some groups wanted to have a bit more time, as a minimum that the following change be made to the legislation to safeguard representation. That is the amendment that I have already shared with the minister and the Leader of the Greens. I will head to that when we go into committee.

I want the minister to clarify how the independence of the separate registration will be maintained, if that is the intent, but I guess that is the practical application of that. The cost recovery of regulation was talked about and the question was asked during the briefing: it was suggested that there would not be significant cost recovery. It is not about creating barriers, but we know and particularly because there have been so many problems with TASC, there were so many young people who paid the fees to have a look at their exam papers. That does not sound like much when you are sitting in this room, but if you are a young person who does not have access to money and that mark means a lot to you, an increase in fees there would be

quite concerning. I would like some information about how you think the cost recovery program will work.

Then, on the record, that commitment that was given in the briefing around the existing staffing arrangements and the commitment to those staff: it may be that there are people who move and that is fine, but we are not going to see it diminishing in resources and staffing. That is pretty much all I want to put on the record. If I think of anything outrageous that I have forgotten to mention, I will deal with it in committee but I am hopeful I have covered most of the concerns I wanted to get something on the record about.

Confidence in the system is important. At the moment, as the minister knows, confidence is not great for a host of reasons. It is not great because of the TASC process and it is not great because of the things that have been taking place recently. The more transparent, open and honest we can be with all of these processes, the faster we will get back into a position where not only families and students, but those teachers who work in the system can have confidence that we are providing the best framework for them.

[6.52 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, the Greens are very comfortable supporting the Education Legislation Amendments (Education Regulations) Bill 2021. We recognise it is a strategic modernisation of the regulation of our education system here in Tasmania and I commend the minister for bringing this bill forward.

It is quite refreshing to have a conservative government so clearly understanding the importance of a quality education, but also prepared to strengthen regulation around our public education system. We often see conservative governments, particularly at the federal level, under-invest in public education and very clearly favour the private and independent education sector which we know is an important part of the broad educational mix.

Every Tasmanian parent and student wants to know that the best quality, most effectively regulated education system, is there for them and we need to make sure that we are recognising children are entitled to a high quality, richly diverse, educational learning experience where they are safe because they are the leaders and the problem solvers of the future and we need to make sure we are investing in our young people. In this climate constrained and difficult century, we need them to reach their full potential and to shine and to be the problem solvers of the future. It is good to see a particular provision in the amendment to the Education Act 2016 that inserts 4(K), that all students are entitled to education of a quality that is capable of enabling them to reach their potential and so maximise their achievements and contribution to the community. It is excellent to see that enshrined in legislation.

As a member of parliament I too have had engagement particularly with students but some parents too, who were absolutely burned and distraught because of some of the issues with TASC in the past. I do hope that creating from that office of TASC, a board that we are able to be confident that that board and the framework around it will mitigate or avoid completely some of those issues that we have had in the past, Mr Speaker, which so deleteriously affected the education of young people.

Ms O'Byrne - I forgot the scheduling issue when they scheduled physics and maths 4 on the same day. That was hideous.

Ms O'CONNOR - No doubt with the best of intention -

Ms O'Byrne - I'm sure.

Ms O'CONNOR - but utterly ham-fisted. The thing is, course, that when a mistake is made like some of the mistakes that have been made by a regulator like TASC, then the implications for a student's educational outcomes as well as their marks and capacity to go on to higher education can be life-altering and profound and so, it is really important that we have a strengthened and better-regulated Tasmanian Assessment Standards and Certification Board.

We have a number of questions that relate to some of the provisions in the bill. Is the minister able to provide some clarity to the House on what might be specified in the framework agreement to the Department of Education? In broad terms what the Second Reading speech says is that it will cover staffing budgets and the application of departmental policies. But, a framework agreement that is being overlaid the department as well as the four regulatory bodies that are part of it. I think we should have a little bit more detail on that.

Does the minister foresee that the statement of expectations will be public documents and is there any thought given to engaging with teachers, parents and students about what might be contained in those statements of expectations? The minister talked about the principles of the Education Act 2016 and I suggest there should be some consideration given to another principle that reflects the outcomes of the independent inquiry into sexual abuse in the Department of Education. As it is now, the principles include the right of every child to receive an education until the child completes year 12; the year of home education equivalent to year 12 or an approved learning program; that the state recognises the role and importance of a child's parents in the education of their child; and the importance of a collaborative approach to achieving the best educational outcomes for children.

Is the minister prepared to consider whether there needs to be specific provision in the Education Act 2016 that is very clear about the requirement of the Department of Education and every public school and every school that comes under the department's administration to keep children safe? I appreciate that we have now got the Office of Safeguarding Students being established, but we think it is timely that the safeguarding frameworks and provisions be put into an amended Education Act just so we can be absolutely sure. I am certain, given what we have learned from the inquiry, that within the minister's Statements of Expectations there will be an expectation that is made very clear that children are to be safe when they are in a learning environment because that is what they deserve and that is what parents particularly expect.

I was quite taken aback to read today that the number of complaints and allegations of potential abuse and improper conduct towards students that have come out as a result of this inquiry really reaches across very many schools on this island. For example, the school that had the highest number of complaints, allegations of potential abuse or improper behaviour towards students was Tarooma High School. Tarooma High School is such a fantastic high school. It is where three of my four children got their higher education and went on to Hobart College. I have always been very impressed and proud of how inclusive and caring Tarooma High School is as an educational institution. I was very sad to see such a high number of alleged allegations or complaints involving Tarooma High School.

I urge the minister to consider how the act itself might be improved to make sure that we are keeping children much safer.

There are a few questions there: the framework agreement; what might be in the statement of expectations; how you would engage teachers, parents and students in that; and whether any consideration will be given to amending the Education Act 2016 to be clearer about the importance of safeguarding students.

I was a bit confused about clause 181. In fact, clause 180, in part 13 of the bill, the Training and Workforce Development Act 2013 is amended. Clause 181 amends section 57, which is about the functions of TasTAFE. It says:

Section 57 of the Principal Act is amended as follows:

- (a) by omitting '*Education Act 1994*' from the definition of *education provider* in subsection (1) and substituting '*Education Act 2016*';
- (b) by omitting from subsection (2)(h) '*Education Act 1994*' and substituting '*Education Act 2016*'.

Is that because there was an error previously where we had not modernised the Training and Workforce Development Act in relation to the functions of TasTAFE to reflect that we had a new act in 2016? Is this fixing a slip-up, perhaps?

Ms Courtney - I am seeing nods, so perhaps yes.

Ms O'CONNOR - Thanks. I thought that might be the case.

This is very solid legislation. It has obviously been widely consulted. Since the regulatory review committee undertook the work that led to the development of this bill, significant new information has come before the minister and the Department of Education that I am certain will feed into the application of the new regulatory framework.

However, the minister needs to consider specific changes to the Education Act 2016 to reflect the findings and the recommendations of the inquiry, the report of which came to parliament this week.

[7.05 p.m.]

Ms COURTNEY (Bass - Minister for Education) - Mr Speaker, I thank the members for their contribution, and I also thank Jeremy Rockliff, my predecessor, and all those who have been involved in the work. I am in the most fortunate position when you come into a portfolio and a large body of work of work has already occurred. I am very grateful for the significant amount of work that has gone into ensuring that we have this here today. I will run through the answers for each of the questions as concisely as possible, given the time.

There were some comments on the history of the TASC governance model. I want to be clear that it is not the same model as the TQA. The TQA was a nine-person blended board with an emphasis on experience from each education sector. The new governance model for TASC is a five- to seven-member skills-based board supported by a registrar, combined with the introduction of a number of other significant governance and performance requirements, and a greater clarification of roles and responsibilities.

It is common best practice to undertake reviews to ensure we continue to support improvements and student learning outcomes. Five years after transitioning the TQA to the TASC single-person regulatory model, it was timely to assess how it was working in practice.

Further, for the first time, the review of education regulation looked at all four regulators at once, offering an opportunity to ensure a coherent system and an aligned approach to continual improvement of the education system as we strive for excellence and meet the demands of an ever-changing sector.

There was a question going to the role of the regulator compared to the director. The need for the Director, Education Regulation role arises from the desirability of more collaboration and coordination across each of the regulators, and the commonality of legislative functions across the regulators, as the outputs of some regulators are inputs into the decisions of others. For example, as I said in my second reading speech, the decisions in relation to the registration of non-government schools need information as to whether the teachers are registered and their courses accredited, and more internal support for each executive officer as well as performance management of executive officers under the State Service Act being undertaken by the director.

The Director, Education Regulation will be appointed to assume the statutory powers of the registrar in TASC and the TRB, and the Registrar, Education. The director will have the capacity to delegate some or all of these powers to the deputy director in each entity as required. This represents a more efficient operating model, while maintaining the independence of the regulators. The responsibility of the Director, Education Regulation will include facilitating the adoption of modern regulatory practices across the regulators; and leadership and development across the three entities of frameworks for managing risk, delegations and performance across the four regulators.

As I also mentioned in my second reading speech, the new governance arrangements will be reviewed in three to five years' time. Independence is maintained through clearly clarifying the responsibilities of the director to the boards, and then the secretary. The independence is laid out in the way the Government's model is actually structured, and there are auto-protections against interference with individual regulatory decisions and so we have confidence that we have the model right. However, given we have the review, we can always re-look at that.

With regard to funding, the goal of the Government is to ensure the regulators have adequate funding to enable efficient operations and deliver government objectives. Proportionate or minor cost recovery should occur only where it is appropriate. The Department of Education will commission the independent development of funding methodology, with input from the regulator boards, to determine sustainable funding for each of the regulators, which relates to recommendation 24 of the steering committee report - funding through a new output group, except when costs are recovered through fees and the provision of corporate services. The bill provides for the development of a framework agreement between the regulator and the secretary. The bill specifies it should include matters such as budget, provision of corporate services and staffing.

Ms O'Byrne - Would that funding model come back to parliament or would it simply be a regulation that is changed at some stage?

Ms COURTNEY - It would not need to come back to parliament.

Ms O'Byrne - Would you publish that once it is done so that there is a level of confidence around it? It is going to be advice on how you might do cost recovery. Would that be a public document or an internal one?

Ms COURTNEY - Because of the structure of the governance across the different entities I do not know, to be honest, whether that would be possible in the way that it is structured. I am looking to my advisers.

Ms O'Byrne - Perhaps a commitment to a briefing once that work is done: would that be something we could potentially have?

Ms COURTNEY - Yes, I am comfortable doing that.

Ms O'Byrne - Let us go with that.

Ms COURTNEY - Now is probably a good time to provide an update on something that I am also very interested in and I think Ms O'Connor will be particularly interested in. Because of the importance of the TRB in terms of driving quality and safety in our education system, I will be committing additional funding for the TRB to optimise the safety and wellbeing of learning. This funding will ensure sustainability and provide greater capacity for investigation of complaints and conduct of disciplinary inquiries because the TRB does have that remit and it is important that they are funded appropriately.

We are looking to provide additional funding of up to three FTEs to increase the TRB's capacity for investigation of complaints and conduct of disciplinary inquiries. We will work with the TRB on the appropriate way to provision that and provide them.

Ms O'Byrne - Is that a next Budget thing?

Ms COURTNEY - I am making the commitment right now but I need to talk to them and we need to work out the mechanism.

Ms O'Connor - I am sure there is a hollow log in the department somewhere where you can find those funds. There always is.

Ms COURTNEY - I am happy to say that I will work with the TRB. Funding is not provided at the moment. Funding will be provided within the future Budget. I will work with them, given not just the content of this week, but I have spoken to the TRB about this and I believe it is an incredibly important role they play. As you know, they have a different range of powers.

Ms O'Byrne - Are you anticipating they are going to have a significant rise in the amount of those investigative works they do? Or is it just to meet the demand now?

Ms COURTNEY - It is not necessarily my expectation; it is just making sure that they have funding that is sufficient so they have the confidence to be able to do that. There may be more things that arise in the coming months, not necessarily in years. I am not anticipating that but, given the strength of the functions that they have with regards to that, it is important that we are working with them to ensure that it is appropriately resourced.

The next thing that was addressed was about student engagement and student voice. This is addressed through the Education Act principles. The bill supports student voice through the application of the Education Act 2016 principles, which each regulator has had regard to the importance of a child having the opportunity and being encouraged to be actively involved in decisions affecting the child's participation in education, having regard to the age and understanding of a child.

Each regulator is also subject to regulatory principles of best practice through the ministerial instructions, which focus on the quality with which they undertake regulation. These will form the basis of their outcome-based key performance indicators. It is expected the regulators will establish mechanisms such as committees or student advisory groups to ascertain student voice relevant to their functions. For example, this will include a requirement that regulators are to ensure that they take clear, targeted and effective communication with regulated entities such as teachers, schools and non-government schools. I will be setting these requirements for student voice and engagement, both through the statement of expectation and ministerial instructions.

The principles of regulator best practice were also raised. The regulator-specific principles included in the consultation draft of the bill were based on the Australian Government Regulator Performance Framework 2014. These relate to how regulation is undertaken, for example, clear, targeted and effective communication with regulated entities; not unnecessarily impeding the efficient operation of a regulated entity; and actions being proportionate to the risks being managed.

There was general support among stakeholders to include the principles that support a modern regulatory framework. Based on feedback received on the draft bill, the approach to how this was legislated for regulators was changed but the intention was not. The principles are now specified through ministerial instructions, which provide more flexibility in how they are set and applied, also enabling them to be updated as leading practice changes.

The regulators are to have regard to the principles in the discharge of their functions and powers. Regulators were very concerned stronger language than 'having regard to' would broaden the scope of their functions. We want them to spend time considering what the principles mean in the context of their functions and then planning a phased approach to adopt a modern approach to their delivery.

Will regulators be forced to impose additional user costs? No, the department will commission the independent development of funding methodology with input from the regulator boards to determine the sustainability funding for each of the regulators, as I mentioned before. The regulators will need to review their fees and explore minor cost recovery only. They would be required to do this in line with best-practice principles and make recommendations to the minister to consider.

The last thing I was going to deal with on your questions, Ms O'Byrne, was your amendment.

Ms O'Byrne - There was a word that I meant to put in there.

Ms COURTNEY - Okay. That did confuse us a little bit. Also, I want to check whether your amendment is in the correct section.

Ms O'Byrne - I looked to make sure. Membership of Registration Board.

Ms COURTNEY - As I read it, you are doing the membership of the Registration Board, not the TRB, through your amendment? I do not think that is what you intended.

Ms O'Byrne - Where is the best place to give effect to that?

Ms COURTNEY - I am happy to seek advice on that but I am not going to be supporting your amendment.

Ms O'Byrne - I think the Teachers Registration Board is probably the -

Ms COURTNEY - You mean, in clause 146, we substitute section 6, the Teachers Registration Act?

Ms O'Byrne - Yes.

Ms COURTNEY - I still will not support it, even if we get it into the right spot.

Ms O'Byrne - Is there a reason why you will not support it? I am not going to waste time. Is there an agreement that the intent is recognised?

Ms COURTNEY - With regard to the three boards that the skills-based boards will pertain to, the TRB, the TASC and the Non-Government Schools Registration Board, we want to make sure that these skills-based boards with members appointed by the minister have broad governance skills collectively and specific skills relevant to the performance of the boards' function.

The specific collective skills the boards will need may change over time, according to their strategic priorities and emerging risks. Each board will develop a skills matrix to identify the skills and experience of the board and any gaps that can be addressed by future appointments.

In appointing members, it is expected that the board will comprise members who have a range of skills, knowledge, experience, capabilities and attributes appropriate to education regulation and represent the diversity of the community.

Also, with regard to this, it is expected that the skills-based boards will be comprised of members who have a diverse range of skills, knowledge, experience, capabilities and attributes, tailored to the function of a regulator, and will facilitate robust decision-making.

The minister's appointment decisions will be informed by expression of interest, advice from the board, in particular skills matrices developed and maintained by boards which align with their strategic direction and identify any gaps that can be addressed through future appointments and the advice of committees formed under section 249 of the Education Act 2016 and the Education Regulation Advisory Committee, for example the Education Regulation Advisory Committee will be established. We do not expect and anticipate that these types of specialist skills and expertise will be part of any fit-for-purpose governance structure developed by the regulators.

Ms O'Connor - Can I ask by interjection, minister, certainly to avoid us going into Committee for our point of view but clause 146 which talks about the membership of the Teachers' Registration Board which is where I think Ms O'Byrne's amendment would better go, it talks about skills relevant to the board's functions which you have just referred to then. Given it is a Teachers' Registration Board, why would you not be clearer about teaching skills being part of that board? Why keep it so broad?

Ms COURTNEY - The mechanism of keeping it broad was to ensure it can be not just responsive to the needs of the particular board but responsive to the needs of a board at a particular time. For example, not all regulators would set conduct and investigations as skills and experience required for board membership but it may, instead bring in subject matter experts required to establish committees, so it is the clear intention and I understand was supported by the steering committee in a range of different forums, making sure you have a skills-based board. It does not exclude somebody because they have a particular attribute -

Ms O'Connor - The point I am making is should not it explicitly include someone who has teaching experience on the Teachers' Registration Board, rather than having an accountant or a lawyer?

Ms O'Byrne - I cannot imagine that that would not be a skill that you would anticipate that you would need if only to give confidence to people interacting that there is a genuine understanding. The position this has come from is wanting to know that people understand how schools work, why schools work, what can be done on the ground, why people might have got to a place that they are at. It is a particular kind of world and craft that you need to know what you are doing.

Ms O'Connor - Yes, I agree.

Ms COURTNEY - The advice that I have is particularly that type of experience around practising teachers is more likely to be part of the subcommittees that are going to be established. Regarding the board, given the governance role of it, and I have also outlined the fact that the board will be providing its skill matrix, so in the provision of the skills matrix it does not negate any type of skill. What we are doing is leaving it open for the skills that are appropriate for the board at that time and I would expect that voice would come through, through subcommittees, and -

Ms O'Connor - But the subcommittees are not making the decisions. The board makes the decisions.

Ms COURTNEY - The board provides the governance for the organisations, or the regulator, to be able to progress what is informed by subcommittees.

Ms O'BYRNE - You have flexibility in your board anyway, in five to seven? I do not think it is an unreasonable construct that you could assume that, given you think you could do it at five, that if you guaranteed at least one teacher on there you could easily go to seven or at least still have that flexibility to skill-up for a different skill you might want to bring in. I cannot imagine there would be a situation where you would think it appropriate that the TRB did not have some kind of person with current education and school knowledge participating.

I say that with the greatest respect for all of the work that has been done on this bill.. There has been a huge amount of consultation. I know it has been going since before the pandemic, so it is not an attempt to be spoiling in any way. People like to know there is an understanding of their work environment, their learning environment, schools environment on the ground when recommendations are made.

Ms COURTNEY - Thank you to members, I appreciate your views on this. My advice is the TRB has already included in their draft matrix educational skills provided in it. It is my anticipation that through the skills matrix, it is provided by the board. They will ensure that the appropriate skills mix including experience is encompassed within that. I will not be supporting your amendment, sorry Ms O'Byrne.

Ms O'Byrne - I appreciate that. I will probably want to get it there anyway in the hope that you might have some thought around that before it goes to the other place, about how you might address this.

Ms COURTNEY - I am happy to think further.

Ms O'Byrne - I always like to get the best bill leaving this House if that is possible.

Ms COURTNEY - That is fine. I take that on board.

Ms O'Connor, in terms of what might be specified in the framework agreement, the department is a funder through the creation of a new output group for education regulators. The department will continue to provide corporate support functions to the registrar including the provision of staff funding and budget management, and corporate services for each of the regulators. Independence of the regulators will be safeguarded through the requirement for a framework agreement between the registrar and the secretary.

This will provide clarity to both parties surrounding their roles and responsibilities in relation to matters such as staffing, budgets and the application of departmental policies and procedures. The framework agreement will support the regulator's achievement of the outcomes and targets set as part of their performance framework. It is, effectively, like a service level agreement. It will clarify roles in relation to areas like performance management of staffing, it will clarify budget management and responsibility for budget management and in sometimes instances where DoE provides functions, it would step out those arrangements where that happens.

Ms O'Connor - Thank you. Minister, statements of expectations and whether or not you would consult a bit on that with teachers, parents and students or what you foresee might be in them.

Ms COURTNEY - The statement of expectations as you said are set by me. I can consult with relevant stakeholders including for the Registrar Education.

Sorry, Ms O'Connor. They are set by me. I can consult with the relevant stakeholders, such as the Registrar Education, and the minister can consult with the regulators themselves. I have the provision to be able to consult, but there is not the obligation to consult. For example, if there was a reason in the statement of expectations to do a performance management

component, I might get advice on that, rather than put it through the statement of expectation. I might put it through there, but not necessarily consult on it.

Ms O'Connor, you also asked about the principles of the Education Act. I thought that was a really thoughtful way of how we could incorporate some of the learnings that come out of the commission of inquiry. I am happy to take on board and consider what you have said in the context of the office of Safeguarding Children, and the policy work that they are undertaking, because as I outlined this morning, the office of Safeguarding Children is broader than just the implementation of these recommendations that you have seen this week. I think that it is well placed as something for them to give consideration to.

On that, noting that we are going to have an amendment -

Ms O'Byrne - Just one, and we will be quick.

Ms COURTNEY - I might finish up, but I genuinely thank the engagement of so many people in the development of this. Other members noted that this was a very thorough and thoughtful body of work. Having good governance around these types of organisations is incredibly important, and not just so everybody has clarity about their roles and responsibilities, but also so we can drive accountability through different organisations of work. Having that framework for actually being able to report is really important against those statements. I am very pleased we have this. It is a really robust next step, the fact that we are going to be reviewing it demonstrates that we will be looking at this with a positivity, but with an open mind if there are further improvements that need to be made.

Ms O'Connor as you contributed, with some of the work that might be around in the end, such as the Attorney-General's bill on child-safe organisations, there could be a whole lot of mechanisms that provide for further safeguards for children that may be able to be incorporated into this in future. I am very open-minded as to how we can do that in the best interests of the welfare of our young people.

With that, I commend the bill to the House.

Bill read the second time.

EDUCATION LEGISLATION AMENDMENTS (EDUCATION REGULATIONS) BILL 2020 (No. 53)

In Committee

Clauses 1 to 145 agreed to.

Clause 146 -
Section 6 substituted

Ms O'BYRNE - I apologise for the scrappy nature of the continually circulated amendment and thank the Deputy Clerk for her assistance in framing it.

Clause 146 deals with the fact that the current section 6 of the Principal Act sets out the current membership of the TRB, which has 12 members appointed by the minister. Our concern is that the change that will be brought in - which is actually for the TRB to comprise five to seven members, including the chair - allows for a circumstance to occur where there may be nobody that has current and ongoing teaching skills and experience. Schools change quickly, environments change quickly, and the level of confidence that is required from educators that this exists is quite strong. I appreciate the minister is probably going to say no, because she indicated she was, but I will be moving this and we will pursue it in the other place if we are not successful.

Mr Chair, I move the following amendment to clause 146 -

In proposed new section 6, subsection (4), paragraph (a), subparagraph (i) -

Insert the following new subparagraph after subparagraph (B):

"(C) Current and ongoing teaching skills and experience"

The debate has been made by interjection through the minister's summing up, so I am not sure we need to spend too much time on it because we may be unsuccessful, but we will absolutely fight this another day.

Ms COURTNEY - I will be brief, because I made most of the points in my summing up in my second reading.

Ms O'Connor - Please speak up a bit minister. Both of you have been a little quiet tonight and I am wondering if Hansard is hearing this properly, because I am struggling.

Ms COURTNEY - As I have outlined earlier, the bill establishes skills-based boards for each, with members appointed by the minister who have general board governance skills, and collectively have skills relevant to the performance of the board's functions.

The specific collective skills that boards need may change over time, according to strategic priorities and emerging risks. Each board will develop a skills matrix to identify the skills and experience of the board, and any gaps that might be addressed for future appointments. In appointing members, it is expected the board will comprise members who have a range of skills, knowledge, experience, capabilities and attributes appropriate to education regulation, and represent the diversity of the community.

As I also outlined in my summing up, the TRB has already included educational skills in their draft matrix, so there is acknowledgement of the importance of educational skills by them. Furthermore, it is expected, through the modern governance framework, regulators will establish appropriate mechanisms, such as committees or advisory groups, to ascertain stakeholder voice. These can be set up through the ministerial instruction. That is where I am expecting, particularly with teachers with experience and practising teachers, that voice to be heard.

Ms O'Byrne - Reasonably relevant to the Teachers Registration Board.

Amendment negatived.

Clause 146 agreed to.

Clause 147 to 185 agreed to.

Title agreed to.

Bill reported without amendment.

Bill read the third time.

ADJOURNMENT

[7.40 p.m.]

Ms COURTNEY (Bass - Minister for Education) - Mr Speaker, I move -

That the House do now adjourn.

Department of Education - Responses to Child Sexual Abuse

Ms COURTNEY (Bass - Minister for Education) - Mr Speaker, I would like to update the House from my commitment in question time earlier today.

As the secretary of the department advised in a statement earlier today, all 32 matters have been referred or re-referred to the Registration to Work with Vulnerable People, Tasmania Police, and where appropriate the Teachers Registration Board. The actions of Tasmania Police are a matter for that agency. Likewise, Registration for Working with Vulnerable People is a separate statutory scheme as is Teachers Registration Board. However, it is important to note that all the Department of Education employees must have a valid Working with Vulnerable Persons Registration and teachers must be registered with the TRB.

I am advised that two have resigned prior to the secretary's review or completion of a code of conduct investigation with a further three currently suspended while code of conduct reviews are under way. It is important to note that every single allegation and investigation relating to current employees has been provided in full to the commission of inquiry.

Citta Hobart Pty Ltd and Anor v Cawthorn

[7.41 p.m.]

Ms O'CONNOR (Clark - Leader of the Greens) - Mr Speaker, I want to talk about a David and Goliath battle which has very significant consequences for anti-discrimination legal frameworks here in Tasmania and around the country. It relates to the precinct in which we work, Parliament Square.

I am going run through a bit of a time line here and then I am going to ask the Attorney-General to explain herself and the Government's actions in relation to Citta Hobart Pty Ltd and Anor v Cawthorn which is now before the High Court of Australia.

In 2016 the Premier's Disability Advisory Council asked for a briefing from Treasury on the disability compliance - the access - that would be available in the Parliament Square precinct. PDAC, as it is known, was reassured that the building would be accessible. As it turns out, it was not. On 12 December 2016, disability advocate and pensioner David Cawthorn took a complaint to the Anti-Discrimination Commissioner. It was not until May 2019 that it was referred to the Anti-Discrimination Tribunal. However, a week before the hearing, developer Citta and the owners argued that the tribunal did not have jurisdiction as it was a matter for Commonwealth law and because there was a conflict under the Constitution, it seems like the tribunal got frightened and subsequently found it had no jurisdiction. The message was that the Tasmanian Anti-Discrimination Act is not there for people with disability.

In December 2019, David Cawthorn decided to appeal the Anti-Discrimination Tribunal decision to the Supreme Court, despite his legal representatives cautioning him, he would probably have to pay around \$100 000 in the even that he lost. David Cawthorn faced bankruptcy, yet he persisted. He did this to defend Tasmania's Anti-Discrimination Act and the people it seeks to protect.

In February 2020, Mr Cawthorn's solicitors wrote to every state and territory Attorney-General in Australia and told them that his appeal to the Supreme Court raised a constitutional question and would they be interested in intervening. A letter from the Solicitor-General of Tasmania assistant says to Mr Cawthorn's legal representative, Ben Bartl:

Dear Sir,

David Cawthorn v Citta Hobart Pty Ltd and Anor.

On behalf of the Attorney-General of Tasmania, I acknowledge receipt of your notice under Section 78(b) of the Judiciary Act of 1903, dated 13 February 2020 in relation to this matter.

The Attorney General does not wish to intervene in the proceedings.

The matter goes to the Full Bench of the Supreme Court. Following part-hearing of oral submissions before the Full Bench, Mr Cawthorn's solicitors again wrote to state and territory Attorneys-General to inform them his appeal raised constitutional questions and would they be interested in intervening. Subsequently there was another letter written on behalf of the Attorney-General, which makes it clear on 15 May 2020, that the Attorney-General does not wish to intervene in the proceedings.

The Full Bench of the Supreme Court - Chief Justice Blow, Justice Wood and Justice Estcourt - found that the Anti-Discrimination Tribunal did have jurisdiction. Despite all the odds being stacked against him including a millionaire property developer and Anti-Discrimination Tribunal decision and the Attorney-General refusing to intervene in support of our Anti-Discrimination Act, David Cawthorn won unanimously, three-nil, with Tasmania's three most senior members of the Supreme Court finding that the tribunal could hear the case.

What happens next? In February 2021, Citta and Anor, rather than going back to the tribunal, filed a notice with the High Court seeking special leave to appeal the full bench of the Supreme Court decision. The decision was in favour of the people with disability having a

right to have their matters heard in the state tribunal. What did Citta say? This should send a shiver down the spine of every Tasmanian living with a disability. Citta said it is undertaking a building development in Hobart but it said:

Citta and the landowner contend that the state disability discrimination provisions under which the complaint was made were directly or indirectly inconsistent with this federal scheme and therefore invalid pursuant to section 109 of the Constitution.

The key words there: the state disability discrimination provisions are invalid. That was the argument of the multimillionaire developer and the owner of this building. What happens shortly after the developer and the millionaire lodge the special leave to appeal to the High Court. What do you know? Notice of intervention:

- (1) The Attorney-General of Tasmania gives notice of the Attorney-General's intervention in this proceeding under section 78A of the Judiciary Act 1903.
- (2) The Attorney-General intervenes in support of the position of the applicants.
- (3) The Attorney-General of Tasmania is represented by the Solicitor-General of Tasmania.

We have an Attorney-General here on behalf of the Government of Tasmania who would not intervene to support a disability pensioner and defend the Anti-Discrimination Act, but was happy to intervene in support of a developer, a multimillionaire owner of the Parliament Square Precinct and the interests of Tasmania's Anti-Discrimination Act 1998 and against the interests of the people it seeks to protect.

It is perverse and baffling that Tasmania's Attorney-General is backing a corporation and a millionaire owner arguing that the state's disability discrimination provisions are invalid. The consequences for our discrimination protections are significant; they are profound. They relate to disability access to premises, education, transport and insurance.

The Attorney-General needs to come in here and explain herself because we have asked questions about this before on behalf of Mr Cawthorn and Tasmanians living with a disability. The explanation she gave was that because there was uncertainty she joined the High Court Appeal. She joined in support of the developer and owner of the Parliament Square Precinct but she would not support Mr Cawthorn or Tasmanians living with disability and Tasmania's Anti-Discrimination Act.

The High Court begins hearing this in February/March next year. This is an outrageous betrayal of Tasmanians with disability and our act. I call on the Attorney-General to explain herself.

Derwent Valley Community House

[7.49 p.m.]

Ms BUTLER (Lyons) - Mr Speaker, I draw to the attention of the House the fabulous staff and volunteers of the Derwent Valley Community House. For many years the house has held a monthly Eating with Friends using produce usually from the Franscatti Gardens and they cook up a storm. These monthly Dining with Friends events were always wonderful and they would have an amazing vegie box which they would raffle and if you ever won the vegie box it was just fantastic because it was full of the most beautiful produce.

When COVID-19 hit and people were in lockdown the Derwent Valley Community House started a home delivery eating service instead of the monthly service. It was weekly and it was on a Friday. It was very much born of humble beginnings. The first week they delivered 55 orders and it was a roast pork dinner. According to the organiser, 'we really didn't have a clue what we were doing'. The main concept was to hand-deliver a healthy three-course meal to different people around the community and be able to check in to see, firstly, how they were coping but also just to mend the loneliness a lot of people encountered during those times. It is still going.

Lockdown finished and people were able to move around again but the three-course meals are still delivered by volunteers every Friday. It is so much fun on those delivery trips because you not only get to meet a lot of people but you get to spend a lot of one-on-one time with the volunteers and help put the meals together and often get bossed around by the volunteers in the kitchen.

They regularly have over 50 orders a week, so much goes into the planning, cooking and preparation of those meals. And they are very much home-style cooked meals. The program has a large team of volunteers who make it happen. I hope that I have remembered everybody's names. They are: Royden Seabourne, Ben Shaw, Cameron Douglas, Joanne Samaras, Sarah Richardson, Lexia Brown, Colin Harris, Ros Strong, Vicky Woods, Vickie Acklerley, Vicky Slater, Karen Hyland, Rachel Chivers and Lexie's very beautiful grandson, Mr Steven, who is eight years old and loves to come and help in the school holidays.

Franklin Forest

[7.52 p.m.]

Dr WOODRUFF (Franklin) - Mr Speaker, I want to pay tribute to the 1387 people from the Franklin electorate from the Huon Valley who have signed a petition I tabled today about the Franklin Forest. The Franklin Forest, previously known as the Castle Forbes Forest, has been renamed by the people who set up that group to better reflect the position of the coupe that they are seeking to protect and they are doing such a fantastic job.

Coupe FNOO5C is known as the Franklin Forest. It is a forestry coupe that was slated for clearfelling and burning this year. It is a forest that contains enormous ecological values that would have been lost as a result of that. It has tall old-growth eucalyptus trees with hollows that are core habitat for threatened species that have been identified on the site such as masked owls and swift parrots. There are two Tasmanian wedge-tailed eagle nests a few hundred metres from the forest and these would be vulnerable to any clearing. It also has

enormous old leatherwood trees that have been identified by the local beekeepers as very significant leatherwoods, some of the most enormous they have ever identified.

The continued destruction of forests like this part of our southern forests, the Franklin Forest, is continuing the decline of threatened species in the area. The Huon Valley community has stepped up in its awareness and understanding of the Franklin Forest thanks to the volunteers who have come together, led by Yanti Winoto-Lewin. Ms Winoto-Lewin is an ecologist. She has a degree from the University of Tasmania. She is expert in everything to do with these sorts of forest communities and it has been her gentle, quiet and persistent leadership that has helped to form this group, which is now very strong and very committed.

They have identified that the block of land adjacent to the Franklin Forest is an informal reserve, although I believe it still has a forestry lease over it, and that informal reserve has gorse on it. It also has remnant mill machinery. This group of people, in addition to protecting the Franklin Forest, is also working with the local Landcare groups, the Franklin Landcare group and the Castle Forbes Landcare group, to clear the gorse from this informal reserve.

The group has had tremendous success. Thanks to their petitioning and their awareness-raising in the local community, they have had hundreds of people walk through the Franklin Forest and see for themselves the nursery logs, the enormously large-girthed eucalypt trees, the huge leatherwoods and they have walked in wonder at this beautiful little treasure which is right behind the Franklin township.

Thanks to that burgeoning awareness, including by schoolchildren who have gone through there, we now have Forestry Tasmania understanding that there is no value, indeed, they cannot rob the coupe with the natural values, which have been assessed and registered now, of this wonderful piece of forest. The forest was taken off Forestry Tasmania's three-year rotation, which the group is tremendously pleased about. They will not rest though until it is completely removed from the Forestry cutting schedule, which is what has to happen.

It would not only be devastating to the natural ecological values but, the clearfelling and regrowth operations would make the local environment around the Franklin township more flammable. It is now very well evidenced, including by Tasmanian scientists recently, that converting tall and moisture-holding wet forests, such as the Franklin Forest, to dense flammable regrowth so close to homes and towns is an alarming and dangerous act. It is particularly forests of these types that were clearfelled and resown with eucalypts that are in the regrowth stage that was one of the reasons fires drew so close to the Geeveston township in 2019. We need to do everything we can to make the townships and natural forest values that we are custodians of safer from bushfires in the future.

Ms Winoto-Lewin recently received an award from Landcare Tasmania at their annual conference. I was lucky enough to go and, in her absence, I presented this award on behalf of Landcare to Yanti for her work in Friends of Franklin Forest. She was awarded the Steadfast Young Landcare Leadership Award. Good on her for standing up with other people in the way she does.

One of the reasons Tasmanians have let this Government and the Labor government get away with what they have done with trashing our wilderness, particularly in areas like this, which would ultimately increase the risks for local communities from bushfires, is because people do not get out and see these things themselves. There are so many people who have not

had the opportunity to do that. This local group is quietly and persistently educating people about what is on their back doorstep. We should all be so grateful that people like that take the time out to educate the community and let them know what they have on their own doorstep and how much we need to love and continue to protect it.

Jewelled Nights

[7.50 p.m.]

Dr BROAD (Braddon) - Mr Speaker, I rise on adjournment to talk about *Jewelled Nights*. *Jewelled Nights* was a 1925 feature film starring then Hollywood star, Louise Lovely and it is set on the west coast of Tasmania. The synopsis of the film was that after her father's death, socialite Elaine Fleetwood proposes to marry a man she does not love. However, she leaves him at the altar during the wedding ceremony, cuts her hair and decides to disguise herself as a boy and go prospecting in north-west Tasmania. She meets a handsome miner, who figures out that she is actually a woman, saves her from a villain and marries her, so everybody ends up happily ever after. This was a black and white silent feature film filmed in Tasmania.

The reason I am talking about this is because on the weekend my father, who is a member of the Burnie Historical Society, and not being the most tech-savvy man, turning 80 in January this year, asked me to scan a number of family photos and put them into a PowerPoint presentation so he could present a talk about *Jewelled Nights* at the Burnie Historical Society, or as my mother lovingly calls it, 'The Hysterical Society'.

The family connection to this movie is because my great-grandmother's brother, Josh Hancock - and I have spoken about Josh Hancock in this place before - was an osmiridium prospector at a place called 19 Mile, which I am assuming was 19 miles from Waratah. Several scenes in *Jewelled Nights* were filmed at Josh Hancock's hut, which is smack-bang in the middle of the so-called pristine Tarkine Wilderness.

My father's presentation will show these family photos of where scenes from the film were actually shot. He has a series of family photos, including of the ship that they come out from England on and so on.

I wish you could see these photos. I can describe them. These are early pioneering times. This was 1925, and I have pictures here of the corded road. A corded road is when you cut a track and it is so boggy and rough you just lay the logs just enough to get a cart over, I imagine, or a motorbike - very bumpy. I also have a picture of the first hut built in Zeehan, according to my great-grandmother.

My great-great-grandfather was James Hancock, who had managed Mount Bischoff at one stage and had shares in the Iron Blow; it was his son, Josh, who was the osmiridium prospector. If you could see these photos, you would see this hut that Josh had in the middle of this pristine Tarkine. He has cleared a big area around it; in fact, you can see his fruit trees. They were largely self-sufficient. Obviously, there was no supermarket just around the corner; no doubt they lived on trapped wallaby and the like. You can tell that he put it in quite rough.

This photo - I wish you could see it - shows large cleared areas and it has the cast of *Jewelled Nights* posing outside my great-great-uncle Josh's hut in the middle of the Tarkine.

You see large areas of dry-stone walls that they used to divert the river. They used to pan for osmiridium, so they would sluice the alluvial material at the bottom of a creek, put it into a sluice. Osmiridium is very heavy, so they would separate that and then make their money. You can see all these dry-stone walls and members of the cast of *Jewelled Nights* pretending to pan for osmiridium and so on. There are large areas cleared.

This really piqued my interest. I had heard that historian Nic Haygarth and some others had gone looking for 19 Mile, because it is long since overgrown. I got onto YouTube and found a clip from historians Anne Dunham and Winston Nicholls. A YouTube video that anyone can watch goes for about 20 minutes and shows them taking this track that they have cut a year before into 19 Mile. It was very difficult to find, because it is all overgrown. The Greens say that it is pristine and untouched, but it is all regrowth.

The thing that really astounded me was that these historians have gone into 19 Mile and it took them a while to find the old track. When they were on the old track, you can still see where the old track was, so it was probably only the width that you could get a horse in and out.

What really struck me was they took photos of where Uncle Josh's hut was. There is nothing there, just a depression and the remnants of a stone fireplace, but what really astounded me was that the dry-stone walls that you can see very clearly in these family photos were there. It was largely overgrown - and no doubt everyone would say it was pristine - but all of a sudden, out in the middle of this so-called wilderness, there were all these dry-stone walls covered by ferns and so on. Some of them are not easy to see, but they are all still there.

There are certain remnants of occupation, such as old bottles. This was back in 1925. There is a rusted-out watering can and so on, but without historians actually going in there and finding where Uncle Josh used to live, you would not know it was there, because it is surrounded by regrowth forest. He spent most of his life there. Apparently, they used to do it pretty rough. They would earn money and go to the pub. The old stories say they would go to the pub and drink all the money, and when they ran out of money they would go back prospecting.

They used to drink at the White River Hotel, which is a little further down the road in this pristine wilderness. It burned down in 1929, but I was struck by the YouTube footage of these dry-stone walls that are still there. I would like to go and have a look one day.

Time expired.

Peter and Frances Bender - Tribute

[8.06 p.m.]

Mr WINTER (Franklin) - Mr Speaker, it is an honour to speak about two of Tasmania's most successful business people this evening, Peter and Frances Bender, as they exit Huon Aquaculture after almost 40 years.

In 1986 the Bender family began farming fish, and eight years later Peter and Frances made the decision to put all their energy into fish farming and bought the fish farm outright.

At the start, Peter and Frances were contract growers, which meant they sold their fish to other companies.

In 2005 they stepped out from behind that growing model, and Huon Aquaculture and its brand was established. As the business grew, it soon became apparent that there was a need to control the process right from the egg to the plate. To do so, Huon needed to become a vertically integrated business and have control over its own breeding stock and smolt.

In 2006, Huon purchased the Lonnavele Hatchery on the Russell River, the Huon River catchment. One year later, the business built its first reticulated aquaculture system facility to complement the existing flow-through system on the site. The Lonnavele facility represented a shift from the traditional flow-through style hatcheries. This environmentally friendly system was designed for low water usage, with an extensive filtration system that removes nutrients from the water before circulating back through the fish and eventually to waste. Huon began farming ocean trout soon after in Macquarie Harbour in 2008.

In that year, the business also launched retail products into the market under the Huon brand, and 2008 also saw Huon secure the Trumpeter Bay lease, signifying a shift to higher-energy off-shore salmon farming -

Dr Woodruff - And look what has happened.

Mr SPEAKER - Member for Franklin, order.

Mr WINTER - In 2009, Huon purchased land at Parramatta Creek near Devonport, with the intention of creating a smokehouse and product innovation centre. This facility would be unique by global standards, as it is one of the few commercial facilities that has whole fresh fish coming in one end, and smoked packaged products coming out the other, and that is all done in Tasmania.

Dr Woodruff - You skipped the bit where all the waste goes - into waterways, into drinking water.

Mr SPEAKER - Order. Member for Franklin, if you say another word, you can exit the Chamber. Show some respect to the member who is talking about people from his electorate, and to the people he is talking about.

Mr WINTER - From our electorate, Mr Speaker, because my fellow member for Franklin also represents that same area.

Huon Aquaculture employs 824 Tasmanians at the moment. Many of those people live in the electorate of Franklin, and they are employed because Peter and Frances took the risk and dived into the industry almost 40 years ago, and their success has been Tasmania's success -

Dr Woodruff - Well, it has not.

Mr SPEAKER - Order. Through the Chair please.

Dr Woodruff - He was speaking to me, inciting interjections, Mr Speaker.

Mr SPEAKER - Member for Franklin, if you say another word, I will ask you to leave.

Mr WINTER - They have shared that success with their workers, their contractors, and they have shared it with the community in the Huon Valley and the Channel regions in particular, that I represent, along with other members for Franklin.

I have always noticed while travelling, particularly through the Huon, the number of sporting organisations, community groups, clubs, schools, that the business has supported since Peter and Frances have been running it, the Slab Road Cricket Club - and right around Tasmania: Albuera Street, Strahan Aquaculture Community, Derwent Mercantile Rowing Club. The Franklin Primary School has been supported. In Kingborough, the Calvin Christian School oliebollen festival has been supported by the business only last month. The Judbury Community Centre's car scavenger hunt, the Port Women's Football Club, I know that is close to many members for Franklin's heart, the Swashbuckling Indoor Cricket team, the Huon Yacht Club, the Dover District School, Geeveston Primary School; these have all been supported by Peter and Frances -

Dr Woodruff - Buying off social groups.

Member Suspended
Member for Franklin - Dr Woodruff

Mr SPEAKER - That is enough. The member for Franklin, Dr Woodruff, can leave the Chamber until the end of the day.

Dr Woodruff - Thank you, Mr Speaker.

Member suspended.

Mr WINTER - It is just extraordinary that the contribution of Peter and Frances Bender over some 40 years in a company that has been sold for - I believe the figure is over \$400 million of value that they have added to the Tasmanian economy, the more than 800 workers they currently employ. It should be respected universally right across the Parliament because of the fantastic work that they have done, industry that they have created and the high regard that they are held in within the Franklin community but particularly, as I said, that Huon and Channel region.

You can always tell something about business people by the way their workers speak about them. When I speak to workers at Huon Aquaculture, any time Frances and Peter are mentioned they are glowingly spoken about. They are respected by the workers. They treat their workers well and they always have done. I want to close in speaking about the Benders by saying that I hope they are not lost to Tasmanian business. I know the sale has gone through but I hope that they find perhaps their second wind, something else to do because they have skills and expertise that are respected by so many people. I hope their contribution to Tasmania has not ended yet. They have done such a magnificent job over such a long period of time.

Members - Hear, hear.

Ringarooma School and District Show

[8.13 p.m.]

Ms FINLAY (Bass) - Mr Speaker, this evening I rise for a local celebration in an expanded area that I am getting to understand and enjoy more and more every week. Last weekend I had the pleasure of attending the Ringarooma School and District Show. I am not sure whether that is a show that you have attended yourself, but for me, being able to stretch out from the bounds of Launceston, to meet with and enjoy members of the West Tamar community, down the East Tamar to George Town and out through the north-east and up to Flinders to get to understand how these small communities come together, connect, support each other and what they offer in the community is often found in their local shows.

As a family we went out and enjoyed the local show. It was fantastic. We met with local businesses, local school groups, the local neighbourhood house. There was a fantastic auction of local agricultural products. There were great displays of old cars and some really exceptional model cars that were made by a gentleman, Richard, in a shed in his backyard. He makes these correct proportion scale cars that he hand machines himself, which is amazing. He does all the panel beating. His partner of the day has done some of the upholstery. He machines all the engines and they are working. You can drive them around the show.

Mr Jaensch - He has an excellent Land Rover.

Ms FINLAY - Have you seen them?

Mr Jaensch - Yes.

Ms FINLAY - Amazing. I had the pleasure of meeting Richard. I have heard so much about his cars. He makes them in the workshop, in his backyard in Sidmouth, also in the area of Bass. It was really lovely to be able to actually see them over the weekend. One of the other beautiful things about the show was meeting the husband and wife and their kids who have Island Kelpies. They showed a working dog display, which was also fantastic, to see how they complement the work on-farm.

Mr SPEAKER - I need to declare an interest.

Ms FINLAY - Do you have one of the kelpies?

Mr SPEAKER - No, he is my son.

Ms FINLAY - Mr Speaker, I did not make that connection at the time. That is amazing. So they are your son, your daughter-in-law and your grandchildren?

Mr SPEAKER - Grandchildren, Chase and Ryder.

Ms FINLAY - Yes. One of your grandchildren did a display of working with the dogs, rounding up the sheep in a pen that was put up. He did a fabulous job and it was wonderful to see. It was great to see a family so excited and happy and passionate. I missed the first demonstration so we made sure that we got some hot chips and gravy to sit down with to watch the second. I thought it would just be a demonstration but the way he spoke about the training, the work, the effort and that one dog does the work of four men. Mr Speaker, I did not know

that connection and that is not why I raised it. For us it was fascinating and it was joyful to watch.

The Launceston Running Club ran the Ringarooma 10 and it was great to meet and speak with the representatives from the Dorset Community House who were running a survey for young people in the region.

There was live music, an auction, and equestrian events from the North Eastern Pony Club.

As a new person representing this incredible region with all of these great small towns, to be able to go to the Ringarooma Show for the first time, we will be back as regular attendees. It was an incredible event. I encourage anyone else if they get the opportunity, when you hear about the Ringarooma Show, turn up and make the most of it and enjoy it. I say congratulations and thank you to everyone who worked really hard to make it happen.

The House adjourned at 8.17 p.m.