PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Tuesday 6 August 2024

REVISED EDITION

Contents

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The Speaker, **Ms O'Byrne**, took the Chair at 10.00 a.m., acknowledged the Traditional People, and read Prayers.

QUESTIONS

TT-Line - New *Spirits of Tasmania*

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.01 a.m.]

Your government is famous for failing to deliver. After 10 years, there is no four-lane Midland Highway or northern suburbs light rail, and the northern prison never happened. The replacement for the Ashley Youth Detention Centre has not started, despite being due in only a few months' time. The Tamar Bridge was announced three elections ago, as was the fifth lane on the Southern Outlet. The underground bus mall was announced three elections ago and has not happened either. Marinus is 10 years old and you have not made a financial investment decision, even on the half you have not scrapped. The new *Nuyina* cannot refuel in Hobart.

Perhaps the most staggering of all are the failures on the *Spirits of Tasmania*. Can you explain how, even with the ships already more than three years delayed, your government has not even started on the wharf upgrades that are critical to allow them to operate?

ANSWER

Honourable Speaker, I thank the member for his question. He starts off where he was last week; negativity the whole way through, talking Tasmania down. I can point to many -

Members interjecting.

The SPEAKER - Members on my left, the Premier has been speaking for 15 seconds. Perhaps we could allow it to go a bit further.

Mr ROCKLIFF - As I travel around Tasmania, I see the Bridgewater bridge bouncing out of the ground, the construction of the Brighton High School - a brand-new high school - and the construction of Legana high school. I see that the new Royal Hobart Hospital has been delivered, including a helipad. I see infrastructure development at the Launceston General Hospital (LGH), a helipad at the LGH, a helipad at Devonport. I see construction in the Mersey Hospital. I see a Penguin District High School rebuild and school upgrades all over Tasmania. I see a new Midland Highway. Everywhere I go I see progress, opportunity and jobs being created. You turn to negativity every single day of the week.

You promised to turn over a new leaf and start being positive. I have not seen it yet. Since you made that commitment, there have been 27 media releases: negative, poisoning Tasmania's well. Nearly 20 of those have been directed at the Jacqui Lambie Network -

The SPEAKER - Premier, I draw you to the question.

Mr ROCKLIFF - Thank you, Speaker. Speaking of progress and opportunity, you would be winning a gold medal for negativity. I reckon Mr Willie would not be far behind you for silver, with a dead heat for bronze between Dr Broad and Ms Finlay, I am sure. However, nothing will beat your gold medal on backflips on the stadium and every other position you took to the last election that you have backflipped on. You are winning the medal count in negativity, talking Tasmania down and backflips.

What we are about is positivity, talking up Tasmania and getting infrastructure built around the state, which is clearly evident. We will deliver these ships, Mr Winter -

The SPEAKER - Premier, you might come to the question.

Mr ROCKLIFF - with or without Labor's support. We are expecting to deliver those ships in the third quarter, as we have said many times, and we look forward to those ships being on the run as soon as possible.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - A not unexpected supplementary question. I will hear it.

Mr WINTER - Given the Premier did not go anywhere near the answer, I will just repeat -

The SPEAKER - Just the question.

Mr WINTER - Why has the government not started work on the Berth 3 upgrades? You have had years to prepare for these new ships. How on earth do you not have this organised?

The SPEAKER - Premier, I draw you to the question about the Berth 3 upgrades.

Mr ROCKLIFF - We have been through this many times about the required infrastructure for TT-Line and the new ships. It is a difficult environment, as other states and territories are experiencing across the country, considering infrastructure costs and delivery challenges. These are big infrastructure investments. We want the new ships in service as soon as possible and that is what we will be doing.

TasPorts was given clear direction to take all necessary action to facilitate and ensure the completion of Berth 1 and Berth 2 port infrastructure at Devonport as required to support the new TT-Line vessels prior to their arrival. TT-Line and TasPorts were given very clear direction to get the job done, and we will.

Port of Devonport - Wharf Upgrades - Cost

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.06 a.m.]

The new *Spirit*s project has been a debacle from the start, and it is still not finished. Full operation of the new ships will be at least five years late and $500 million over budget. This will cost our Tasmanian economy $2 billion in lost tourism revenue.

You wasted an entire year pretending that the ships could be built in Tasmania when everyone knew, including the TT-Line board, that that could not happen. The ships are $100 million over budget after you promised the price would not change. You were caught making a secret bailout payment to a Finnish shipbuilder. The $60 million LNG refuelling is nowhere to be seen.

The wharf upgrades have blown out from $90 million to $375 million and are so delayed that the works are now required on a second wharf so that the *Spirit*s have somewhere they might be able to operate from. This is a massive mess and is costing taxpayers dearly. Can you confirm the interim arrangement at Berth 1 will cost at least another $50 million?

ANSWER

Honourable Speaker, I thank the member for his question. TT-Line and TasPorts are working through a number of challenges. You like to talk down the investment that we are making on behalf of the Tasmanian people and you characterise it as such. I do not accept the premise of your question and all your negativity.

There have been some challenges along the way -

Members interjecting.

Mr ROCKLIFF - You can laugh about it if you like. I take these matters very seriously and I do not like your dismissive and immature attitude about these matters. We will get the job done. This is a huge investment for Tasmania and will deliver a 40 per cent increase in freight capacity and passenger numbers. Along the way, we are excited for the hospitality and the tourism industry, which will welcome the increase.

The way you characterise the situation you would think the two existing ships are not working, which is not true. The two existing ships continue to export our produce and bring people into Tasmania. In conjunction with the support we are giving the visitor economy, we are supporting 57 events from April to September, bringing 400,000 bed nights to Tasmania. That is important.

Members interjecting.

The SPEAKER - Members on my left can take a point of order on relevance if they want.

Mr ROCKLIFF - You talked about the tourism industry and, by extension, the hospitality industry. It is very relevant. I understand that the occupancy rates are back to pre-COVID levels and it is challenging, which is why we are reaching in and supporting our tourism and hospitality industry with events, whether that be events in major urban areas such as Hobart or Launceston, or more regionally.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I am assuming the supplementary will go to the original question.

Mr WINTER - It certainly will. Can the Premier confirm the interim arrangement at Berth 1 will cost at least $50 million?

The SPEAKER - There was a very long preamble which the Premier spent quite some time commenting on. I call him to the specific question.

Mr ROCKLIFF - Thank you, honourable Speaker, I am happy to provide further information. I am advised that there is a preliminary assessment on these matters in relation to a cost estimate, which we do not have at this time. We will inform the Tasmanian people when we have more definitive figures.

The SPEAKER - I do not believe the Premier took that question on notice. He said that he would update the House when details arrived.

Recognition of Visitors

The SPEAKER - I acknowledge in the Gallery members of the University of the Third Age. Thank you very much for joining us today.

Members - Hear, hear.

The SPEAKER - I remind members that when speaking in the Chamber they should not use the word 'you', because that reflects on the Chair. Direct your answers through the Chair.

Health System - Vacancy Control

Ms ROSOL question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mr BARNETT

[10.11 a.m.]

The Australian Nurses and Midwifery Federation (ANMF) is spot on: the staffing situation at the Launceston General Hospital (LGH) over the weekend was diabolical and definitely unsafe. Facing massive issues with staffing in the health system, you have shamelessly continued to pursue measures aiming to reduce the number of Health staff in Tasmania. You have repeatedly refused to answer basic questions from us and other members about your vacancy control measures in Health . You have repeatedly tried to imply that your vacancy control measures will not apply to any patient-facing roles. As the ABC reported over the weekend, your Health secretary confirmed that nursing positions would be subject to vacancy control. Your deliberate duplicity on this issue has been exposed. Will you finally stop trying to mislead Tasmanians and instead start focusing on doing what it takes to fix our health system?

ANSWER

Honourable Speaker, I thank the member for her question. Without doubt, I take this matter seriously on behalf of the government and all of us. It is important that Tasmanians get the health care they deserve. That is the ambition of this government. That is why we are spending record funds into the health system. That is why we have delivered 2500 more healthcare workers to the system over the last 10 years. That is why we have gone on

a recruitment blitz in the last three months, consistent with our election commitment, and have delivered - I can now give members an update - more than 600 extra healthcare workers to the system: frontline healthcare workers. These are doctors, nurses, allied health professionals, paramedics and the like and those who support them. That is a net increase of 159 on the front line.

Make no mistake, we are totally committed. This was a commitment we gave the Tasmanian people. They want to see support for their healthcare workers and for the system. What is at the centre of our health policy is the Tasmanian people, the patients.

The member referenced the LGH on the weekend. I acknowledge that. It is the middle of winter. It is not unusual when the flu and RSV add extra stress and strain to the system in the middle of winter, and other reasons, including unplanned leave.

Dr Woodruff - Under your mismanagement, it is not unusual.

The SPEAKER - Thank you, Leader of the Greens.

Mr BARNETT - I acknowledge the challenges at the LGH over the weekend. I make no apology for that. It is a difficult time. It is very challenging. I thank the nurses, doctors and those who were at the LGH last weekend. It was a very challenging situation. I spoke to Emily Shepherd on Sunday and have a meeting with her tomorrow. I am looking forward to that. My department is meeting with the nurses' union today. We need to work -

Mr Winter - You are being nice to them now?

Mr BARNETT - I take this very seriously. We will work on those issues and through all those challenges to put the patient at the centre and do what is required to get the healthcare services that Tasmanians deserve. We are very committed and will continue to be so. I take it seriously and look forward to working with our nurses' union and stakeholders. I have roundtables on a regular basis. I have another one in a few weeks' time with all the unions, my department and the key stakeholders. I look forward to working with them to deliver the better healthcare services that Tasmanians deserve.

The SPEAKER - I point out for anyone watching that the member for Franklin is not wearing a Richmond banner. The ribbon that everyone is wearing is for track safety. Please do not feel that we have all decided to support the Richmond Football Club.

Metro Tasmania - Bus Services

Mr O'BYRNE question to MINISTER for TRANSPORT, Mr ABETZ

[10.15 a.m.]

It has been a year since your government slashed nearly 900 Metro bus services per week in what you are still embarrassingly describing as a temporary service reduction. This continues to have a profound impact on people getting to work and appointments, and is making traffic congestion worse. At the time, you justified these cuts by saying that school bus services would be prioritised, but you recently received a letter from the Hobart College School Association which raises deep concerns about rampant unplanned cancellations, buses not running to schedule and students being turned away because those few buses left are full.

Parliament passed a motion calling on your government to restore Metro services as a matter of urgency, and yet this shameful situation continues. You have been in the chair long enough. You have the most political experience of anyone in this House. When will you bring this chaos to an end?

ANSWER

Honourable Speaker, I thank the member for the question. What he does understand and know is that there is a driver shortage in Australia. About 25,000 drivers are needed in Australia. Just in south-east Queensland alone there is a shortage of drivers of 500. Guess what? Tasmania is not exempt from that driver shortage. I thought the member would have paid recognition to that fact. It is not a situation that only applies to Tasmania, it is all over Australia.

In relation to Hobart College, they tell me it has produced some pretty good students, and I would be anxious to ensure that everybody gets to Hobart College on time, because I want them to get the same educational benefits that I did, having attended Hobart College myself.

At one stage, a driver unfortunately missed the Mt Nelson turn-off and kept the bus going, which occasioned difficulties. These are matters that have been raised in that letter and I am seeking advice about their specificity.

I have had discussions with the chairman of the board and the Metro CEO to see what can be done to get more drivers on board. There are issues, such as that every Metro driver have to have a heavy vehicle rigid licence -

Mr O'Byrne - That has been the case for over 50 years. That is nothing new.

Mr ABETZ - That interjection was a little bit too soon, with respect, member for Franklin. A medium rigid licence is only needed for non-articulated buses, and given that only 10 per cent of the fleet are articulated, it stands to reason that we could get some drivers with only medium rigid licences. They are the sorts of things I am exploring which would make it easier for some new arrivals in Tasmania and Australia to be part and parcel of overcoming the driver shortage.

We are exploring all these things, but we cannot manufacture drivers out of nothing. When Australia has a shortage of 25,000 drivers, of which Tasmania is not exempt, we have a battle on our hands. You can be assured that not only I but the whole of government is working on the matter.

The SPEAKER - The minister's time for answering the question has expired.

Port of Devonport - Wharf Ugprades - Timeline

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.20 a.m.]

You have made such a mess of the wharf upgrades for the *Spirit*s that you have to spend at least another $50 million on a second wharf just so the *Spirit*s have somewhere to temporarily

operate from. Will these costs be completely sunk once Berth 3 is finally available? When will Berth 1 be available for the *Spirit*s to use?

ANSWER

Honourable Speaker, I thank the member for his questions. I am advised that TasPorts is now working through the ministerial direction about these matters. Once contracts are signed, the public will be fully informed of every dollar and every cent in the interest of transparency. This is a significant Tasmanian taxpayer investment, which will be here for at least the next three decades. When you think of the millions of tonnes of produce that will be exported out of this state as a result of that extra capacity and the millions of passengers who will be brought to Tasmania as visitors to our wonderful island over those three to four decades, it is an extraordinary investment on behalf of Tasmanian taxpayers. That is why it is important to be open and transparent with the Tasmanian people, as we will be regarding the finalisation and every dollar and every cent. In the meantime, you can continue talking the place down -

Members interjecting.

The SPEAKER - Deputy Leader of the Opposition, you will be warned if your persistent interjections continue.

Mr ROCKLIFF - You continue to talk the place down about every dollar and every cent, Mr Willie, thank you very much.

Members interjecting.

The SPEAKER - Mr Willie will also be subject to a warning soon. Premier, I am stopping the clock. I do not want to throw anyone out, but I do not want people on the right or left side of the House using that as an excuse to continually interject. You will be thrown out if it continues. It is persistent. It is very hard for people to hear the answers.

Mr ROCKLIFF - Thank you, Honourable Speaker, I respect your ruling. I respect that the shadow treasurer will deliver an alternative budget in 42 days, where every dollar and cent will be clearly itemised, and then we will get an indication of whether the red book of despair will come to realisation in the $2 billion worth of cuts.

Ms DOW - Point of order, honourable Speaker.
Members interjecting.

The SPEAKER - I will hear the point of order. Members on my right will listen in silence.

Ms DOW - Standing Order 151, which is continuing irrelevance and tedious repetition. We have been hearing that argument from the government for the last 10 years, and those two words characterise this government. I call the Premier's attention to the question, which is important, about the infrastructure required for the new *Spirit* vessels servicing.

The SPEAKER - Standing Order 151 applies to speeches in the House, as opposed to questions. The more relevant order would have been Standing Order 45. I ask the Premier to address the question about Berth 1.

Mr ROCKLIFF - Honourable Speaker, the deputy leader is right. We have been talking about this for 10 years. It has been 3000 days since we have seen alternative Budget from a state opposition. Will it be 3365 days?

The SPEAKER - The Premier's time has expired.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr WINTER - To re-ask the same question, when will Berth 1 be upgraded and available for use by *Spirit*s *IV* and *V*?

The SPEAKER - Premier, whilst there was a large preamble to the question that you addressed, and having intervened to protect you so you could answer the question, I want you to answer the question on Berth 1.

Mr ROCKLIFF - Thank you, Speaker. As we have announced, shareholder ministers have formally directed both TT-Line and TasPorts on the berthing projects at the Port of Devonport. These are challenging circumstances which we will work our way through. We expect the delivery of that infrastructure and are charging the project's delivery to TasPorts and TT-line working together.

The Labor Party talks down this opportunity of infrastructure investment and investment in the two new *Spirit*s. We will get the job done. Despite your negativity, we are getting delivery of the ships in quarter three. There is then training, commissioning, and other matters we need to address. We look forward to the *Spirit* sailing up the Mersey River and no doubt -

The SPEAKER - The Premier's time to answer the question has expired. I am sure it was a lovely finishing line, but never mind.

kunanyi/Mount Wellington - Review

Mr BAYLEY question to MINISTER for BUSINESS, INDUSTRY and RESOURCES, Mr ABETZ

[10.25 a.m.]

Your government has a policy to support a cable car up kunanyi/Mount Wellington and the construction of a large, privately owned commercial centre on the summit. Your predecessor set up a specific section in the Department of State Growth to help its progress and pass facilitation legislation to help the proponents apply for assessment. That assessment was comprehensively rejected and the proponents' appeal failed because the independent tribunal determined the negative impacts on special values were unacceptable.

In last year's state of the state Address, the Premier pledged a pathway for the cable car, and the member for Clark tweeted a cute cable car emoji when you announced an internal review in May after complete silence during the election campaign. The review's terms of reference are now out and an internal committee of department heads has been announced.

How can you seriously expect anyone to believe that this review is anything other than a Trojan horse to undermine the Wellington Park Trust and existing protections, and finally deliver a cable car for your mates?

ANSWER

Honourable Speaker, I am not sure that the word 'cute' and the member for Clark, Mr Behrakis, go together in the same sentence, but you have done it, member for Clark. Good luck with that.

The simple fact is the government has a policy in relation to the cable car. That is well known. However, what we have done is gone back to basics to ask what a total plan for the Wellington precinct might be; some 18,000 hectares where you have land owned by the Crown, Glenorchy and Hobart city councils, a water board and private owners. We still do not have, with a Wellington Trust and other entities involved, a proper fire management plan. We do not have proper access up the mountain.

Everybody agrees that the road up the mountain is suboptimal. How do we deal with that? How do we get access for people up to the pinnacle of the Wellington precinct?

Dr Woodruff - They have their review. They are doing that work already.

The SPEAKER - Order, Leader of the Greens.

Mr ABETZ - The Wellington precinct is the most visited natural attraction in Tasmania. It beats Cradle Mountain and Freycinet by over 100,000. It is the most visited place in Tasmania. Surely, it deserves better for the people of Tasmania and tourists, and let us see what possibilities and eventualities this review throws up.

To make derogatory comments about the review is a terrible reflection on Tasmanian public servants who have been charged with this exercise.

Dr Woodruff - You drew it up.

Mr Bayley - It is not independent.

The SPEAKER - Thank you, Leader and Deputy Leader of the Greens.

Mr ABETZ - It is a terrible reflection on Tasmanian public servants that you do not trust them to undertake an independent review.

Mr Bayley - They are your public servants, minister.

Mr ABETZ - No, they are the Tasmanian people's public servants. Trying to politicise the public service as you just have, member for Clark, is a terrible reflection on your mindset

and the way that you would do business should you ever be given the levers of government again.

The people of Tasmania can be assured that this review of Mt Wellington is progressing well. What we have is now the terms of reference, a discussion paper and, hopefully, by about mid-next year, we will get the full review.

Supplementary Question

Mr BAYLEY - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr BAYLEY - The minister just referenced a discussion paper. I am not aware that has been released. Can you confirm that there is a discussion paper?

Mr Ellis - That is another question.

Mr Bayley - It flows from the question.

The SPEAKER - Thank you, Mr Ellis. Supplementary questions are allowed if the original question has yet to be addressed or information has come in the answer that is subject to the original question. As such, the material introduced by the Leader of Government Business is from the answer, so I ask the minister to address that.

Mr ABETZ - I am more than happy to oblige. The terms of reference have just been released. That will be followed by a discussion paper, which I am anticipating being released in about October of this year.

Corrections - Protection for Whistleblowers

Ms JOHNSTON question to MINISTER for CORRECTIONS and REHABILITATION, Ms OGILVIE

[10.31 a.m.]

The Custodial Inspector released a media statement yesterday reiterating his calls for legislative amendments to the *Custodial Inspector Act 2016* to protect whistleblowers against reprisals. He made this call initially in the 2022-23 annual report and nothing was done. Yesterday, he said:

> I would encourage parliament to consider bolstering protections for people who bring matters of concern to my office's attention, including breaches of fundamental human rights, such as a prohibition against torture and degrading treatment.

Will you heed the call this time and introduce an amendment bill to protect these whistleblowers from reprisals?

ANSWER

Honourable Speaker, I thank the member for the important question. The Custodial Inspector provides important oversight over the Corrective Services system in this state. The government remains committed to addressing the issues raised by the Custodial Inspector in his reports. Work is constantly occurring to address the issues he has raised.

The Custodial Inspector role was created by our government to ensure that we are working to continuously improve the prison, the service, and delivering an effective, accountable and humane custodial service.

I am advised that the Tasmania Prison Service has commenced work on addressing the recommendations that have been made in his latest report.

While the Custodial Inspector has called for protection from reprisals for people who raise concerns with his office in a media release, he acknowledges that he has received no reports of reprisals against staff who reported concerns about dry cells.

Metro Tasmania - Mechanics' Pay Dispute

Mrs BESWICK question to MINISTER for TRANSPORT, Mr ABETZ

[10.33 a.m.]

Tasmanians deserve a reliable Metro bus service, but recently that has been anything but the case. Last year, we lost approximately 900 weekly bus services and had to step in with the bus operator's dispute. Presently, workplace morale and retention is at a low, with the protracted pay dispute between management and Metro mechanics.

A motion brought before the House in May calls for the Minister for Transport to intervene and restore full Metro services as a matter of urgency. What have you done to step in and create a stable workforce, to ensure employees are being paid a reasonable wage, and that Tasmanians can have a Metro service they can be proud of and rely on?

The SPEAKER - I ask that we slow the questions down. It is a lot of information for Hansard and people listening to the broadcast to hear.

ANSWER

Honourable Speaker, since very early on in Australia's history, there has been an independent body to determine industrial disputes. Generally, that industrial body has served the people of Australia exceptionally well. Where there are industrial disputes, it is important to allow the independent umpire to make the appropriate determination, should that be necessary. The idea that ministers should intervene and say, 'Look, this person is worth such-and-such a pay rise', is not a wise approach to these matters.

That said, I have met with both the Australian Manufacturing Workers' Union (AMWU) and the Rail, Tram and Bus Union (RTBU), which represent the mechanics and drivers of Metro, to ensure I fully understood their position. Not surprisingly, I have met with the management of Metro to get a full understanding of their position. It is for the unions, workers

and management to resolve this issue. I have encouraged them to do so for the sake of Metro and the workers, to get rid of the uncertainty.

However, the idea that a minister should involve him or herself in a manner that might be implicit in the question is not a wise move, because as soon as one does, one undermines the independence of the independent umpire we have in relation to these matters.

Regarding the services that have been curtailed, I have largely answered that in response to the member for Franklin. I wish I could overcome the driver shortage that is afflicting the nation as a whole.

kunanyi/Mt Wellington - Review

Ms BURNET question to MINISTER for BUSINESS, INDUSTRY and RESOURCES, Mr ABETZ

[10.36 a.m.]

In 2021, the Mount Wellington Cable Car Company proposal was comprehensively rejected by the Hobart City Council through a rigorous established planning process, hearing thousands of concerns raised by Tasmanian Aboriginal people, the community, and experts. That decision was upheld by the independent Tasmanian Civil and Administrative Tribunal (TASCAT) in 2022, on the grounds that it would damage the special values of the mountain.

Your review's terms of reference will have an unelected State Growth-led committee report to you as minister for - of all things - Business, Industry and Resources. Even with community engagement - and numerous statements that this government is in favour of a cable car - how can the public have any faith that their voices will be heard and that your government will protect the natural values of kunanyi, rather than the commercial interests of cable-car developers? Should parliament expect further legislation for a cable car?

The SPEAKER - The time for the question had expired. I am not sure whether that last part has made it in time, but if the minister can address that, that could be easier.

ANSWER

Honourable Speaker, a point that needs to be made is that the 18,000 hectares of the Wellington precinct is a Tasmanian asset. It is not the plaything of Hobart City Council. With great respect to Hobart City Council, which has a genuine interest in it as a part-owner and is expending considerable amount of money on it, it is an asset that belongs to all the people of Tasmania. Whilst Hobart City Council might express views from time to time, they are, potentially, not necessarily reflective of the broader Tasmanian community.

What the Department of State Growth is undertaking at the moment is a comprehensive review to ascertain what can be done to ensure that the values of the mountain remain. I stress that one of the three points in relation to the review is to maintain the values of the mountain. However, locking it up, keeping people from enjoying the precinct is not -

Dr Woodruff - The most visited place in Tasmania. You just said it yourself.

The SPEAKER - Thank you, Leader of the Greens.

Mr ABETZ - Yes, and that is why seeking to deny other people access to it is not an appropriate course of action. We want as many people as possible to enjoy the precinct without damaging its values. That is why, as part of the three-pronged review, values is up there in lights. It is there in the terms of reference for everybody to see. Should they wish, people can start to make submissions now. I would encourage them to potentially wait for the release of the discussion paper to inform themselves of all the considerations in that paper, and then every single Tasmanian who wants to can make a submission to the review. It is open to each and every one of our fellow Tasmanians, and that is what we designed it to do. That is what we want it to do, because we want to hear, with respect to the former Hobart City councillor, the view of all Tasmanians and not just Hobart City Council.

Supplementary Question

Ms BURNET - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Ms BURNET - I did not quite hear the minister's answer about protecting the natural values of kunanyi.

The SPEAKER - Was that the last sentence of the question?

Ms BURNET - No, it was previous to the last thing, the natural values of kunanyi, and he should have heard that.

The SPEAKER - The minister probably has. He may wish to add to that, but I will remind you that his title is Minister for Business, Industry and Resources, in case that is just an error, not a deliberate thing. I do believe that the natural assets were addressed by the minister, but I am happy to hear another question. Do you have another question?

Ms BURNET - In that point of order or the supplementary question?

The SPEAKER - Member for Clark, on what you are rising? Do you have a point of order?

Ms BURNET - The point of order is that it was the natural values. It was misunderstood.

The SPEAKER - If the member could resume her seat. Supplementary questions are a new feature of this House and I have been incredibly flexible about their usage. It is very much a call for me. You can move dissent to my ruling, if you like, but at this stage, I do not know that the minister has strayed so far from the content of the question for that not to have been considered an answer. You do have an opportunity for another question.

Port of Devonport - Wharf Upgrades

Mr WINTER question to PREMIER, Mr ROCKLIFF

[10.41 a.m.]

In the latest of a long series of cost blowouts, you are planning to spend at least another $50 million of taxpayer money upgrading Berth 1 at Devonport for temporary use by *Spirit*s *IV* and *V*.

Members interjecting.

The SPEAKER - The member will have his question heard in silence, thank you.

Mr WINTER - The member for Braddon does not think it is serious. Will this additional $50 million upgrade enable the new *Spirit*s to be fully loaded with passengers and freight while using Berth 1, or will the *Spirit*s have to operate at reduced capacity until Berth 3 upgrades are complete due to the insufficient depth at Berth 1?

Ms Finlay - Hear, hear. Great question.

The SPEAKER - I have not called the Premier, but I will remind the member for Bass that her commentary is not necessarily helpful.

ANSWER

Honourable Speaker, we are getting on with the job. Whether you like it or not, we are going to deliver these two new ships. It will be a proud moment for Tasmanians when they arrive. For all your negativity, it will be known for the history books that you did not lift a finger to support and encourage this development, but no doubt you will be there for the opening and the celebration, as you always are. The Labor Party fight against everything, but when the opening happens and the ribbons are cut, you are there.

Dr BROAD - Point of order, Speaker, Standing Order 45. It is clear that the Premier has strayed a long way from even getting remotely close to answering what is a very specific and very serious question.

The SPEAKER - The Premier was only 30 seconds into his answer and he has more time to answer the question. However, in this circumstance, there was not a long preamble, so I ask the Premier to address the question about the insufficient depth at the port.

Mr ROCKLIFF - There is a lot of operational detail within the question, so I am more than happy to offer the member a briefing or provide some answers at another time.

Ms Finlay - There are questions in the parliament to be answered.

Mr ROCKLIFF - Thank you, Ms Finlay. As I say, there is a lot of operational detail regarding infrastructure. However, the point is that our shareholder ministers have given clear direction to TT-Line and TasPorts on infrastructure and the timely delivery of the ships and associated infrastructure. In his question, the member points to a figure. I said we do not have

a definitive estimate yet but am happy to provide that to the House when I am advised or when we do. The member leads with his chin in those matters.

Mr Winter - I have been right every time so far.

The SPEAKER - Members on my left will stop interjecting. I draw the Premier to the part of the question about capacity for passengers and freight.

Mr ROCKLIFF - Thank you, Speaker, I am always happy to oblige in the full interest of openness, transparency and accountability as to the definitive cost estimate in this case, as per the first question of the day. As I repeat, we are getting on with the job as a government, not only with delivering the ships and infrastructure across Tasmania. We came to government with a clear 100-day plan and have had 78 deliverables delivered and more. Over the next 100 days, we will continue to deliver not only the commitments we made at the last election on 23 March, but more of the things that matter to Tasmanians; ensuring they get the best available health care and putting roofs over people's heads.

The SPEAKER - The member's time for answering the question has expired. I assume I am hearing a supplementary.

Supplementary Question

Mr WINTER - A supplementary question, Speaker.

The SPEAKER - I will hear the supplementary question.

Mr WINTER - It is a very simple question. I am hoping the Premier can answer or commit to come back to the House with the answer. Is Berth 1 deep enough for the new *Spirit*s to operate while fully loaded with passengers and freight?

The SPEAKER - Premier, that was the very specific nature of the first question. I will call the Premier. The commentary that he has made to me before he seeks the Chair does not make the *Hansard*, so I call the Premier to the specific question. You have one minute.

Mr ROCKLIFF - Thank you, honourable Speaker. My view is that I answered the question. I have offered the member a briefing. I can come back to the House with answers once we have this. It is very operational in nature. I am always happy to provide answers to the House of such nature or provide Opposition members and the crossbench with a briefing.

Mr WINTER - Point of order, honourable Speaker.

The SPEAKER - I will hear the point of order, but the Premier has resumed his seat.

Mr WINTER - Could the Premier take this on notice in the interest of transparency?

The SPEAKER - I am sorry but that is not a point of order. The Premier has made it clear he is not going to take that question on notice and, I assume, is offering members a private briefing, and has undertaken to update the House when he has information available. That is now on the record.

Metro Tasmania - Bus Reliability

Mrs PENTLAND question to MINISTER for TRANSPORT, Mr ABETZ

[10.47 a.m.]

In your 2030 Strong Plan, you offered half-price fares which commenced on 1 June this year. Due to pay disputes with Metro mechanics, bus routes and timetables have drastically decreased. It is almost laughable to offer half-price fares for a bus service that barely exists. Not every Tasmanian can afford to own a car, and people expect and deserve a reliable Metro bus service to access medical appointments and live their everyday lives. The Metro saga has been going on for way too long. What do you say to these people who are reliant on your Metro service and have been ongoingly let down?

ANSWER

Honourable Speaker, I am glad that somebody else has read the 2030 Strong Plan. I recommend it to every member in this House, and I congratulate the member for Bass for referring to it.

The initiative of half-price bus fares was designed to assist people with cost-of-living pressures in our community. As I go around the community, especially from students, they appreciate the half-price bus fares. That was an initiative of the Liberal government, conscious of the fact that cost-of-living pressures were upon us.

In relation to the public transport of buses and ferries, this morning I availed myself of the opportunity of crossing the Derwent on a ferry from Bellerive. It is a great service and I recommend it to everybody. In making that comment, with respect to the member, our public transport is in greater existence than barely existing. We have a pretty good service. Can it be improved? Absolutely, and it needs to be improved, but to say that it only barely exists is to over-egg the situation that we face.

As I said to the members for Franklin and Braddon before, we have an issue with driver shortages around Australia, and Tasmania is not exempt from that. I have put forward a suggestion to Metro in relation to how we might be able to get more drivers in by only requiring the medium licence as opposed to the heavy rigid licence, as an opportunity for people looking to drive buses. That is something they are working through.

I have no idea whether my suggestion is a value add or a nuisance to Metro. However, you can be assured that we are exploring every possible avenue to ensure that our public transport system is at the best possible level that it can be. It is vitally important, as the member correctly said in her question, to recognise that this is a mode of transport that many people rely on to get to and from work and to and from medical appointments.

I add for the member for Braddon, in particular, that the half-price bus fare from the West Coast up to Burnie for medical appointments is quite significant. It is about $24 a trip. That has had real impact for many people in our rural and regional areas dealing with the cost of living.

Members - Hear, hear.

Tasmanian Prisons - Dry Cell Management

Ms ROSOL question to MINISTER for CORRECTIONS and REHABILITATION, Ms OGILVIE

[10.51 a.m.]

Today, the Custodial Inspector will table the inhumane treatment in dry cells review report, which confirms that people held in dry cells have been treated inhumanely in Tasmanian prisons. The Custodial Inspector has also expressed concerns that people in custody and Tasmanian Prison Service staff are both at risk of reprisals for raising concerns with his office. This follows concerns raised in the 2022-23 Custodial Inspector annual report, which says:

> There are no protections for people who do come forward to report issues to my office. There should be.

You just listed a range of protections, but the Custodial Inspector specifically referred to the need for urgent legislation. When will you introduce legislation to amend the *Custodial Inspector Act 2016* to provide for protection from reprisal, including the introduction of penalties for reprisals against people who report concerns?

ANSWER

Honourable Speaker, I thank the member for the question. As I have said, I am advised that the Tasmanian Prison Service (TPS) has commenced work on addressing the recommendations made in the last report. While the Custodial Inspector has called for protection from reprisals for people who raise concerns with his office in the media release, he acknowledges that he has received no reports of reprisals against staff who reported concerns about dry cells.

To go a bit further, because it is obviously a topic of interest to the House, dry cell management involves the isolation and observation of a prisoner suspected of internally concealing items. That is important. The TPS follows this process to ensure the safety of individual prisoners as well as the safety of other prisoners and of staff. One of the greatest risks to the operation of safe and secure facilities is the introduction and movement of contraband. To ensure the safety of staff, visitors, prisoners and remandees, safe systems that detect contraband must be in place. Concealed items have the potential to cause serious injury or death in a prison environment.

Where there is reasonable suspicion that a prisoner is in possession of contraband, the TPS must act to ensure safety for everyone who might be impacted. The TPS has always sought to balance the need to safeguard the prison and to protect prisoners, staff and visitors with the need for humane treatment of prisoners subject to dry cell management.

The department has acknowledged and accepted the recommendations in full and has commenced working on addressing these recommendations. The impending commencement of the use of body scanners is expected to provide an opportunity to consider how dry cell management is used, or even cease the use of dry cell management altogether. Body scanners will be able to detect objects on or inside a person's body and clothing without the need to physically remove items of clothing or make any physical contact with the person being searched, which is preferrable. Scanners will have a positive impact in correctional facilities

through increased safety, and they will provide an opportunity to potentially move away from dry cell management through the removal of doubt.

You have asked about the Custodial Inspector's media release issued on 5 August, in which the Custodial Inspector calls for changes to the act to prevent reprisals against those making referrals to his office. He noted that, thankfully, so far:

> I have heard no reports of reprisal towards the staff who raised concerns with us about the treatment of people in dry cells.

The view of the Custodial Inspector is that changes are required to the act, but I am not aware of there being an issue with people not being comfortable to share information with the Custodial Inspector due to fear of reprisal. However, if that is an issue, I am open to hearing more.

The SPEAKER - The minister's time has expired. I am assuming there is a supplementary question from the member for Bass.

Supplementary Question

Ms ROSOL - I have not received an answer to my question asking when legislation to amend the act would be introduced.

The SPEAKER - The preamble has been addressed by the minister. There is still the question of when the minister can provide additional advice to the House on the timing. Thank you, minister.

Ms OGILVIE - I am pleased to be able to give you additional information. We have not committed to introducing any sort of legislation.

Dr Woodruff - Shameful.

The SPEAKER - I will allow the minister to be heard in silence.

Ms OGILVIE - The Custodial Inspector's views that changes are required to the act. I am happy to listen to those. The work we are doing on dry cell management, particularly with body scanners, is a positive step forward.

Community Legal Centres - Funding

Mr GARLAND question to ATTORNEY-GENERAL, Mr BARNETT

[10.56 a.m.]

My question is timely considering the mandatory sentencing bill we are debating today. The legal assistance sector, which includes community legal centres and Tasmanian Legal Aid, provides vital free legal assistance to those who cannot otherwise afford it, ensuring access to justice is available to all. It is jointly funded by the federal and state governments.

The Attorney-General is aware of the critical shortage of criminal lawyers undertaking community legal work across the state. The shortage is acute on the north-west coast, where Tasmanian Legal Aid until recently had file pauses for criminal matters in their Burnie, Devonport and Launceston offices.

The Attorney-General would be aware that the recent independent review of the National Legal Assistance Partnership proposed a way of attracting and retaining practitioners in the legal assistance sector by including a HECS debt forgiveness scheme. Your government has announced similar schemes to attract GPs to work in rural and regional areas. Will the Attorney-General implement a similar scheme for legal practitioners so that community legal organisations such as Legal Aid -

The SPEAKER - The member's time for asking the question has expired.

ANSWER

Honourable Speaker, I thank the independent member for Braddon for his question and his special interest in supporting his local community through community legal centres and Tasmanian Legal Aid.

I congratulate and thank the Tasmanian Legal Aid Service for what they do. It was a month or two ago that I hosted a special event in this parliament to acknowledge Tasmanian Legal Aid's 50 years of service, and to highlight the wonderful work that they do.

You have rightly noted that the federal and state governments support our community legal centres in Tasmania. I put on record, on behalf of the government and hopefully all of us, our thanks for their work in the community across a whole range of areas. I certainly acknowledge that exceptional work and their contribution to the justice system.

You referred to the National Legal Assistance Partnership agreement and the importance of working our way through that. I have had recent discussions with the federal Attorney-General specifically in that regard. We are taking that matter seriously. There has been a review, which you referred to in your in your question. We are in negotiations with the federal Attorney-General and his department. We hope for a positive outcome to ensure that Tasmanians are supported. Getting access to justice is important. It is challenging.

You referred to access to criminal lawyers and the criminal justice system. You are right: it is challenging. That is why we as a government take this seriously. We want the federal government to step up and deliver. We will work with them and I am very pleased to be working with federal Attorney-General, Mark Dreyfus, and we will continue to work productively and positively with him.

I am concerned about cuts by the federal government to Tasmanian Legal Aid. That is an issue that has been raised at SCAG, the Council of Attorneys-General. We meet from time to time. This is on their agenda and my colleague attorneys-general around Australia are also raising this with the Commonwealth. We do not want further concerns in that regard.

The SPEAKER - I draw the minister to the question.

Mr BARNETT - I have been answering different parts of the question. I acknowledge the important role of the community legal centres and Tasmanian Legal Aid and we will do everything in our power to address that. If the member would like further discussions offline, I am more than happy to have those discussions to outline those concerns and address any other matters the member, or indeed other members in this place might have on these important matters.

The SPEAKER - The minister's time for addressing the question - I will not say answering - has expired.

SeaRoad - Effect of Infrastructure Upgrade at Devonport

Mr WINTER question to PREMIER, Mr ROCKLIFF

[11.01 a.m.]

Because of your failure to deliver the infrastructure you promised at Berth 3 at Devonport for the new *Spirit*s, you now have to upgrade Berth 1, spending at least an additional $50 million on an interim solution. As TT-Line recently told the Public Accounts Committee, the plan will have impacts on SeaRoad. The length of the new ships mean they will extend over Berth 2. SeaRoad operates a very important service for Tasmanian exporters from Berth 2 at Devonport. Can you outline for the House exactly what impact your plan will have on SeaRoad's operations and their customers, Tasmanian exporters? Has SeaRoad agreed to your plan?

ANSWER

Honourable Speaker, I thank the member for his question. I commend SeaRoad for their investment. They play a key role in our freight capacity on Bass Strait. My expectation is that TasPorts and TT-Line work with all stakeholders on the Port of Devonport, including SeaRoad. That would be my very clear expectation, as Premier of Tasmania. No doubt, the ministers for Transport and Infrastructure would wholeheartedly agree with me about the importance of working with organisations such as SeaRoad to ensure that any impact on their operations is minimised as a result of any infrastructure upgrades to cater for the *Spirit*s coming online, larger vessels that they are.

I cannot provide an update as to exactly the circumstances about SeaRoad. That is an operational matter. As I say, my expectation is that TasPorts and TT-Line engage thoroughly with any affected stakeholders.

Port of Devonport - Wharf Upgrades' Impact on Tourism

Mr WINTER question to PREMIER, Mr ROCKLIFF

[11.03 a.m.]

The new *Spirit*s and associated wharf infrastructure are likely to be five years overdue and $500 million over budget. Instead of seeing the benefits of a 40 per cent increase in capacity, our tourism industry is currently struggling through its weakest booking numbers since before the pandemic. The north-west, which relies most on the *Spirit*s, is the worst

affected, with occupancy rates below 38 per cent and now you will not even rule out running the ships at half capacity and taking wharf space away from our exporters. It is the biggest infrastructure stuff-up in Tasmanian history. It is costing jobs and hurting our economy and it has happened without you or anyone in the government taking any responsibility. As Premier and Minister for Tourism and Hospitality and as the former minister for infrastructure, do you accept any responsibility at all for this mess or, if it is not your responsibility, whose responsibility is it?

ANSWER

Honourable Speaker, I thank the member for his question. Honestly, the immaturity of those opposite when we are dealing with serious issues has been highlighted. You love coming in here to talk about bad news, do you not? You love coming in here and talking Tasmania down. We recognise the challenges we have in infrastructure and workforce is part of that, and I am talking infrastructure across the state.

Mr Winter - This is not a workforce issue. This is your issue.

The SPEAKER - Members on my left, when you interject, the Premier then gets to go off topic. I want an answer to this question and I am sure you would as well.

Mr ROCKLIFF - I am well aware of the circumstances of our tourism and hospitality sector. I have already reached into that today in terms of occupancy rates, which look like they are going back to pre-COVID levels. Many in the hospitality and tourism sector are undergoing significant challenges, notwithstanding the efforts we have made to ensure that we are investing in events and sporting events. Dark MOFO, albeit having a one-year hiatus, we still invested in that, bringing people to Tasmania and supporting our visitor economy. I mentioned in an earlier question some 57 events we are investing in, bringing 400,000 bed nights between April and September this year.

For a relatively small investment we have supported the Scallop Fiesta over the course of a couple of years, and last weekend more than 2000 people attended. They tell me that the Bridport pub was pumping that night or the night before, which is fantastic. Any small investments that we can make in our regions to support our regional tourism economy we are doing and will continue to do. I will not let Mr Winter talk Tasmania down.

Supplementary Question

Mr WINTER - A supplementary question, Speaker?

The SPEAKER - I will hear the supplementary question.

Mr WINTER - Tourism and hospitality businesses are struggling -

Mr Rockliff - You have already said that.

The SPEAKER - Thank you, Premier. I am hearing the supplementary, not an argument, please.

Mr WINTER - The question is to repeat the question. As Premier, Minister for Tourism and Hospitality, and a former minister for infrastructure, do you accept any responsibility for this mess, and if it is not your responsibility, whose responsibility is it?

The SPEAKER - I call the Premier to address that part, though he was answering the very long preamble and making commentary on that, which he is entitled to do when latitude is asked and allowed on the question. Premier, I call you to the question.

Mr ROCKLIFF - I reject the premise of the question. It is a silly question. As Premier of Tasmania, I accept responsibility for the job lot: good, bad or indifferent.

Speaker, I have had six questions today and a number of supplementaries. The buck stops with me: good, bad or indifferent. I accept that.

The fact is we will get this job done in our 2020-30 Strong Plan for Tasmania: half-price public transport; a $250 renewable energy dividend into accrediting people's power bills; infrastructure investment into new schools; hospital upgrades; new ambulance stations across the state. I am happy to accept responsibility for the good and the challenging in Tasmania. I have never shied away from that.

The SPEAKER - The Premier's time for answering the question has expired.

Spirits of Tasmania - Identification of Potential Issues

Ms DOW question to MINISTER for TRANSPORT, Mr ABETZ

[11.08 a.m.]

The issues with the *Nuyina* were only discovered once the ship arrived. Sea trials and subsequent modelling have recently been inducted for the new *Spirits*. Were any issues identified with the new *Spirits* operating in and out of the Port of Devonport?

The SPEAKER - I call the Minister for Transport and note the precise question with no preamble.

ANSWER

Honourable Speaker, I am not 100 per cent sure as to what the question relates to.

The SPEAKER - If I can assist the minister: was anything identified in the sea trials in regard to the *Spirits*?

Mr ABETZ - In the sea trials?

Dr Broad - And the modelling for the *Spirits*.

Mr ABETZ - For Devonport?

Ms Dow - Yes.

Mr ABETZ - Now I understand the question.

The SPEAKER - The minister is comfortable he knows the question?

Mr ABETZ - Yes. The reason I could not understand where the question was coming from was that the sea trials are taking place in the Northern Hemisphere to ensure that the ships are fit for purpose. To suggest that the modelling would take place up there for the Port of Devonport is, I suppose, indicative of the way that the Deputy Leader of the Opposition considers these matters. I can understand why the deputy leader is not allowed to ask many questions, Mr Winter, but the sea trials in the Northern Hemisphere -

Members interjecting.

The SPEAKER - Order. Members on my left, when you all yell at once, any interjection is useless anyway.

Mr ABETZ - are to ensure that the ship is fit for purpose. There was one lot of sea trials on diesel bunker fuel; the other sea trial for *Spirit IV* was in relation to LNG and whether there was any need to make alterations. As I understand it with the sea trial, there is a checklist of about 1000 different items that they check off to ensure that the ship is fit for purpose. These sea trials take place prior to TT-Line taking delivery of the ship, which then commences the warranty period. How a shipbuilder and fit for purpose operates in relation to the Port of Devonport, I am not exactly sure how those two matters relate.

Supplementary Question

Ms DOW - A supplementary question, Speaker?

The SPEAKER - Thank you. I will hear the supplementary, Deputy Leader.

Ms DOW - It was an interesting answer from the minister. I do not know that he understood the question. My question, minister: is there any risk of the new *Spirit*s being permanently unable to operate from Devonport and, if so, what is plan B - will they start operating from Burnie?

Members interjecting.

The SPEAKER - Thank you, members on my right. I am afraid that I cannot rule that in as a supplementary, but your supplementary question is now on the record.

Time expired.

CONSTITUENCY QUESTIONS

Tasmanian Justice System - Cost and Accessability

Mrs PETRUSMA question to ATTORNEY-GENERAL, Mr BARNETT

[11.13 a.m.]

Some people in my community of Franklin have expressed frustration at the lengthy and mostly costly process of interacting with the Tasmanian justice system. I know that there have

been some changes to the system since TASCAT's commencement, but what are you doing to ensure we are continuing to strengthen and modernise Tasmania's legal system even further and to make it a faster, cheaper and more accessible process for all Tasmanians?

Sustainable Timber Tasmania - Responses to Inquiries

Dr WOODRUFF question to MINISTER for BUSINESS, INDUSTRY and RESOURCES, Mr ABETZ

My constituent, Michelle, has contacted Sustainable Timbers Tasmania several times over the last six weeks seeking information about the proposed logging coupes that are on their latest three-year plan and particularly about coupes that are marked to be logged in 2024. She received one reply after her initial email asking that she supply more information. She replied providing answers to STT's questions but has not had a responding email since, despite resending her questions each week.

Feedback on their annual logging plan is part of commitment to engaging with local stakeholders. Why has Sustainable Timbers Tasmania not provided the information Michelle requested or acknowledged receipt of her subsequent emails?

Sexual Abuse Trials - Backlog

Ms FINLAY question to ATTORNEY-GENERAL, Mr BARNETT

Following the distressing article published in *The Examiner* last week about a young complainant having to wait more than five years for an alleged sexual abuser to go to trial, a local constituent has asked me: In anyone's world, how is this okay?

What plans do you and your government have to address this backlog? What is the exact number of people waiting for trial in the Supreme Court as of 30 June 2024? It is not just about alleged offenders. It is also about the devastating impacts on victims. Can you say how many people are on the Supreme Court waiting list, broken down by how long they have been on the list and how many are on parole? This is not good enough, and my constituent and our community deserve to know how bad this is.

Rural Teachers - Incentive Package

Mr FAIRS question to MINISTER for EDUCATION, Ms PALMER

Remote and regional areas often face challenges when recruiting, and constituents in my electorate of Bass want to ensure our schools have the high-quality teachers they need. You have announced the pilot incentive package to attract teachers for hard-to-staff schools. This is welcome news, but in many instances the need is urgent. When can we expect to see this scheme deliver results? What other strategies does the government have in place to ensure regional and remote schools are adequately staffed?

Roadkill on State Roads

Dr WOODRUFF question to MINISTER for TRANSPORT, Mr ABETZ

Over recent months, we have had multiple reports to my office from constituents in the Huon Valley about the extremely distressing numbers of roadkill on state-managed roads, including eastern barred bandicoots, quolls and endangered Tasmanian devils. Dan, from Cygnet, notes the virtual fencing that the government talked about years ago has not proved to be an effective solution. He asks: What is the minister doing to mitigate the ever-increasing amount of roadkill on the Huon Highway?

Glen Dhu Pool

Ms FINLAY question to MINISTER for EDUCATION, Ms PALMER

One of our constituents, Jeff, contacted me on Friday after finding out that you have decided to permanently close the Glen Dhu pool, noting that the Liberals have promised to reopen the Glen Dhu pool at the last two state elections - that is twice. He wants to specifically know: When will you publicly release the engineering report you are relying on to justify your broken promises? When was the engineering report finalised? How much would it cost to reopen the pool again? How much was spent on the heating upgrades that you completed just this year? Where on earth are the young people of the north going to learn to swim now?

Veterans and Public Housing Availability

Ms BROWN question to MINISTER for HOUSING and PLANNING, Mr ELLIS

[11.16 a.m.]

It was great to see you at the Vinnies Homelessness Awareness Breakfast this morning. It was good to hear you mention veterans in your speech.

Recently, I wrote to you regarding Andreas Schrutier, a veteran in my electorate who has been waiting 178 weeks on the housing waitlist and is on the verge of homelessness. I have not received a response from you. What is your plan for Andreas and our other brave veterans?

The SPEAKER - There is no entitlement for another question. No one from the Jacqui Lambie Network has jumped, so we will call the end of Constituency Questions.

TABLED PAPERS

Parliamentary Standing Committee of Public Accounts - Annual Report 2023-24

[11.19 a.m.]

Mr WILLIE (Clark) - Honourable Speaker, I bring up the following report of the Parliamentary Standing Committee of Public Accounts:

- Annual Report 2023-24.

I move -

That the report be received.

Report received.

STATEMENT BY SPEAKER

The SPEAKER - Before I call on bills, members would have received a notification saying that this week we will not be distributing bills to each person. That is a combination of events: first, we care about the wasted paper that is happening in the parliament; and second, we do not have enough resources for the additional members at the moment. We are working through that. With a staff member on leave, we are stretched pretty thin so members may notice some changes during the week as we try to resolve that.

JUSTICE MISCELLANEOUS (ADMINISTRATIVE REVIEW TRIBUNAL) BILL 2024 (No. 36)

First Reading

Bill presented by Mr Barnett and read the first time.

FAMILY VIOLENCE AMENDMENT (PROTECTING PEOPLE AND THEIR PETS) BILL 2024 (No. 38)

First Reading

Bill presented by Mr O'Byrne and read the first time.

MATTER OF PUBLIC IMPORTANCE

Failure to Deliver

[11.22 a.m.]

Mr WINTER (Franklin - Leader of the Opposition) - Honourable Speaker, I move -

That the House take note of the following matter: failure to deliver.

I rise to talk about this government's failure to deliver, which is a topic I could speak about for some time, because the list is growing every day. Today, in Question Time, we asked repeated questions about what must be the biggest infrastructure debacle in Tasmania's history.

The situation as it currently stands is that new *Spirit*s, which are delayed by three years, have been conducting sea trials in the northern hemisphere. We are told that the first will arrive later this year and the second the following year. However, there is nowhere for them to operate from, if you can believe it. This government has been talking about these new *Spirit*s for

10 years, for its entire existence, and now that they are almost here, they have not started on the critical infrastructure required for them to operate. The level of incompetence it takes for this circumstance to arise is unheard of.

Our question today to the Premier was a simple one: who is responsible? In this government, no one is ever held responsible. Who is responsible for the biggest debacle in Tasmanian infrastructure history? Is it the Premier, who is also the minister for Tourism, who used to be the minister for Infrastructure? Is it the Deputy Premier, who is the Minister for Infrastructure and had been the minister for Transport? Is it the new Minister for Transport, who today did not seem to know a pretty simple premise to a question about whether the *Spirit*s could operate in the Mersey?

When we first asked questions about this critical issue within this parliament, the new Minister for Infrastructure and the Premier appeared to know nothing about it. However, we know that the Minister for Infrastructure knew all about it. He knew about the bailout for the Finnish shipbuilder, the delays in infrastructure, and the cost blowouts. He knew the entire time. This is the minister who told a parliamentary committee that these were fixed-price contracts and the price would not change. Well, lo and behold, it has gone up by $100 million for the ships, and the cost for the berth infrastructure has gone up by even more. Who is responsible? Who is responsible in this government? Are they going to hold anyone at TT-Line accountable? Is anyone at TasPorts going to be held accountable? Is the Premier going to take accountability, or is he just going to deflect?

This project is so important for our state. Yesterday, we heard hospitality numbers demonstrating that, particularly in the north west, the industry is struggling. Visitor night stays are at below 38 per cent. Businesses were looking at what would be the most positive thing that could happen to them in a long time, something they have been looking forward to: the new *Spirit*s *of Tasmania* delivering 40 per cent more capacity, 40 per cent more tourists, more caravans, more people coming and enjoying our state. They were told it was arriving three years ago. Only a few weeks ago, this government told them that the new S*pirit*s would be operating this summer. Last Thursday, under pressure and under questioning, the minister for Tourism and Premier of this state finally admitted what Labor has known for a long time and what I have been warning about: the *Spirit IV* will not be operating this summer.

My question was, and is, when will it be operating? The questions today are designed about this issue. When will Berth 3 be available? The government is saying that it is still years away, so when will Berth 1 be available for them to operate from? Additionally, will they be able to operate fully loaded with passengers and freight? These are simple questions that the minister for Tourism was not able to answer.

This project must be the most important issue for the tourism industry going forward. It has been long promised and long expected. Businesses, particularly in tourism and hospitality, have been investing and waiting for this to arrive. It goes to a long record of a failure to deliver.

Ten years on, there is no four-lane Midland Highway or northern suburbs light rail. We have the Minister for Infrastructure and the Minister for Transport here. The Minister for Infrastructure ruled out light rail only last year. A few weeks ago, the Minister for Transport seemed to say, 'Actually, we might do that, but we will tell you in three years' time. The people at Glenorchy need to expect that in three years' time'. After 13 years of this government, they will tell them what the mode of transport will be for the northern suburbs - something they

promised back in 2014. Will Hodgman stood there with Elise Archer. Remember her? Elise Archer stood there with Will Hodgman, with Matthew Groom. Remember him?

This is such a long time ago. People are starting to forget the promises they have made. They do not need a 100-day plan; they need a 3800-day plan because that is how long they have been delaying these projects. It is a disgrace.

Time expired.

[11.27 a.m.]

Mr FERGUSON (Bass - Deputy Premier) - Deputy Speaker, I appreciate the opportunity to address the matter of public importance today. I appreciate the Leader of the Opposition bringing it forward. What Tasmanians do not appreciate is the relentless negativity that the new Leader of the Opposition seems to have inherited from the previous leader of the opposition. He is stuck on a one-track mind of negativity while we are delivering record infrastructure and projects for our state. We are outclassing the Labor opposition, who feign their laughter, by four to one when you compare Labor's record in office. This is because we believe in infrastructure.

In 2019, we made the deliberate decision, as a government, to borrow to build the assets - dealing with past legacy issues that have been ignored for generations - helping the state to catch up and then future-proofing, thinking about the growing population and our growing economy. We are building schools again because our population is growing. The only school built under the previous Labor government I can think of is the Port Sorell school. Do not bring into the room the Hobart ones -

Mr Winter - Windermere Primary, Austins Ferry.

Mr FERGUSON - You did Windermere. That was because you were closing schools and collapsing them. There is a big difference. We are building Legana School, we are building Brighton School, and we are seeing the record speak for itself.

In the Leader of the Opposition's first question, he brought into the debate the four-lane Midland Highway promise. That was at an election that the Liberal Party lost because Labor and the Greens did a deal. It is interesting that they sneakily bring that in. We are honouring the commitment we made. We are now 10 kilometres short and next summer we will conclude the final 10 kilometres. I will not have the dishonesty of the Labor opposition on this matter. That is a very dishonest attempt to win an argument. Our commitment was to get the Midland Highway up to a three-star AusRAP rating, and that is what we have done, with 10 kilometres left to go. We intend to honour that commitment and have had great support from successive federal governments, Coalition and now Labor, to that plan. Do not bring your ancient history here. If you want to ask why the Liberals did not proceed with that, it is because Labor and the Greens did that terrible deal, which is a huge regret for the state.

Bridgewater bridge is going magnificently. I hear the Deputy Leader of the Opposition, who brings very little to this place but those kinds of unfortunate, unhelpful reactions. That project is employing hundreds and potentially thousands of Tasmanians and Australians here. It is building the asset that was promised when I was in senior secondary college. We are building it because we have got on with the job and have done what needed to be done, but we have not been helped by the negativity of Mr Winter. I am sure Mr Winter probably thinks and

hopes that we would have forgotten, but I have not forgotten that when Mr Winter was mayor of Kingborough, he called on us to scale it down. You seem surprised, Mr Winter.

I take you to the *Mercury* of 19 September 2019. You and your fellow mayors said that you wanted to see a less expensive solution for the bridge. You said that you would like to see the scale of the project scaled back. You felt that we had overspecced it. We said it needs to have the 16-metre clearance, be four lanes, and be a proper bridge that will not close the river, but no, Mr Winter, you could not help yourself. You had to jump in there and you tried to say to the Australian Government, 'Do not fund this vital project'. Unfortunately, that sits on your record, Mr Winter.

We have been investing in our infrastructure and delivering projects, such as a focus on the Midland Highway, which should not be and cannot ever be about the politics of a 2010 statement and commitment. It should be only about safety. That is the only driving motivation that we have gone ahead with in delivering that 10-year action plan, and you have left it to the very end of the delivery of that plan to try to recreate a false argument that it is not a promise being honoured and delivered, which is fundamentally wrong.

The Premier did a very good job of dealing with the questions about TT-Line and *Spirit of Tasmania* this morning. Let us be clear, Labor is dead against progress for our state and only interested in their relentless negativity, which adds nothing to the culture of our state.

Time expired.

[11.32 a.m.]

Mr BAYLEY (Clark) - Honourable Deputy Speaker, I thank the Leader of the Opposition for bringing on this matter of public importance: failure to deliver. My greatest challenge in this debate is choosing where to start and where to stop. I will let the opposition and the government fight it out over infrastructure spends and so forth and deal with some other issues that are important to people, culminating in housing and homelessness. Being Homelessness Week, it is important to focus on non-delivery in that space.

I start with the Aboriginal people and their expectations. Today is 193 years since Robinson made the treaty with Mannalargenna and others about the original Tasmanians, the palawa, leaving their homelands and heading to the islands in the expectation that they would one day return. It is famous now, whether it be premiers Hodgman, Gutwein or Rockliff, that they have put rebuilding a relationship with Aboriginal people and progressing truth and treaty and other issues front and centre in their agenda and have consistently failed to deliver. They have failed to deliver such that last week we had Aboriginal people camping on the lawns of Parliament House to force the Premier's hand and get him to at least have a conversation with them about that. Considering our expectations for Aboriginal people, that is despicable and we owe them a process to work towards a treaty.

We had the Minister for Aboriginal Affairs come into this place over three years ago and say that the *Aboriginal Heritage Act* does not work and does not protect Aboriginal heritage. We have had successive large-scale destructive developments on acknowledged Aboriginal landscapes progress under that ineffective act in the time since, yet we still have not an amendment bill or new bill that introduces new Aboriginal heritage protection legislation. That is a shame when it is three years since we have acknowledged that it does not work.

Regarding the environment, the State of the Environment Report is completely missing in action. We had one in 2009, but despite this being a statutory review period, the 2014 State of the Environment Report and the 2019 State of the Environment Report failed to deliver, and we are now waiting until the end of August for the 2024 State of the Environment Report. Why is this? Number one, it is clearly not a priority for this government, but we can expect it to deliver and demonstrate some very significant issues as well. Some of these are realised because government continues to fail to deliver on other commitments to the environment. Things like reform of the reserve activity assessment process that Parks undertake to assess developments in national parks and reserves was promised many years ago; there has been tiny little tinkerings down on the edges but absolutely no comprehensive reform put on the table.

It is the same with state policies. We have this situation where this parliament is going to consider special legislation to retrospectively approve large industrial and destructive developments that are counter to the State Coastal Policy. In 2014 when this government got elected, it pledged to introduce more state policies. State policies are important to underpin and inform the business and decisions of government, but we have had not one. Instead, we have planning policies and a statewide planning scheme that does anything but take the complications and the cost out of planning in this state.

As to housing and homelessness, we still have a situation where there are 4700 applications on the housing waitlist and a 90-week wait for people to receive social housing in this state. We have the despicable situation where this government is effectively cooking the books for housing by adding in vacant land and including crisis accommodation in the numbers they are demonstrating, and we have had the situation revealed where only six houses have been built on land that was released many years ago under housing supply orders. This is largely because the government is not funding it properly. We have Homes Tasmania completely reliant upon debt-funding its agenda going forward. Regarding homelessness, the sector is pointing out that we have a new crisis in this state. We have hundreds and thousands of Tasmanians sleeping rough, we have youth homelessness running rampant and we still do not have a youth homelessness strategy.

It is very clear that this government should be prioritising people and not large developments like a stadium, because those developments are what is consuming this government's energy and contributing to its failure to deliver. They are projects that are coming completely out of the blue, unannounced. They are not failures to deliver. They are completely unannounced.

Time expired.

[11.37 a.m.]

Ms DOW (Braddon - Deputy Leader of the Opposition) - Deputy Speaker, it is my pleasure to speak on this matter of public importance this morning. It is always pretty telling when those on the other side of the House start to get personal. That is when they are under pressure, and we have seen that here this morning from minister Abetz and Treasurer, Michael Ferguson.

I am not going to get personal because that is not the right thing to do. I am going to talk about the facts. The truth is that there is a myriad of facts that highlight this government's incompetency in delivering major projects and just about anything for Tasmanians.

They come in here and talk about the challenges. The most significant challenge facing Tasmania at the moment is that they have a government that will not take responsibility for their decisions. They will not be held accountable for their failure to deliver the state's most important infrastructure project: the new *Spirit* vessels. They are the most important infrastructure project that this state has ever seen but there have been cost blowouts and a lack of information provided to the community. They have not been transparent about this from day one. In my view, this would not make the cut for an episode of *Utopia*. The way that this government has handled this major infrastructure project is absolutely hopeless. It will be Tasmanians who suffer. It is Tasmanians who continue to suffer under this government.

There was a clear commitment from the government. I drive the Midland Highway. I drive the Bass Highway, which, by the way, is in an absolutely shocking state with potholes, with desperate need for investment by this government. They have promised to fix this across a number of elections and invest money in the Bass Highway. They are still waiting. People in Smithton are still waiting for upgrades at Marrawah. That part of the road is very dangerous.

This government likes to announce things. They announce things over and over again but they do not deliver them. Remember the billboard with Tony Abbott about the four-lane Midland Highway? That was not about safety. That was an election commitment. It was an election commitment that they have broken. There is not a four-lane Midland Highway and that is a fact. That is not us being negative or talking down Tasmania or Tasmanians. That is a fact.

Look at the Launceston General Hospital - $580 million of funding was promised for that redevelopment in Launceston. The people of northern Tasmania and north-west Tasmania are crying out for that investment. We need more beds at the Launceston General Hospital. That is why we have ambulance ramping. It does not suffice just to ban ambulance ramping. This is a significant, important infrastructure project that they said they would work with the federal government on. Instead of taking responsibility for their failure to deliver a better life, better infrastructure and better services for Tasmanians, they deflect and blame it on someone else.

It is always somebody else's fault. There are always significant challenges across the country and across the world that are somehow impacting this government's ability to provide services and infrastructure for the people of Tasmania. We are not being negative. We love Tasmania. We want the opportunity to do good things for Tasmanians. We had a range of policies at the last state election that we would have delivered for Tasmanians and would have made a difference to the lives of Tasmanians.

We are serious about making life better for Tasmanians. This lot on the other side are only serious about themselves, and they are only serious about clinging on to power for the sake of it. They have lost their way. You can see it each and every day when they come in here. The *Spirit of Tasmania* debacle is a prime example of that. You have lost your way. You are not upfront with Tasmanians. You lost two members of your crossbench. Do you remember Lara and John who crossed the floor and left your government because of the lack of transparency and ability delivering infrastructure? Do you remember them?

Mr Abetz - Mr O'Byrne?

The DEPUTY SPEAKER - Order. I ask that we stick to the topic at hand and direct all comments through the Chair, please.

Ms DOW - I am sticking to the topic at hand because they left directly as a result of the lack of transparency of this government and their failure to invest in infrastructure. I remember that was one of the reasons that Mr Tucker outlined. You have not delivered for Tasmanians. You have been promising to do that since 2014. It has been a long 10 years for Tasmanians. It does not matter where you look, whether it is your local road or hospital or getting teachers out into our rural and remote communities. Mr Fairs raised that this morning as a constituent question. The simple fact is you have not done the work. You have not invested in the workforce. Tasmanians are missing out on essential services and you do not deliver.

Time expired.

[11.43 a.m.]

Ms ROSOL (Bass) - A matter of public importance on failure to deliver - there are so many directions one could choose to go with this and so many failures to deliver by this government.

In Corrections and Rehabilitation, the government has failed to implement key recommendations of the Custodial Inspector over several years, including zero action on legislation to protect whistleblowers from reprisals. However, I turn attention to another glaring failure in the justice space, this time in youth justice.

It has long been recognised that Ashley Youth Detention Centre is an unsafe place for young Tasmanians. Young people have been abused and their rights have been repeatedly violated. This led to a 2016 government report recommending the closure of Ashley Youth Detention Centre. It took five years for the government to make a single move on closing Ashley from that time. Eventually, in September 2021, the Liberal Government finally announced plans to close Ashley Youth Detention Centre within three years, by the end of 2024.

Here we are, in the second half of 2024, and the goalposts have moved again. Last year, the commission of inquiry called for the immediate closure of Ashley Youth Detention Centre. Rather than take immediate action, the government announced it would shift closure of Ashley Youth Detention Centre to 2026, not immediately, not even in line with their original plan to close Ashley by the end of this year.

The government have failed to follow through on both their own commitment and the urgent calls of the commission of inquiry for action. Meanwhile, young people continue to be detained in a facility that is not fit for purpose, harms young people and places young people at greater risk of continuing to engage in criminal behaviours.

We know closing Ashley Youth Detention Centre will require some work. Alternatives need to be created. Service providers need to be consulted with, best practice models need to be selected, buildings need planning, and multiple alternatives that cover the full range of therapeutic justice need to be prepared.

However, eight years after initial recommendations for Ashley to be closed, three years after the government's own commitment to close Ashley, and almost a year after the commission of inquiry called for the closure of Ashley, the work has not been done. To date, no evidence has been provided of tangible steps taken to close Ashley, and meanwhile we have almost half a million dollars currently being spent on refurbishing the detention centre.

This spending may well improve facilities for young people, but at the same time it raises the question: why we are spending this amount of money on a facility that must be closed? Why are we not spending on the work that needs to be done to close Ashley Youth Detention Centre?

The government is failing to protect young people in detention in Tasmania. The time has passed for Ashley to close. The government must act and do the work, not just talk about the work. They must do the work to plan and build alternative facilities that will provide therapeutic justice options for Tasmanian young people. Anything else is a failure to deliver.

[11.46 a.m.]

Mr FAIRS (Bass) - I am very pleased to speak on this MPI because I am proud of the way in which our government is delivering for Tasmanians. Our 2030 Strong Plan for Tasmania's Future is about the things that matter for Tasmania right now. That is why I am here.

We are intent on delivering on our plan in full and we are delivering on it. We have completed our first 100-day plan and far exceeded the 78 deliverables we set ourselves, with 187 additional initiatives completed. We are on the way to the completion of the next 100-day plan, with 121 more initiatives to deliver by 30 October.

In our first 100 days, we have delivered $250 in energy credits to hundreds of thousands of Tasmanians, and $300 to small businesses. We have slashed public transport fares in half, saving passengers dollars every week. We have abolished stamp duty and 133 first home buyers have now realised the dream of home ownership, with savings up to $28,945.

Our recruitment blitz in health began in April. It has already delivered hundreds of extra health professionals to the front line. We have launched new incentive packages for nurses, midwives and GPs, and much more.

We have been delivering the things that matter most for Tasmanians, and that is what we will continue to deliver over the next 100 days, and the next, and the next. In terms of data, jobs are at record levels - 284,372 Tasmanians are now in work as of June 2024. The current unemployment rate of 3.8 per cent is the lowest unemployment rate for our state since the ABS started collecting this data in 1978. Youth employment is at 41,076 for June 2024 - 4.6 per cent up on the 12-month average. Youth unemployment rate at June 2024 is at 8.7 per cent which is over 1.9 per cent lower than the 12-month average of 10.7 per cent. The Tasmanian economy will always do better under a Liberal government.

Members interjecting.

The DEPUTY SPEAKER - Order.

Mr FAIRS - Our 2030 Strong Plan for Tasmania's future is providing businesses with confidence to invest higher and grow. Let us not forget when Labor was in government, unemployment was double what it is now. Our government is focused on delivering on its clear plan to continue building our economy and delivering jobs. We will continue to do all we can to keep this momentum going. We will not be taking our foot off the pedal and importantly, we are transparently publishing our plans and their results because we are not afraid to be accountable.

[11.49 a.m.]

Mr WILLIE (Clark) - Deputy Speaker, it is my pleasure to rise on this matter of public importance, which is a failure to deliver. The comments from many members today have been interesting and I have to agree with the Deputy Leader of the Opposition that this is like an episode of *Utopia* or *Yes Minister*.

We are an island completely surrounded by water, like no other state, and we have a proud history of a shipping industry. We are wholly reliant on the shipping industry, but it is a fact that this government is not very good at procuring ships or the necessary infrastructure for them to operate. Not only are the two new *Spirit*s hundreds of millions of dollars over budget and years delayed, but there is also no port for them to operate at.

It is something out of *Yes Minister*. It is a bit like that episode where they built the hospital and left it empty so it would be the best performing hospital in the country. We are going to have the best, most modern ships in the harbour because they will not be used. They will be sitting there waiting for this government to deliver the port upgrades so that they can be put into service. Not only that, but we have a long list of things they have failed to deliver which have been outlined in Question Time today.

We have the four-lane Midland Highway. I remember Will Hodgman on the billboards because I had to drive between Launceston and Hobart a lot back then. I still had family and my parents in Launceston, and I remember those billboards clearly. It is not just us saying this, this is the sentiment in the community. You often hear people talking about this. Yes, the upgrades on the Midland Highway have been good, but people expected four lanes, not three. That is what they say in the community, Mr Abetz, and I am sure you hear it too.

Something in my own electorate is the northern suburbs light rail. We had the former Infrastructure minister, Rene Hidding, in the 2018 election - I remember this very clearly - saying he was going to pull out all stops to have light rail operating along that corridor within five years. That was back in 2018. We had the Liberal prime minister at the time fly into Hobart to sign this City Deal and there was going to be $25 million to activate the corridor. We had the Minister for Infrastructure, who is still the Minister for Infrastructure, say that they were going to use that money for a study. He set that study up so that it would fail and not consider the Cape gauge that is there currently had to be replaced with a standard gauge, and there was no real reason given for that. It was deliberately done to inflate the cost so they could do nothing - 'Oh, it's too expensive. We can't do what we promised. We can't do it anymore'.

Since then, he has gone on to say that he wants to do a rapid bus transit corridor for $50 million, but says he cannot pay for that, that is the federal government's responsibility. Another excuse. They have been in government for 10 years; 10 years of no action, 10 years of broken promises, 10 years of reports. I live in the northern suburbs and it would be great to activate that corridor to see some development happening, some investment in jobs, housing and the necessary services we need. I ride along that corridor every day I come to parliament and it is sitting there vacant and vandalised because this government has done nothing in 10 years.

Not only that, we have the northern prison which never happened. We have heard nothing about that recently. That has been a complete debacle. How many sites have they announced? Has it been budgeted for? We had Peter Gutwein, the former premier, promise that he would close Ashley Youth Detention Centre within three years, but there is still no end in sight.

Everybody acknowledges it is not delivering the justice that the Tasmanian community needs and we have a minister who is just dithering.

As for the Tamar Bridge, I am not sure if people take that seriously in Launceston. For three elections that has been promised. Every now and again the government embarrassingly talks about it, but I do not think anyone believes they will ever deliver it. The Southern Outlet is another example of a failure to deliver. Then there is the famous underground bus mall, another Rene Hidding special from 2018. I remember the Premier took over Infrastructure after that election and he told a committee it was no longer an underground bus mall; it was at gradient. That means above ground, but it also means they are not delivering it. The list goes on but I am about to run out of time, so I will not get through the whole list because it is too long, Deputy Speaker.

Time expired.

[11.54 a.m.]

Ms BUTLER (Lyons) - Honourable Speaker, I certainly support this motion brought on by our Leader, Dean Winter. The debate that happened in the House this morning was extremely interesting. It has reached the stage at the end of a tired, worn-out coalition government - which is what we are witnessing at the moment - but it was so obvious that you do not have any answers to any questions because you have botched so many major infrastructure projects. There are no more answers, there is no fuel left in the tank, so all you can do now is personal insults telling us we are running Tasmania down. We care deeply about Tasmania and that is why we will always hold you to account, because you should not be there. You are only there because you formed a coalition with the Lambies, so you should not be there at all. You are doing a terrible job and have been for many years now.

Why the S*pirit*s *of Tasmania* are so important to our state, more so than any other place in Australia, is because we are an island state. We rely so much on those ships. They are fundamental to our economy, culture and for making sure that Tasmanians can both import and export and be able to boost our hospitality and tourism sectors. You have completely botched that whole project. If any of you worked in the private sector you would have lost your jobs a long time ago. I can tell that for those of us who have come from the private sector, I would not even bother turning up to work the next day if I was responsible for the complete cluster of what has happened with the *Spirit*s *of Tasmania*, even with this new information that we are finding about the wharf upgrades.

The Victorian wharfs are up to scratch, but not Tasmania. Did anybody in Tasmania think Tasmania was important enough to make sure that maybe they could fit on those wharfs or that the depth of their berthing area would be sufficient to hold the double capacity of those *Spirit*s? Did anybody think that that was worthwhile checking? In the private sector, if you were responsible for managing that, you would not even bother turning up to work the next day because you would definitely lose your job.

The Premier has said today that he takes responsibility. He should take full responsibility.

Time expired.

Matter noted.

SENTENCING AMENDMENT (PRESUMPTION OF MANDATORY SENTENCING) BILL 2024 (No. 30)

Second Reading

[11.57 a.m.]

Mr BARNETT (Lyons - Minister for Justice) - Deputy Speaker, I move -

That the bill now be read the second time.

Our government has been elected on numerous occasions with policies designed to further protect some of Tasmania's most vulnerable, namely our children and young people. This bill fulfils our government's commitment to strengthen penalties for serious sexual crimes perpetrated against children and young people.

This bill will amend the *Sentencing Act 1997* to introduce a presumption of minimum sentences. These minimum sentences are based on the recommendations of the Sentencing Advisory Council on what would be appropriate minimum levels of imprisonment for these serious crimes.

Our government believes that offenders of sexual violence against children and our young people deserve significant sentences of imprisonment in recognition of the heinous and lifelong effects of their criminal conduct on their victims. This bill legislates the community's expectations as to the appropriate sentence of imprisonment that should be imposed in relation to child sexual offenders while preserving judicial discretion in circumstances where a court is satisfied it is unjust to do so. For transparency, the bill requires the court to provide reasons if it does not impose the minimum sentence.

Introducing this bill to provide for a presumption of minimum sentences for serious child sexual offences is a very important and substantial step forward. These measures will assist consistency in sentencing and improve public confidence by ensuring that sentences reflect community views for these heinous crimes.

Importantly, this bill includes a presumption of minimum sentences where the victim of the crime is under 18 years as follows:

(1) Four years' imprisonment for the crime of rape, section 185 of the Criminal Code, where the complainant is under 18.

(2) Four years' imprisonment for the crime of persistent sexual abuse of a child or young person, section 125A of the Criminal Code, where one or more of the unlawful acts is a crime of rape.

(3) Three years' imprisonment for the crime of penetrative sexual abuse of a child or young person, section 125A of the Criminal Code, where none of the unlawful acts is a crime of rape.

(4) Two years' imprisonment for the crime of penetrative sexual abuse of a child or young person, section 124 of the Criminal Code, in circumstances of aggravation.

(5) Two years' imprisonment for the crime of penetrative sexual abuse of a child or young person by a person in a position of authority, section 124A of the Criminal Code, in circumstances of aggravation.

The commission of inquiry into the Tasmanian government's responses to child sexual abuse has again increased the community's awareness of the disturbing levels of prevalence of institutional child sexual abuse, both historical and contemporary, and the devastating long-term and often lifelong impacts of child sexual abuse affecting victim/survivors.

Our government has carefully monitored the work of the commission of inquiry, and it is apparent that many members of our community are still often dissatisfied with the length of sentences given to convicted child sexual abuse offenders. Our government rejects any argument that parliament should not legislate to set a benchmark for minimum sentences or penalties for these abhorrent and heinous crimes against children. It is the role of the legislature or parliament as Tasmania's law-making body to make our laws, guided by community expectations.

The court has the discretion, as it has for other indictable offences under the Criminal Code, to impose a higher sentence for these crimes that is appropriate and commensurate with the seriousness of the offence in each individual case.

The appropriate minimum level for a sentence is a complex task, and one that the government asked the Sentencing Advisory Council to consider through research and through collective knowledge and experience. The council consulted widely in relation to this issue. Our government has adopted the council's advice.

The circumstances of aggravation that attract the presumption of mandatory minimum terms of imprisonment in relation to certain sexual offences are outlined in section 11A of the *Sentencing Act 1997* and include the following:

(a) the victim being under the care, supervision or authority of the offender;

(b) the victim being a person with a disability;

(c) the victim being under the age of 13 years;

(d) the offender committing the offence in whole or in part in the presence of any other person or persons, besides the victim;

(da) the victim being under the age of 18 years and the offender being a person in a position of authority in relation to the victim …

(e) the offender subjecting the victim to violence or the threat of violence;

(f) the offender supplying the victim with alcohol or drugs with the intention of facilitating the commission of the offence;

(g) the offender making forced or uninvited entry into the victim's home or other premises;

(h) the offender doing, in the course of committing the sexual offence, an act likely to seriously and substantially degrade or humiliate the victim;

(i) the offender causing any other person or persons to carry out an act referred to in paragraph (e), (f), (g) or (h) of this definition;

Importantly, there are safeguards included in the bill. The minimum sentencing provisions proposed in the bill will not apply where the court is satisfied that it is unjust to impose a minimum sentence, and identifies the reasons why the presumption has been displaced. It is important that victim/survivors know and understand the court's reasoning when sentencing their abusers.

The provisions will have no application to offenders who were under the age of 18 years at the time the crime was committed or, in certain circumstances, to offenders who have impaired mental functioning that is causally linked to the crime.

This is an extremely important bill, especially since the work of the royal commission and our recent commission of inquiry in Tasmania. By introducing a presumption of mandatory minimum sentences in this bill, our government will provide Tasmania's children and young people with better protection and help to ensure that victim/survivors receive appropriate justice for the heinous crimes perpetrated against them. The community expects our children and young persons to be protected, and our government will do all that is within our power to protect those who are most vulnerable in our community.

I commend the bill to the House.

[12.06 p.m.]

Ms WHITE (Lyons) - Deputy Speaker, I rise on behalf of the Labor Party to make a contribution on the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024. At the outset, I make it very clear that the Labor Party does not, and never has, supported or condoned the most heinous crime of abuse against children.

Some of the evidence that we have seen presented to the commission of inquiry is absolutely abhorrent. That has led to a number of recommendations that this House has started to progress in recent weeks and some of the stories and reporting that we have seen in recent years. We always stand in support of victim/survivors to ensure that they receive the justice they deserve, and we will act in the way we can at all times to prevent such heinous crimes occurring in the first place.

This was a bill that was brought to the parliament last year. It was not progressed by the government in the manner they described at the time as urgent. They did not present it to the upper House for debate before they called an early election, despite declaring it urgent when it was debated in this House. It speaks again to the way that this matter has, unfortunately, been politicised by the Liberal Party over successive years now.

We have a bill before us today that is largely the same as the one that was debated last year. I understand from the briefing that there is a minor adjustment to some language. It has been redrafted to change the exceptions to be consistent with the bill that passed this place with respect to how these types of sentences are dealt with against frontline workers, so it is an application of the same language in this bill.

Besides that, I understand it to be identical to the one that was debated in this House last year. Members will recall last year that the Labor Party did not oppose the bill. I do not intend to reprosecute the arguments that were very commendably made by the then shadow minister, Ms Haddad, member for Clark. I draw members' attention to that contribution if they wish to see the reason that Labor took the position that we did. We will not be changing our position. We will not be standing in the government's way.

[12.08 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - We have been here before, and this is another shameful moment in the history of the Tasmanian parliament. I will lay out my reasons, as I did last November, and as the Greens have done on multiple occasions where the government has attempted to introduce a range of different mandatory minimum sentencing legislations.

This is now the fourth time the government has had a go at this now. It was passed through this Chamber last November, without the Greens' support but with the support of the Labor and the Liberal parties. However, it was prorogued and never made it to royal assent because of the election.

This is an overtly political bill. It talks about something that is meant to be looking after the best interests of, and caring for the wellbeing of children. The Greens agree with the comments by the Attorney-General and his shadow, Ms White, that every child has the right to live without violence and sexual abuse in Tasmania, as children do everywhere on this beautiful Earth of ours. We know that children in Tasmanian government institutions have not always had the right to live without violence and abuse. That is exactly what the commission of inquiry was called to investigate, which it did thoroughly.

It is shameful that the minister stands here, as he did last November, and cites the commission of inquiry in his second reading speech, waving it as a justification for why the government has introduced this bill. The Labor Party has effectively supported it on the basis of what the Attorney-General has said, which is that the commission of inquiry has somehow led to this. It did not. It was a 2927-page report and there were 191 recommendations, and not once in all of those nearly 3000 pages or the recommendations did the commission support or recommend mandatory minimum sentencing as a legislative response. It was not on the list of legislative changes the commissioners identified as essential to keeping children safe and providing them with justice in Tasmania.

From the briefing I had on the bill last November, which was hurriedly arranged - and I thank the staff for their work - we determined in my office that the drafting of the bill that passed through this Chamber last November did not start until this Attorney-General took over from then attorney-general Elise Archer. There was a turnaround of less than a month from the release of the commission of inquiry's report to the idea of this bill, and the drafting of the bill by the Office of Parliamentary Counsel (OPC). Immediately after the commission of inquiry's 3000-page report and 191 recommendations, Mr Barnett chose, as the new Attorney-General,

to make a priority of this legislation, which was not on the list of priority recommendations for bills to be drafted by this government in response to the commission of inquiry.

On behalf of victim/survivors and people expecting the government to prioritise the commission of inquiry, I say shame on this Attorney-General. It is a shameful act because this is a political bill which has come from nowhere. It has no one standing behind it in the community of people who are working with victim/survivors of sexual assault. The Attorney-General did not prioritise the urgent work the commission of inquiry said needed to be done. Neither did he did seek the views of people who had been working and so outspoken through the commission of inquiry period - in particular, the Sexual Assault Support Service and Laurel House, which are champions of supporting sexual assault survivors. They intimately understand the issues of what is needed to get a legal case and bring justice for victim/survivors. They know the danger of unintended consequences, as does the Women's Legal Service, that this sort of legislation will bring that will be harmful to obtaining justice for victim/survivors.

This bill is a substantive amendment to the *Sentencing Act 1997*. Despite that, the Attorney-General tabled it in the House last November without any prior notice in the previous sitting, in the context of all the other legislation that was a priority and that ought to be delivered by the Department of Justice. It was debated in the following week and there were no submissions for members, including myself on behalf of the Greens, to look at, despite the fact that the minister claims this is a most important bill and it is a substantive amendment.

There were no other comments about the controversial bill by eminent legal minds in Tasmania or, especially and importantly, by the family and sexual violence support service sector. That is because, as I found out, they did not have any consultation on this bill. The department did no consultation. They did not. They would have had some very uncomfortable responses from the people who are most important to speak to about this bill. I checked again before I came into the Chamber today.

The Greens will not be supporting this bill, the same bill as passed through the Chamber last year, because we do not support interfering in the courts and their decision-making on these matters. We do not support the unintended consequences that will flow which will harm the potential for justice for victim/survivors. The government did not consult on this bill. They might have argued last year that they did not have time, but they cannot argue that this time. The reason the minister did not ask for consultation is he did not want to know the answer. Shame on you, minister. The commission of inquiry completed two years of work and instead of focusing on that and speaking to support services and advocates for children, he did not do that.

We know from the government's previous versions of mandatory minimum sentencing that nearly every legal stakeholder in Tasmania, from the courts to the defence lawyers, prosecutors and professional bodies, have all rejected the three previous attempts - now four previous attempts, to force courts to impose mandatory minimum sentencing for child sexual abuse. A previous commissioner for children, Mark Morrissey, rejected it for the disturbing reason that it will lead to worse outcomes for victims of child sexual abuse. Mr Morrissey said in a briefing to the Legislative Council on 21 June 2017:

> It is very important that initiatives to prevent or respond to sexual offending against children are supported by evidence, that they will have the desired effect and do not lead to unintended and undesirable consequences. Those

> supporting mandatory minimum sentences say they are in line with community expectations, that they will deter future offending and that they provide for greater consistency around how courts sentence those convicted of a serious sexual offence against a child. I am not convinced of these arguments. I am certainly not convinced that by introducing mandatory minimum sentences we are promoting and protecting the rights and wellbeing of children who are victims of serious sexual abuse.

It is interesting that Ms Haddad did not choose to read those words of Mr Morrissey into her comments in November when she was the shadow, even though she had read them previously because that was when Labor did a backflip and supported this legislation.

The Sentencing Advisory Council has very clearly expressed the view that mandatory minimum sentencing is inherently flawed, that mandatory sentences will create injustice by unduly fettering judicial discretion and should not be introduced in Tasmania, so I do not understand which part of that the Labor and Liberal members have not read.

I thought on this matter that the Sentencing Advisory Council and the former commissioner for children and young people would hold sway in relation to making legislation in this area as an influence for members of parliament, but instead what we hear from the Attorney-General is that it will reflect the community's views. The community's views it is reflecting is the populist community, who are always baying for stronger sentencing. They are not the ones who are having to look at making sure that the scales of justice are able to be interpreted by the courts, the judiciary, instead of moving as we are under the Liberals, with the support now of Labor, into having parliament's intervening in the court processes and the matter of sentencing.

It is an important shift and the reason it is dangerous is not only a theoretical matter. It is because people who work with victim/survivors and who have to represent them understand that it will lead to a greater likelihood of a not guilty plea from the perpetrator, from the defence, and that will mean a trial and having to prosecute issues and the possibility of not finding the person guilty.

The government has again thrown this bill out here, despite saying it is so important, like making up for what happened last year, without asking those communities of interested expert bodies and supporters of children and adults who have suffered child sexual abuse to comment on this bill.

I am interested that Ms White, now as shadow Justice spokesperson, did not go into the arguments. I hoped that a person like Ms White, who has had a lot of time in parliament, might have had the strength and courage of her own convictions to be able to stump up here and make an explanation to sexual assault support services and the legal bodies in Tasmania who objected to this sort of legislation in the past and make her own argument for why the Labor Party is supporting this bill. There is no basis for supporting the bill that I can see.

When I heard Ms Haddad speaking last November, I believed throughout the 28 minutes of her speech that she would be voting against the legislation, as the Labor Party always had. I listened to the speech the whole way through and Ms Haddad perfectly prosecuted the arguments for why previously the Labor Party had voted three times against this bill and bills like this. She perfectly laid out the arguments for why it should have been voted against in

November and why, on the Labor Party's previous stance, they should be voting against it today. I could not believe that in the last two minutes she backflipped on that long-held position.

I am sure that the majority of the speech was sent out. I do not exactly know how the Labor Party sends out *Hansard* and cuts and dices their work in parliament to try to let people they represent believe they are holding true to the positions they have had, but I am interested to know how much of the end of that speech got in there, because what she effectively said was that we need to support this legislation to stop the Liberals doing it. If that was the case, I feel very sad on behalf of people who voted for the Labor Party when they would realise that if the Labor Party is pushed on multiple occasions and the Liberals keep doing things, they are not going to stop standing up for it. Why keep standing up for stuff if the Liberals keep doing it? It is pretty easy. They have given the Liberals a pass. All you have to do is try three times and then you fall on the fourth. It is there in the record of parliament. The Labor Party will stand for things three times and on the fourth, they will fall.

It is a great lesson that the Liberals have learnt, and I am sure the Liberals have learnt that the Greens do not fall on any attempt. We will stand true to our values on behalf of the people we represent, on behalf of the Sexual Assault Support Service, the Women's Legal Service, the eminent legal bodies who stand against bills like this and the interference and unintended consequences that they have. It is sad for Tasmania that the Labor Party are not here to hold that defence along with us.

I return to the faux, shallow arguments the minister mounted as some sort of attempt to try to make it an argument for why he has brought this bill in again. It is not an important step forward, minister, because no-one asked you to take that step forward. You were not asked by the commission of inquiry. You were not asked by the Sexual Assault Support Service, the Women's Legal Service and all the legal organisations. They did not ask you to do this, so do not pretend to yourself and Tasmanians that this is an important step forward. It is an important step forward for prosecuting a political position that you have long tried to push.

It is shameful legislation that will do more harm for victim/survivors and do less to bring guilty pleas to trial. The Labor Party's backflip on this long-held position, which they did last November and they will do today, according to Ms White, is kowtowing to populist politics. They are clearly prepared to junk the views of the sexual assault support community and victim/survivors and take up self-interest. They did that in November because they felt there was an election in the offing and they wanted to clear up anything that could be held in the populist marketplace of election ideas that could, in their view, be argued against the Labor Party caring and not being strong for victim/survivors. True strength comes from standing up for the right thing to do, not because it is the political thing to do and not because it is going to get you more votes for the next election, because in the long term, medium term and short term, it is the right thing to do for the people who are most vulnerable and the people who need our protection.

I will finish with the words of the former Commissioner for Children and Young People, Mark Morrissey, who said:

> As we are well aware, child sex abuse is notoriously difficult to prosecute. The fact remains that a child has to go through the process of reliving a traumatic event, the uncertainty of a trial and enduring a potentially traumatic cross-examination and, at the end of it all, the very real possibility of

> acquittal. It is important to note that the council does not recommend that a guilty plea should be a specific exception in the mandatory minimum penalty scheme. However, the council expresses its view that if an offender pleads guilty, a sentencing discount from the specified minimum mandatory sentences should be provided. I do not agree with mandatory minimum penalties, particularly where their introduction has the potential for adverse impacts on children and young people.

I thank Mr Morrissey for the work he did in his time as Children's Commissioner. The clearly expressed view of the Sentencing Advisory Council and others is that mandatory sentences will create injustice and should not be introduced in Tasmania.

I mention the words of Kathryn Fordyce from Laurel House, who I spoke to in November when this bill came to this place and when there was no consultation done with Laurel House or Sexual Assault Support Service or other organisations, who have incredible expertise in this area. At the time, Ms Fordyce talked to other members of the sector who wanted to have this bill not brought on in the unholy haste it was brought on last year, because they had been blindsided and were not able to make comment. They were concerned then that this approach puts the energy in the wrong area, if its intention is to deter child sexual abuse, which the Attorney-General purports that this is what it is all about. She reinforced what others have said, that mandatory minimum sentencing reduces the incentive for perpetrators to enter a plea of guilty and will lead to more trials.

That is not being tough on crime. It is not helping victim/survivors. It is not in the interests of victim/survivors, children or adults who have suffered child sexual abuse, to put them through what Ms Fordyce said is the harrowing experience of unnecessary committals, hearings and subsequent appeals. Contested cases and trials will inevitably lead to longer delays for victim/survivors to access the justice system in the first place.

Workers in Sexual Assault Support Services echo the concerns of the Sentencing Advisory Council that the bill's approach transfers discretion from judges to prosecutors and the police.

I thank very much Ms Fordyce and others from Laurel House and from the Sexual Assault Support Service in the south who have had such an important role in advocating for victim/survivors for many years. They have incredible expertise and have been so important in helping victim/survivors turn around their lives and find healing and justice.

On behalf of them and the work they do, and on behalf of all the people who for many years have stood against mandatory minimum sentences because of the perverse consequences they will have against the people who they purport to protect, the Greens will strongly oppose this legislation.

[12.33 p.m.]

Mr JAENSCH (Braddon - Minister for Children and Youth) - Honourable Speaker, it is somewhat extraordinary that Dr Woodruff just dedicated her entire contribution to a political commentary on the timing of the bringing of this bill before the parliament, not on the critical matter of seeking justice and safety for the victims of child sexual abuse. That would be the right thing to do.

I rise to speak in support of the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024, and I thank my colleague, the Attorney-General, Guy Barnett, for bringing forward a bill on such a vitally important matter. I acknowledge those with lived experience of child sexual abuse and their families, supporters and advocates, and trust that in bringing this bill before the House, you will know that this government hears you and your community's support, and shares your wish for perpetrators to be held fully to account for their crimes.

Keeping Tasmania's children safe is a clear and enduring priority for our government. We are all aware of the immense responsibility ahead for this parliament to safeguard the children of Tasmania from abuse, particularly in relation to child sex offences. Let me be clear, the Tasmanian community's expectations are resolute and unambiguous in their call for robust and strong penalties for offenders of such abhorrent crimes.

We must align our laws with the strong consensus that we need strong and clear sentencing laws for those who would harm our children. This is not just a result of the commission of inquiry; it has been on our agenda for a decade. We have taken this policy to four separate elections and each and every time we have received a strong mandate from the community and victim/survivors to strengthen our response.

Sexual offences against children are abhorrent, and the people of Tasmania and victim/survivors demand that anyone who commits these offences should be appropriately sentenced. This is why I am proud to support this bill and reaffirm our unwavering commitment to introduce stronger sentencing for child sexual offenders.

The bill before us today introduces a minimum sentencing presumption for child sexual offenders, in line with our unwavering commitment to protect our most vulnerable. Tasmania will be the first jurisdiction to introduce a minimum sentencing presumption of this kind. I will always advocate for the strongest possible sentences for those who harm children.

What this presumption of minimum terms will do is ensure there is a floor for sentencing in relation to these crimes, which cannot be breached without very strong and clear reasons. The bill provides for the presumption of following minimum sentencing terms, as has been outlined by the Attorney-General. These are minimum terms that the courts should not fall below. It is important to remember that these minimums do not represent the appropriate tariffs for these crimes. That is a matter for the courts.

The government has extensively consulted on our policy to protect Tasmania's children and young people over many years since 2014, and we have a clear mandate from the Tasmanian community. Longstanding advocates for victim/survivors such as Steve Fisher from Beyond Abuse have consistently and strongly supported minimum mandatory sentences. He has stated that victim/survivors want to know when they go to court that something is going to be done, not just a slap on the wrist, and it is fantastic to see that we are trying to make this the safest place in Australia, if not the world, for children.

The bill offers a sense of justice to victim/survivors who can be assured that the offenders of these crimes will face jail time, unless there are exceptional circumstances. By legislating a presumed minimum sentencing term, we are sending a very clear message that these abhorrent acts are not tolerated in Tasmania and that offenders will face time in prison unless the courts provide clear reasons otherwise.

The bill reflects the minimum sentencing expectations of the government and the Tasmanian community. Importantly, rather than providing for mandatory minimum terms, the bill provides for the minimum terms that are appropriate for serious sexual crimes against children and young people. The bill maintains judicial discretion and provides an ability for the court to consider it unjust to impose the minimum sentence. However, importantly, for transparency, the bill stipulates that clear reasons must be provided in these extraordinary instances to provide an understanding as to why the minimum has not been imposed.

It is of critical importance that the community and, most importantly, those with lived experience of child sexual abuse and their families are fully informed and understand the reasons for sentencing decisions that affect them and the community's safety.

Once again, I thank the Attorney-General for bringing this bill forward and to all of those who have contributed to its development.

[12.39 p.m.]

Mr GARLAND (Braddon) - Honourable Speaker, this bill amends the *Sentencing Act 1997* to provide for the following minimum terms of imprisonment for certain sexual offences committed against a child. I recommend you oppose this bill. It has undesirable effects which are widely criticised by the legal profession.

According to the second reading speech, these minimum sentences are based on the recommendations of the Sentencing Advisory Council on what would be appropriate minimum levels of imprisonment for these serious crimes. However, we have not been provided with the Sentencing Advisory Council advice, which is unusual. When I requested it yesterday from the Attorney-General's adviser, I was referred to a 2016 report by the Sentencing Advisory Council. The Attorney-General justifies this latest attempt to legislate mandatory minimum sentences for child sex offences on a report prepared in 2016 by the Sentencing Advisory Council.

His second reading speech might leave you with the impression that the Sentencing Advisory Council recommended mandatory minimum sentences for these child sexual offences, but they were at pains to state the opposite. This is from page vi of their final report No. 7:

> The Council has previously indicated that it does not recommend the introduction of mandatory sentencing in Tasmania.
>
> … *Sex Offence Sentencing*, Final Report No. 4 (2015). Recommendation 5, provided that Tasmania should not introduce mandatory sentencing penalties under the *Criminal Code* (Tas) for sex offences …
>
> …
>
> Instead, the Council's view is that the introduction of mandatory minimum sentences will create unjustified unfairness without achieving its stated aims of deterring offenders and increasing transparency.

The report goes on:

> Accordingly, in Part A, the Council elaborates on its reservations about a broad-based mandatory sentencing scheme for sexual offences.
>
> However, to respond to the Government's stated intention to introduce a mandatory sentencing scheme, Part B of the paper sets out a model for a mandatory minimum sentencing scheme in Tasmania. The proposed elements of this scheme should be understood as the Council's 'preliminary advice', as requested in its terms of reference, and should not be taken as its endorsement of such a scheme. Part B should be read in the light of its views expressed in Part A.

The absence of any public submissions from the Department of Justice website can be taken as an indication that the Attorney-General did not consult widely on this bill. I have certainly not been provided with any such submissions, except when I met with the director of the Legal Aid Commission who was very firmly against any mandatory sentencing, and I thank the director for that briefing.

In putting forward this bill, the government has cherry-picked through the Sentencing Advisory Council's 2016 report and recommendations on these sentences. Although the government has included the recommended exemptions for persons under 18 and persons with a cognitive impairment, they have neglected to include the following. One, that the exceptions to the mandatory minimum scheme should be a non-exhaustive list of special reasons that reflect circumstances which significantly reduce the culpability of the offender; and two, that an offender who enters a plea of guilty should receive a sentencing discount from the specified mandatory minimum sentence.

This last recommendation is important because, as the director of the Legal Aid Commission pointed out in a discussion with me, mandatory minimum sentences discourage pleas of guilty, resulting in longer court proceedings which have a greater impact on the victims. There should be a specific exception in circumstances where the complainant is relatively close in age to the offender and consent is given in the context of a genuine and equal relationship to warrant departure from the mandatory minimum scheme.

It is remarkable that this bill, introduced by the government in 2024, relies on recommendations from a 2016 report for appropriate sentences. In 2017, the government unsuccessfully attempted to introduce mandatory minimum sentences for serious sexual offences committed against children, and again in 2018. In November 2018, the Sentencing Advisory Council prepared a further report which provided a summary of the sentences imposed on child sex offenders in Tasmania between 2015 and 2018. It concluded:

> After examining sentencing data for serious child sex offences for the period 1 January 2015 to 30 September 2018 (2015-18) in comparison with sentencing data for the period 1 January 2008 to 31 December 2014 (2008-14), it is clear that there is a decided upward trend in the sentences imposed under the *Sentencing Act 1997* (Tas).

This upward trend was occurring without mandatory sentences. Perhaps the government should return to the Sentencing Advisory Council to find out the true state of affairs of the sentences imposed by the court since 2018 to determine if this upward trend has continued. Considering the harrowing accounts and increased understanding of the impact of these offences on victims that has come out of the Royal Commission into Institutional Responses

to Child Sexual Abuse and the commission of inquiry in Tasmania, you would expect there would have been such an increase. Instead, all we are given to support this bill by the Attorney-General is relying on the dissatisfaction of many members of our community with the length of sentences given to convicted child sexual abuse offenders, with no further details and no surveys on current sentencing trends. It is not good enough and I urge the members of this parliament to reject this bill.

The Attorney-General says this is an extremely important bill, especially since the work with the royal commission and our recent commission of inquiry in Tasmania. What is instructive is that neither of those two commissions, despite all the harrowing tales they heard, made any recommendations for mandatory sentences. That is because those commissions recognise that it is the role of the courts to sentence according to the individual circumstances of each case and not the legislature. Thank you.

Recognition of Visitors

The SPEAKER - Honourable members, I acknowledge in the Speaker's Gallery the representatives from the Frank MacDonald Memorial Prize and commend them for the work they are undertaking. Caroline, Esther, Holly, Macy, Tory and Ellen are accompanied by teachers, Sherry Rainbow and Emma Collin, and RSL representative Peter 'Wombat' Williams. Thank you very much for joining us. The tour was led this year by Katie Kelly and Luke Edmunds MP from the other place. Thank you very much for joining us here today.

Members - Hear, hear.

[12.36 p.m.]

Ms JOHNSTON (Clark) - Honourable Speaker, I rise today to again make a contribution on the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024. At the outset I reiterate what several members have already indicated that they find child sexual offences absolutely abhorrent, and all of us want a justice and sentencing regime that reflects that and that is fair and provides justice to victim/survivors. In addition to that, it is fair to say that all members would prefer that these offences did not occur in the first place and so effort therefore must be on the prevention of child sexual offences, not just on the punishment of them.

I indicate that I fundamentally oppose the bill before us today. I spoke to this bill in similar form last year when we debated it in this place and my opposition has not changed. I fundamentally oppose it for a number of reasons, and I thank the Leader of the Greens and my fellow Independent colleague, the member for Braddon, Mr Garland, for their contributions and although I will repeat them, it is worth repeating for the *Hansard* the reasons why this is bad legislation.

First, I begin by noting that there is no evidence whatsoever that mandatory sentencing provisions prevent child sexual offences from occurring. There is no deterrent value in mandatory sentencing. If the aim is to make it safer for children and prevent child sexual offences from occurring in the first place, bills like this fail at that very first hurdle. They have no deterrent effect. I say this as a professional criminologist who has researched a lot in the area of sentencing and criminology and deterrent values. I can quite clearly say there is no evidence whatsoever, internationally or nationally, that mandatory sentencing deters offences.

There is no evidence to suggest that actual sentencing for child sexual offences is not in keeping with community expectation when the facts of each individual matter and the mitigating factors are taken into consideration. There is no indication that community expectations are not in keeping with the practices of judges in sentencing on these matters. As the Leader of the Greens and Mr Garland have indicated, there is no recommendation arising from the commission of inquiry to suggest that this particular legislative response is needed. Indeed, there is significant opposition from those who have made significant contribution to the commission of inquiry, from sexual assault support organisations to the Sentencing Advisory Council. They strongly oppose this kind of legislation and the impact it will have on victim/survivors, in particular. The consequences of this bill will be serious.

It will not deter offenders and it is not going to keep with community expectations. What it will do is put victim/survivors through a more harrowing experience than they have already been through. We know mandatory minimum sentencing has the effect of offenders pleading not guilty and putting victim/survivors through harrowing committal hearings and trials, where they are put through the most horrendous process in our justice system. They have to retell their story over and over again and give evidence. Offenders plead not guilty because they do not want to risk a minimum sentence. That is not a situation that sexual assault support organisations, the Sentencing Advisory Council and others in the sector want to see happen.

We know how traumatising child sexual offences can be and are, and to put victim/survivors through a lengthy, adversarial court process, where they are tested over and over again, purely because an alleged offender is trying to avoid a minimum mandatory sentence, is not acceptable.

This bill is not about justice for victim/survivors. It is about pure politics and chasing a headline. If we were to talk about justice for victim/survivors, we would be talking about prevention, we would be talking about ways of supporting them through traumatic times, through providing them with extra services, through additional funding for those services. Instead, what the government is chasing is a cheap headline to say they are tough on crime and tough on child sexual offenders.

It makes the situation worse for victims/survivors, it does not keep in line with community expectations and it certainly does not make children in Tasmania any safer. I urge members of this House to reject this bill. It is not good law, it is not justice and it is a cheap headline.

[12.51 p.m.]

Mr BARNETT (Lyons - Minister for Justice) - Honourable Speaker, I thank and acknowledge all members for their contributions on this very important bill in this place. It is appreciated. There is clearly a difference of opinion with respect to a number of members in this House and the various political parties. I will address those remarks.

This is a long-standing commitment which we have taken to the election again and again. It represents the views of the community and that is important. There is an expectation that certain standards are kept in this community of Tasmania. There is an expectation that we will act as a government on the views expressed to us. It sends the strongest possible message to those who may even consider such heinous crimes against children and young people in this state. This is the message we are sending.

The law has an educative role. There is a whole range of consequences and ramifications in terms of passing a law through this parliament. One of those ramifications and results is the educative role. It sends a message. If this parliament can send a message to the people of Tasmania and those who may even consider such heinous crimes against our children and young people, that is a good thing. The Tasmanian people expect us, as their legislators, to express their views and the standards which the community support, and that is what this bill will do. It will send a message to those who would even consider such abhorrent crimes that we are totally opposed.

There are the questions about the bill itself. We have had this view as a government for 10 years, so there is no surprise for anybody coming into this Chamber or in the public arena as to the views of our government. Our Liberal government has brought this to the Tasmanian people at four different elections and again at the more recent election in March this year. We are acting in accordance with our commitments to the Tasmanian people.

We have a mandate to progress the legislation, which - it is correct - was debated last year. It was passed through this House last year; it got to the Legislative Council and was not debated because an election was called. It is based on past bills. There was some discussion about consultation, but let me be clear, there is a range of past bills that go back to 2017 when the Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill was introduced, debated and then ultimately defeated in the Legislative Council in June 2017. Again in 2019, a bill was defeated.

Our government has been entirely consistent all the way through, and I respect that others in this Chamber, specifically the Greens and members of the crossbench, have likewise been consistent in their different opinion. I respect that. You have been consistently opposed to those various bills in the past and the bill for us, which is different, and I will come to that.

It is different because it is a presumption of mandatory sentencing. That is different. You have 2017, a bill was brought in and introduced and defeated in 2019, and likewise in 2020. There was a reference to me as a newish Attorney-General appointed in October last year, and yes, this was one of those bills that I introduced soon after becoming Attorney-General. The former attorney-general introduced a bill called the Sentencing Amendment (Mandatory Sentencing) Bill in 2022.

There is no surprise here. This is consistent government policy on behalf of the community we represent. It was 2022 when that more recent bill was introduced by the former attorney-general. It was introduced on 14 June 2022 and it was not debated. The bill that was passed in the House of Assembly at the end of last year, the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2023, which replaced the 2022 bill, was introduced on 31 October and passed the House of Assembly on 14 November, then had its first reading in the Legislative Council shortly thereafter. It lapsed when parliament was prorogued. That is the position.

Our government has been consistent with respect to our views that the law should represent the standards which the community expect of us to legislate for on their behalf, and that is exactly what we are doing. It is entirely consistent, and we are pleased and proud to be backing it in yet again. I took advice and have amended the bill to provide for a presumption of mandatory sentencing. It is not mandatory sentencing; it is a presumption of mandatory sentencing. The courts, if they believe it is unjust, can choose not to progress accordingly.

I draw that to the attention of members as they consider how they wish to vote on this very important bill. In the few moments left, I indicate that there has been one minor change from last year, but it is only a very minor, technical change. I wanted to reflect on the contributions of the many speakers.

I thank the Minister for Children and Young People, Roger Jaensch, for speaking so eloquently and thoughtfully in support of the bill, in support of community safety and in support of providing a regime that backs that in, and, as I have acknowledged, members who have a different view.

I will go through those remarks and respond to those as soon as I possibly can. I draw members' attention to my shadow's remarks that Labor is not standing in the way. On the one hand, thank you for what would appear to be an indication of support for the bill, similar to last year, but on the other hand, where does Labor stand? In past years they have opposed the legislation both in this House and the other place.

Sitting suspended from 1.00 p.m. to 2.30 p.m.

SENTENCING AMENDMENT (PRESUMPTION OF MANDATORY SENTENCING) BILL 2024 (No. 30)

Second Reading

Resumed from above.

Mr BARNETT (Lyons - Minister for Justice) - Speaker, prior to the lunch break, I was acknowledging the contributions from the Chamber and the consistency of some in this place. Noting that this bill or a form of it has been introduced four times, there is no surprise regarding this bill and the government's position, supporting the views of those in the community with an expectation that those who conduct or are involved in heinous crimes against children and young people should be sent the strongest message possible. That is exactly what this bill does and I am proud of that. I outlined the various dates and times when those bills were introduced. I will now turn to some of the questions or theories raised during the second reading debate.

State Labor's position is opposition to mandatory sentencing legislation for many years and I welcome the backflip of support last year for this bill. It is slightly different presumption of mandatory sentencing. I welcome that. It is a change and state Labor has indicated they will not stand in the way. I hope that will provide an indication of support when the vote does come.

There was a reference to the difference between last year's bill and this year's bill. There has been a slight changing of that from the 2022-23 bill. It has been redrafted, retitled for the introduction into the new parliament as the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024. The phrasing and the exemption provision has been updated to clarify its operation to the court must not impose a term of imprisonment when the exemptions in subsection (3) apply. The paragraph requiring the court to give reasons where a presumed sentence is not provided has been updated to reflect the change.

To avoid the numbering issue created by the resumption in the Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024 proposed new

section 16B, the presumption in this bill will now sit in the new section 16AA. There is a typographical error in the long title and that has been addressed. Very minor technical changes.

There was a question whether the bill was different from the frontline workers bill. It is very similar, in many ways, to the presumptive sentencing for assaults on frontline workers bill 2024. Both bills create a presumptive sentencing scheme unless the offender was under 18 years old at the time of the offence, the offender has impaired mental functioning that reduced the offender's culpability or it would be unjust in all the circumstances, so the Sentencing Amendment (Presumption of Mandatory Sentencing) Bill provides a presumed sentencing scheme for particular child sex offences.

The Leader for the Greens has clearly expressed a strong view in opposition to mandatory schemes and mandatory sentencing, and that has been a long-held view of the Greens, certainly since 2014 when I have been in this Parliament and perhaps before that as well. That is noted. How do the presumptive schemes compare to the mandatory schemes, and I draw your attention to the Victorian Sentencing Advisory Council and that they have defined a presumptive sentencing scheme, a system as one in which the parliament prescribes both a sanction type and a minimum level of severity for a given offence, which the court must impose unless there is a demonstrable reason which may be broadly or narrowly defined, justifying a departure from this.

The bill maintains judicial discretion by providing a range of grounds upon which the presumptive sentences can be rebutted or departed from. The reason I raised that is other jurisdictions have something similar to what we have in Tasmania.

The Leader for the Greens referenced this being a priority of mine when I became Attorney-General in October last year and took over that Justice portfolio. Yes, I did want to progress the mandatory sentencing bill on the Notice Paper that was introduced by the former attorney-general in 2022, and I referenced that in my earlier remarks. It was introduced by the former attorney-general in 2022. Understandably, as the Attorney-General subsequent to the former attorney-general in October last year, I wanted to progress the government's agenda. It was on the Notice Paper and I am progressing the government's agenda. We have taken this to the election on four separate occasions. It is consistent in our view with community expectations. It is an important measure to progress and we have picked up the past concerns that some may have had in terms of mandatory sentencing; this is a presumption of mandatory sentencing.

Regarding the bill addressing criticism of mandatory sentencing, because the Greens leader referred to that, it has been discussed in previous debates on this bill over many years, so I draw your attention to that. A presumptive sentencing system has been described as one in which the parliament prescribes both a sanction type and a minimum level of severity for a given offence which the court must impose, unless there is a demonstrable reason justifying a departure from it.

The bill maintains judicial discretion by providing three grounds upon which the presumptive sentence can be rebutted or departed from, and this addresses the concerns commonly raised with mandatory sentencing, such as fettering judicial discretion or discouraging pleas of guilty and so on. Again, this has been raised by members in this place and they are fairly adequate responses.

Regarding the analysis of sentencing for the relevant offences and what is falling through current sentences - the average sentences - that is why we looked at the Sentencing Advisory Council's report and recommendations of 2016, which were very informative and useful. I referenced that in my second reading speech, and reference it again. The council found that sentences for child sex offences have increased, and the commission of inquiry heard from victim/survivors who felt that sentences applied to their abusers were inadequate. I am not sure that anyone can deny that. It is in the commission of inquiry report. It is very important. This is going some way to meet those concerns.

Regarding the offences in the bill, I draw your attention to the independent member for Braddon's comments, and I again recognise and thank the member for his comments and his thoughtful remarks and analysis. I indicate that the Sentencing Advisory Council report and recommendations of 2016 have been acknowledged, and it is identified in that 2016 report that relevant crimes as appropriate to include in a mandatory sentencing scheme. These offences are included in the bill, with the addition of the recently introduced crime of penetrative sexual abuse of child or young person by person in a position of authority.

The council has previously found that the crimes in this bill have been the subject of a pattern of inadequate sentencing, and their recent research supports the fact that the minimum terms being imposed fall short of the terms provided for in this bill. Therefore, the council advised that the following mandatory minimum sentences are appropriate unless an exception applies. I have made this clear, but I will put it on the record because this responds to Mr Garland's remark.

First, with the offence of rape where the complainant was under 17, the mandatory minimum sentence is four years. Maintaining a sexual relationship with a young person in circumstances of aggravation, the mandatory minimum sentence is three years, unless rape is one of the unlawful sexual acts, then four years. The offence of sexual intercourse with a young person in circumstances of aggravation, the mandatory minimum sentence is two years. The offence of aggravated sexual assault with aggravating circumstances where the complainant is under 17 years, the mandatory minimum sentence is 18 months.

The Sentencing Advisory Council considered these offences to be appropriate for inclusion because they are extremely serious offences where circumstances of the offending reflect community concerns, the serious harm caused by the type of offence, the offender's high capability and the prevalence of the offence.

I have made the point that we are trying to reflect the views and concerns of the community. Those points have been well made.

I wanted to respond to the remarks from the Leader of the Greens about the commission of inquiry. The commission of inquiry remarked, as I said earlier, on sentencing trends in Tasmania for child sexual offences, and noted that sentences for these crimes have increased. However, they also reported that victim/survivors feel that sentences applied to their abusers were inadequate.

The commission noted that the number of offenders who received custodial sentences and the length of sentences for child sexual abuse have both increased. This reflects the Sentencing Advisory Council's research paper *Sentencing for Serious Sex Offences Against Children*, which confirmed a marked upward trend in sentencing in Tasmania for serious child

sexual abuse offences when comparing the period 1 January 2015 to 30 September 2018 with the period 1 January 2008 to 31 December 2014.

The commission wrote:

> The DPP told us that the sentencing range for rape is generally higher than the sentencing range for penetrative sexual abuse of a child. However, he noted that 'the sentencing range for penetrative sexual abuse of a child is becoming higher than it used to be. It used to be quite low compared to rape; it is less so now'.

The bill supports these increasing sentencing trends while addressing any concern that some sentences may still be lower than expected. Importantly, the concern of victim/survivors is also addressed with the requirement that the court give reasons for a lower sentence. We will continue to monitor the sentencing trends in this area. I make that point. It is not 'do it and leave it'. We will be monitoring and assessing the pros and cons of that, and I underline the importance of that going forward.

I thank the Sentencing Advisory Council and thank the Chair, Michael O'Farrell, who I met with many months ago. The council does important work for not only the legal fraternity, but for the parliament, for me as Attorney-General and for my department. I put on the record my sincere appreciation, not only with respect to this bill, but more generally across our legislative reform agenda.

Going back to the basics, we are reintroducing this bill on mandatory sentencing to propose a presumption of mandatory imprisonment for certain serious sexual offences against children. The government has been elected with policies designed to further protect Tasmania's children and young people, including to reintroduce legislation to ensure an appropriate sentence of imprisonment is imposed for serious child sex offences. That is what the bill is about. These are serious child sex offences.

The bill offers a sense of justice to victim/survivors who have been assured and can be assured that the perpetrators of these crimes will face jail time unless the imposition of such a sentence would be unjust in the circumstances of the offence of the offender. The presumption of minimum sentencing contained in the bill is appropriately tailored and applies where there are aggravating circumstances.

The government believes that offenders of sexual violence against children and young people deserve significant sentences of imprisonment in recognition of the heinous and, in many cases, lifetime effects of their criminal conduct on their child victims. The bill ensures adequate minimum sentencing subject to exceptions, leaving the court with discretion to impose a more severe sentence when it considers it appropriate.

The bill is a further effort to implement recommendations made by the Sentencing Advisory Council. The council was asked to investigate how a mandatory minimum sentencing scheme in relation to child sexual offences could be implemented. In 2016, the council released its report *Mandatory Sentencing for Serious Sex Offences Against Children*, and in that report, the council identified several relevant crimes as appropriate to include a mandatory minimum sentence scheme.

Since the council's report, the Royal Commission into Institutional Responses to Child Sexual Abuse has increased the community's awareness of the disturbing levels of prevalence of institutional child sexual abuse, both historical and contemporary, and the devastating long-term and often lifelong impacts of child sexual abuse affecting victim/survivors.

I have made that point as well as I possibly can and I have responded promptly and appropriately, particularly to Dr Woodruff's response and remarks.

The bill has been introduced four times and this is the latest version of it, which I hope will be successful in passing through this parliament. There have been countless consultations on the bills that have come through since 2017. I commend and thank my predecessor, Elise Archer, for introducing the bill in 2022 and progressing it accordingly at that time. I am continuing that good work, in my view.

In terms of the Sexual Assault Support Service (SASS) -

Dr Woodruff - And Laurel House.

Mr BARNETT - and Laurel House. I am specifically referencing the SASS submission on the previous 2017 bill that mandatory sentencing for serious sexual offences against children provides an effective deterrent and enables greater consistency in sentencing, and regarding offender incarceration can provide an opportunity for rehabilitation. In their 2017 submission - I draw this to your attention - yes, it was a prior bill - SASS submitted that they agree with Tasmania Police that offender incarceration can provide 'an opportunity for concerted targeting of individuals for rehabilitation'.

The Liberal Government is continuing to invest in the rehabilitation of prisoners in Tasmania so they can get their lives back on track and contribute to our community in a positive way upon their release. That is absolutely an ambition, objective and policy position of our government, and hopefully across this parliament we support measures for rehabilitation of those in that position.

Dialectical behaviour therapy (DBT) started in June 2021 and gives prisoners the tools they need to develop skills and change their way of thinking, allowing them to address a range of destructive behaviours. This is all part of our important initiatives to address the importance of rehabilitation. We know that progressive, targeted rehabilitation-focused programs like DBT make a real difference to individuals in prison and we are investing almost $2.5 million towards rehabilitation programs and staff within our prisons over a three-year period. I draw that to your attention and hope that is acknowledged.

There was a reference again to Laurel House and I acknowledge them for their work, as I do for SASS, and thank them for what they do. It is appreciated.

Regarding the impact of mandatory sentencing on victim/survivors and the argument that there is less incentive to plead guilty, resulting in more trials, the bill provides a presumption of sentences of imprisonment as recommended by the Sentencing Advisory Council. The court has full discretion not to apply the periods when that would be unjust in the circumstances. If they feel and believe it is unjust in the circumstances, that is something they can decide and bring judgment upon and then outline their reasons why. For victim/survivors, that is what they

want to know; the reasons why they are not implementing those presumptive mandatory sentences.

In relation to the concern that the bill may reduce guilty pleas in Tasmania, the current position is that a plea of guilty should ordinarily attract a reduction in sentence. The discount for a guilty plea is not recognised in the *Sentencing Act 1997* but derives from common law. In giving a discount, it is not the practice of Tasmanian courts to quantify or state the amount of the discount. The benefit that an offender derives from it, flowing from the assistance that a plea of guilty gives to the Crown and the complainant, will vary from case to case, but no two cases are the same.

It is not expected that the bill will impact the existing practice, so we have listened carefully, through my department and through my office and across the government, to victim/survivors and the Tasmanian community. They have clearly stated that they need to be fully informed of sentencing decisions and understand the reasoning. This is what the bill will achieve.

Last year I stood up with Steve Fisher, together with member for Clark, Simon Behrakis, and I appreciate Steve's contribution and input.

I have made it clear regarding some of those concerns and my response has been outlined, I hope adequately so, not just in this Chamber but in other places. I am happy to conclude there.

Time expired.

The SPEAKER (Ms O'Byrne) - The question is -

That the bill be read the second time.

The House divided -

AYES 25	**NOES 8**
Mr Abetz	Ms Badger (Teller)
Mr Barnett	Mr Bayley
Mr Behrakis	Ms Burnet
Mrs Beswick	Mr Garland
Dr Broad	Ms Johnston
Ms Brown	Mr O'Byrne
Ms Butler	Ms Rosol
Ms Dow	Dr Woodruff
Mr Ellis	
Mr Fairs	
Mr Ferguson	
Ms Finlay (Teller)	
Ms Haddad	
Ms Howlett	
Mr Jaensch	
Ms Ogilvie	
Mrs Pentland	

Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood

Bill read the second time.

Third Reading

Bill read the third time.

ELECTORAL AMENDMENT BILL 2024 (No. 25)

Second Reading

[2.59 p.m.]

Mr BARNETT (Lyons - Minister for Justice) - Honourable Speaker, it is true that I am wearing a black and yellow badge in honour of rail safety, but it is also to acknowledge the mighty Richmond Tigers and the decision by Dusty Martin to resign. I pay him a tribute, three-time premiership player, Norm Smith medallist and Brownlow medallist.

The SPEAKER - I am very happy to quote the Pendlebury song if anybody would like it as well, if we are talking football.

Mr BARNETT - Thank you. It only happened a few hours ago and what an opportunity to pay a tribute to Dusty.

I move -

That the bill now be read the second time.

This bill amends section 196 of the *Electoral Act 2004* to limit section 196 to applying only to how-to-vote cards. The wording of section 196 will be modified to ensure that the now limited prohibition extends to 'keeping on display' as well as the initial act of printing, publishing and distribution.

Section 196 currently provides that:

> (1) A person must not between the issue of the writ for an election and the close of poll at that election print, publish or distribute any advertisement, "how to vote" card, handbill, pamphlet, poster or notice which contains the name, photograph or a likeness of a candidate or intending candidate at that election without the written consent of the candidate.

Section 196 is unique to Tasmania, with the original provision prohibiting just the use of a name without consent introduced into electoral legislation in 1921. When the *Electoral Act 1985* was introduced, the equivalent provision was expanded to prohibit the use of a photograph or likeness of a candidate. While the original reason for introducing a restriction on the use of the name of a candidate has been lost over time, the Tasmanian Electoral Commission (TEC) submitted in 2019 to the review of the *Electoral Act,* stating:

> There is some conjecture that this provision was included in earlier versions of the *Electoral Act* primarily to address concerns about the use of how-to-vote cards at House of Assembly elections.

This is quite unique to the Tasmanian context and the Hare-Clark system, where candidates are competing not only against candidates from other parties but with candidates from their own party.

The Tasmanian Law Reform Institute (TLRI) submitted to the *Electoral Act* review. The TLRI expressed concerns that section 196 could unduly restrict the dissemination and receipt of information, opinions and arguments concerning government and political matters, contrary to the High Court decision in Lange v Australian Broadcasting Corporation. The institute indicated that it supports the removal of section 196, submitting that:

> Any restrictions on political communication must be proportionate and necessary to address legitimate concerns. Candidates may be concerned by the potential publication of inaccurate material, including false how-to-vote cards. However, the institute considers that requirements for authorisation of electoral material and prohibition on the publication of misleading and deceptive material are sufficient to protect against false statements being made about candidates or how-to-vote cards.

There does not appear to be any reason to retain the section 196 prohibition more generally, other than for how-to-vote cards. There was general consensus during consultation on the terms of reference for the *Electoral Act* review that the provision is problematic. It was noted that these restrictions do not apply in other Australian jurisdictions.

Recommendation 1 of the *Electoral Act* review's final report included amending this clause. In line with the final report, an attempt was made to amend section 196 as part of the Electoral Matters (Miscellaneous Amendments) Bill 2022. However, this clause was voted down in the Legislative Council in November 2023.

As part of our 2030 Strong Plan, the Government has committed to amend section 196 of the *Electoral Act 2004* to remove the prohibition on the use of names and images of candidates in advertising, and this bill will fulfil this commitment. I therefore commend the bill to the House.

[3.06 p.m.]

Ms WHITE (Lyons) - Honourable Speaker, I rise today on behalf of the Labor Party to make a contribution on the Electoral Amendment Bill 2024. I can indicate that the Labor Party's position on this has not changed. We supported it when the bill came to this place in 2021. It was included as a clause in that amendment bill. Obviously, we are dealing with the same matter again before the Chair today.

Having looked back through the consultation on the bill at that time, both the 2021 bill and the 2019 interim bill on the *Electoral Act*, there were no submissions that did not support this change that I could find in my reading through them. There were submissions that did support this change, including from Dr Kevin Bonham and the TLRI. The TLRI said:

> Consultation Issue 2 asks whether the current requirement under s.196 of the Act to obtain the consent of any candidate named in material published during an election campaign. The Institute shares the concerns outlined in the Issues Paper that this could unduly restrict the public from disseminating and receiving information, opinions and arguments concerning government and political matters contrary to *Lange v Australian Broadcasting Corporation* 1997 HCA 25.
>
> Any restrictions on political communication must be proportionate and necessary to address legitimate concerns. Candidates may be concerned by the potential publication of inaccurate material, including false How to Vote cards. However, the Institute considers that requirements for authorisation of electoral material and prohibition on the publication of misleading and deceptive material are sufficient to protect against false statements being made about candidates or How to Vote cards.
>
> We support the removal of s.196.

That was from their submission to the consultation that was undertaken by the Department of Justice on an earlier version of the bill. To my understanding, the department has not done any further consultation on this particular amendment that is before the Chair, largely due to the fact that it was considered as a part of an earlier piece of law reform undertaken in this place on the basis that this is largely very straightforward and we have discussed this previously in a previous term of parliament and the Labor Party supported its removal at that time.

I indicate the Labor Party support for this bill.

[3.09 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, this electoral amendment bill before us has been to this place and discussed on a number of occasions. The Greens will be supporting this change to section 196 because we have long felt that it is constraining people's rights to speak freely and make political statements in an election period and that the explosion of social media and the changes in communications that have occurred since the act first was written in 2004 means that there is wide disparity between the intentions of what was trying to be achieved in 2004 and the reality of political campaigning in 2024.

I will make some points that Ms O'Connor, our Justice spokesperson, has made at a previous time in 2022 when the Electoral Matters (Miscellaneous Amendment) Bill came to this place and we made a number of amendments. We introduced four amendments to that bill, one of which was to make the changes to or changes in similar effect to section 196 that are before us today. We have long advocated for its repeal on freedom of speech grounds. The inability to be able to use a candidate's image or name without their permission during a campaign has led to many candidates in elections falling into hot water. Ms O'Connor, as a member of the Greens, was one such person on two occasions, but I remember from our

previous conversations in the Chamber that other members piped up and said, 'Oh, you know, you're not'. Ms Haddad said previously, all of us.

Many of us - many parties and individuals - have fallen foul of section 196 over time. Ms O'Connor provided the experience of volunteering as a campaigner for the Save Ralph's Bay campaign before the 2006 election and the community group had spoken to all the candidates for Franklin. They had their views on the Ralph's Bay proposal and they put out a newsletter, not a Facebook post, but a good old fashioned paper newsletter with multiple candidates, images and names. She had a call from the electoral commissioner at the time, Bruce Taylor, which scared her sitting at home in the living room to think at South Arm that she had had a call from the electoral commissioner and that she had fallen foul of the law.

It had been the case during the Legislative Council election for the seat of Huon that the Greens used Dr Bastian Seidel's name in relation to his party's - the Labor Party's - position on electronic gaming machines, given that Dr Seidel was then a general practitioner in Huonville and he was campaigning, amongst other things, on the health and wellbeing of his constituents. The Facebook post put out by Pat Caruana, who was the Greens candidate for Huon, referred to Dr Seidel and the fact that he was standing for a party who had changed their election promise to Tasmanians and were supporting the Liberals was a matter that was ultimately the subject of a complaint made by the Labor Party to the Electoral Commission. The matter was then referred to the Director of Public Prosecutions for their consideration about whether it contravened the law.

Ms O'Connor sought some legal advice about the matter, and there were a couple of points worth reading in the legal advice that was provided by Roland Browne. He makes the obvious point that the post is a communication about political and government matters concerning candidates standing for a state electorate office in a pending election. It is the kind of communication that lies at the heart of the political communications that have long been recognised as essential elements of freedom of speech and democracy. It is the kind of speech that lies at the heart of the constitutionally implied freedom of political communication.

The approach of the courts to protecting that freedom from legislative intrusion was stated by *Gummow and Hayne JJ in Coleman v Power [2004]*. Relevant to the context of section 196, Browne quotes their judgment in relation to another act:

> First and foremost is the fact that s7(1)(d) creates a criminal offence. The offence which it creates restricts freedom of speech. That freedom is not, and never has been, absolute. But in confining the limits of the freedom, a legislature must mark the boundary it sets with clarity. Fundamental common law rights are not to be eroded or curtailed save by clear work.

He goes on to talk about the fact that the interpretation of section 196 in Tasmania has long been obscure, particularly as a result, especially in recent years, of rising social media communications. Publication by way of a Facebook post is not an advertisement, how-to-vote card, handbill, pamphlet, poster or notice under section 196, with the consequence that the post is not materially falling within the section.

The second point he made, which the Attorney-General also made, is that section 196 is unique to Tasmania and there is no similar provision in the electoral legislation of the

Commonwealth, New South Wales, Victoria, Queensland, South Australia, the Australian Capital Territory, the Northern Territory or Western Australia.

As it was, in relation to Ms O'Connor, the Director of Public Prosecutions ultimately confirmed that he would not be pressing charges against the Greens over that particular Facebook post during the Huon campaign.

We make the point that, over the years, section 196 has consistently been used to prevent legitimate political discourse during election campaigns, and it was found to have been misapplied in that instance. We maintain that, over the years, it has had a chilling effect on the freedom of speech among community groups that do not have the resources to take on a case and have been over-assiduous in making sure they dampen down their comments or make no comments about the individual members' names in an election campaign. By doing so, they are restricting the information about the political views and positions of different candidates standing for an election. We argue that that is not advancing our democracy.

Following the Director of Public Prosecution's (DPP) decision, Electoral Commissioner Andrew Hawkey wrote to Ms O'Connor on 22 September 2020, saying that he understood the DPP would not be prosecuting the matter. In light of the process and the advice the Electoral Commissioner received from the DPP, he made a number of points which are relevant. Mr Hawkey said:

> The *Electoral Act 2004* became law before the development of social media and the use of social media for electoral and election discourse. While the act includes the definition, 'publish means published by any means, including by publication on the internet', section 1961 was written to primarily refer to physical actions of printing, publishing and distributing with physical items, advertisement, how-to-vote card, handbill, pamphlet, poster or notice. The act does not establish any similar restrictions on the use of a candidate's name in a political speech, personal conversation or on talk-back radio.
>
> The relatively recent rise of social media appears to fall between the historical discourse of delivered material and verbal, social, personal communication. It may be arguable the Facebook post is political discourse that could be considered closer to a radio interview or public debate than a handbill, how-to-vote card or notice.

Mr Hawkey concludes by saying:

> A breach of section 196 is a criminal offence which has severe consequences, that is, a fine not exceeding 300 penalty units or imprisonment for a term not exceeding 12 months, or both. A wide interpretation of the term 'notice' -

The term of imprisonment, he means.

> - to include such comments could be seen as seriously infringing freedom of speech and political communications.

The Electoral Commissioner did recognise the potential chilling effect of section 196.

He concludes by saying he has an important role to encourage and enforce compliance with all electoral laws and review and respond to breaches:

> I will continue to ask individuals to refrain from actions that could possibly breach section 196. I am currently of the view that some publications on social media, including those in the nature of the Facebook post in question, are not likely to present a sufficiently compelling case to seek the commencement of criminal prosecution.

It is clear the Electoral Commissioner has an appetite for the clarity this amendment provides so that people can go about their business of honestly campaigning and representing the views of other candidates; honestly, as community groups, reflecting the diversity of views of candidates, particularly the ones that align with the areas their groups are trying to prosecute or achieve, and fairly criticising candidates who have views that do not seek to achieve what individuals, community groups or organisations are trying to get as an outcome on the election.

That is what a robust democracy looks like. It looks like people having conversations. I think of a Facebook post, and most people would agree, as being a bit like being in a public town hall meeting. The point is about whether the comments that are made are true, whether they are not misleading about the words or the intention a person has, or a position that they have prosecuted. They are separate matters.

We have long campaigned for the change and are pleased that is finally going through - I mean, it has been through, but we hope will conclude. We thank the minister for bringing it on.

What we have remaining is how-to-vote cards. Minister, can you confirm that there will be no problem for people who would be doing what many community groups now do, which is to present views in an election campaign and how they line up with their interests, for example, in tick-a-box lists ranking them? I understand the change before us today would mean that form of communication, like other communications that mention a candidate's name, would be a valid form of communication and would not fall foul of the law any more. Therefore, people would be able to rest themselves at the next election, whenever that may be, and feel comfortable reflecting the views they have heard from candidates, and not being charged for doing so.

I give my thanks to our Electoral Commissioner, Andrew Hawkey, for his professionalism and integrity, for the team he leads, and the work they do. They are an essential guardian of our democratic processes in elections in Tasmania and we are lucky to have their hard work, perseverance, good humour and thorough decency in the work they do. It is always a pleasure engaging with them. All of us in this place understand that we are here as a result of an impeccable process of election management and counting, and rigour that stands us in stark contrast to many other countries around the world with democracies that are in a parlous state.

[3.25 p.m.]

Mr FAIRS (Bass) - Honourable Speaker, I am pleased to rise today to speak on this bill. As part of the 2030 Strong Plan, the government committed to amend section 196 of the *Electoral Act 2004* to remove the prohibition of the use of names and images of candidates in advertising. In February 2021, the *Electoral Act* review final report was released. Recommendation 1 of the report identified amending section 196 of the *Electoral Act 2004*. It

is important to note that both the Tasmanian Electoral Commission and the Tasmanian Law Reform Institute both provided submissions which informed the *Electoral Act* review final report, including specific comments about amendments to section 196.

The Tasmanian Law Reform Institute noted:

> Any restrictions on political communication must be proportionate and necessary to address legitimate concerns. Candidates may be concerned by the potential publication of inaccurate material, including false How to Vote cards. However, the Institute considers that requirements for authorisation of electoral material and prohibition on the publication of misleading and deceptive material are sufficient to protect against false statements being made about candidates or How to Vote cards.

The Tasmanian Electoral Commission stated that section 196 prohibits the use of the candidate's name, photograph or likeness without authority between the issue of a writ and close of poll for an election. This section specifies, 'print, publish or distribute any advertisement'. As a definition of 'publish' under section 3 of the act includes anything published on the internet, the authorisation requirements extend to the multitude of matter published online during the election period. However, there is uncertainty whether the section includes material published online prior to an election period but accessible during that period.

Further, the Tasmanian Electoral Commission noted there is some conjecture that this provision, section 196, was included in earlier versions of the *Electoral Act* primarily to address concerns about the use of how-to-vote cards, or HTV cards, at House of Assembly elections.

The Tasmanian government has listened to the feedback from the Tasmanian Law Reform Institute and the Tasmanian Electoral Commission. To implement the recommendations of the *Electoral Act* review, two pieces of legislation were originally tabled in parliament. One of those pieces of legislation, the Electoral Matters (Miscellaneous Amendments) Bill 2022, included an amendment to section 196 of the *Electoral Act 2004*. In its initial debate in November 2022, it is my understanding that the amendments to section 196 within the Electoral Matters (Miscellaneous Amendments) Bill 2022 drew strong support. Former leader of the Greens, Cassy O'Connor, spoke in strong favour of the amendment. As my colleague, the Honourable Guy Barnett MP, Attorney-General and Minister for Justice, noted in his second reading speech:

> Unfortunately, the Electoral Matters (Miscellaneous Amendments) Bill 2022 was voted down in the Legislative Council in November of 2023.

Section 196 of the *Electoral Act 2004* is dated and unique to Tasmania, with the original version of the provision prohibiting just the use of a name without consent introduced into electoral legislation in 1921. How times have changed since then.

In summary, the Electoral Amendment Bill 2024 is a short bill but a good bill, which will limit section 196 of the *Electoral Act 2004* to apply only to how-to-vote cards. I am pleased to support this bill.

[3.29 p.m.]

Mrs BESWICK (Braddon) - Honourable Speaker, this amendment is minor in nature, with wide-ranging effects. I appreciate that there are some very good advantages detailed by people here today. However, I need to point out the activities of those, particularly in the Liberal Party, in the recent election and voice my mistrust in the election period for future thinking on behalf of campaign managers and decision makers that making this change in such a piecemeal fashion may not be the best way to do this.

Tasmanians expect transparency in the democratic process to elect their parliament. In a time where trust in political institutions is waning and the influence of money in politics is increasingly scrutinised, it is essential that our House takes a tangible stance to enhance transparency and accountability within our political system.

There are currently three separate investigations being undertaken into electoral matters in our space, including: Legislative Council Committee A's consideration of the amendment recently put forward by the Greens; an investigation by the Integrity Commission into how public funds were used in this year's election campaign; and the investigation by a joint committee into the conduct in recent elections. With so much scrutiny at the moment, I do not believe that this is quite the time to be changing them.

During the March election, the Liberal team created a fake JLN website aiming to discredit the network with the hope that this would win them more votes through ours being less. It is impossible to be sure of how much influence this particular strategy had. However, it is clear that the response of most of the electorate was unanimous - that this was unacceptable. Under the current law, this strategy was deemed acceptable, or rather not illegal, as the site did not specify the candidates - using Senator Lambie's image and the general feel of the network style, so this change is not directly affected. However, giving more allowance to those who have shown they are capable of these decisions does not sit well with me. I am concerned about the message this activity has given to two key audiences: small businesses and internet trolls.

As a small business owner who had internet trolls claim all sorts of horrors on social media over the years and had no way to address or defend against nasty comments and blatant lies, I am concerned about ensuring the protection of small businesses and organisations against the kinds of behaviour which can be incredibly damaging and disheartening. To have the government of the day - because let us face it, there is no way to clearly distinguish between the incumbent government and the party who approves these campaigns - choose to create a copy of a small business website and put forward their own message under that pretence, how is the business community to be confident that they are not going to turn around and do the same to them?

Governments are here to protect and support businesses through law and action, and this action went completely against this. What message does this send to the internet community? That it is okay to fake other's websites, steal their sales and take their customers? When groups do this to Telstra, eBay, banks and other service providers and businesses, it is called fraud. As this did not include any financial transactions, I do not believe that this falls into that category. However, I fear the message this sends out is that it is okay to do whatever you want on the internet and the Tasmanian government does not expect honesty, integrity and protections to be delivered in this space.

My teammates and I signed an agreement with the government to review political donations legislation with an eye to greater transparency of political donations, including reporting requirements for political entities and donation caps. We are hoping the current inquiries underway will fulfil this commitment and we will make a judgment call once reports are handed down, but in addition to improved donation transparency, legislated honesty in political advertising is essential. This proposed amendment does nothing to improve honesty and integrity and gives individuals, independents and small parties less control and less safety in election campaigns.

This change will deter good, honest, hardworking people who could be excellent candidates and add so much value to this House. I am not saying this group is not good enough, but this amendment does deter people from putting their hands up and taking this risk. Large parties and big organisations have the resourcing and capacity to counter aspersions and claims made by others, whereas small parties and independents do not have the resources available for this.

In the world we currently live in, with scammers trying relentlessly to steal our identity, and in a society where it is getting harder to identify what is real, what is AI, why would I allow someone else to use my image and be allowed to misrepresent me for their gain? We need to be sure we have good, healthy laws in this arena to support good political debate and safe structures for elections and candidates in parliament.

I am on the fence with this one. I agree that it is helpful for freedom of speech and for organisations to be able to say, 'Miriam did this while she was in the House'. That is important. We need to be able to say honest things, but I am concerned that people will use this against people disrespectfully and dishonestly.

[3.35 p.m.]

Mr BARNETT (Lyons - Minister for Justice) - Honourable Speaker, I thank all members for their contributions to the Electoral Amendment Bill 2024. It is an important bill and is consistent with the government's 2030 Strong Plan for Tasmania's Future, which was laid out clearly at the state election, and consistent with past legislative measures in just the last few years. I acknowledge all those remarks from the state opposition, the Greens Leader and likewise, Bob Fairs, Liberal member for Bass, and thank him for his strong support for this bill. I acknowledge Mrs Beswick on behalf of JLN for her contribution and understand the remarks and where they are coming from.

I will go through a few key points to urge the member to consider this amendment bill as being worthy of support. There has been reference to a number of inquiries, both the parliamentary inquiry in this place that I appeared before last Friday on behalf of the government and the joint parliamentary committee of inquiry, and the member referenced a third inquiry referring to the Integrity Commission's work and their investigation.

That work is important, and in due course this parliament will have an opportunity to consider their various reports and recommendations about the issues of concern during the election campaign the member raised. I put that on the record and acknowledge that. It is a concern that JLN has and is a valid one from their perspective, and I see where the member is coming from.

My point is that this particular amendment bill is separate to that. It is specifically relating to section 196 and is certainly consistent with the plan put at the election to limit section 196 to applying only to how-to-vote cards. Why is it that the section is being amended? I will go back to fundamentals in summing up for colleagues and for those in another place who might consider the merit of this bill. It is the same as proposed in the Electoral Matters (Miscellaneous Amendments) Bill 2022. That amendment bill passed through this House of Assembly but was voted down in the other place. I will not reflect on that vote other than to say that we then brought it back at the last election.

We made that commitment as part of our 2030 Strong Plan, and we also said that we would reintroduce this amending bill within the first 100 days of re-election, which we have done. We made that commitment and have delivered. A few weeks ago, the Premier outlined how we have delivered on every single one of those first 100-day commitments.

What we have said we will do, we are doing. We are delivering on those commitments. I am a pleased and proud minister and Attorney-General to say that all those commitments in my portfolio areas and across the government have been delivered in that first 100 days, and now we are moving into the second 100 days. Yes, there is more to do, and we will roll that out. We can have debates and discussion about it, but at least we are following through.

The Electoral Act Review Final Report recommended the removal of the provision for all material except how-to-vote cards. This amendment was supported by the submission of the Tasmania Law Reform Institute, which was mentioned earlier today by my shadow and others. There are no other Australian jurisdictions with a comparable provision.

What is a how-to-vote card? Under the *Electoral Act 2004*, a how-to-vote card is defined as follows:

> ***how to vote card*** means a card, handbill or pamphlet (or an electronic document or electronic representation of a card, handbill or pamphlet) -
>
> (a) that -
>
> (i) is, or includes, a representation of a ballot paper, or part of a ballot paper, for an election or is apparently intended to represent a ballot paper, or part of a ballot paper, for an election; and
>
> (ii) is apparently intended to affect, or is likely to affect, how votes are cast for any or all of the candidates in the election; or
>
> (b) that lists the names of 2 or more of the candidates or registered parties in an election, with a number indicating the order of voting preference in conjunction with the names of 2 or more of the candidates or parties; or
>
> (c) that otherwise directs or encourages the casting of votes in an election in a particular way, other than a card, handbill or

> pamphlet that only relates to first preference votes or that only relates to last preference votes.

That is the definition. That is the legal position. In regard to why section 196 has retained the provision for how-to-vote (HTV) cards, the final report of the *Electoral Act Review* said the following:

> The Review acknowledges that the Tasmanian Act currently contains other provisions that apply to HTV cards. Under section 191, HTV cards are subject to the authorisation requirements. Section 177 prohibits canvassing or soliciting for votes within 100 metres of a polling place, which would include the distribution of HTV cards. Section 197 prohibits the printing, publishing and distributing of any printed electoral matter that is intended, likely to or has the capacity to mislead or deceive an elector in or in relation to the recording of his or her vote.
>
> However, as was noted in the Interim Report, it is thought that one of the original reasons for the introduction of section 196 was to address concerns about misleading or fake HTV cards in the context of the Hare-Clark system.
>
> Given this, this Review considers that there is merit in retaining section 196 in respect of HTV cards and, in light of changes in technology, any material that seeks to direct a voter as to how they should vote, including that distributed through social media or telephone calls, as it provides a further deterrent to fake or misleading HTV material - an issue which has been of concern to candidates in the past.

That is a very good summary. Our amendment is consistent with that report and recommendation. In regard to the amendment, and whether it will result in any more defamatory or offensive campaigning during election campaigns, section 196 currently only provides a basis for a complaint where the candidate's name or image is used without permission. The provision in itself does not prevent attack campaigning per se.

The electoral materials with the same defamatory remarks could still be published using references such as 'the candidate' or 'the current member', or by using another title or attribute such as 'the former mayor' or 'the Greens candidate', et cetera. These would not be covered by section 196. Section 196 is not designed and does not effectively work to force candidates to campaign in a respectful manner. The government does not endorse offensive or defamatory attacks on candidates or a member seeking re-election. However, section 196 is not the solution to any concerns about the quality of political campaigning. That was my point earlier. That is another debate for another time in due course, and various enquiries are being undertaken as we speak.

There was a reference in earlier remarks in the second reading debate to the Tasmanian Electoral Commission's submission. I will not read through their quotes, but they are supportive of the approach that we are taking. Likewise, what the Tasmanian Law Reform Institute said in relation to the bill before us is broadly supportive.

To Dr Woodruff's questions about community groups expressing views, there is a level of assurance that I can provide on behalf of the government that they can provide that material without falling foul, as it were, of the remnants of section 196.

Dr Woodruff - Effectively a digital how-to-vote card - a digital scorecard.

Mr BARNETT - Yes.

Dr Woodruff - They are specifically not how to vote. They are a scorecard.

Mr BARNETT - Yes. That is to my point that there is a difference between a how-to-vote card and a scorecard. My assurance relates to the scorecard. On behalf of the government, thank you for the question about scorecards and people expressing a different view. The community groups have a scorecard about Greens, Labor-Greens, JLN, whoever, so there are no issues there with respect to this amending bill. I can definitely provide that assurance.

In conclusion, a lot of this is to do with the importance of free speech and implied free speech. We have debated that before about the High Court and its views. I have had a longstanding support for free speech. I am happy to quote Voltaire, the famous philosopher, who said words to the effect of, 'I totally disagree with what you're saying but I'll fight to the death for your right to say it'.

That is a principle that has guided my thinking in federal and state politics and in the community, but you always have to balance those rights to free speech with the right to protection from defamation and damage to reputation, to ensure that the interests of the public are protected. It must be reasonable and it must be necessary if that impairment on free speech is to apply.

You heard from the Electoral Commissioner in relation to being reasonable and necessary, so we have to weigh that up as a parliament in relation to getting that balance right. We have come a long way today if we can progress this bill with regard to the right to express a view, to hear the arguments for and against, and then during the election period for the voters to democratically express their views accordingly. Is it not a wonderful thing where we can do that in Australia without bloodshed or physical harm? We do not want that to happen.

We know what happened yesterday where the threat levels have increased from possible to probable, and that is a concern for all of us. We do not want to be living in a community heading in that direction. We absolutely support the right to express a view and maintain that opportunity for Australians young and old, to express a view, to stand up for their community and put their views forward. That is a wonderful thing and something that we should fight for and preserve with every fibre of our bodies. I support -

Dr Woodruff - By interjection, minister, I assume you will be communicating the results of today's proceedings, vote, et cetera, to the Electoral Commissioner and all that information?

Mr BARNETT - Yes. This is on the public record. Recently, I had a meeting with the Electoral Commissioner. I commend the Electoral Commissioner and the Chief Commissioner. I thank them for their work. They are an independent entity. They have important work to do.

On Friday, in the House committee, chaired by Ms White, I shared my views more directly on the public record about these important matters.

I will conclude by acknowledging and thanking the Tasmanian Electoral Commission for their work, which I have just done, so I will repeat that. Likewise, to my department, the Department of Justice. Thank you very much to Bruce Paterson and, likewise, to Felicity Poulter and your team. Thank you again for your support for myself and my office. Likewise, to Pete, thanks very much for your support in my office. It is appreciated.

To one and all, I commend the bill to the House.

Bill read the second time.

Third Reading

Bill read the third time.

FARM DEBT MEDIATION BILL 2024 (No. 33)

Second Reading

[3.49 p.m.]

Ms OGILVIE (Clark - Minister for Small Business and Consumer Affairs) - Deputy Speaker, I move -

That the bill now be read the second time.

It gives me great pleasure to introduce the Farm Debt Mediation Bill 2024 to the House today. The introduction of this bill delivers on an election commitment that the government implement a legislated farm debt mediation scheme in Tasmania, supporting a key recommendation from the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry which advocated for the enactment of a national scheme of farm debt mediation. Specifically, this bill is modelled closely on the New South Wales farm debt mediation legislative framework which has led the way for a harmonised national approach to farm debt mediation.

Currently, a Tasmanian farming operation can be foreclosed by a creditor without any form of mediation or negotiation. This can obviously have a severe impact on a farmer and their family, especially when the farm is also the family home.

The requirements outlined in the Farm Debt Mediation Bill have been developed to create a more level playing field in situations that may otherwise involve a significant power imbalance in favour of the creditor. The bill does this by establishing an efficient and equitable mediation process for matters involving farm debts, as an alternative to an expensive court process. Even in a situation where a farm business cannot be saved, the farm debt mediation scheme can help facilitate a dignified exit for farmers.

The parties may enter this mediation process or, if they choose not to participate, the bill provides for safeguards and mechanisms for the resolution of the matter, which I will speak to further below. I will talk to the bill in more detail.

Farming operations that the bill applies to include those businesses primarily involved in agriculture, aquaculture or cultivating and harvesting. The bill enables farmers to request creditors enter into mediation before defaulting on a loan related to farming operations. It does this because when mediation occurs early, farmers are in a stronger bargaining position at a time when their emotional stress is lower and they have more options available to them.

Importantly, if a creditor does not agree to mediate under the scheme, the farmer can apply for a prohibition certificate, which prevents the creditor from taking foreclosure action under the scheme for six months once issued. If a farmer defaults on a loan, the bill requires a creditor to provide an invitation to mediate with the farmer and attempt to engage in mediation in good faith with the farmer before taking enforcement action.

Under the bill, a satisfactory mediation is one that has achieved a resolution or has proceeded as far as it reasonably can in attempting to achieve resolution, but has failed to resolve the matter.

If a farmer does not wish to mediate under the scheme, the creditor can apply for an exemption certificate. Once issued, this certificate states that the scheme does not apply to this debt for three years, allowing the creditor to take foreclosure action. Creditors are only required to offer mediation once per farm debt as there needs to be balance in this process.

If both parties agree to mediate, the mediation process utilises a neutral and independent mediator to assist farmers and creditors to communicate effectively, reach agreement on the issues and to achieve their own resolution on the dispute. The bill clearly defines the role of the mediator and what they can and cannot do to support this process. The farmer and creditor will be responsible for paying an equal share of the mediation fees and any of their own costs associated with attending mediation.

The bill establishes a farm debt mediation commissioner. The commissioner will oversee mediator accreditation and administration of the scheme, including the issuing of certificates. The commissioner will have the power to require farmers and creditors to provide information to determine the application of the farm debt mediation scheme. Farmers, creditors and mediators will have access to request a review of certain decisions made by the commissioner consistent with administrative law principles.

The government undertook public consultation on the key principles of the farm debt mediation scheme. Submissions were received from the Tasmanian Farmers and Graziers Association, Mediator Standards Board and the Australian Banking Association, among others. This consultation has informed the development of the bill before you today.

The agricultural sector is a vital contributor to the Tasmanian economy. However, farmers and their assets are vulnerable to financial challenges due to harsh climate conditions and change in commodity prices. In addition, due to the unique set of pressures faced by farmers, they are more vulnerable to experiencing mental health challenges caused by financial pressures and isolation. The farm debt mediation scheme aims to promote the long-term viability and resilience of farm businesses in Tasmania. This will help support the primary

industry sector as a whole. Helping farmers manage financial stress and supporting them to take early action will help promote positive mental health and resilience in rural communities.

The government is committed to helping Tasmanian farmers and believes that farmers, through a legislated farm debt management scheme, should be given an opportunity to present their case with an independent mediator and work to achieve a resolution before any enforcement action is taken by their creditor. Honourable Deputy Speaker, I commend this bill to the House.

[3.55 p.m.]

Ms DOW (Braddon - Deputy Leader of the Opposition) - Deputy Speaker, I am pleased to rise and speak on this important legislation this afternoon. I thank the staff who provided the briefing to me last week, though consultation on this bill was undertaken quite some time ago. This was an election commitment in 2018, so it has taken some time for the government to get to the point of bringing this legislation to the parliament. That is a shame, given that consultation was undertaken quite a while ago. There are farmers across our communities who could have benefited from having access to such a mandated scheme earlier.

I will read into the *Hansard* some excerpts from a recent ABC article about the drought on King Island, which has been tremendously traumatic to the people of King Island. I make the point, as others on my side have, that it was disappointing the government only announced support for islanders during the election campaign, when there had been lots of advocacy from the island and prior knowledge of what they were going through for some time, particularly about the additional need for mental health and wellbeing services on the island. They have endured a lot. Not only do they have to put up with an unreliable shipping service, and one that puts a lot of economic pressures on individuals on the island but changes with the regional airline Rex has dealt another blow to the community. They have suffered a lot this year, on top of the drought. The ABC News article begins:

> 'This is a disaster,' 84-year-old farmer Peter Bowling says quietly, shaking his head as he steers his buggy over a scrubby dune. 'I've sown this paddock three times,' he says. He's on the edge of his sweeping property on the southernmost tip of King Island, north-west of Tasmania.
>
> The sky is blue, the sand is white, and the ocean is crystal clear - but the seaside pasture in front of him is bare. The island, which produces more than 20 per cent of the state's beef, has been going through its worst drought in living memory. Since winter last year it has only received a fifth of the rainfall it normally does.

I know that this was back in June, so there has been some rain since.

> Mr Bowling has never seen it like this. His family has lived, loved and farmed a patch of land halfway between Tasmania and Victoria for more than 100 years.

Further on in this article there is an interview undertaken with Ms Delaney, who has been appointed to work with the community during drought and provide support services. The article goes on to say:

> Ms Delaney spends hours visiting farmers all over the island, working out what support they need and giving them a chance to share their fears. She finds it hard to describe the scale of what she is seeing. 'It's absolutely massive … we're finding that people need to just talk and be able to share that load.'

She says that her farm visits can take from an hour up to three hours. Then it talks about another family who talk about their experience of the drought.

The reason I read that into the *Hansard* is that it highlights the increasing pressures on farming families, not only across Tasmania but across the country. I pay tribute to our farmers across Tasmania. When you have an agricultural enterprise, there are significant challenges that are quite often outside your control, climate being one, weather being another, and the availability of workforce can be another challenge. Commodity prices impact as well. Farmers endure the ups and downs of those economic challenges and practical challenges day to day. To be a farmer, you have to be a jack of all trades. When you are quite often working in isolation in a farming environment, that does have an impact on your mental health.

These are all important things to put on the record. I put on the record that I have a small rural enterprise with my family, so I have a good understanding of those pressures and challenges that are currently being faced by the farming community across Tasmania.

We will support this legislation, but I will ask a few questions of the minister that I did not have the opportunity to ask at the briefing. The first question is: how are you going to let people know that this scheme is available? In your discussion paper it does state that there will only be a small amount of people who would access this per year. It is important that those people have access to good information about the scheme, that it is equitable and that there is not a power imbalance, as has been mentioned in the TasFarmers submission, in the relationship between those two parties that are mediating an outcome. How do you plan to promote this scheme and how will people learn about it and benefit from it?

In several other jurisdictions, there are subsidies put in place by state governments about the costs associated with this. One of the concerns I have is that there will be people who would be eligible for this and would benefit from this process but will simply not be able to afford it. Was any consideration given to a subsidy? I understand through reading the bill that that is not included and that there is a sharing of the costs, which could be quite significant. Given the fact that people who would be seeking to participate in a mediation process may find themselves in a financially distressing situation, it would be very important for the government to look at that and determine how to lessen that burden for people and make it more equitable. For those who cannot afford to participate in this process, how are you going to assist them? There will be those people as well, and it is important that they have their needs met.

I noticed in the legislation the importance of anonymity and confidentiality of the mediation process, which is important. Tasmania is a very small place and there needs to be flexibility within this process to ensure people are protected and have confidence in the process taking place.

The other issue was raised by Rural Business Tasmania, which I put on the record. They do an amazing job across Tasmania providing support to Tasmania agribusinesses. They noted their concern, as did TasFarmers, about equity of access to this scheme and the fact that there

needs to be more information and information sessions across the state. They were the main questions I had.

The other outstanding one which I have just remembered was about location. Some of the parties involved may be based in mainland states and it might be a barrier to people accessing this program if they have to travel interstate to meet or be part of that mediation process. Can you give assurances that they will be provided in Tasmania? That was another concern raised by Rural Business Tasmania.

In summary, there are a number of concerns we still have. We are happy to support the passage of the bill, but I would appreciate the minister providing some further explanation about how we can make this more equitable for people so that all farmers will be able to benefit if they find themselves in this situation.

[4.08 p.m.]

Ms BADGER (Lyons) - Deputy Speaker, I thank the minister's office and both departments that worked on this bill for their efforts and for the albeit very late briefing that they organised yesterday afternoon.

Unquestionably, our farmers and primary producers are absolutely critical to Tasmania and they are facing a challenging time. As Ms Dow has just pointed out, we are in a serious drought. We are in a cost-of-living crisis and are still seeing some ongoing impacts of the COVID-19 pandemic being felt. Then there is the climate crisis, which will exponentially continue to exacerbate natural disasters in both their impacts and frequency. The impacts this will have on our agricultural industry moving forward are enormous.

Farm debt mediation is on the rise nationally and for our Tasmanian farmers and agricultural sector. They are people with large assets and increasingly variable income, so financial assistance is being sought more frequently. It is time that Tasmania had a debt mediation option as do other states across Australia. Having the Tasmanian model based on the New South Wales legislation is a good idea, and I concur that that consistency between jurisdictions will be welcomed. We know statistically that the New South Wales blueprint is achieving the desired outcomes, with about a 90 per cent success rate. That is promising for Tasmania moving forward as well.

For the record, it is good for lenders to have this as an option, not just for our farmers. We know many primary production operations of all scales are supported on some level by a form of lending, so to give that sector confidence in finding solutions for the clients and themselves is good.

I will speak on the submissions. The Greens point out the inconsistency from some bodies in their lobbying for the legislation and regulatory change of late. A number of submissions which were received through the proper process in this case were unlike those in the residential regulation change for onsite farm workers, who are now set to have less housing stability under the amendments than primary production workers in other states. Why cannot those workers go to the government website and see who did or did not advocate for their housing rights? Why must they go to the individual bodies' websites or wait for the Premier to answer questions in parliament to see who is lobbying behind the scenes against their renters' rights? Both farmers and farm workers deserve to be spoken for or against, but through the proper process. It cannot be one way for some and another for others.

The Greens pointed out the inconsistency of the government's decisions based on the consultation feedback. In this case they chose, quite rightly, to put in place a process to help prevent farm owners from losing their property, but in the case of on-farm tenants, they have chosen to let tenants be immediately thrown out with no notice and no safety net. Despite the Premier's promise to lead a government with heart, time and time again they have shown they only have heart for a select cohort.

The Greens have concerns about the costs estimated for mediation in Tasmania. The $3000 estimate proposed in the consultation paper may be cheaper than legal fees as an alternative avenue but, when compared to other states, this is still a substantial sum. I understand from the briefing that the Tasmanian bill is just drafting that of the New South Wales model, so similar with the fifty-fifty shared basis, but Victoria's present cost for mediation per session is just $195.

The Australian Bank Association points out in their submission that consideration should be given to potential financial support options or government subsidisation of farmers in some circumstances. Further to that point, Rural Business Tasmania points to the Victorian model in its submissions. It says:

> As a significant number of Tasmanian lenders would need to negotiate with Victorian or Melbourne-based credit control debt departments, it is suggested that a cost closer to that of the Victorian model should be adopted.

It goes on to point out:

> If the borrower is already under significant financial pressures but need to engage costly legal or specialist support and then contribute approximately $3000, this may seem an insurmountable road to resolution, particularly when also considering the emotional and time resources that will be extended in an already stressful situation.

We do not want the $3000 cost to be a barrier or to prohibit farmers from taking up this important service. Nor should this service, which is there for farmers and families when they are most in need, be inequitable when compared to other jurisdictions. It would not be hugely expensive to have government hardship grants in place or even capping the costs of the farmers' contributions, which they do in New Zealand. It is estimated that only eight to 17 debt mediations would occur through the scheme each financial year in Tasmania, so it is not a big ask in terms of the budget.

I have some questions for the minister based on that. Will you put in place a similar framework of either government contributions or grants to assist with the mediation costs for already struggling farmers? I have been waiting since the last-minute briefing yesterday to receive some communication on that matter, and an answer. I will presume the answer is 'no', but I will be delighted to be proved wrong.

If you are not implementing a subsidising scheme of some description, will you guarantee a review of the costs for mediation in 18 or 24 months to assess whether the $3000 figure is an impediment to farmers taking up mediation? Not assessing these costs for already struggling farmers, as other states have, would be a political choice.

Honourable Speaker, in the face of climate change and rapidly altering weather, which is becoming harder to predict and will inevitably impact our farmers, this mediation scheme is a welcome addition to helping people when they need it most, provided it is done properly. The Greens will support the bill.

[4.11 p.m.]

Mr SHELTON (Lyons) - Deputy Speaker, I rise this afternoon to support the Farm Debt Mediation Bill. I do it with some enthusiasm because it is something that is very much needed. I do it from a point where, in 1985, my brother and I, and my mum and dad bought the family farm, and a debt came along with that. During our time, interest rates went to almost 20 per cent. Things change over a business plan and we need assistance there. This bill fulfils our election commitment and promise to establish a legislated farm debt mediation scheme in Tasmania, aligning with a key recommendation of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, which advocated for a national scheme for farm debt mitigation.

Over my lifetime, I have heard stories of farmers where the banks have come in, foreclosed, and wiped them out. I am not advocating for poor farming practices and the fact that some farms are not viable, but there does need to be some mitigation when banks come in. I hope that, since the royal commission, banks and financial institutions are working with their customers rather than what happened 20 years ago or so. Nevertheless, the bill is still very much needed.

This bill is closely modelled on the New South Wales farm debt mitigation framework, which has been instrumental in shaping a united national approach to farm debt mitigation. Currently in Tasmania, a farming operation can be foreclosed on by a creditor without any mediation or negotiation, potentially causing severe distress to farmers and their families, especially when the farm is also the family home. The Farm Debt Mitigation Bill aims to create a fairer playing field by establishing an efficient and equitable mediation process for farm debt issues as an alternative to costly court proceedings. Even if the farm business cannot be saved, the scheme can help facilitate a dignified exit for the farmer.

Parties may voluntarily enter the mediation process and, if they choose not to, the bill provides safeguards and mechanisms for resolving the matter. The bill applies to farming operations primarily involved in agriculture, aquaculture, or cultivating and harvesting. It allows farmers to request creditors to enter mediation before defaulting on the loan related to the farming operation. Early mediation strengthens farmers' bargaining positions, reduces emotional stress and provides more options. If the creditor refuses to mediate, the farmer can apply for a prohibition certificate preventing the creditor from taking foreclosure action for six months once issued. If a farmer defaults on the loan, the creditor must invite the farmer to mediate and attempt to engage in good-faith mediation before taking enforcement action.

A satisfactory mediation is defined as one that either achieves a resolution or has reasonably attempted to do so, but has failed.

If both parties agree to mediation, a neutral and independent mediator will assist in effective communication, issue resolution and achieving an agreement. The bill clearly outlines the mediator's role and responsibilities. Farmers and creditors will equally share mediation fees and their own associated cost. The bill establishes a farm debt mediation commissioner to oversee the mediation accreditation, administer the scheme and issue certificates. The

commissioner has the authority to request information from farmers and creditors to determine the scheme's application. Additionally, there is a provision for reviewing certain decisions made by the commissioner.

I have a question for the minister on the issue of financial assistance from the government. Will there be any support available for farmers from the Tasmanian government to meet their side of the mediation? We are dealing with a farmer, or farm family, not over-blessed with cash at that time or they would not be in that situation, so the question about assistance is a critical one.

Public consultation on the key principles of the farm debt mitigation scheme involved submissions from the Tasmanian Farmers and Graziers Association, or TasFarmers, the Mediation Standards Board, the Australian Banking Association and others. The question has always been, how do you get the message out there? TasFarmers is a fantastic organisation within Tasmania. The government had already been in consultation with TasFarmers, which has the networks to make sure that any farmer that is in this situation will be aware that there is assistance available.

This feedback has been instrumental in shaping the bill before us today. The agricultural sector is vital to Tasmania's economy, but farmers and their assets face financial challenges due to harsh climate conditions and fluctuating commodity prices. These pressures make farming more vulnerable to the mental health challenges caused by financial stress and isolation.

The Farm Debt Mediation Scheme aims to promote the long-term viability and resilience of Tasmanian farming businesses, supporting the primary industry sector as a whole by helping farmers manage their stress and encouraging early action. We can promote positive mental health and resilience in rural communities through this process.

The government is committed to supporting Tasmanian farmers. We believe that through the Farm Debt Management Scheme, farmers should have the opportunity to present their case with an independent mediator and work towards a resolution before enforcement action is taken. I do it with some enthusiasm because it is definitely needed, and I have seen it in my lifetime. I stand here as a father with a son who would love to, one day, have more land.

Unfortunately, we all understand where residential property prices have gone. Farming value has gone the same way, and so for a family, being a new entrant into the agricultural industry is difficult because of the cost of land. Anybody who takes up that challenge is going to put themselves at significant financial risk.

A normal business loan is typically over five to six years, and so you can see a horizon when buying property. It is normally the same as a house over a 20, 25 or 30-year horizon. As has already been mentioned in this House, many things can vary over that period of time and create a situation where for a period of sometimes only months that operation may not be viable. It is important for this six-month process to take place, because at the end of it there may be light at the end of the tunnel, and the banks do not have to foreclose on that farming operation.

Farming is vital to Tasmania. We are an export state and our primary industry is critical to our economy and income. The farm gate value now for our farming activities and primary

industries is $2.34 billion, and the Tasmanian Liberals have a policy of growing that to $10 billion by 2050. The state will have a bigger economy, and hopefully some of that flows back to the government and we will be able to spend some of that extra money on essential services. Primary industry is driving our future economy, and that will assist in providing services right across our communities.

I thank all those farmers and the governments, both left and right, from federal and state, who have invested in irrigation for the agricultural sector. I was involved in one of the very first irrigation schemes as Meander Valley mayor when we had all the hoo-ha over the Meander Dam, and it is the greatest asset for that community. It is certainly valuable.

We have a young Greens in the place. One of the senior Greens at that time said the Meander Dam would not grow a spud. Let me tell the House that last year, in a dry season, it grew thousands of tonnes of spuds, and if it were not for the Meander Dam and the irrigating water that irrigators had purchased, plus government and so forth, the Meander would have turned into a slimy creek. It has environmental benefits as well as agricultural and economic benefits. I will not mention the person's name, but most people could probably guess who said that in the past.

I stand here as a part-time farmer - my brother does most of the work on the farm because I am down here all the time - understanding the risks that farmers take when they take out a loan and get into that industry. It is one thing after another, it has been mentioned, where cattle prices have been down and the drought hits King Island, and so on. It is never plain sailing, and that is why this bill is so important to our farming industry. I stand here with great enthusiasm to support the minister and her department for bringing this bill on.

[4.23 p.m.]

Ms OGILVIE (Clark - Minister for Small Business and Consumer Affairs) - Deputy Speaker, I have taken note of all the questions, but feel free to, by way of interjection, have a conversation. I am not sure if you will want to go into Committee, but hopefully I can answer the questions as we go along.

There was some commentary about the duration of time taken to establish the Farm Debt Mediation (FDM) scheme. For the record, the Tasmanian government committed to implement a Farm Debt Mediation scheme as part of our 2021 Accelerating Agriculture election commitment, but the Farm Debt Mediation scheme came from the 2019 Banking Royal Commission, and that is the work that we have done.

I am pleased to be bringing the bill forward today. It is important, and I raise that first of all because it is very heartening to hear all the support in the Chamber, particularly from my colleague, the member for Lyons. It is great to have a farmer in the House; he keeps me on the straight and narrow. I wanted to touch on that topic.

The next issue raised was how we will communicate to potential participants in the scheme that it is available. State Growth, our department, has been working with Rural Business Tasmania on the development of the scheme, and we will work with them to educate farmers. They provide existing support for farmers in financial stress, so those who they are connected to already.

We will utilise the Business Tasmania network, which is very strong and growing, alongside other service providers engaging with farmers, for example, Rural Alive and Well. We will be advertising this scheme in *Tasmanian Country* and other regional publications. There is funding to do that work, particularly for advertising and promotion.

Throughout the farm debt mediation process, eligible farmers are encouraged to access the Rural Financial Counselling Service. You would be interested to know that. It is part of the federal government funded Rural Financial Counselling Service program.

How does it work with farmers outside of the state? The question is: how will the Tasmanian legislation interact with legislation of other jurisdictions? When farm debts are secured by a mortgage over farm properties in other states as well as in Tasmania, the act enables the department to recognise mediations and refusals to mediate under the corresponding legislation of those jurisdictions. Mediation can take place online if agreed by the mediator, which is helpful. That, hopefully, will assist in relation to those who live in places that are a little bit more remote.

We have a question about why we are not subsidising the program further, as in the Victorian model. The Victorian scheme moves almost all of the cost of mediations from the creditor, often a large bank, and the impacted farmer to the taxpayer. This heavily subsidised farm debt mediation scheme was established to fulfil an election promise.

There has been no mandate from the Tasmanian electorate to provide a similarly subsidised FDM scheme. However, what I can say is that - and I love this phrase used by Mark Shelton - farmers are not overly blessed with cash if they are in this particular situation. I am able to say - and I thank the member for Lyons, Mark Shelton, for raising this - that we have looked at this issue, and as members would know through the briefings they have been able to have, an equivalent scheme has been operating successfully in New South Wales for 30 years based on the two parties equally sharing mediation costs, which is the model we have adopted. We recognise that the cost of mediation to farmers has been a matter of concern. It has been raised both in public consultation undertaken on this scheme and in the briefings we have provided to members of parliament and from our own colleagues.

To this end, we have been able to identify some cost savings from establishing the scheme that can now be redirected to help farmers cover the costs of participating in the mediation process under this bill and I am therefore delighted to announce that funding support of up to $3000 will be available for farmers who now use this mediation process from the commencement of the scheme. We expect these funds will cover at least the first year of operation of the new framework, but the total funding support available will be capped to the available cost savings and it is important to recognise that. The amount paid to eligible farmers will depend on the actual cost of the mediation and we will review the need for ongoing funding of this kind over the initial 12-month period. We will track how things are going. I am pleased to advise that State Growth is currently finalising the arrangements for the funding and guidelines and an application process will be released with the launch of the framework.

There was a question in relation to capping the amount paid. We will not be capping the amount that is paid by farmers in this legislation.

There was a question raised about review of the bill. The Tasmanian Farm Debt Mediation Bill is based on the New South Wales legislative model. The model is robust and

has been reviewed a number of times throughout its 30 years in operation and, as I have said, we are going to provide that additional grant funding which in itself will be subject to some supervision and review. Regarding the grants scheme, we have adopted the New South Wales approach rather than the Victorian model.

That covers the queries so far. Thank you, Mr Shelton, for your great contribution. I love having a farmer at the podium to speak with some personal insight into why these matters are important. I do not know that we are going into Committee. I commend the bill.

Bill read the second time.

Third Reading

Bill read the third time.

HISTORIC CULTURAL HERITAGE AMENDMENT BILL 2024 (No. 32)

Second Reading

[4.32 p.m.]

Ms OGILVIE (Clark - Minister for the Arts) - Honourable Speaker, I move -

That the bill be now read the second time.

The management and administration of state-level historic heritage has been well served by the application of the *Historic Cultural Heritage Act 1995*. A key factor in the success of this act has been regular updates, ensuring that it remains current in its approach and its consistency with other related land use planning legislation.

Since the last amendments to the act were proclaimed in 2019, it has become apparent that additional minor changes are warranted to afford greater protection to places of historic and cultural heritage significance to minimise red tape and duplication of process and to clarify terminology and simplify the administration of the act.

The *Historic Cultural Heritage Act 1995* was previously amended in 2014 and 2019 to better align with the *Land Use Planning and Approvals Act 1993* (LUPAA) and to provide greater consistency, clarity and certainty for property owners and practitioners working within the development sector. Since that time, development approval issues regarding the assessment of retrospective applications under the act have been identified. These issues were not foreseen as part of the last suite of amendments.

It has been identified that the *Historic Cultural Heritage Act 1995* does not currently allow the Tasmanian Heritage Council to undertake an assessment of a planning permit application where works have commenced prior to the application being considered. While the practice of retrospective review has previously been used by local government authorities and the Tasmanian Heritage Council to manage situations, it has been identified that the Tasmanian Heritage Council does not have the capacity under the act to undertake any action in relation to where works have commenced without the required approvals. As a result, the Tasmanian

Heritage Council cannot take part in assessing any part of a development application that has a retrospective element.

This situation does not provide Tasmania's historic heritage places with comprehensive protection should unauthorised works occur, because the Tasmanian Heritage Council cannot require, through a planning permit if needed, that works be appropriately remediated. This legislative amendment will ensure the act is revised to be consistent with the functions that local government exercises under LUPAA to deal with these sorts of scenarios. Under this amendment, a planning permit application will be assessed as though none of the works have been commenced, with any completed works that are subsequently not approved then required to be unmade if that is deemed appropriate.

Many of the minor amendments within this bill are aimed at improving efficiencies in the operation of the act with regard to process for registering new places on the Tasmanian Heritage Register, removing places that have been superseded and reducing the timeframe within which a person can make an objection to a permanent entry on the Tasmanian Heritage Register. These changes are considered minor, uncontentious and administrative in nature. This bill will provide greater clarity to landowners about the requirements for obtaining a works approval from the Tasmanian Heritage Council prior to undertaking works on heritage-listed properties.

The previously misleading term 'certificate of exemption' is to be replaced with the term 'minor works approval'. To allow the Tasmanian Heritage Council to take a more holistic approach to assessing impacts on heritage significance, it is proposed that the Tasmanian Heritage Council be authorised to consider the broader impacts that works to one heritage place have on adjacent Tasmanian heritage-registered places. This will address the current situation whereby the impact of works on one terrace house to an adjacent row of individually listed terrace houses cannot be considered under current provisions.

This bill seeks to tighten the definitions of 'building', 'land', 'fixtures' and 'objects' that contribute to the historic heritage significance of a place to, where possible, make them consistent with LUPAA. This will help to provide clarity, particularly about the requirement to obtain works approval for the removal or relocation of significant heritage objects from a place.

This bill will ensure the Tasmanian Heritage Council is not unnecessarily restricted in its role to enforce compliance with a notice to take or stop action where the heritage fabric of a place is at immediate risk. Currently, an action to stop work cannot be enforced in less than 30 days from the date of notice. It is proposed to provide the ability in urgent circumstances to require actions to be undertaken in less than a 30-day timeframe.

In preparation for moves to expand the accessibility of the Tasmanian Heritage Register through the Land Information System Tasmania, this bill will enable the chair of the Tasmanian Heritage Council to delegate the ability to sign certificates of effective place to officers within Heritage Tasmania. This delegation will allow the signing to be done in electronic form, which will facilitate the future delivery of certificates of affected place via a self-help portal within the Land Information System Tasmania. I commend the bill to the House.

[4.38 p.m.]

Ms BROWN (Franklin) - Honourable Speaker, I start by thanking the department for my briefing today on this bill. I am pleased to be able to address the house today on the amendments

to the *Historic Cultural Heritage Act 1995* through the Historic Cultural Heritage Amendment Bill 2024. This legislation is designed to enhance the protection of our historic heritage places, rectify existing anomalies and streamline administrative procedures.

I will elaborate on some of the key changes proposed in the bill and the potential impacts it will have on the heritage protection framework. Going through the bill and related documents, I have some concerns about timeframes which could potentially undermine the values which we seek to preserve.

Starting with clause 4, one of the fundamental changes proposed to this amendment is clarification and insertion of new definitions for buildings, lands, objects and places in section 3 of the act. These definitions are core elements of the framework for registering and protecting historical cultural heritage. By refining these definitions, we ensure that the framework is precise and comprehensive, providing clear guidance for registration and protection of valuable historic sites. That is great.

In clause 6, the bill amends section 7 to expand the functions of the Tasmanian Heritage Council. It now includes the responsibility for keeping detailed records of places of historic cultural heritage significance, which is very good.

In clauses 7 and 8, the bill proposes the reduction of time allowed for lodging objections and making submissions on the Tasmanian Heritage Council's (THC) intention to enter a place in the register from 60 days to 30 days. Whilst intended to expediate the process, this drastic reduction in timeframe could disenfranchise stakeholders and community members who need adequate time to review and respond to proposed changes.

The risk here is the important objections and concerns that may be overlooked, diminishing the public's ability to participate meaningfully in the heritage protection process. I ask the minister to explain how these reduced timeframes will affect the public's participation throughout the review process.

In clause 9, section 21 is amended to extend the THC's decision-making period for permanent register entries from 128 days to 180 days. This extension is intended to align better with the THC's bi-monthly meeting schedules and reporting timeframes. This increase provides the THC additional time to consider complex cases and ensure that the decisions are well informed and carefully deliberated.

Whilst I am all for giving people the amount of time they need to make sure we are preserving our historic culture, I want to see that the same is offered to constituents if they would like to make objection.

Ms Ogilvie - Like reciprocal?

Ms BROWN - Correct. Moving on to clause 10, new section 25A clarifies the THC's ability to remove duplicate entries from the register. While the THC already has the authority to remove duplicates, this amendment provides additional clarity on the process, notably that the notice, objection and appeal provisions of section 4 of the act will not apply when removing the duplicate entries.

This change aims to streamline the processes but raises concerns about transparency. I ask the minister to address how the removal of duplicates will be managed to ensure that it does not compromise public trust in the heritage protection system.

In clause 11, the bill introduces a change in terminology from 'certificate of exemption' to 'minor works approval' in section 32. This change is more than just a shift of wording. It represents a clearer categorisation of approvals for minor works. Importantly, minor works approvals will not be subjected to additional conditions which could impact how these approvals are managed and monitored.

In clause 12, one of the most significant amendments is the introduction of new section 32A, which allows the THC to consider applications of heritage works that have been carried out before the application is made. This change aims to address situations where works have already been done without proper approvals, potentially legalising unauthorised works.

Moving on to clauses 15 and 16, the amendments to sections 39(2)(a) and 39A(2)(a) allows the THC to consider the impacts of relevant heritage works on adjoining registered heritage places. This broader scope ensures that we have a more holistic assessment of potential impacts. Additionally, these amendments to sections 39(7)(a) and 39A(7)(a) empower the THC to impose conditions on discretionary planning permits related to rectifying previously carried out works - another good one to add into this bill.

The final clause I will note is clause 20. Section 60 is amended to allow the THC to specify timeframes the actions related to unauthorised heritage works must be taken. These changes provide the THC with greater flexibility in enforcing compliance and ensuring that corrective actions are completed in a timely manner.

The Historic Cultural Heritage Amendment Bill represents a step forward in efforts to protect and preserve Tasmania's rich cultural heritage. By refining definitions, expanding the functions of the THC, streamlining processes and introducing new provisions, the bill aims to enhance the effectiveness of the heritage protective framework. However, as we move forward with these changes, it is vital that we remain vigilant in addressing the potential concerns related to transparency, public participation and the management of retrospective approvals.

Tasmanian Labor has a strong history of committing to safeguarding Tasmania's historic and cultural assets, so I ask the minister to address the questions I have raised to ensure that the processes remain fair, robust and inclusive.

[4.46 p.m.]

Ms ROSOL (Bass) - Honourable Speaker, I will speak briefly on this bill. The bill makes a number of amendments to the *Historic Cultural Heritage Act 1995*, intended to ensure the legislation remains aligned with the *Land Use Planning and Approvals Act 1993*. We agree with much of the bill on principle and intend to support it. However, we do request some clarity from the minister on some aspects of the bill.

Clauses 7 and 8 of the bill amend sections 19 and 20 of the act, reducing the time period from 60 days to 30 days within which someone may make objections or submissions in relation to the Tasmanian Heritage Council's intention to enter a place into the Tasmanian Heritage Register. It is noted that these clauses are intended to improve administrative processing times

and we understand that this may better align with planning timelines, but we are concerned that this may impact the community's ability to participate in the registration process.

Unlike a planning submission, a person who wants to object to a listing on the Tasmanian Heritage Register, for example, needs to demonstrate that the place does not satisfy any of the registration criteria on which the entry is intended to be based. This may require the community to undertake their own research and investigations into the history of a place. It seems unnecessary to reduce the community's timeframe to make a submission when clause 9 of the bill amends section 21 of the act to increase the time in which a decision on permanent entry must be made by the Heritage Council from 120 days to 180 days after making a provisional entry.

These amendments will mean that a member of the public only has a month to prepare a submission or objection to a listing while the Heritage Council will have six months to decide. It seems unnecessary to reduce the community's timeline while extending the council's. This was a view that was raised by stakeholders in submissions to the draft bill, including from the Planning Institute of Tasmania. Can the minister provide any clarity as to why this decision was made?

We would appreciate some clarity regarding clause 12, which inserts section 32A into the act. The proposed section would enable a works application to be considered even though some or all of the heritage works to which the application relates have been carried out before the application is made. We understand that this section is intended to align the act with the local government planning system. However, there are some key differences between heritage places and other places that require consideration when considering the impacts of unapproved works.

There is a risk that this provision may encourage individuals to intentionally undertake heritage works without approval, knowing they have the ability to apply for a retrospective permit and that the works they undertake may not be able to be unmade or otherwise rectified. This issue was raised in a submission to the draft bill that does not appear to have been rectified in the bill before us today.

If a person builds a shed in their yard without planning approval and then applies for a retrospective approval, in many councils they are required to pay an additional fee as a penalty for undertaking illegal works. If the person is then told to take their shed down, they can do so without adverse impact, but there are many types of work that may irreversibly impact the heritage significance of a place. Has the minister considered including any mechanisms to deter individuals from undertaking unapproved works?

The clause notes state that any completed works that are subsequently not approved are likely to be required to be unmade. Can the minister confirm that section 73 and section 74 of the principal act, which enables the minister to make an order to repair, damage or prohibit works on a heritage place, will apply to retrospective approvals that are denied?

[4.50 p.m.]

Mr WOOD (Bass) - Honourable Speaker, I rise to support our government's approach to strengthening the protection of Tasmania's rich historic heritage while simultaneously streamlining the administrative process.

The *Historic Cultural Heritage Act 1995* has been instrumental in preserving our state's historic heritage. Regular updates have kept the act relevant and aligned with other land use planning laws. Since the last amendments in 2019, we have identified minor changes necessary to better protect heritage sites, reduce administrative burden and clarify language within the act.

Earlier amendments in 2014 and 2019 aimed to align the act with the *Land Use Planning and Approvals Act 1993*, (LUPAA), bringing consistency and clarity for property owners and developers. However, issues with retrospective applications have arisen. Currently, the act does not allow the Tasmanian Heritage Council to assess planning permits if work has started without prior approval. This gap leaves heritage sites vulnerable to unauthorised alterations, as the council cannot mandate remediation through planning permits.

This bill proposes that planning applications be assessed as though no work has commenced, allowing the Heritage Council to fully participate in the application process. Any unauthorised work that is not subsequently approved can then be addressed appropriately.

Other minor amendments in the bill aim to streamline processes for adding or removing places from the Tasmanian Heritage Register and reducing the objection period for permanent entries. These are straightforward administrative improvements. Additionally, the term 'certificate of exemption' will be replaced with 'minor works approval' to better inform landowners about the requirements for heritage-listed properties.

To ensure a holistic approach, the Tasmanian Heritage Council will be authorised to consider the broader impacts of works on adjacent heritage sites, addressing current limitations. We seek to tighten definitions of buildings, land, fixtures and objects of heritage significance, making them consistent with the LUPAA. This will help clarify the need for works approval for removing or relocating significant heritage objects.

The bill proposes empowering the Heritage Council to act swiftly in urgent cases to protect heritage places, reducing the current 30-day notice period for stop work orders. Finally, to improve access to the Tasmanian Heritage Register via the Land Information System Tasmania, the bill will enable electronic signing of certificates of affected place by authorised officers.

Built heritage is important to Tasmania and Tasmanians. Our 2030 Strong Plan for Tasmania's Future secures important heritage sites for generations to come, providing everyday Tasmanians with the support they need to activate heritage spaces and places.

Tasmania's heritage sector supports over 5000 direct and indirect jobs and attracts more than 40,000 heritage-related visitors annually. Furthermore, it contributes over $900 million to Tasmania's gross state product and injects over $93 million of capital into the construction and building sector. I commend the bill to the House.

[4.56 p.m.]

Ms BURNET (Clark) - Honourable Speaker, I support the comments of the member for Bass, Ms Rosol, but I make a couple of points from a local government perspective, having spent many years in local government making planning decisions on heritage properties. Most of the bill before the House is very appropriate. It looks at further protections of heritage stock and the things that will be referred to the Tasmanian Heritage Council.

I make a point about the works that are done on terrace houses. I know I have had various situations in local government where the heritage terrace houses were protected by heritage considerations, but work done on neighbouring properties with party walls were not undertaken, and there was a lack of wanting to do those works to improve the quality of that terrace by neighbours.

There was discussion before about unauthorised works. Looking at the penalties for that is welcome because you find quite often with any sort of building stock that there are works that are not undertaken in good time.

There were concerns raised by various councils. I look to the submission made by the City of Hobart about section 3 amended (Interpretation), subsection (a) substituting a new definition of 'building'. The proposed definition of building is different to the *Land Use Planning and Approvals Act*. The *Historic Cultural Heritage Act 1995* is an act under the Resource Management and Planning System (RMPS). The RMPS having the 1995 act aligned with the *Land Use Planning and Approvals Act* has been an ongoing priority and it was considered to be an appropriate amendment.

There were references and this was in the council chambers, as an example, section 3 amended (interpretation), subsection (c), new definition of heritage object. I go to the City of Hobart's response to the submission:

> While the introduction of this new term is not an issue, it needs to be considered in relation to what the Tasmanian Heritage Council refers to as movable cultural heritage. This practice note requires revision in light of this amendment and a consistent approach. It is proposed that the definition excludes any objects owned by a local council to ensure that items of heritage significance, for example, moving or repairing chairs and updating honour rolls, are not prevented from carrying out usual operations.

I want to hear from the minister that that is reflected in the changes.

I go to the clarity on clauses 7 and 8, which is section 19 and 20. It has been raised before, but the decrease in the time to register historical places, as Ms Rosol has said, may make it more consistent but it is reducing the time for the general public to make a submission. Whilst most of the changes to this bill may be appropriate, there are those things that do not satisfy the concerns of the Greens.

[5.01 p.m.]

Ms OGILVIE (Clark - Minister for the Arts) - Honourable Speaker, it is such a great pleasure to be with people who care about heritage. I always love this area. I have said it many times because it is an area in which we have heated agreement on so many fronts. Quite a lot of the discussion is about how to make it better and how to manage and protect our beautiful cultural heritage in the great state of Tasmania.

I have done my best to respond to the questions. As there were quite a few and it is quite a technical bill, please feel free, by way of interjection or through the Speaker, to ask me if there is anything you need expanded on. I am happy to have a dialogue as we go through this. Some of the questions overlap, so I will do my best to give you the overview. Again, as I said, please feel free to chip in.

The first question is about clauses 7 and 8 in relation to response times. The question boils down to: why has the consultation timeframe for an objection reduced from 60 to 30 days? I can give a little bit more information on this. The period in which to object to a permanent entry in the heritage register is to reduce from 60 to 30 days. That is to better align with the *Land Use and Planning Approvals Act 1993* and more appropriately meet community expectations regarding efficient government decision-making. A timeframe of 30 days is widely accepted within the business world as appropriate.

Further, at the point at which the Heritage Council makes an entry permanent, there have already been periods of open consultation required by the council, both statutory for the broader community and pre-statutory for owners. No timeframes are applied to the pre-statutory consultation as the Heritage Council's approach is to continue to work with owners and their representatives to try and achieve consensus between all parties.

This amendment aligns with existing timeframes outlined in the *Historic Cultural Heritage Act* related to other statutory processes, that is, 30 days' provision to lodge an objection to removal of an entry from the Tasmanian Heritage Register.

We had a couple of questions on clause 9 regarding response times. Effectively, why is the Heritage Council being given more time to consider things and the community less time to consider things? We see these as two quite separate matters. During the public consultation process, no representation specifically requested a change to either provision. Feedback from two submissions relevant to the time provision were received, and I can note those in a moment. Notwithstanding these comments, it is important to understand there is both a pre-statutory assessment process and a statutory assessment process to be undertaken, and both do require sufficient time to complete.

It is important to understand that the timeframe provided to the Heritage Council is not solely for internal administrative and research activities. This extended timeframe will ensure consultation with owners continues to be paramount, as is the intention of the act.

While there is a significant number of statutory steps required of the Heritage Council when determining a permanent entry to the register, by the time a nomination reaches the statutory process for listing, there has been extensive consultation and opportunity for relevant interested parties to provide input.

In addition to providing adequate time for consultation, there is a desire to align these statutory steps with the quarterly meetings of the Heritage Council registration committee and the bi-monthly Heritage Council meetings, so, there are some administrative efficiencies at work.

Primarily, the amendment increasing the time available to the Heritage Council to make a nomination permanent from 120 days to 180 days will ensure all stakeholders involved in the registration process have adequate time to consider and discuss the outcomes associated with permanent entry. This largely includes private owners and custodians, who may be unclear about the process and the outcomes for the ongoing preservation of their home, their community church or their local hall.

In a recent example, a site was provisionally registered in April 2023 and the owners did not initially respond to Heritage Tasmania because they were based interstate. In this instance,

120 days was insufficient time to actively consult with the owner and work through their concerns, at the same time as reporting back every two months to the Heritage Council and seeking advice on the council's preferred approach.

Extending the timeframe ensures any issues related to the property title boundary or cadastral plan can be resolved. In the majority of cases, the Heritage Council can complete consultation within the initial 120 days. However, this amendment provides that additional time to consult and engage with owners to reach the consensus that we desire. In addition, this will ensure consistent, regular decision-making and reduce the need for the council to make out-of-session decisions, which reflects strong governance practices.

I said I would give you a little bit of information about some of the inputs received, and there is a comment in the summary of feedback from the Planning Institute of Australia's state planning office:

> … suggest justification for the proposed reduction of the time frame for objections and submissions relating to permanent entries in the register from 60 to 30 days, but increasing the time frame for the Heritage Council to decide on such objections or submissions from 120 to 180 days
>
> … suggest caution in reducing the time frames for receiving submissions and objections whilst increasing THC's administrative timeframes … The message that this sends to the community and the potential harm it might cause in preventing people from engaging in the consultative processes.

That is what a number of the questions were alluding to.

Then we moved on to the issue of duplicate permanent entries. That was an interesting question about providing confidence that this will be done with a degree of robustness and integrity. It is at clause 10 and it inserts section 25A. This measure is there to strengthen and consolidate the register, which is sensible. There is no reduction in protection, as the place is already listed and the duplicate is not removed until after the objection period where there is a public notification period. A duplicate entry often arises due to new information or research and archival information that will improve and update the data sheet. I think that helps.

You asked some great questions. We have more to do. Works approval red tape - will a minor works approval add another layer of conditioning of approvals for works on a heritage listed property? We are talking about clause 14, section 35. No, this is a change in terminology only. It is to be more explicit on what output is being provided. It is not a new approval pathway.

This proposed amendment provides greater clarity for landowners and the development sector regarding an application to undertake heritage works by replacing the word 'certificate of exemption' with 'minor works approval'. The proposed minor works approval is not intended to introduce any separate or new approval category, nor would it be afforded conditioning ability, that is, no conditions are to be imposed to minor works approval under the amended act, should it be passed.

The past process, the issuing of a certificate of exemption, has often been misinterpreted by owners as an optional requirement, but any works to a heritage-listed property requires approval as outlined in the act.

There were some questions about retrospectivity, specifically clause 12, referring to section 32A. The question can be summarised as: will allowing retrospective approval of works result in works starting on listed places before approval has been obtained? No. The intent of this amendment is to bring the Heritage Council's authority exactly in line with what is currently available to local government authorities through the *Land Use Planning and Approvals Act 1993*, or LUPAA as we know and love it.

The amendment will enable development applications that include any unauthorised works to be assessed retrospectively, that is, after works have commenced in a manner consistent with what currently occurs across local government authorities. Under current legislation, the Heritage Council is precluded from any involvement in matters relating to risk-to-heritage significance where unauthorised works have been undertaken.

Under LUPAA, a planning authority may accept a development application that includes works that have inadvertently occurred prior to approval. The planning authority then conducts an assessment as though no works had been commenced. If any of the completed works are subsequently assessed as not approved, these may be required to be undone. This amendment provides the Heritage Council with the same authority available to local government authorities to review unapproved works, but only in relation to heritage-listed places.

The Heritage Council does not expect to need to use this amendment frequently as the Heritage Council actively encourages collaboration between owners and developers and Heritage Tasmania officers, as evident from past approvals. In 2023-24, no development applications were refused by the council. The previous year there was one, which was subsequently approved six months later. In the 2021-22 financial year there were no development applications refused.

The Heritage Council through Heritage Tasmania offers a pre-lodgement advice service whereby Heritage Tasmania officers provide feedback on preliminary development documentation, all with the aim of preserving the heritage values of the place while recognising the need for adaptive reuse, which is a very important theme in heritage at the moment.

Ms Burnet asked a question in relation to the inclusion of a definition of an object and whether this would add red tape, or how it would be treated. Under the existing *Historic Cultural Heritage Act 1995* it already includes, under the definition of place:

> (a) any equipment, furniture, fittings and articles in or on, or historically or physically associated or connected with, any building item;

This definition has been the subject of some misunderstanding and inconsistent application in the past, which is why this amendment is being proposed. The proposed definition of 'object' seeks to contain the reach of this clause as well as to provide greater certainty for landowners and stakeholders. Additionally, the proposed definition includes the statement that the object must 'contribute to the cultural heritage significance of the place', which helps exclude everyday objects related to a place. Examples of heritage objects would

include lecterns, fonts or pews in a church property, a non-fixed garden fountain or a horse trough related to a rural homestead, or the remaining tools and anvils in a blacksmith shop.

In recent years, to help provide clarity within the registration of properties, it has been and will continue to be the policy of the Heritage Council to identify the significant heritage objects related to a property within the registration data sheet. It should be noted that other amendments to definitions are to make them as consistent as possible with those used within the *Land Use Planning and Approvals Act*.

There was one final question from you, Ms Burnet, on section 74 of the principal act?

Ms Burnet - Could have been.

Ms OGILVIE - I want to check to make sure I am getting it right, section 73 and section 74 of the principal act - if you could remind me?

Ms Burnet - Any completed works that are subsequently not approved are likely to be required to be unmade. Can the minister confirm that sections 73 and 74 of the principal act, which enables the minister to make an order to repair, damage or prohibit works on a heritage place, will apply to retrospective approvals that are denied?

You also did not answer the question in relation to minor changes on honour rolls.

The SPEAKER - Ms Burnet, as you are making an interjection, you do not need to stand. I am allowing the interjection so we do not need to go into Committee.

Ms OGILVIE - There were two things - sections 73 and 74, which we will confirm, and the second one was?

Ms Burnet - It was about changes such as changes to honour rolls in council buildings.

Ms OGILVIE - Okay. As an object?

Ms Burnet - Yes.

Ms OGILVIE - As a movable object. Okay. I do not think we have specifically dealt with those but I will see if we are able - it looks like they might have some advice. Let me just check.

Section 73 would apply in that circumstance and the honour rolls would have to be listed on the data sheet to be covered by that movable objects piece.

Ms Burnet - Thank you.

Ms OGILVIE - I have captured a majority of the questions, but out of an abundance of caution, I will make sure we run through this carefully as well.

I thank everybody who participated in the consultation process, both with the community and the briefings. It is one of these areas where we can get around the table and talk about these things, and I have appreciated the spirit with which the briefings have been taken up, and I am

always happy to offer those. I realise sometimes aligning diaries can be difficult, so we have done our best with that.

A range of consultation occurred on the proposed amendments during 2023. I will get this on the record as well, so that we know how broad and wide the love for heritage is and the effort the department - and thank you for your work - has gone to to draw in the commentary and knowledge and understanding of those in our community who are interested in cultural heritage.

A range of consultation occurred, including direct contact with nine stakeholders to provide input. We had the Local Government Association, the Tasmanian Planning Commission, the Property Council of Australia (Tasmanian Division), the Planning Institute of Australia, the Uniting Church, the Catholic Archdiocese, the Anglican Archdiocese, the State Planning Office and Cultural Heritage Practitioners Tasmania.

We had a media release calling for public comment on the proposed changes, which was published on the Tasmanian Department of Natural Resources and Environment website. The feedback closed on 10 July 2023 and a total of 12 written submissions were received. These submissions, a summary of the comments raised and a fact sheet on the amendment bill were published on the Heritage Tasmania website on 4 June 2024. This information was communicated to the authors of all 12 submissions.

Some feedback related to matters outside the scope of the legislation's amendments, such as changes to the Tasmanian planning scheme and were therefore not considered as part of the drafting of this bill.

Feedback that was in scope informed changes to the initial draft of the bill, including withdrawing the proposed new Part 8A that is about managing movable objects, refinement to the drafting of several sections and improving the definition of terms.

We have canvassed some of the issues that have come up already, but I will just fill in a few gaps, particularly about retrospectivity, which is something people like to understand, and adjacency - two of the issues that come up quite a lot in the City of Hobart where we have a lot of older building stock.

One of the issues that we canvassed was whether allowing retrospective approval of works result in work starting on listed places before approval had been obtained. The answer to that is no, because the intent of the amendment is to bring the Heritage Council's authority exactly in line with what is currently available to local government authorities through LUPAA.

The amendment enables development applications that include any unauthorised works to be assessed retrospectively, that is, after works have commenced, in a manner that is consistent with what currently occurs across local government authorities.

Under current legislation, the Heritage Council is precluded from any involvement in matters relating to risk to heritage significance where all unauthorised works have been undertaken. Under LUPAA, a planning authority may accept a development application that includes works that have inadvertently occurred prior to approval. The planning authority then conducts an assessment as though no works had been commenced. If any of the completed

works are subsequently assessed as not approved, these may be required to be undone. That is one to watch out for.

This amendment provides the Heritage Council with the same authority available to local government authorities to review those unapproved works, but only in relation to heritage-listed places. The Heritage Council does not expect to need to use the amendment frequently. Pre-lodgement advice service, as we have said, is available with the aim of preserving our beautiful heritage values right across Tasmania, and to recognise the need for adaptive re-use.

On adaptive re-use, I mention the great work being done by Heritage Tasmania, the department and my office, particularly through the heritage summits that we have held. These seek to bring together people from far and wide across the state who care about cultural and built heritage to see if we can develop more of a strategic approach by coming together to have those conversations and dialogue we need about how we best care for our places and spaces, and our old buildings that need care, love and attention - and probably a lot of them need new roofs as well.

We need to look at how we are going to fund this. Adaptive re-use is one way to do that. There are some interesting things going on. I am thinking about the work on the Penitentiary Chapel, which now has a new tourist attraction, providing some much-needed energy and re-use tourism. Even locals are going to find out more about convict history and perhaps, for some of them, their families. They can plug their details into the AI-generated digital display and find out a bit about their own history.

This is the fun part of heritage where we all get very excited, because to see that happening in Tasmania, which is the heritage state, is a great thing. It is a great credit to the innovators that we have in this space that these remarkable things are happening. You only have to look at Port Arthur - what a remarkable environment there.

Our cultural heritage vibe is alive and well right across Tasmania, and leadership is emerging from these places. The time is now to be doing things right and in a better way, and part of that is how we look after what we already have.

Whilst this may seem quite a technical and administrative bill, it is important that we work through things in this very measured and prudent way to make sure that we can live cheek-by-jowl in terrace houses and can manage our cultural heritage portfolio incredibly well, recognising that it is not just a government responsibility It is a whole-of-Tasmania responsibility, from landowners to community groups to the Heritage Council.

We have seen churches and everybody involved in looking after these old buildings and places coming together and forming a consensus about how we want to strategically address ensuring that our cultural heritage lives on and is cared for. It is an important thing, and certainly something that this Chamber can do and has been doing well.

The other thing we did not touch on in depth and I will sneak it in if I can, is about adjacency. This goes to some of the questions about living in close quarters with terrace houses. The amendment in this area enables the Heritage Council to look more broadly at the impact of works on heritage values of listed places, but only insofar as to the impact on other adjoining, listed places, for example, those that share a common boundary. This will enable the

Heritage Council to consider impacts on heritage-listed places to strengthen protection and preservation of the place's heritage values.

It provides greater clarity and certainty to developers and community members, particularly anyone who is seeking approval for works to a heritage-listed place that is adjacent to another heritage-listed place.

This amendment does not seek to step into the broader domain of streetscape zoning, which is getting close to the question about the Hobart City Council, which is currently managed by local government authorities under the instruments of the statewide planning scheme. It rectifies a gap in existing process and will not, and was never planned to, cross over into local government planning rules.

Why does the THC need the ability to consider the impacts of works on adjacent-listed places? There are situations where works on one heritage-listed place may have unintended effects on an adjacent registered property. For example, there might be a row of separately heritage-listed terrace houses where an owner wished to do work to their place that was in keeping with the heritage character of the place individually but different from work undertaken on a neighbouring terrace, such as a brightly coloured veranda, or the style or height of a new fence differing significantly from that neighbouring property. The current legislation does not enable the Heritage Council to regulate the work in relation to any possible impact on the neighbouring heritage places. This amendment enables the Heritage Council to broaden its consideration of the impact of proposed works, not just on the property in question but also the collection of immediately surrounding listed properties. In effect, the Heritage Council can now consider the proposed works on the unity of the adjacent heritage-listed places.

Another example would be where a proposed development is designed to be at the rear of registered property with minimal visibility from its street frontage. However, the visual impact of the development may significantly impact the heritage view yields from adjacent rear or side neighbours when viewed from their respective street frontages. The Callington Mill whisky distillery in Oatlands and its adjacency to the Lake Frederick Inn is a good example of such a situation.

The proposed adjacency amendments apply to state heritage-listed properties that are adjacent to each other, for example, they share a common boundary. In relation to the Macquarie Point site, this amendment would only relate to the impact on Evans Street from works to the Goods Shed in its present location or the impact of the Goods Shed from works in Evans Street. Therefore, the Heritage Council jurisdiction in this scenario would apply to the impact of works on the Goods Shed to the sub-surface of Evans Street only.

We touched on red-tape reduction. I will not go through that in a lot of detail. However, it has been expressed to me to be important, given the complex and somewhat administrative nature of how we manage heritage properties, the act, and its intersection with planning, local government and other areas of law, that we have an eye to making sure that we do not add unnecessary red tape. The answer to that is that we want to make sure that we are being fair to those who own properties and to those who have inherited properties they are managing. I am thinking specifically about those old churches. I know the Holy Trinity in North Hobart. All credit to people who take on these buildings. I would love to see them restored and looked after, and is important to do. We want to be fair and balanced.

I recognise that it can be a complex area, but it is a great time to be minister for Heritage and I thank the department, my office in particular. Nick Becker, thank you for your hard work. Those in this Chamber, thank you for being so willing to come on the heritage journey with us. My door is always open. Happy to discuss these matters at any time. Thank you so much.

Bill read the second time.

HISTORIC CULTURAL HERITAGE AMENDMENT BILL 2024 (No. 32)

In Committee

Clauses 1 to 6 agreed to.

Clause 7 -
Section 19 amended (Objection to permanent entry in Register)

Ms ROSOL - Chair, I emphasise the reduction from 60 days to 30 days. We all value heritage and the historic cultural heritage of Tasmania and appreciate the many wonderful properties that we have around our state that deserve protection. However, we need to recognise that it can mean a significant change for people whose properties are being considered for heritage protection. It will make a difference to what they can do with their property, with decisions that they make and how they manage their property going forward.

The reduction from 60 days to 30 days in the amount of time that they have to object to a heritage recommendation and heritage listing for their property places a heavy burden on them. Most people work. They cannot give their full time to responding to this, to objecting and finding the information they need. It is an onerous task for them. Meanwhile, the Heritage Council has staff who can follow up on things quickly. It does not provide procedural justice for people to have the length of time reduced from 60 days to 30 days and be expected to find all the information they need. That may not be possible for people. In the interests of justice, we should stick with the 60 days, as in the principal act.

The DEPUTY CHAIR (Ms Finlay) - The question is -

That the clause as read stand part of the bill.

The Committee divided -

AYES 16	NOES 17
Mr Abetz	Ms Badger
Mr Barnett	Mr Bayley
Mr Behrakis	Dr Broad
Mrs Beswick	Ms Brown
Mr Ellis	Ms Burnet
Mr Fairs	Ms Butler
Mr Ferguson	Ms Dow
Ms Howlett	Mr Garland
Mr Jaensch	Ms Haddad

Ms Ogilvie	Ms Johnston (Teller)
Mrs Pentland	Mr O'Byrne
Mrs Petrusma	Ms O'Byrne
Mr Rockliff	Ms Rosol
Mr Shelton	Ms White
Mr Street	Mr Willie
Mr Wood (Teller)	Mr Winter
	Dr Woodruff

Clause 7 negatived.

Clause 8 -
Section 20 - Amended (Submission relating to permanent entry in Register)

Ms ROSOL - This is similar to clause 7 in terms of my reasoning: that reducing the amount of time from 60 days to 30 days for people to make a submission relating to the permanent entry of their property into the register is a significant reduction in time that is burdensome on people and does not provide procedural fairness, and justice, as outlined before. It does not allow people sufficient time to respond.

Ms OGILVIE - Thank you for that contribution. In the bill, clause 8 - I am going to turn to it to make sure we have it here - reflects the amendment that we just discussed. I understand your reasoning to it. We will be supporting our clause and our bill.

That was a little bit unedifying with people moving about the Chamber. It was not your party, but about those divisions, it is important that we know where everybody is standing, so it would be helpful if that could be a little bit clearer, from my perspective. As the minister, it is hard for me to see where people's views are lying. Thank you.

Clause 8 negatived.

Clause 9 -
Section 21 amended (Permanent entry in Register)

Ms ROSOL - This is to do with increasing the number of days that the Heritage Council has to consider and make a final decision on whether something be permanently added to the register. Increasing the number of days from 120 days to 180 days is a significant increase and leaves people who are waiting for a decision with a long period of uncertainty. That is six months of uncertainty over their property. We do not believe this is necessary and would like to see this remain, as in the principal act, at 120 days.

Ms BROWN - Speaking with the department today, 180 days is appropriate when it is significant acts like this and it does provide support to the framework to make sure we are keeping the works, the properties and the heritage culture robust, and a lot of clarification, transparency. I will be supporting the 180 days.

Ms OGILVIE - I was going to make a similar point. Knowing the volume of work that happens and what our council has to deal with, it is important that we provide them with the time needed. I have spoken about this in this session in relation to the expansion from 120 days to 180 days to ensure all stakeholders have a chance to be involved in the process; that they

have adequate time to consider and discuss the outcomes associated with permanent entry. It gives the council an opportunity to make sure its governance is robust and to ensure the integrity of the process. This is important.

I did hear some commentary before about, 'Oh, the council has lots of resources'. It is pretty finely run operation and does require substantial specific expertise. It is not a cookie-cutter process that we can push things through; it requires dedicated resourcing and specific skill sets. We have those. I am proud of the way our council operates.

The timeframes provided to the Heritage Council are not solely for internal administrative and research activities. The extended timeframe will ensure consultation with owners continues to be paramount. That is incredibly important. That is the overarching intent of the act. While there are a significant number of statutory steps required of the council when determining a permanent entry to the register, by the time a nomination reaches a statutory process for listing, there has been extensive consultation and opportunity for relevant interested parties to provide input.

In your consideration, I understand where you are coming from in relation to the timeframes. Think of it as ensuring that there is a fair, measured and just process that enables everybody to do the job they need to do, which can be complex and requires quite a lot of work. In my view, increasing the time to assess the nomination - whether it is a permanent or not - from 120 days to 180 days is completely appropriate.

We want to ensure that owners who perhaps did not have the ability to initially respond also have a bit of extra time if needed to make their views known, particularly if you think about people who might be interstate and own properties here, or are part of organisations that own properties here. We saw in that instance that 120 days was insufficient time to actively consult with the owner and work through concerns while at the same time reporting back every two months to the Heritage Council and seeking advice on the council's preferred approach.

We feel that a little bit of extra time is needed. Again, we are a heritage state. We do these things well. I could not say more strongly that we need to continue to do that. The council has my support. I hope that we will support the extending of the timeframe to ensure any issues related to property title, boundary or other plans can be resolved and, as you know, there are multiple processes feeding into this process. In the majority of cases the Heritage Council can complete consultation within the initial 120 days. However, the amendment provides that additional time to consult and engage with owners to reach consensus, which is a prudent, sensible and good approach.

We want to ensure consistent, regular decision-making to reduce the need for the council to make out-of-session decisions. That reflects strong governance, which is in all of our interests. We on the government side will be supporting the clause as drafted. I hope I have been convincing and that the Chamber will agree.

The DEPUTY CHAIR (Ms Finlay) - The question is -

That the clause as read stand part of the bill.

The Committee divided -

AYES 27	NOES 6
Mr Abetz	Ms Badger
Mr Barnett	Mr Bayley
Mr Behrakis	Ms Burnet (Teller)
Mrs Beswick	Ms Johnston
Dr Broad	Ms Rosol
Ms Brown	Dr Woodruff
Ms Butler	
Ms Dow	
Mr Ellis	
Mr Fairs (Teller)	
Mr Ferguson	
Mr Garland	
Ms Haddad	
Ms Howlett	
Mr Jaensch	
Mr O'Byrne	
Ms O'Byrne	
Ms Ogilvie	
Mrs Pentland	
Mrs Petrusma	
Mr Rockliff	
Mr Shelton	
Mr Street	
Ms White	
Mr Willie	
Mr Winter	
Mr Wood	

Clause 9 agreed to.

Clauses 10 to 24 agreed to.

Title agreed to.

Bill to be reported with amendments.

Third Reading

Ms OGILVIE (Clark - Minister for the Arts) - Honourable Speaker, I move -

> That so much of Standing Orders be suspended as would prevent the bill being now read the third time.

Bill read the third time.

EXPUNGEMENT OF HISTORICAL OFFENCES AMENDMENT BILL 2024 (No. 35)

Second Reading

[5.57 p.m.]

Mr BARNETT (Lyons - Minister for Justice) - Honourable Speaker, I move -

That the bill be now read the second time.

The bill demonstrates our government's commitment to respond to the independent review of the *Expungement of Historical Offences Act 2017*.

The statutory review was conducted in accordance with the requirements of the act and was undertaken by independent reviewers Ms Melanie Bartlett and Taya Ketelaar-Jones. I wish to thank them and acknowledge their work in reviewing the expungement scheme established under the act and for making the recommendations our government are now responding to.

The final report of the independent review outlines 13 recommendations. The recommended legislative amendments are addressed in this bill, which will expand the operation and administration of the acts to include related offences, further support a victim-centred approach to investigations, improve measures to support effective record disposal and improve the confidentiality of records for all parties.

The review made a number of recommendations that did not require legislative amendment. However, I confirm that our government has completed or is continuing to implement recommendations through the Department of Justice to ensure a more streamlined process and ensure greater promotion of the scheme.

Accordingly, our government has committed to implement all recommendations made by the independent reviewers, with the exception of the proposal to establish a one-off ex gratia payment for applicants who have their charges and convictions expunged for the reasons that I will outline later in my contribution.

It is important to state upfront that there has been very little uptake by members of the community who would be eligible for expungement, with only a small number of applications made since the scheme came into force in 2018. While I will go into this in more detail, it is prudent to reflect on the comments made by the independent reviewers that this fact in and of itself does not indicate fundamental issues with the scheme, but rather is partly a consequence of the relatively low number of persons with convictions in Tasmania.

It is demonstrative of the fact that many of these convictions occurred in the 1970s, with the last recorded prosecution in 1984, meaning that many people who may have been eligible may no longer be alive. It is important to note that not every convicted person will want an investigation into the history of their conviction. There is a need to respect the privacy of those who choose, for whatever reason, not to pursue the option of having a conviction expunged.

I will address the substantive clauses of the bill. Clause 4 of the bill makes a number of amendments to the definitions or interpretation section. It amends the definition of 'historical offence' to include a related offence, inserts a definition of 'personal information' to make it

consistent with the *Personal Information Protection Act 2004*, inserts a definition of 'related offence' to include offences against section 34B or substantially similar provisions in other acts, and inserts a definition of 'secondary electronic record' to assist with delivering the intent of the review to only retain records which are necessary for historical purposes.

Clause 5 of the bill amends section 9 of the principal act, which deals with the disclosure of records to the applicant. The clause omits the definition of personal information in the current section, which is inconsistent with the definition in the *Personal Information Protection Act 2004* and provides for a narrower definition of 'record'.

This definitional change accords with the reviewer's recommendation to ensure the secretary does not inadvertently provide the applicant with a third party's personal information.

The principal act currently provides for the expungement of charges or convictions for historical offences. A historical offence is defined as a 'homosexual offence or a cross-dressing offence'. Under the bill, the definition of historical offence has been expanded to include a related offence.

Clause 6 of the bill amends section 10, which deals with the matters to be considered in determining an application. The first change being made to that section reflects the fact that related offences can now be expunged. The bill provides that related offences are those that include charges or convictions for resisting, obstructing or assaulting police under section 34B of the *Police Offences Act 1935*, or offences that are substantially similar in other acts.

The bill further provides that related offences will only be eligible for expungement in situations where the person would not have been charged with a related offence but for the fact that they were suspected of committing a homosexual or cross-dressing offence, and expunging the charge is not contrary to the public interest.

The bill provides that decisions regarding related offences will require the secretary of the Department of Justice to be satisfied on reasonable grounds that requirements for expungement are met. This will include receiving advice from the Commissioner of Police in relation to the circumstances of the related offence.

There is a further small but important change to section 10 to address one of the recommendations in the independent review. The bill provides that in determining a historical offence expungement application, the reasonable enquiries that it may be necessary to make to identify the location of the other party are to be made by the secretary. This amendment means that it will be the secretary, not the applicant, who will make reasonable enquiries to locate the other party to verify facts or seek consent.

Currently, section 10 provides for the matters the secretary is to consider when determining an application for expungement. This section provides that the secretary must not decide to expunge a charge unless satisfied that the conduct constituting the homosexual offence would not constitute an offence under Tasmanian law at the time of making the application. In determining whether conduct would be an offence at the time of making the application, the secretary is required to have regard to the issue of consent and the age of the parties.

If consent is an issue in the decision to expunge, the secretary may only be satisfied by written evidence from three alternative sources. The first is the official criminal records, if available. The second is from the other person involved in the conduct, and, thirdly, if that person is not able to be found after reasonable enquiries are made by the applicant, then from another person with knowledge of the circumstances in which the conduct occurred.

In circumstances where the secretary cannot be satisfied on the basis of official criminal records, the name of the other person or persons involved becomes a necessary part of the investigative procedure. The issue is that the secretary does not currently have the power to locate the other persons or relevant third parties to seek their consent to use this evidence, and it falls to the applicant to make reasonable enquiries to locate them.

The independent reviewers noted that this may give rise to victim/survivors of non-consensual acts being contacted and searched for by perpetrators of historical offences, resulting in significant distress to the victim. The amendment addresses the concerns raised by the reviewers in allowing the secretary to instead make the location enquiries for third parties.

Clause 7 of the bill amends section 12 of the act, which provides that the secretary must provide an applicant with a copy of any relevant records relating to the application when explaining the reasons for intending to refuse an application.

The proposed change in the bill will have the effect that, when unsuccessful applicants receive refusal reasons and relevant records relating to the application, information will only relate to their personal information and not that of third parties.

Clause 8 of the bill amends section 15 of the bill. Section 15 sets out what is to happen once a charge or conviction has been expunged, and provides for a process for annotating records. The independent reviewers recognise the benefits of treating secondary records differently to ordinary records. Therefore, the bill amends section 15 to provide that when a record is expunged, secondary electronic records will not be annotated, as is the case for ordinary records, but instead, permanently removed.

The bill allows for an exception that will allow the process of expungement for secondary electronic records where it is not possible to permanently delete records due to technical limitations. These changes will minimise the number of records which refer to an expunged conviction, thereby decreasing the risk of unintentional or accidental disclosure.

Clause 9 of the bill creates a new section 28A which responds to the reviewers' recommendation that the act requires an amendment to provide that any records, documents or material that has been collected or created in the investigation and determination of an application for expungement are to be exempt from the application of the *Right to Information Act 2009.* This recommendation was made to ensure the confidentiality of records created in the assessment of applications, and to ensure that they are not disclosed as part of an information request under the act.

As I indicated earlier, I will now explain the government's position regarding the only legislative recommendation made by the independent reviewers that our government has not accepted, that being recommendation 13 regarding the proposal to establish an automatic statutory ex gratia process for successful expungements. The review provides that a one-off fixed amount ex gratia payment scheme could be introduced for successful expungement

applications. The proposed payment scheme was a two-tiered system distinguishing between applicants who have had charges or offences recorded on their criminal record and those who have not. While the government acknowledges the observations made by the reviewers in their report, it is not considered appropriate to introduce a complex payment scheme that would have the effect of being discriminatory in its application by the very nature of a two-tiered system.

The government and, indeed, the parliament, has previously considered the issue of compensation at length and it is considered that a fixed-amount compensation or redress scheme is not appropriate or justified as there are existing compensation avenues available.

It is important to note that the act, in section 22, specifically states that a successful expungement of a charge or offence does not create an entitlement to compensation for financial redress. However, this does not suggest that redressing past wrongs is not provided for under the scheme. By its very nature, the act and scheme itself provides the mechanism to extinguish past convictions and expunge the criminal record of those whose past behaviour is no longer criminal. Therefore, the role of this scheme is to redress past wrongs and address ongoing issues of discrimination and harm.

While some stakeholders and the independent reviewers have referred to different financial redress schemes that have been enacted by various governments in jurisdictions across Australia, for example, the national and state-based schemes relating to child sexual abuse in institutional settings, there are no financial redress or compensatory schemes in place in any Australian jurisdiction with expungement schemes.

Victoria, Northern Territory, Western Australia, Queensland and New Zealand all have provisions drafted similarly to Tasmania, which provide that a person who has a conviction or charge expunged is not entitled to compensation on account of that conviction or charge being expunged. New South Wales, South Australia and the ACT expungement legislation does not address compensation at all. All the Australian jurisdictions, like New Zealand, therefore, reflect the general principle that convictions for offences that are later repealed do not give rise to a right to compensation.

We are aware that the people convicted of these offences may have suffered harm as a result of their convictions and we acknowledge the concerns raised. However, the redress provided is in the form of expungement of the charge. A default payment to every successful applicant goes beyond the purpose of the *Expungement of Historical Offences Act* and every expungement scheme in Australia, which is to prevent further negative effects from the stigma of repealed convictions.

Our government has considered the data for the expungement applications to date. In the five years since the scheme's operation, there have been 14 applications for expungement under the scheme. Of these, 13 applications were for offences that were outside the scope of the act. One application was within the scope of the act but not eligible for expungement due to the circumstances of the case, and the application was refused by the secretary in 2020. The 13 applications outside the scope of the act were seeking expungement for offences such as driving with illicit substance present in the blood, offences relating to drug possession and supply, common assault, dishonesty, and offences relating to the keeping of the peace.

While this is an important scheme, it does cater for a very small number of people. It is uncertain how many persons are still alive who may wish to seek expungement of historical

sexual offences. The independent reviewers' report noted data that 96 people were convicted of homosexual offences, with no relevant prosecutions after 1984. This leaves the bulk of convictions occurring before the late 1970s. Many of those people will now be elderly or have passed away. This may well reflect why we have only had one application to date that is within the scope of the scheme. It is our hope that the further promotion of the scheme being planned will lead to further applications, but these may be very few. As I stated earlier in my contribution, not all people with these charges will be interested in having them expunged.

As discussed when the scheme was first introduced, the mechanism for those who wish to seek financial compensation that best suits the scheme is the ex gratia payments system that is already available under section 55 of the *Financial Management Act 2016*. Under that provision, the Treasurer can, if satisfied that it is appropriate because of special circumstances, authorise an amount to be paid to a person, even though the payment would not otherwise be authorised by law. Due to the potential complexity of the expungement assessment process, including the large degree of variance with the individual circumstances of applicants, it is considered that this process remains the best mechanism available to those seeking financial redress as it allows for the Treasurer to determine the application based on the demonstrated special circumstances.

Consequently, our Government has not proposed changes in the bill to allow for a separate statutory compensation or financial redress payment to be made under the expungement regime. Given the low numbers of applications, the administrative cost of setting up a separate compensation scheme is not justified.

Deputy Speaker, it is considered by our Government that the bill appropriately responds to the recommendations of the independent review, which has received considerable support from stakeholders and the community as part of the public consultation processes conducted seeking feedback on the draft bill. The bill contains important changes and we will continue to update the legislation where necessary to ensure it is consistent with our community's expectations and contemporary legislative processes. It will improve the expungement of historical offences scheme to provide better support to affected persons whilst ensuring only relevant and appropriate convictions are expunged.

I commend the bill to the House.

[6.17 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Deputy Speaker, I thank the minister for bringing the bill on. It is unusual that I jump to speak at this point. The reason I am doing that is because I am proposing that we adjourn this bill today to debate it at another time, that other time being 10 September. I will explain my reasons. I have been in conversations with other members in the House. I am speaking on behalf of Rodney Croome and the people he has spoken to that he represents, who have written to all members. All members would have received these emails so what I am going to talk about will not be news.

Everyone would understand that when the legislation was introduced to expunge historical offences for homosexuality and cross-dressing, part of that legislation in 2017 required a review after three years. That independent review in 2020 recommended 13 changes be made to improve the legislation and the processes. Of those, five did not require legislation. They related to streamlining the process, supporting applicants, promoting the scheme and disposing of documents. The other recommendations are included in the bill before us, except

recommendation 13, which is to provide for redress. It was recommended that redress be included in amendments to the legislation. It is relevant to understand that in 2017, Will Hodgman apologised on behalf of the State of Tasmania to all the people whose lives were harmed and the lost lives that Tasmanians wrongfully convicted of homosexuality and cross-dressing suffered. Those people's lives were changed forever and people live with the scars today.

Rodney Croome supplied members with a detailed document. I will not go into it now, but it is a document called *Unfair and Unjust*: *A Briefing Paper on Financial Redress for those Convicted Under Tasmania's Former Laws Against Homosexuality and Cross-Dressing*. As a result of Rodney Croome's work, the work of other people and the independent review, the Greens have consulted with other members and provided drafting instructions to the Office of Parliamentary Counsel (OPC) to prepare amendments about providing for opportunities for redress for past harms and injustices that have occurred.

Those amendments are still being prepared by the OPC and it is not our place to pressure the OPC to speed up their process of amendments. Because this bill was only tabled recently, members would understand that OPC has not had long to do this work. I am confident that they are working as hard as they can on all the legislation that they are making changes to. However, to be able to provide members with the opportunity to consider the amendments that Rodney Croome and others who have been affected have asked us to consider, I will move that the debate be adjourned until Tuesday 10 September so that members can see the amendments and assess whether they are appropriate. In moving to adjourn, I am not assuming that members will support those amendments. However, I am asking the House to adjourn the debate so that we can work together on this important issue.

The parliament has worked collaboratively to provide justice for the wrongs of the past, from the bringing in of the expungement legislation to the apology then premier, Will Hodgman, made on behalf of the State of Tasmania. We believe considering redress is important for healing, for closing the loop of the injustices that were done and for fully atoning for the state's harms, loss of life, trauma, humiliation, stigma, discrimination, lifelong shame that many people who were wrongfully convicted of homosexuality and cross-dressing still live with. The majority of Tasmanians would agree that a mechanism for redress should be included in this bill, as the independent review recommended.

We are awaiting the OPC's amendments and I expect 10 September would be plenty of time for OPC to provide the amendments and for members to consider them and make their own assessment. I hope that members will support and understand the reason for our move to adjourn this bill until 10 September.

Deputy Speaker, I move -

That the debate be adjourned.

The DEPUTY SPEAKER - There can be a 35-minute debate on this or I will put the question to the House. Does the Attorney-General want to speak to this before -

Mr Barnett - Am I entitled to speak to the -

Dr Woodruff - I have just moved it so, yes, you can.

The DEPUTY SPEAKER - You can have a 35-minute debate.

[6.24 p.m.]

Mr BARNETT (Lyons - Minister for Justice) - It is important, on behalf of the government, to respond to the Leader of the Greens' move to adjourn to mid-September, or thereabouts with the objective of drafting amendments to the compensation provisions in the bill. I am aware of those objectives, which you have shared in a previous debate. Others have shared it. You mentioned Rodney Croome and others. As I have said in the past, it is a free world and that position is readily understood and known.

At this stage, we are not inclined to support the adjournment. Let me outline why. This bill was brought in last year and everyone is aware of the bill, so there is no surprise in the government reintroducing the bill last week, and now we are debating it. There has been plenty of time for amendments to be drafted and prepared to debate in this Chamber today. This is clearly something where you have not prepared for this bill. Last year, we debated it.

Dr Woodruff - That is not fair. We thought you would introduce redress. I am afraid that is not true.

The DEPUTY SPEAKER - Order. Members will allow the Attorney-General to speak and then the other members can have their turn.

Mr BARNETT - My point is that last year we debated this bill. It was introduced. We have had an election and have brought it back. You are not surprised that we have brought it back because that is consistent with our government's position. We have acted with our 100-day plan and here we are with the bill. Why is it that you do not have those amendments prepared for this debate? It was introduced last week. Here we are, part-way through this sitting week, and, frankly, you have not prepared for it and this is surprising. You have had all year, all of last year, and these recent days to prepare and to debate that.

This is the government's agenda. We have a strong agenda. It is the 2030 Strong Plan. This is all part of it and we are getting on with the job. I draw to your attention the fact that we have a lot of work to do in this place. We have been through and worked constructively today on a whole range of bills, which have been progressing very positively. I am pleased with that progress. We received good feedback from the Chamber. There is no surprise whatsoever with what is in this bill. It is the same as the one last year. Why are you calling for an adjournment now to mid-September? Frankly, it highlights the fact that you are not prepared to debate the bill and put forward amendments today on this bill. You are clearly not prepared to do that.

It is not something that the government would wish to do. We could have a debate about the merits or otherwise of the expungement and compensation arrangements about that. I made it clear in the second reading speech that no jurisdiction in Australia has such a compensation regime. It does not apply, likewise in New Zealand. This is not something that is recommended and that is why the government has responded.

The government's position was put on the public record last year. It is on the public record again today. You can put your views in the second reading debate and I understand your position, but the government's position is very clear. There is an opportunity through the *Financial Management Act* for an application to the Treasurer for an ex gratia payment. I have made that clear in the second reading speech. It is clear in the bill. There is no problem with

seeking that ex gratia payment through the normal process, which is with the consent of the Treasurer.

No other jurisdiction in Australia has such a compensation regime. We, as a government, do support those amendments. The bill is ready for debate. Last year, we debated it, and we are acting consistently with the government's agenda. We have an agenda - we want to get on with the job and we encourage members in this place to consider positively the merit of getting on with the job. We will not support an adjournment to the debate in this parliament today.

[6.29 p.m.]

Ms WHITE (Lyons) - Honourable Speaker, I indicate that the Labor Party will support the adjournment motion that is before the Chair, and there are a few reasons why that is the case. In the first instance, we are elected to represent our communities and come here and make the best endeavours to do that. We have been asked respectfully by the community who was most directly impacted by this legislation to provide more time to appropriately consider whether appropriate compensation through a redress scheme or some other arrangement should be included in this bill.

When this bill was tabled last week, there had been no further consultation undertaken with the community or the broader Tasmanian public about it from the time that it was presented to this House last year. How was anyone supposed to know it would be precisely the same? There was an expectation that the government might have listened to the voices that were shared during debate on the bill at that time about the expectation that all 13 recommendations would be accepted by the government and delivered, not the option the government has chosen, which is only to accept 12 of them and to ignore the recommendation about compensation.

The bill was tabled last week. I have not even been provided the opportunity of a briefing yet, minister. When I made a request through your office, who are and have always been very responsive, I suggested tomorrow and it was agreed that I would be briefed tomorrow. There was no indication the bill would be coming on sooner than that. Yet here it is, listed for debate, and here we are attempting to debate it today. That is disappointing.

I find it hypocritical that the Attorney-General would criticise this House for seeking to take more time to appropriately debate all the elements of this bill, saying that we are dragging things out, when it was his government that called an early election. It was his government that curtailed conclusion on the debate of the previous bill. The reason we are having delays in the progress of all government legislation is largely due to the fact that a lot of it has been disrupted by an early election.

I find it offensive that the Attorney-General comes in here and criticises others for the delay in the progress of any legislative reform when in large part he should hold up a mirror and look back at the actions of his own government.

The OPC deserves to have the opportunity to work with the Greens, who have made suggestions about the drafting of an amendment. This House deserves to have an opportunity to look at appropriately drafted amendments through OPC since we have been given access to that as a resource.

It is entirely appropriate in this instance that we listen to the community who is most directly impacted and respect their wishes for us to adjourn. They are ultimately the ones able to derive any benefits this parliament can provide to them in expunging criminal records and providing compensation for the hurt, damage and incredible pain and suffering that was imposed on them by former Tasmanian governments.

We owe it to them to make sure we get this right. We support the adjournment of the debate. It does no harm to anybody, but if you push ahead it could harm people. You should consider what is in the best interests of the community you are attempting to serve now.

[6.33 p.m.]

Ms JOHNSTON (Clark) - Honourable Speaker, I rise to support the adjournment of the debate. As previous speakers have indicated, there are a small number of people who will be impacted by this bill, and they have directly asked members of this House to take time to consider the importance of amendments to consider a redress scheme. They have explicitly asked that, and it is upon this House to take the time to have those amendments drafted appropriately by OPC and give them full consideration, and debate this openly and transparently within this place.

The Attorney-General suggesed that this bill was tabled last year and that there should have been time. There was no reason to believe that this bill would be in exactly the same format. Other bills have been introduced in this place that have been changed since they were last introduced before the election.

This was a matter that Equality Tasmania lobbied on during the election, and that there was a significant amount of community campaigning to have this matter addressed. I had hoped that perhaps the government might have taken some heart through the advocacy of groups such as Equality Tasmania and reconsidered their position regarding the redress scheme.

To see this bill tabled last week, and then to see them move to address this issue and to deal with this bill so quickly despite the concerns of the very community that this bill will impact, is not acceptable. It is not being fair or considerate to those who are being impacted. I encourage members of this House to accept and to support the adjournment so that we can take proper time to consider issues that we will hopefully be able to put before us with time and give them the appropriate consideration.

[6.35 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, this is an issue of great current, historical and future significance for lutruwita/Tasmania and for us as Tasmanians. The state has taken the commendable step of issuing a formal state apology to people affected and the harm done by our past laws, and that is commendable. The next logical step from making that apology is to ensure that there is a formal mechanism in our laws that deals with redress.

At the end of the day, that is what people who have been harmed by Tasmanian past laws are looking for. That has been very clear in the communications to us as members of this place, and it is an entirely reasonable expectation in light of an apology and admission of harm that was caused.

Debate on this bill was never completed last year, but you did have a community consultation. There was a community consultation on last year's bill, but it absolutely was not

possible to know what would be in this bill until it was tabled in the House last week. It appeared last week and the community was hoping for and expecting, because they have been advocating for it, this formal mechanism for redress, but it simply was not in the bill. Now they are asking us as members of this place to bring forward the appropriate amendments to make sure that redress is formally captured in the bill. We take that responsibility very seriously.

We have talented people in our office who can draft amendments to legislation, but this is such significant amendment architecture that it needs OPC's attention. There is limited access to OPC and there are a lot of demands on their time. We have heard from the Speaker that there are still outstanding issues associated with the funding in the mechanisms of this House, and that is why we have moved that this debate be adjourned. It is entirely appropriate to give time for those mechanisms to be drafted and cleared with OPC so they are beyond reproach and so that we can have a debate about the substance of the issue, not the technicalities of the amendments.

That is why we are moving to adjourn this debate until 10 September. It is entirely appropriate and it will give time for us to do a proper job with these amendments.

Debate adjourned.

ADJOURNMENT

[6.38 p.m.]

Mr BARNETT (Lyons - Attorney-General) - Deputy Speaker, I move -

That the House do now adjourn.

Dusty Martin - Tribute

Healthy Tasmania Grants - Recipients

National Communications Charter on Mental Health and Suicide Prevention

Mr BARNETT (Lyons - Attorney-General) - First, I formally pay tribute to Dusty Martin, the number 4 for the Richmond Football Club, who announced today his retirement. He is a hero. He is one of my heroes. I wore number 4 as a kid in honour of Royce Hart. He was my hero when I was four, five, six years old and growing up. I wore number 4, yellow and black. I was so proud of Royce Hart, who was Tasmanian.

Dusty, number 4: three-time premiership player; three-time Norm Smith medallist, best player in the grand final and Brownlow Medallist. The 'Don't Argue' Dusty arm. Everyone knows about it and has been using it since he introduced it. He is a hero. I say congratulations, well done on your record and your contribution to the Richmond Football Club and to football more generally. It is absolutely outstanding and we are very proud of you.

Congratulations to Brendon Gale, who is the CEO of the Richmond Football Club. He is a fine Tasmanian who will be coming back here as general manager or CEO of the Tassie Devils at the end of the year. We are very pleased and proud of that Tasmanian link. It is very pleasing to be able to share a few remarks in that regard.

A couple of other things: I wanted to highlight the importance of the Healthy Tasmania grants as Minister for Health, Mental Health and Wellbeing. I am so pleased and proud of these grants. The Healthy Tasmania grants are working. The applications will come out again on 26 August, so community groups and organisations, please be ready to put in your applications. In the last round, we provided $2 million to 26 different projects around Tasmania.

We have the Step Forward small grants to support health and wellbeing activities and equipment. We have the Lift Local grant, supporting councils to strengthen health and wellbeing planning. We have the Healthy Together grant, supporting eight communities to determine health and wellbeing priorities and sustainable local level action.

We have Healthy Focus, supporting organisations and communities to deliver health and wellbeing activities, for example, the Plate With a Mate campaign from Eat Well Tasmania. I have had an association with Eat Well Tasmania since I was in the Senate. They do such a great job. We love what they do, especially Plate With a Mate.

We had the Connecting Women Project by the Multicultural Council of Tasmania - a great example providing support for women from different cultural backgrounds. I can see a few nods in the Chamber on that one.

Health Literacy is a good one, and JCP Youth Street Teams. I was there with Will Smith just a few weeks ago commending JCP Youth on that work with vulnerable young Tasmanians. We provided $73,000 for their Street Teams program to support and inspire young Tasmanians.

I pay tribute to St Luke's Health Insurance for their new Health Hub in Launceston. Well done to St Luke's. Well done to Paul Lupo and the team. I am looking forward to a tour there very soon. I could not get to the official opening, but I am highlighting the fact that you want to make Tasmania the healthiest island in all the world. That is a wonderful objective and I could not be more supportive of that.

Those in this place know that I have type 1 diabetes. I do try to be physically active and to get regular exercise and have a healthy diet. It is a great way to go, and I encourage all Tasmanians to consider where they can how they can live a healthy, active lifestyle.

In conclusion, I thank the Mental Health Council of Tasmania's Connie de Goulas. I was able to be there some weeks ago to sign on behalf of the state government and become a signatory to the National Communications Charter on Mental Health and Suicide Prevention. It is a very important commitment on behalf of the government, and I am sure colleagues in this Chamber would be very supportive.

The charter is an invaluable, evidence-based resource designed to standardise the way we communicate about mental health and suicide across the nation. By adopting the charter, we are aligning with a unified approach that promotes safety, inclusivity and hopefulness in how we communicate. Our decision to sign this charter underscores our government's unwavering dedication to improving mental health and preventing suicide. Certainly, it is part of our 2030 Strong Plan for Tasmania's Future to deliver on that, to highlight and epitomise best practice wherever possible, delivering a contemporary, accessible, statewide mental healthcare model.

In the last 10 years, we have invested $410 million into mental health services across the state. In the last four years, we have employed nearly an extra 200 people in this space. We highlight the merits of that. I commend the Mental Health Council of Tasmania and thank them for hosting that event and signing that together with Connie. It is great to partner up with an organisation like the Mental Health Council to highlight the importance of mental health in Tasmania.

We are backing that in with significant investments in the south, in the north and in the north-west, including in the mental health precinct in Launceston - $80 million for 52 FranklandStreet, adjacent to the Launceston General Hospital. We are looking forward to progressing that as well.

I recently toured the Peacock Centre in Hobart. It is state-of-the-art and best practice. I am so pleased and proud of the services that are operating there.

A final commendation to the Mental Health Emergency Response Service, which provides that immediate and comprehensive care for those in need. It is something to focus on. I pay tribute to those involved in providing those very important mental health services.

I thank the Chamber and the House for the opportunity to share these remarks.

Homelessness Week

[6.45 p.m.]

Mr BAYLEY (Clark) - Deputy Speaker, I rise tonight in Homelessness Week to talk about homelessness and to join the call for more action to address what is currently an ever-expanding challenge, which is an ever-expanding curse for those in its grips. I acknowledge upfront that I have been fortunate to always have a safe, secure place to call home. I grew up in a loving, secure family. I rented in the 1990s and early 2000s when availability and expense were not the issue they are today. Since then I have owned a house with a manageable mortgage shared with a partner in both love and finance. However, an ever-growing cohort of Tasmanians are not so lucky.

The causes of homelessness are both many and varied: mental health and health issues, domestic violence, relationship failure and family breakdown, cost of living, rental expense and availability, and lack of options for prisoners on release. Homelessness is not just someone sleeping rough, though we have our share of those. Homelessness is sleeping in cars and vans, ever on the move to avoid moving on. Homelessness includes couch surfers temporarily crashing with friends and family or anyone else who can offer some shelter. Homelessness is living in precarious, overcrowded or substandard accommodation with no options for something better. Homelessness is existing in crisis or emergency accommodation, a short-term escape with limited or no long-term prospects.

It is Homelessness Week, and the theme is one we Greens get behind: 'Homelessness - Action Now'. As eloquently put by Heather from St Vincent de Paul at this morning's breakfast, 'Advocacy ends. It is time for action'. It is indeed time for action, because the statistics are getting worse. In a cost-of-living crisis, in a male violence epidemic, in a housing crisis, the numbers tell a disturbing story. In the five years from 2016 to 2021,

homelessness grew by 45 per cent, with 2350 people homeless in Tasmania. Things have only worsened since 2021.

At that point, the census identified 231 Tasmanian sleeping rough. In 2021, 25 per cent of homeless people were young, with a shocking 14 per cent of the total number being under 12 years old. At the other end of the spectrum, older women are a growing cohort of people facing or experiencing homelessness: women leaving relationships, women with limited superannuation, women fleeing domestic violence, and women who have interrupted their careers to be the primary carer of children with limited superannuation.

Last week I joined with others to view Sue Thomson's insightful documentary *Undercover - The Hidden Faces of Homelessness*. This followed the experience of a handful of women living in cars and crisis accommodation as they coped with changed circumstances that saw them stripped of a home and looking for alternatives.

This film, along with the tireless work of non-government organisations like Shelter Tas, TasCOSS, Vinnies, Colony 47, City Mission and the Tenants' Union' is the advocacy that informs and urges action. What is the action that is needed? There are the tenancy reforms that we have moved and will continue to move in this place. Things like rent control, ending no-cause evictions and reining in short-stay conversions of whole-home rentals will boost tenants' rights and security so they can find a place to call home and keep it.

Increasing the supply of social and affordable housing by increasing public investment and government taking on the construction of publicly-owned homes to cut the profit margin demanded by construction companies is important. Currently, investment is inadequate to meet the construction target set by government and we have a farcical situation where vacant land and crisis accommodation is dealt into government housing statistics and Homes Tasmania is saddled with debt.

Just last month the Legislative Council committee inquiring into Homes Tasmania heard from the minister that Homes Tasmania will carry a staggering $457 million of debt by 2027. We support advocates' calls for private development to include social and affordable components so that it becomes more distributed across the community with better access to transport and other services. We support the initiatives put forward by charities and housing providers for the emergency services they provide.

I look forward to visiting Hobart City Mission's safe night space with the support of Shelter Tasmania, and I encourage anyone interested in getting along to go. The facility in Davey Street will be open to the public this Friday and Saturday from 10 a.m. to 2 p.m. to raise awareness of homelessness and the work of the Hobart City Mission and the facilities it offers.

Of critical importance on the action front, we need a plan for homelessness going forward. Tasmania needs a strategy that tackles youth homelessness with funding and awareness raising so that young Tasmanians needing help know their options.

During the election campaign, to support a policy of developing a youth homelessness strategy, we heard from two young Tasmanians who found homelessness harder simply because they had no knowledge of their options. We need options for kids leaving out-of-home care, we need supported accommodation choices with wrap-around services, and we need more investment in the people and structures that support young people doing it tough. Tasmania has

just 2 per cent of Australia's population, but 16 per cent of daily unassisted requests for accommodation services come from the state.

Not only are services stretched with demand but often by the complexity of the cases young people facing homelessness have. Tasmania needs government engagement with youth homelessness service providers and stakeholders to ensure organisational funding and workforce development is sustainable.

This coming Budget is going to be a shocker. We have seen the early signs of cuts and vacancy control. We are hearing the fears of the community services sector who have no guarantees of their mid-term prospects and government funding in the outer years of their projects. With a billion-dollar stadium sucking up resources, both financial and human, the September budget will be a tell-tale indicator of this government's commitment to its people and investments in the issue. We Greens implore the government to focus on our future.

To finish with the words of Tania Hunt of the Youth Network of Tasmania, the peak body for 12- to 25-year-olds:

> Tasmania's first 20-year housing strategy fails to adequately respond to the unique and often complex care and housing needs of all children and young people in Tasmania. We need a targeted plan.

Thanks to Heather and St Vinnies for the breakfast this morning and to all the advocates and activists for your work in elevating this issue. Thanks to the service providers and support staff working at the coal face with the homeless.

There is no doubt we need action. Housing is a human right and in Tasmania, poverty and homelessness is a choice. It is not a personal choice or an individual choice. When you have no agency and options, you have no choice. Homelessness is a political choice, a decision of government about what to prioritise and who to support, what to fund and whose interests to serve. We stand with the advocates in calling for action. Enough of the advocacy, it is time for action.

To finish, to those sleeping rough or existing in crisis accommodation, overcrowded rentals and substandard housing, we see you. We acknowledge your situation and commit to redoubling our efforts to resolve it.

Time expired.

Wing's Wildlife Park

Men's Sheds Annual Gathering 2024

[6.52 p.m.]

Mr JAENSCH (Braddon - Minister for Children and Youth) - Deputy Speaker, for those who have never visited Wing's Wildlife Park in my electorate of Braddon, it is nestled in one of Tasmania's most picturesque and fertile river valleys. Ms Dow knows exactly where Wing's Wildlife Park is, because I saw her there a week or so ago. However, Gunns Plains is prone to

flooding, and Wing's Wildlife Park has suffered three devastating floods since its opening in 1986.

On each occasion, park owners Colin and Megan Wing and their family, friends, staff, and volunteers have summoned the grit and determination to repair, rebuild and reopen. The third flood in 2022 was devastating, and the Wings were briefly tempted to call it a day. A third cleanup and rebuild seemed overwhelming to them. What they had not counted on was the army of locals, friends and community members who came running to help. The Wings found themselves overwhelmed yet again, this time by a flood of materials, man hours, equipment, supplies and sheer willpower from the community to save their wildlife park. So much so that the decision to reopen was largely taken out of their hands. The park was back in business in just two months, sadly without its animal hospital, which had been swept away by the floods.

With the help of the Tasmanian and Australian governments, scrounged and donated equipment and the sheer determination of the amazing Ian Waller and many others, the Wings have now built a new animal hospital. It was an absolute pleasure to see it officially opened by Premier Jeremy Rockliff, Senator Anne Urquhart and Colin and Megan Wing on 25 July.

The resurrection of Wing's Community Wildlife Hospital is the family's way of saying thank you to the community that has rallied behind them so many times. The park was not originally intended to take in sick, injured or orphaned animals, but it has evolved to fill that role in the absence of an alternative in the north-west. With the opening of the new wildlife hospital, the Wings can offer a second chance to animals brought there by members of the public or collected by volunteers.

A vet and vet nurse will staff the hospital, but the park hopes generous community members will join the team as animal collection drivers, animal carers and hospital ambassadors who raise funds and awareness, all by donating towards the running costs of the animal hospital. Volunteers can help care for an animal until it is well enough to return to its natural environment. Some that do not fully recover and would be unable to survive in the wild will become permanent residents of the park. More information about becoming a volunteer or donor can be found on the Wing's Wildlife Park website.

I am in awe of the tenacity and stamina of Colin and Megan Wing and their family, their park staff and the community who helped make the new hospital a reality, and I wish them every success in the future.

I will have the pleasure next week of attending the annual state gathering of Tasmania's Men's Sheds at Campbell Town. This will be my first state gathering since becoming Minister for Community Services again in April, but I have been welcomed as a visitor to many of Tasmania's 71 sheds in that time, and I will visit many more. Every time I speak with members, it reinforces my belief that men's sheds are lifesavers. At just about every shed I have visited, someone has taken me aside quietly and told me that they would not be here if it was not for the warm welcome and the support and friendship they found in the company of their fellow shedders. Men's Sheds are places where men can connect, gain skills and share knowledge, as well as improve their health, mental health and wellbeing, all while working on projects that make an important contribution to their communities.

I have seen remarkable creativity and craftsmanship in our sheds. There will be an opportunity to see one of the more epic challenges that shedders have recently taken on in

Hobart when 12,500 MDF (medium density fibreboard) penguins, made in men's sheds across the state, are displayed on the Hobart waterfront as part of the Australian Antarctic Festival in just two weeks' time.

Our sheds could not exist without the volunteers who spread the word about the shed movement, keep the books, maintain equipment, raise funds and keep an eye on their fellow shedders. On a recent visit to the Zeehan Men's Shed, I was welcomed by the small and tight-knit group of members, including their president, Steve Youd. Steve was chosen as the 2023 Aurora Tasmanian Men's Shed Volunteer of the Year after his shed mates nominated him in recognition of his exceptional leadership.

I am very much looking forward to learning who will be named the 2024 Volunteer of the Year at next week's state gathering. Thank you to all the members of the men's shed movement across Tasmania for looking out for each other and making the network such an outstanding success. I hope to share a cuppa and chat with many of you in Campbell Town next week.

Members - Hear, hear.

Saputo Dairy - Strike Action

[6.58 p.m.]

Ms BURNET (Clark) - Deputy Speaker, as spokesperson on workplace relations for the Greens, I rise today in solidarity with the Saputo Dairy maintenance workers from Burnie in north-west Tasmania, who are entering their ninth week striking without pay. The Communications, Electrical and Plumbing Union and the Australian Manufacturing Workers' Union have been negotiating since August 2023 with Saputo Dairy Australia, who make popular brands like Cheer, Devondale, Liddells, Mersey Valley and Cracker Barrel. They are urging the public to join a boycott of Saputo products until the maintenance workers are paid the same as their mainland counterparts.

At the start of the strike, the wage gap between Saputo's Tasmanian workers and their workers in Victoria was a shocking 21 per cent, and that gap has risen further to 23.5 per cent as the mainland workers have received a pay rise, while those at the Burnie site have been on the picket lines. It is adding insult to injury, and it gets worse, because the Burnie maintenance workers have been assessed at a higher skill level than those in Victoria.

All they are asking for is an end to the disparity with the wages of their mainland counterparts. There is no good reason for this company to be paying its Tasmanian staff less. It is yet another example of a major multinational corporation thinking that they can get away with it. We have seen this play out again and again. It needs to stop and it needs to be called out.

Jess Munday, the secretary of Unions Tasmania, said, 'Our work is not worth less because of where we live'. She is absolutely right. This is not only about dairy workers in Burnie. Perhaps there was a time when the pay gap could be explained - although I find that very difficult - or even excused by a lower cost of living in Tasmania. This old excuse does not ring true. Cost-of-living pressures are biting hard. Tasmanians spend more on groceries than almost

anyone else in the country and are feeling the pinch of inflation, all while full-time salaries average about $10,000 lower than those in other states. Closing this gap would make it easier to attract skilled professionals to the state, reducing the acute pressure on our health and education system.

I wish the workers from Saputo the best. They have been taking industrial action for these past nine weeks and they will be bringing their fight to the parliament lawns tomorrow to have discussions with various parliamentarians. It is important that we recognise these workers' struggles, and the Greens support these workers.

Old Mates Day

[7.01 p.m.]

Ms HOWLETT (Lyons - Minister for Primary Industries and Water) - Deputy Speaker, as Minister for Primary Industries and Water, I work hard to back our farmers. One of the best ways to do this is to go to where they are and to listen to what matters to them most. To regularly meet with them is how I find out what is important to them and what is happening on the ground. On 27 July, I attended Old Mates Day, a fantastic event organised by Terry White, his family, Dennis Turner, and the Cusick family and held at Terry's property at Wattle Hill. I congratulate Terry and his team on a highly successful and enjoyable event. This was the eighth year of Old Mates Day. Following the closure of the Bridgewater Saleyards, people were not socialising nearly as much. It was one of those only events that brought people together from around Tasmania.

Old Mates Day always brings together over 100 farmers from the region for lunch, a couple of drinks, and to have some great conversations. Farmers are carrying a lot on their shoulders right now, with seasonal conditions being challenging, as well as commodity prices being lower and expenses being high. These conditions cause a lot of situational stress in farmers and their families. One of the most important ways to address this stress is giving farmers the chance to talk with their mates and their peers and to be reminded that they are not alone.

Rural Alive and Well (RAW) has always been a huge supporter of Old Mates Day and it was tremendous to see Ashley and Karen from RAW talking to people at the event. I know a number of farmers who have made it through very tough times with the help of RAW.

It is important that we continue to engage with our mates to talk, especially if we know that they are under significant pressure, and that it is okay to say you need some help to get through it. If anyone hears or knows of anyone in rural Tasmania who might need some help, please contact Rural Alive and Well.

Old Mates Day has proved to be yet another great opportunity for farmers to tell me about some of their concerns for the industry. One of the biggest concerns in the region is the uncertainty about the Greater South East Irrigation Scheme. There is certainty about the state government's commitment to fund our share of that scheme. However, farmers in the region feel betrayed by the federal Labor government for failing to fulfil its commitment to fund this scheme. The scheme has the capacity to deliver over 37,000 megalitres of irrigation water in what has traditionally been one of the driest areas of the state and trigger approximately $120 million of on-farm investment as well as a $98.7 million boost in the state's farm-gate

value. Apparently, federal Labor does not recognise how important this is to our farmers and I am yet to hear whether state Labor has lobbied its federal colleagues -

Ms Finlay - Yes, 100 per cent, regularly, you need to know that.

Ms HOWLETT - I am glad you have. What is certain is that our farmers at Old Mates Day expressed their distress directly to me about this as many of them have already invested in infrastructure and upgrades to their farms. They have been confident in the scheme going ahead because, previously, 16 schemes have been funded and that Tasmanian Irrigation has proposed and received funding. They were stunned, blindsided, like the federal member for Lyons, Mr Mitchell, when there was no funding announcement in the federal budget election for the scheme. I will keep lobbying the new federal Minister for Agriculture, Julie Collins, and the Australian Government to immediately back the Greater South East Irrigation Scheme with funding commitment, and on a range of other priority policy areas we need to deliver on for Tasmania.

What is important here is for our farmers to feel supported by their government. It is my highest priority as minister to back our farmers, recognise their value and support them to reach their full potential. This includes supporting them at every opportunity, including these wonderful events like Old Mates Day. Thank you, Terry White and your family and friends, for what is another successful event you hosted this year. We will keep backing and working with our farmers and in the best interest of the agricultural sector of this state.

Primary Industries - Irrigation

Glen Dhu Swimming Pool

[7.06 p.m.]

Ms FINLAY (Bass) - Deputy Speaker, I rise on adjournment to make several contributions. Buoyed by the contribution of the Primary Industries minister just now, I will put on record that Tasmanian Labor absolutely backs our primary industries - our farmers, fishers, salmon farmers. I want the minister to acknowledge the work that Tasmanian Labor has done with our farmers in terms of advocating and representing, particularly for irrigators. There is no doubt there was an unexpected outcome for the funding of the Greater South East Irrigation Scheme. Tasmanian Labor, me, and other members have been in regular contact with people on those schemes and in contact with TasFarmers and others. There was a misunderstanding by people who were advocating, including Tasmania Irrigation; that they did not make the complexity and urgency of the Greater South East Irrigation Scheme understood. Therefore, there was not an appropriate response by the federal government. From the day that it was not in the federal budget, there was positive and assertive representation from Tasmanian Labor.

If irrigators are so important to the minister, is she willing to go out on site to meet with irrigators? There are irrigators in the north east, on the Winnaleah scheme, who need the minister's support. There is an undermining of irrigators occurring right now. Where it may be that Tasmanian Irrigation did not appropriately advocate for the Greater South East Irrigation Scheme, there are concerns about relationships with the Winnaleah scheme. I ask the minister to do what she does best and get out on the land with farmers, meet with the irrigators in the north east and provide some support to the Winnaleah farmers.

I could say this government continues to surprise me but it does not. There is no more faith in the community about this government keeping its word. What this government does now almost by habit is raise expectations. You hear it said: 'Do not over-promise and under-deliver because that will disappoint people.' This government believes that the way that you move through representing a community is to over-promise, raise expectations and then fail. Is it because they do not try it or is it because they cannot?

Honourable Speaker, I know that this is something that is close to your heart as well. There are many other people in this community who have worked hard, but on Friday afternoon this government announced by stealth, through a letter to students at Glen Dhu Primary School, that it is no longer going to keep its commitment to reopen the Glen Dhu pool. I have had communications from the school association, which received a call just minutes before the correspondence went out - no consultation with them, no prior notice. The parents of the school received a notice about this asset, which is not just for their school. There may be a misunderstanding in the community by some and, potentially, misunderstanding by the minister herself. This pool, which was specially designed at 900 mm deep, is a flat-based pool, which is great for young people to learn to swim safely in, and serviced thousands of students a year from 10, probably 13, schools in northern Tasmania when it was open.

To decide without fronting the community and providing evidence of why it was making that decision when it had just spent not tens of thousands of dollars, but hundreds of thousands of dollars upgrading the heating in the pool makes no sense. This community will not accept that outcome. The people with knowledge and experience in the community who were not consulted, not engaged in the process of deciding and figuring out how best to reopen that pool - if this government did not have the capacity to figure it out itself - are disappointed.

There is a genuine need in Tasmania, a state surrounded by water, full of rivers and beautiful water areas, for us to keep our young people safe by providing the best water safety and swimming education in Tasmania. Closing the Glen Dhu pool without consultation and upfront information to our community is atrocious and it will have a detrimental impact on the young people of Tasmania. Just like on the Saturday, when they announced to the Beauty Point community that they were going to demolish the Divo through a public notice in the *Examiner*.

There are people on the other side of this place who raised expectations, who said, 'Let us work together, let us find a solution together. We know it is important to this community.' However, under the cover of public notices in *The Examiner*, they made an announcement that they are no longer committing to that and the diving structure is going to be demolished.

The community is fed up with this government making promises that it never intends to keep. In the last two elections: the Glen Dhu Primary School, Glen Dhu Pool, and months of community consultation on the Divo, I have no doubt that at the beginning of both of those processes there was never intention to follow up and deliver on those promises. The community has had a gutful. They are disappointed. They feel disrespected. The Glen Dhu pool must reopen and the Divo must be saved.

This Vanishing World: Photography of Olegas Truchanas - QVMAG Exhibition

The Amy Sherwin Fund Committee

[7.12 p.m.]

Ms BADGER (Lyons) - Deputy Speaker, *This Vanishing World: Photography of Olegas Truchanas,* is a new exhibition at Launceston's Queen Victoria Museum and Art Gallery. Olegas Truchanas was a revered Tasmanian wilderness photographer and adventurer. He was a post-war Lithuanian migrant who came to Tasmania and worked for the Hydro. He was the first to climb Federation Peak solo in the 1950s and was the first to kayak the Gordon River through the Gordon Splits all the way from Lake Pedder to Strahan.

It was his relentless campaigning to save Lake Pedder that made him a household name in the early 1970s. At that time, his colour slide show that he put together of prints of Pedder, which phased in and out to the music of Sibelius, was revolutionary. I am pleased to see this set up on display and screening at QVMAG. To accompany the exhibition is a publication of the same name. This is the first book of Olegas's collective work since Max Angus and other artists compiled and printed *The World of Olegas Truchanas* in 1975. That work came after Olegas's tragic death on the Gordon River just months before Lake Pedder's flooding. It provides a perpetual legacy of Olegas's work, that being photographing Tasmania's wild places and calling for their protection.

Olegas had come from war-torn Europe and he had seen the destruction caused elsewhere. In Tasmania he found a place of final wildness which could not be found anywhere else on the planet and so came his famous call to action: that if we can accept that man and nature are inseparable parts of the unified whole, then Tasmania can be a shining beacon in a dull, uniform and largely artificial world.

QVMAG is the proud and absolutely rightful custodian of Olegas's work. They describe the exhibition as 'motivated by a love of nature and natural beauty'. Olegas Truchanas's legacy is told here with carefully selected images to celebrate his birth just over 100 years ago. Through the lens of his camera, *This Vanishing World* shares the journey of Olegas Truchanas and his campaign to expand awareness of Tasmania's unique and endangered south west in the 1950s to 1970s, which helped inspire an ongoing environment protection movement.

However, this exhibition is not exclusively a celebration of Olegas's work but a life of devotion from the entire Truchanas family. Olegas's wife, Melva Truchanas, was an early explorer and bushwalker who ventured into many remote locations across Tasmania, as Olegas did, but she was not quite the household name he was. She even walked 8000 kilometres along the length of New Zealand. That was in the 1950s, well before tramping was as popular or straightforward as it is today. Her life's work in preserving and sharing Olegas's photography came when she was not advocating for conservation, social justice and endlessly supporting others in doing so. Because of Melva's work, this exhibition was made possible. Olegas's work will continue to inspire a new generation to advocate for and adore Tasmania's wild places. That continuity of impact Olegas's work is by far the biggest testament of his success.

Today, the Truchanas children, Anita, Nick and Rima, are carrying the torch after we lost Melva in 2022. Rima wrote the foreword for the new book accompanying this exhibition. She said, on behalf of the Truchanas family:

> We hope this exhibition of Olegas's creative work will continue to nourish and inspire all generations of activists and strengthen our collective conviction to take action on peaceful coexistence and protection of this planet in the UN decade of ecosystem restoration.

She is quite an inspiring wordsmith, not unlike her father.

Amid the climate and biodiversity crisis, it is extraordinary to see these Truchanas children, who grew up on Pedder's magnificent pink quartzite beach under the Frankland Range, who bore the emotional toll of seeing this place lost the same year Olegas died, today advocating for this wilderness gem to be restored.

This Vanishing World: Photography of Olegas Truchanas is exhibiting at QVMAG's Inveresk precinct until February 2025, so everyone has plenty of time to get in and see it. Best of all, this stunning immersive display has free entry.

Finally, I will speak briefly about another sensational Tasmanian talent who solicits their own adjournment speech. That is Amy Sherwin, the Tasmanian nightingale. She was from Judbury in the Huon Valley. Amy was a world-class opera singer. By happenstance, her voice, her gift was recognised while she was singing in a farm shed in Cygnet in the 1870s. From that moment Amy was destined for the world stage.

This evening at the Hobart Town Hall, there was, or they are possibly still kicking on at the moment, the recently formed Amy Sherwin Fund Committee, who are hosting a fundraiser with the intention of paying for a commissioned marble statue of Amy. The fund is working towards the unveiling of that statue in September 2025, which will be the 90th anniversary of her death.

This move to perpetuate Amy's legacy, which all Tasmanians should be proud of, is being championed by the likes of former governor Kate Warner, and, of all people, former Greens leader, Bob Brown.

While I could not make it to this evening's event, I extend my support and enthusiasm for the project and encourage all members to assist where they can.

Northern Tasmania Emergency Services Winter Gala

[7.18 p.m.]

Mr WOOD (Bass) - Deputy Speaker, last weekend I was very pleased to attend the first Northern Tasmania Emergency Services Winter Gala. The winter gala has been running for quite some time in Hobart, but as the inaugural event of what is to become an annual fundraiser in the north, organisers pulled out all the stops and have set an extremely high bar for the future years.

This year's gala was held at the elegant Adams Distillery in Perth, just outside Launceston. As an added shout out, the team there, although only six years old, has already won significant awards for its Tasmanian single malt whisky, coffee whisky liqueur and boutique gin. Set in the grounds of the beautiful Glen Ireh Estate, it is well worth a visit, with tastings, platters and bottle sales available.

Saturday night saw members from right across the full range of frontline services gathered there dressed to the nines. Police officers, ambos, firies, correctional officers, SES staff, Border Force personnel, nurses and allied health professionals all came together with family and friends to relax, connect and have fun. Live music, fantastic catering, a terrific silent auction and smorgasbord all contributed to the great success of this evening, and the local businesses and groups who were generous with their donations for the auctions are to be applauded.

The wonderful thing about this gala is that its purpose is to raise funds for wholly local causes. This year's funds are being channelled to a locally run independent charity based in the north of the state called Strike It Out, run by the incredibly dedicated and driven Kirsten Ritchie.

Strike It Out is a charity close to my heart. This not-for-profit support organisation provides, among other things, groceries, fresh meals, clothing, sleeping bags, storage lockers and tents for those in need. Its mission is to lessen the load on those who find themselves unhoused, homeless or are doing it tough - people, often with young children, who have fled abusive relationships with nothing; those sleeping roug; and those for whom the current cost of living is hitting hard.

All benefit from the good work and generosity of Kirsten and her volunteers. We know that our Tasmanian frontline workers give so much. They are out there keeping people and property safe and supporting us in times of trouble, and many of them put themselves at risk every time they clock on to work. On Saturday night it moved me to see the same people who already give their dedication, energy and professional and personal sacrifices turn up again out of hours to do even more and raise money for those in our society who are less fortunate.

People put a lot of work into organising this event. Particular thanks must go out to Senior Constable Beth Butt. She put a lot of effort and hard work into coordinating this gala, and she did the most marvellous job, forging ahead in her own time with determination and focus to make it all happen and have everything fall into place on the night. Thanks too must go to Oliver Breeze, known for his enthusiasm and drive in raising money for deserving causes. Many of you would know Oliver from the work he has done with the Tasmanian long patrol walks for Soldier On Australia, raising funds to support mental wellbeing and suicide prevention in our veterans' community.

People like Beth and Ollie, who go above and beyond, always make a difference to those around them. Their work in their own time shows how much their community means to them, and this inaugural gala would not have been such a success without their commitment. For the emergency service agencies to come together in this enthusiastic fashion shows the high level of camaraderie and mateship that is within the northern region. They are lucky to have that, as we are indeed lucky to have them.

Being on the front line is not easy, but it is very much appreciated. Our frontline workers are out there in all weather, day and night, just like the volunteers at Strike It Out on their own front line - in rain, hail, shine, during frosty nights, sweltering days, addressing a demand that must feel never ending.

The funds raised by the inaugural Northern Tasmanian Emergency Services event on the weekend will help Strike It Out to provide food, hope and practical help to people who are

struggling and help them to shape a brighter future. I thank them for not only turning up to support a great cause, but for doing what they do, keeping us safe and fixing us when we are broken.

Derwent Valley Men's Shed - Arson Incident and Recovery

Homelessness Week

[7.23 p.m.]

Ms BUTLER (Lyons) - Deputy Speaker, there are a few things I will run through during this adjournment contribution. To start, I will talk about an urgent application for the Premier's Discretionary Fund on behalf of the Derwent Valley Men's Shed, which I put in on Wednesday. I am reiterating in the House tonight the urgency of that request for funding.

I have spoken to minister Roger Jaensch in his capacity as the minister responsible for men's sheds, and the request was co-signed and supported by Craig Farrell in his capacity as local member for the Derwent Valley.

There was an arson incident on Tuesday 23 July where the beloved men's shed in the Derwent Valley was subject to arson. We tried not to publicise the incident too much, knowing that can sometimes trigger a return incident in instances of arson. However, we have put in an urgent application through the Premier's Discretionary Fund for an alarm system to be installed as soon as possible into the Derwent Valley Men's Shed.

I remember 15 years ago, sitting down in a very dilapidated building and talking to four or five community members about how they wanted to turn that into a men's shed. To be honest - and I have told them this already - I looked around at the site and thought there was no way that you would ever be able to turn this into a functioning men's shed, but they did, and they have, and it is fantastic. They have a strong membership.

The buildings around that shed have been subjected to arson and have had to be destroyed as a result of those arson attacks. Many other sheds nearby at the racecourse have also been subjected to arson attacks, and up to 16 cars have been set alight in the valley. There seems to be a spate of tyres being lit as well, which is annoying and time-consuming for the very dedicated officers at the New Norfolk Police Station, and the Magra, Gretna and Lachlan volunteers who attend those incidents.

That night, that group happened to be at a wellbeing training program held at the New Norfolk Fire Station, so they had 50 members there. Apparently they were falling over themselves and could not get out the door quick enough once the call came in, and they had the fire out quickly. It was very well responded to.

The response from Tasmania Police was brilliant, as well from the Tasmania Fire Service and volunteers as well. However, an alarm system for that site is a matter of urgency. I had a call again this evening from the coordinator of the Derwent Valley Men's Shed to ask how it is going with the Premier's office.

If you are listening, Premier, please, the letter is co-signed by Craig Farrell and is in your office right now. I have spoken to Roger Jaensch, and it is a matter of urgency.

In the time I have left, I will talk about the fact that it is Homelessness Week. I attended the breakfast this morning with my colleagues, the shadow minister for housing, Shane Broad, and the member for Franklin, Meg Brown. Minister Barnett was there, and the Minister for Housing also attended, as well as the member for Clark, Vica Bayley. A lot of the Greens members were there too, so it was well represented by a lot of different members. I ran into Mrs Petrusma.

It was well put together. It was a great breakfast put on by Vinnies. There was a gentleman there by the name of Paul, with whom I was able to have a long conversation. He had been homeless for quite some time. Speaking to some of the volunteers from Vinnies and people who have been working in this space for a very long time - and we have been going to the same breakfast for many years - the overall impression is that nothing has changed. Nothing has changed. It is certainly time that we acted on homelessness.

I visited the Hobart Women's Shelter last week. That shelter was set up for crisis accommodation, as you would be well aware of from your previous portfolio ministerial responsibilities. They are having to deny 80 per cent of women who are applying for crisis accommodation because they are no longer just crisis accommodation. There is nowhere for those women and their children to go. There are no houses for them to go to. That site is becoming more of a semi-permanent - it is a completely different model and framework than what it was set up for, which was crisis accommodation.

There are simply not enough houses for these women and their families to move into. It is time to act. We need to be honest about how vulnerable those 80 per cent of women are who are denied access to crisis accommodation, because the system does not have enough houses. It is an absolute bottleneck, and that is the problem. Those women are returning to very unsafe conditions just to have a roof over their heads with their children.

Motion agreed to.

The House adjourned at 7.30 p.m.