

Wednesday 22 May 2019

The President, **Mr Farrell**, took the Chair at 11.00 a.m. and read Prayers.

DEPUTY CHAIRS OF COMMITTEES

Appointment

Ms Rattray was appointed Deputy Chair of Committees and Mr Valentine was appointed second Deputy Chair of Committees of this Council.

SUSPENSION OF SITTING

[11.03 a.m.]

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

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

This is for the purpose of a further briefing.

Sitting suspended from 11.03 a.m. to 12.24 p.m.

MESSAGE FROM HOUSE OF ASSEMBLY

Budget Speech 2019-20 - Legislative Assembly - Attendance of Legislative Council Members

Mr PRESIDENT - Honourable members, I have received the following message from the House of Assembly -

Mr President

The House of Assembly, having passed the following resolution, begs now to transmit the same to the Legislative Council and to request its concurrence therein.

Resolved

- (1) The House of Assembly requests the members of the Legislative Council to attend in the House of Assembly Chamber following the first reading of the Consolidated Fund Appropriation Bills (No. 1 and No. 2) 2019, for the purpose of listening to the speech by the Treasurer in relation to the Tasmanian Budget 2019-20.

Signed S Hickey
Speaker
House of Assembly
13 June 2018

SECURITY AND INVESTIGATIONS AGENTS AMENDMENT BILL 2018 (No. 51)

Third Reading

Bill read the third time.

SUPREME COURT CIVIL PROCEDURE AMENDMENT BILL 2018 (No. 52)

Consideration of Amendments made in the Committee of the Whole Council

[12.27 p.m.]

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

That the bill as amended in Committee of the Whole Council be now taken into consideration.

Amendments agreed to.

Bill read the third time.

CONSOLIDATED FUND APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR 2018-19) BILL 2019 (No. 9)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read the second time.

The Consolidated Fund Appropriation (Supplementary Appropriation for 2018-19) Bill 2019 seeks to appropriate additional funding in the 2018-19 Budget year of \$217.9 million.

Of this amount, \$182.9 million was reflected in the 2018-19 Revised Estimates Report published in late January 2019. This additional funding relates to the vital government service delivery areas of health, children, corrective services and infrastructure.

The bill provides \$20 million in additional funding to support out-of-home care services provided through the Department of Communities to support vulnerable children with complex needs. These services include those relating to clinical psychological assessment counselling, respite care, client education, child care and health.

As a government, improving Tasmania's health system has been our highest priority. In order to continue this important task, this bill provides additional funding of -

- \$105 million to meet increased demand for services across the state for the Tasmanian Health Service and Ambulance Tasmania
- \$52.4 million for the Royal Hobart Hospital Redevelopment. It should be noted that, rather than represent a new allocation of funding, these funds reflect the bringing forward of funding previously included in the 2019-20 Budget year to reflect current expected project requirements.

The bill also provides \$5.5 million of additional funding for the Tasmania Prison Service. This funding reflects the current prisoner numbers and associated operational costs.

In addition to this expenditure that has previously been highlighted in the 2018-19 Revised Estimates Report, the bill also includes an initial allocation of \$35 million to meet the significant costs that have been incurred in fighting the major bushfires that have occurred in a number of areas of the state in recent months.

Given the magnitude of these fires and the extensive firefighting resources that were required to be deployed, the actual costs relating to the bushfires will not be known for some time. It is likely that the final costs will vary significantly from this initial allocation and that other funding will either need to be provided by way of a request for additional funds in the current budget year or be allocated in the 2019-20 Budget.

As members would be aware, the Government is able to seek support from the Australian Government in relation to some of the costs that have been incurred in fighting the bushfires. This future Australian Government funding will ultimately offset some of the additional costs that are currently reflected in this bill.

The most recent budget update provided in the 2018-19 Revised Estimates showed that, following the achievement of net operating balance surpluses in the past two years, the Net Operating Balance continues to remain in surplus over the budget and forward Estimates period. This outcome includes the impact of the provision of significant additional funding to continue to increase the level of services provided by the Government to the Tasmanian community in a range of critical service delivery areas, together with the impact of a substantial reduction in GST and state taxation receipts over the budget and forward Estimates period.

The Government is looking forward to the tabling of the 2019-20 Budget that will see the continuation of the implementation of the Government's important fiscal strategy that has, since 2014-15 Budget, supported the delivery of improved services to the Tasmanian community while maintaining a commitment to prudent financial management.

I commend the bill to the House.

[12.33p.m.]

Mr ARMSTRONG (Huon) - Mr President, I congratulate you on your elevation to President. I also welcome the new member for Nelson to the Chamber and welcome back the members for Montgomery and Pembroke.

I support the bill and would like to note there have been additional funds for health into this bill. In regard to funding from the federal government for our bushfires: Have we any idea how

much funding we will possibly receive? When will that come through? What will happen to the funding? Does it go back into consolidated revenue or where?

[12.34 p.m.]

Ms FORREST (Murchison) - Mr President, I will not take much time on this bill because we will be dealing with a much bigger one tomorrow.

It is a bit staggering, Mr President, to find ourselves dealing with a bill of this magnitude one day out from the Budget. I know the bill was tabled at another place a little while ago, but the reality is that we are dealing with it now and approving additional funds to be allocated to necessary areas so close to the Budget.

When we see \$105 million additional funding going to the Tasmanian Health Service - THS - and the ambulance service, we know it is needed, because every year for the last five years, and possibly more, we have seen this. The figures the acute health services subcommittee looked at were related to funding allocated for health, or budgeted for health, over the last four years, and what was spent each year, and every year the budget was less than the actuals. Every year.

Every year we have had a supplementary appropriation bill, and RAFs as well, to top up the Health budget, and here we are again - \$105 million, which is around the same figure as was required other years to top up the Health budget.

Mr President, I will be looking in the Budget for a budget that actually provides the necessary money up-front for the Health budget.

I will also be looking at - and I know the Treasurer will be well aware of this - the Royal Hobart Hospital Redevelopment, which was originally four stages and is now six, with none of the out-stages being funded and no clear indication where the funding is coming from.

I expect to see much more detail on that tomorrow. I look forward to seeing how that will be progressed. It has turned into a bit of a dog's breakfast, and some of the stories you hear about the way it is being managed have been quite alarming. I am talking about the rebuild at the Royal Hobart Hospital.

This money has already probably been well and truly spent by now, or certainly is being spent, as we head into the end of the financial year. It is necessary, as the money related to the bushfires is necessary and is part of the deal we have with the federal government when we have a major disaster - that it will provide some funding to assist with the state's costs.

Mr President, that is particularly relevant in the last year's fires and the amount of the wilderness area that was burnt. I drove from the west coast down to Hobart in more recent times, through the Gell River valley and those areas. It is really sad to see the damage, some of which progressed into your electorate. It is really sad to see the devastation the fires have wrought on that area. Some are saying that if the area ever recovers, it will take many, many years because of the nature of the vegetation that was there.

Prevention is better than cure in this area. Fire mitigation measures need to be taken very seriously. I assume there will be more reviews into what happened with those fires, the big one in the wilderness area particularly, and whether anything could have been done to prevent the extent of their spread. That is a matter for another day.

I accept this money is there as additional funding to assist with that, which is absolutely necessary, but I am sure the bill was much larger than that.

[12.38 p.m.]

Mr WILLIE (Elwick) - Mr President., I have a couple of questions. The shadow treasurer asked them on my behalf in the lower House. In relation to the \$20 million for out-of-home care costs, the Treasurer explained that \$4 million of that went to the department to manage the packages and \$16 million went into the packages. It will not come as any surprise to the Minister for Human Services, but I will be asking many questions about this in Estimates.

It is a significant blowout in costs when the number of children in care has remained relatively stable. The Treasurer said there were complex needs, and increasingly so. There must be a number of children coming into the system and children exiting the system to skew that.

How many specialist care packages is that \$16 million paying for? I would like an answer to that question, which was asked in the lower House, but was deferred. Perhaps the Leader has the answer for me here.

[12.39 p.m.]

Mr DEAN (Windermere) - Mr President, my contribution on this bill will be very brief. I am not sure what would happen if we were to knock this bill back - I think that is throwing the cat among the pigeons.

At this stage, I flag that I have some questions about the \$5.5 million of additional funding for the Tasmania Prison Service, which should not come as any surprise. This funding reflects current prisoner numbers and associated operational costs. This is money required over and above what Tasmania Prison Service budgeted for in the first instance. What is the number of additional prisoners who have come into the system that has caused the need for this further \$5.5 million funding?

What was that funding used for? I suspect some would have been taken up in overtime. What is the situation? If you are managing a budget and there is a blowout in certain areas which causes a greater financial need, some changes need to be made within the organisation to cover that. That was always a requirement when I managed large budgets in the police service for a number of years. You have to manage carefully and if you could see that there will be a need for further funding in a certain area, you need to make savings throughout the organisation to try to cover it. It does not happen at all times.

What is being done here? How many additional prisoners were in the system that created and caused a further \$5.5 million funding?

[12.41 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their bombardment of questions.

The member for Huon's first question was about Australian Government funding related to the bushfires.

The funding depends on the level and nature of the expenditure incurred, and it could be up to 50 per cent. The funding is expected to be received over the next two or three years. The state

Government meets the cost in the first instance, so the Australian Government funding returns to the Public Account.

It is good to see the member for Murchison lining up a heap of questions for Estimates. That is good. Nothing here for me today.

I am sorry, but I will have to take the member for Elwick's questions on notice. If the member cannot get those answers during the Estimates, please come back and we will find them for you.

In response to the member for Windermere, we do not have up-to-date numbers, but in 2013-14 the average prison number was 472. This compared to 613 in 2017-18, so it is fairly close.

The increased staffing costs primarily include additional correctional staffing costs. Because the Tasmania Prison Service - TPS - does not have its full correctional staffing complement, all additional shifts must be undertaken on overtime rates.

Mr Dean - Surely it would be budgeting for its full complement in the first place?

Mrs HISCUTT - There are also additional non-correctional staffing costs because of increased administration loads such as financial transactions; canteen and supplies; correspondence and other administration; prisoner rehabilitation, education and reintegration costs; programmes and activities; and case management, counselling and other support services.

For every additional 10 prisoners, the TPS is loosely required to put on an additional correctional shift. An additional 12-hour shift aggregates the additional annual salary cost to approximately \$395 000 if paid on overtime rates at an average cost of approximately \$1100 per shift.

Specific actions have been, and continue to be, taken to achieve a reduction in operating costs. The TPS continues to tackle underlying causes of overtime through additional reforms. This includes continuing to amend staffing structures, adapting roster practice and comprehensive absence management strategies.

In addition, an additional review of the roster is currently being undertaken by Shiftwork Solutions, a consultancy firm specialising in providing customised rostering solutions, so TPS is looking at that.

I thank members for their comments.

Bill read the second time.

CONSOLIDATED FUND APPROPRIATION (SUPPLEMENTARY APPROPRIATION FOR 2018-19 BILL 2019 (No. 9)

In Committee

Clauses 1 and 2 agreed to.

Clause 3 postponed.

Clause 4 -

Purposes of appropriation

Mr DEAN - I refer to the question I asked in the second reading debate, which related to funding for the prison service, to ensure I understood the Leader's answer correctly. Did we have an increase in prisoner numbers in 2017-18? Is that what you are saying - from 400 to 600-something? Was there an increase in 2017-18? This appropriation is for the current year, 2018-19. What has created this increase since the end of last financial year that has caused this need for a further \$5.5 million? If the prison had 600-something prisoners at or near the end of the 2018 financial year, surely budgeting for TPS would have taken that into account when providing the funding necessary for 2018-19? That is my point. Surely they would not have been. If I have that wrong, tell me. I cannot quite understand why we have this blowout when the numbers were known the previous 12 months.

Mrs HISCUTT - We have figures as at 28 February, but it is not current any further than that, so as at year to date, the figure for 2018-19 was 688. So that is more -

Mr DEAN - That was the figure. What was the figure at the end of the 2017-18 year?

Mrs HISCUTT - My information is that the end of 2017-18, it was 613, and to February 2019 it was 688, so it has gone up 75.

Mr DEAN - Has it cost the prison service an extra \$5.5 million for an increase in prisoner numbers of 75? That is the guts of the question. Is that the case? Will the prison likely - maybe we will know tomorrow - be funded for the 688 prisoners it currently has?

Mrs HISCUTT - It is anticipated the figure will cover the costs but anything beyond that figure will have to be in the Budget and determined by the Budget.

Mr DEAN - The Leader did not answer my question. Did the additional 75 prisoners in the 2018 year to February this year cause and create the \$5.5 million extra funding required by the Tasmania Prison Service? If so, what amount of money is each prisoner worth in that circumstance?

Mrs HISCUTT - We do not have the exact figures, but we think that it largely relates to the increasing number, so to increased staffing costs primarily. There are also additional non-correctional staffing costs because of the increased administrative load. That includes financial transactions, canteens and supplies, correspondence and other administration, and prisoner rehabilitation, education and reintegration costs. I went through them earlier, but it is things like extra programs, extra activities, extra case management, extra counselling, and all that extra stuff. We do not have all the exact figures here at the moment, but we anticipate that money covers all these things.

Clause 4 agreed to.

Clause 5 agreed to.

Postponed clause 3 agreed to and bill taken through the remainder of the Committee stage.

**WORKERS REHABILITATION AND COMPENSATION AMENDMENT
(PRESUMPTION AS TO CAUSE OF DISEASE) BILL 2019 (No. 7)**

Second Reading

[12.57 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) -
Mr President, I move -

That the bill be now read the second time.

The purpose of this bill is to amend the Workers Rehabilitation and Compensation Act 1988 to include a rebuttable presumption that post-traumatic stress disorder suffered by public sector workers and volunteer first responders is work-related for the purpose of workers compensation.

The insertion of presumption will shift the onus of proof from the worker to the employer. Where presumption applies, it will be assumed in the first instance that the injury is work-related unless evidence is presented by the employer to establish that the cause of the injury was not related to work.

The bill also removes the requirement for the ministerial review of workers compensation provisions relating to post-traumatic stress disorder because that review has been completed in accordance with section 162A of the act.

The report of the statutory ministerial review was tabled in both Houses on 25 September last year when my colleague, Mr Barnett, announced that, after careful consideration of the report, the Government would progress reform to the Workers Rehabilitation and Compensation Act to include presumption for public sector workers and volunteer first responders suffering from PTSD.

I am very proud to table this bill today, which will make Tasmania the first jurisdiction in Australia to introduce presumption for PTSD suffered by public sector workers and volunteer first responders.

Debate adjourned.

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

QUESTIONS

Electric Vehicles - Numbers Registered and ChargeSmart Grants

Mr VALENTINE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.31 p.m.]

Can the Government please provide an update on -

- (1) The number of plug-in electric vehicles, including plug-in hybrids, currently registered in the state?
- (2) The number of hybrid non-plug in electric vehicles currently registered in the state?
- (3) The rate of growth in registration of these vehicle types over the past four years?
- (4) The number, type and location of battery-charging installations across the state -
 - (a) directly related to the Government's grants for that purpose; and
 - (b) others that have been privately installed and registered for public use outside the grant process?

ANSWER

Mr President, I thank the member for Hobart for his question. A couple of the member's questions relate to different portfolios. I have the answer to question (4) for the member today and I hope the answers to question (1) to (3) will be here later this afternoon or tomorrow.

- (4)(a) As part of a suite of initiatives in the Government's Climate Action 21, Tasmania's Climate Change Action Plan 2017-2021, in 2018 the Government provided \$50 000 in funding for ChargeSmart workplace grants to support workplaces to install electric vehicle charging stations.

As a result of the grants program, 11 organisations successfully obtained funding -

Northern Tasmania

- City of Launceston - received \$5000
- Department of Education, Newstead College - received \$3036
- Meander Valley Council - received \$4422
- University of Tasmania, Newnham Campus - received \$4204
- Department of Education, Launceston College - received \$4817

North-west Tasmania

- University of Tasmania, Cradle Coast Campus - received \$4204
- Central Coast Council - received \$4565
- Cradle Coast Authority - received \$5000

Southern Tasmania

- University of Tasmania, Sandy Bay Campus - received \$4204
- Royal Automobile Club of Tasmania - received \$5000
- Huon Valley Council - received \$5000

This was a total of \$49 452.

In addition, the Government recently announced further grants programs with \$450 000 for ChargeSmart fast and ChargeSmart destination charging stations. Grants of up to \$50 000 are available for Tasmanian organisations to install fast chargers, while grants of up to \$2500 are available for organisations to install destination chargers.

Applications to the ChargeSmart destination grants program closed on 10 May 2019. These applications are now being assessed.

Applications for the ChargeSmart fast program grants will close at 5.00 p.m. on Friday, 24 May 2019. All recipients of the ChargeSmart grants program must ensure charging stations are available for use by the public in a dedicated electric vehicle parking space.

- (4)(b) PlugShare is a web-based tool that provides a map showing the location and the type of electric vehicle charging stations around the world. PlugShare can be viewed at www.plugshare.com. According to PlugShare, there are currently around 85 electric vehicle charging locations in Tasmania. It should be noted this is not a government website, so the accuracy of this information on the site needs to be treated accordingly. I hope to have the rest of the answers for the member for Hobart shortly.

State Growth - Burnie Premises - Leasing Arrangements

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

[2.36 p.m.]

With regard to the expression of interest due to close in January 2019 for the Department of State Growth's north-west premises, currently located at Marine Terrace in Burnie, due to the renewal of current leases it has been advertised under expression of interest process.

- (1) Has the expression of interest closed?
- (a) If so, has a decision regarding the location of the premises been made?
- (b) If the decision has been made, where will the premises be located and when is the location and relocation expected to be finalised?
- (2) If not, when will the decision be made.

ANSWER

Mr President, I thank the member for Murchison for her question.

(1) and (2)

The Department of State Growth currently has three sites in Burnie. Two of these sites are used by the department's Transport Services Group for traffic signals maintenance, vehicle inspections and broader office accommodation for staff.

The site at Marine Terrace is leased from a local family and under the current lease an option to renew exists that falls due in October 2019. The other site is leased from the Burnie City Council on a month-by-month lease.

Both these sites require improvements to meet required access standards, including disability access and workplace health and safety considerations, and to support the effective delivery of

these functions. The department issued an expression of interest to a number of real estate agents, along with the owners at the existing site at Marine Terrace with the intention to collocate these functions at an existing upgraded or an alternative site.

The expression of interest closed on January 2019. The department evaluated the responses and afterwards commenced negotiations with the preferred owner, who is not the current owner of the Marine Terrace site. Negotiations have been protracted due to the significant capital work proposed by the owner and valuation of the proposed rent, along with the possible collocation of other government departments at this site.

In addition, the lead officer for this project was seconded to the Bushfire Recovery Taskforce for three months, which contributed to the delays in the project.

The department is still in negotiations and is not in a position to advise respondents formally of the outcome and provide notice. It should be noted that the lease in place at Marine Terrace does not require the Crown to provide notice if it intends to vacate the site, and provides three months notice if it intends to extend its current lease.

A final decision is expected to be made by the end of May 2019, when all respondents will be formally advised of the outcome.

Government Response to Questions on Notice

Mr DEAN question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.39 p.m.]

I have a number of questions before the Leader that should have arrived a couple of days ago. I am not sure where we are with those. I also am waiting for answers to a number of questions from the police motion I moved, and ask whether those answers are here this time.

ANSWER

Mr President, I thank the member for Windermere for his question and advise that every effort is being made to obtain those answers for him.

I believe the answers are with the minister, awaiting approval. In the meantime, a response received back within 24 hours assumed that all steps in the process have found available staff and also the minister to sign off on the responses. This is not always possible for reasons related to availability, so that is what has happened at this time.

The timeliness of responses will always be determined by the ability of each officer to receive clear answers and to forward the responses. I advise the member for Windermere that this comes from the *Legislative Council Members Guide*.

Gambling Revenue

Mr GAFFNEY question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.39 p.m.]

Could the Leader please confirm with regard to the parliamentary gaming inquiry -

- (1) Is the Treasurer aware that incorrect figures were provided in the industry submission because the 20 per cent tax cited included a GST of 10 per cent, meaning it assumed only a 10 per cent state tax applied on pokies in Cairns and Townsville?
- (2) On what basis of modelling is the Tasmanian casino poker machine tax rate being decided?
- (3) Is the Treasurer aware there will be no tax cuts for Federal's future casino gaming operations, or whether the Government is looking at reforms that may result in a reduced tax take from Tasmania's two casinos?
- (4) Will the new state poker machine tax rate be at least equal to the 20 per cent state tax level applying to poker machines in Townsville and Cairns?

ANSWER

Mr President, I thank the member for Mersey for his question.

- (1) The Treasurer is aware that the joint Tasmanian Hospitality Association and Federal Group submission to the Joint Select Committee on Future Gaming Markets quotes tax rates for electronic gaming machines that are GST-inclusive, which is reflective of the GST arrangements available in other jurisdictions such as Queensland. It should be noted that the current tax rates that apply to EGM operations in Tasmania are GST-exclusive.
- (2) The Government's future gaming marketing policy determines that the returns to government, and therefore the community, through taxes, licence fees and the CSL from the Federal Group's licensed gaming activities will be benchmarked against comparable casino operations interstate to ensure returns are competitive and fair for the community, players and the casino operator.
- (3) and (4)

The Future Gaming project team continues to undertake significant and complex work associated with implementing the Government's policy, including the development of licence fees, tax rates and term. The Government has yet to finalise the licensing fees, tax rates or term that will apply under the policy.

WORKERS REHABILITATION AND COMPENSATION AMENDMENT (PRESUMPTION AS TO CAUSE OF DISEASE) BILL 2019 (No. 7)

Second Reading

Resumed from above.

[2.42 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, this bill demonstrates that the Government acknowledges the risk that public sector workers, particularly frontline workers, experience in the course of their duties across the state, and is a strong commitment that we will support people when they are injured and encourage them to seek the assistance they need to recover as quickly as possible.

In legislating for the presumption today, the Government is recognising that PTSD is an occupational injury that should be treated the same as any other injury.

We are working to reduce the stigma which is often associated with mental health conditions and which may stop workers from disclosing their injury, and, importantly, seeking the necessary treatment.

Claiming workers compensation can be a daunting process, especially if the workplace injury relates to mental health. There is substantial evidence demonstrating that the process to make a claim for compensation when workers are required to relive their traumatic experiences, sometimes on multiple occasions, can exacerbate workers' psychological injuries.

PTSD may occur as the result of cumulative traumatic experiences over decades of service, which is commonly experienced by our first responders, so identifying a single incident that resulted in PTSD can not only exacerbate the injury, but also be impossible to pinpoint.

Additionally, PTSD is a particularly complex condition to diagnose, especially where it is a result of cumulative exposure to incidents. As such, it may be difficult for workers to navigate the workers compensation process to have PTSD claims approved. This can be a huge burden at a time when the person is suffering a psychological injury, which is why the presumption aims to remove this burden on injured workers.

Reversing the burden of proof will not introduce new entitlements. Instead, it will allow affected workers easier and more timely access to necessary assistance and compensation, while leaving the opportunity for evidence-based rebuttal open to the employer to dispute claims.

Mr President, the Government has decided to bring this bill forward after carefully considering the report of the ministerial review relating to establishing entitlements under the Workers Rehabilitation and Compensation Act for workers suffering PTSD, and the decision to legislate for the presumption for public sector workers and first responders affected by PTSD.

I will be up-front in acknowledging today that the statutory review recommended presumption was not necessary due to the low rate of refusal of compensation claims for PTSD; however, the Government has decided to legislate presumption for public sector workers and first responders affected by PTSD.

We are proposing this amendment to create an objective and accessible pathway to workplace support, early intervention and effective treatment.

In making this decision, the Government considered all of the review's findings, especially the social value that could arise from presumptive legislation. The presumption will reduce stigma surrounding mental health and perceived impact on career prospects and judgments from others.

A broad range of public sector roles are noted in the report as being at a higher risk of PTSD.

These include our first responders, frontline medical staff, medical and healthcare professionals, train drivers, disability and youth support workers, teachers, prison officers, childcare workers and child protection workers, and national parks and wildlife officers.

This is why the presumption will apply to all public sector workers.

Accordingly, the bill defines 'relevant workers' as being a worker who is employed by -

- the Crown or appointed under an act of the state
- a government business enterprise
- a state-owned company.

Mr President, the amendment will also apply to volunteer first responders.

Under the act, volunteers engaged in firefighting operations or fire prevention operations, volunteers engaged in ambulance services and volunteers performing police operations are taken to be a worker employed by the Crown.

Additionally, section 56 of the Emergency Management Act specifies that, for the purposes of the Workers Rehabilitation and Compensation Act, a volunteer emergency management worker who participates in emergency management or a rescue and retrieval operation is taken to be a worker employed by the Crown while engaging in that emergency management or rescue and retrieval operation.

This means that volunteer firefighters, volunteer ambulance officers, police volunteers and volunteer emergency management workers, as described above, will be classified as relevant workers to which PTSD presumption will apply.

Mr President, the changes do not apply retrospectively.

The presumption will, however, apply to all undecided cases and to new claims if the injury occurred before commencement.

The presumption will not apply if the worker is not eligible for compensation in accordance with section 25(1A) of the act.

This includes, but is not limited to, situations where mental health injuries arise from reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline or counsel a worker or to bring about cessation of a worker's employment.

The presumption will also not apply if under section 25(2) of the principal act, compensation is not payable as a result of an injury which is attributable to the serious and wilful misconduct of the worker (unless the injury results in death or serious impairment) or an intentional self-inflicted injury.

Mr President, this Government is committed to supporting all Tasmanian workers in relation to PTSD and mental health more broadly, and this amendment is a big step in the right direction.

The minister has also asked the WorkCover Tasmania Board to explore whether presumption should be applied to broader occupational groups and he looks forward to their advice on how we can strive to ensure the benefits of this amendment can be experienced by more Tasmanian workers.

Mr President, today we are delivering on our commitment to introduce presumptive legislation relating to PTSD for public sector workers and first responder volunteers. I am proud that this Government has brought this nation-leading reform into parliament.

By raising awareness and normalising these issues, we aim to change the attitudes of all Tasmanians to seek help when they need it, and for all employers to treat psychological injuries with the same significance as physical injuries.

The Government takes the health and safety of its workforce with the utmost seriousness. Ensuring Tasmanians are kept safe, healthy and productive is not only good for workers and their families, it is good for our economy, and, most importantly, it is the right thing to do.

This is why the Liberal Government is committed to seeing that first responders - along with all Tasmanian workers - are provided with a fair and sustainable workers compensation system.

Mr President, I commend the bill to the House.

[2.50 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill. It is a pity this bill was not in place a long time ago, particularly when I was in the service. It would have saved much trauma and many problems that people suffering this post-traumatic stress disorder had to go through to try to prove their cases and identify it back to their workplaces. Some of the issues they had to confront and put up with were horrific.

Post-traumatic stress disorder is an insidious and serious problem. It is an injury that creeps up on you. It is not an injury like a physical injury that can be seen. It is an injury that is within the system and causes you to do things differently, and that causes significant stress.

I have been there, following many years on the front line in police work. When you are assaulted, as many police are, sadly - and I have seen figures on police assaults lately that show it is increasing quite rapidly - and when you are continually assaulted, continually have to put up with violent situations and continually have to confront some horrific incidents and traffic crashes, murders, all of those things, it just builds up. I think people can understand.

I remember one occasion as a young constable - had only been in the job about 12 months or two years - at New Norfolk in the Derwent Valley, in your area, Mr President. You probably would not remember but there was an horrific motor vehicle accident. The gas cylinders in the car blew up and the two persons in the car were incinerated. Their bodies were protruding out of the front window of this car. It was a horrific sight. I was tasked with the job of remaining on duty all night to protect and secure the scene on my own. This is something that comes back to haunt you. I do not think people can understand how it haunts you. It still haunts me now. I often raise the issue. I can see these bodies. It was horrific. It was like a horror film. That was the situation.

My point is that PTSD creeps up on you. You start acting differently. Your family notices it. Your family members normally are the first ones to pick it up because you start seeing and doing things differently. You probably become aggressive in some situations, which has never previously occurred. There are many of changes within your system. It eventually affects the person themselves as well.

Many people suffering PTSD would not normally report it because it was seen as a sign of weakness. They knew very well what they would have to go through to try to prove their case. That in itself caused further stress to those people. When you were trying to explain this - as a commander of police for a number of years, I used to have to defend my colleagues and the people

I was responsible for when trying to get their cases accepted by the department - the length you had to go to was just unacceptable.

This legislation is great. It is for people working in certain areas, and it picks up volunteers as well. The fire service personnel are already presumed to have cancer caused through their work in many situations, as per the presumption of cancer legislation we passed at the time of the Labor government, which was good legislation. This bill still picks up those people. This legislation picks up volunteers who perform frontline services for a number of organisations as well and that is a very good move.

I will quote from a letter I received from the new president of the Police Association of Tasmania, Colin Riley. I look forward to working with him and we will see a lot more of him. He is an astute person and understands this job very well, as well as being an exceptional police officer on the front line and as a detective. I am meeting with him next week.

This is what the President of the Police Association wrote -

In respect of presumptive legislation we believe that the recognition of PTSD as an occupational illness for Emergency Services Workers by this legislation should:

- recognise the value and risks associated with the work performed by Emergency Services Workers;
- acknowledge the psychological toll that repeated exposure to trauma has on our Emergency Services Workers;
- remove barriers to obtaining treatment by providing our Emergency Services Workers suffering PTSD with fair access to workers compensation benefits by reversing the onus of proof so that the employer must show that PTSD was not caused by work; and
- remove the adversarial approach to PTSD claims that will reduce the stress and anxiety already felt by Emergency Services Workers and enable earlier treatment so they make a speedier recovery and return to work sooner.

PAT is supportive of the Bill achieving these outcomes.

There is strong support for this legislation. I commend the Government and the department for bringing it forward. It will provide much relief for those people who, sadly, suffer this disorder legitimately. Many of these people can never make a comeback because the injury and the impact is too great. I thank the department and I will be supporting the bill.

[2.57 p.m.]

Ms ARMITAGE (Launceston) - Mr President, like the member for Windermere, I commend the Government on this legislation. I think unless you have been in that spot, as the member for Windermere has, you cannot imagine what it must be like being a first responder or even a later responder. It is very important that volunteers are included in the legislation because they suffer just as much as others.

While I accept the legislation cannot be retrospective, it is a bit of a shame because I am quite sure there are many people in that situation - whether a long time ago or recently - who might have had claims but unfortunately will not be helped by this legislation. I am pleased to see it will apply to undecided cases and to new claims if the injury occurred before the bill's commencement. That is very important.

I do not think there is much to be said here. I support this legislation. I also received the letter from the Police Association of Tasmania with regard to it. We all remember the issues we had with the firefighters' legislation and making sure that things are equal. It is really good to see that volunteers are also included in this. I support the legislation.

[2.59 p.m.]

Ms LOVELL (Rumney) - Mr President, I start with my contribution on this bill and as it is the first time I have spoken in this sitting, I congratulate the member for Pembroke and the Leader, the member for Montgomery, on their re-elections, welcome and congratulate the member for Nelson on her election and congratulate you, Mr President, on your nomination and appointment to the role you are now in.

I welcome this reform. I am pleased to see this bill brought before parliament subsequent to discussions that we had - I cannot remember whether it was last year or the year before - when we looked at the presumption of cancer legislation. It is good to see the gradual modernising and reform of some workplace legislation, but there is still a long way to go. I hope this is a continuing process because much of our workplace safety and workers compensation legislation needs reform and review.

On a personal level, I am pleased to see this legislation before the parliament. As most people are aware, my previous career was with one of Tasmania's unions and the primary role I held there was advocating for people with workplace issues.

It comes as no surprise that a number of those workplace issues were to do with injury and workers compensation. It was always particularly difficult when people would come to us with a story of a post-traumatic stress disorder, injury or other emotional or trauma injury. Having worked with so many members through the process, we knew at the union how difficult the process was and how most of those claims would automatically be disputed. As the member for Windemere mentioned, it is much harder to prove when and where an emotional or a trauma injury took place, as opposed to a physical injury, where you can quite clearly see where that has happened.

It was difficult having that conversation with people about the process and how difficult it was going to be to prepare them - to prepare them for questions from the insurance company and to prepare them for private investigators who would follow them around and would even go through their rubbish. All the things we saw happen so an insurance company could say, 'Well, we are not arguing you've got post-traumatic stress disorder, but it wasn't caused by work, it was caused by this other thing has happened in your life that we have found a skerrick of evidence about'.

To have presumption provided for in this legislation is critically important to those people, because when you are suffering from post-traumatic stress disorder or a similar injury, the last thing you need is additional stress and trauma that compounds what is already taking place.

I make a point on the language we are using, suggesting it is not appropriate language to use now. This is something raised with me by frontline workers. In particular, the United Firefighters

Union would prefer to see language around injury used rather than 'disorder' - that is, to say it is a post-traumatic stress injury as opposed to a disorder. I have had several conversations with the union about this and I understand that while there is a move among the medical fraternity away from this kind of language, it is still a way off. Understanding why the language is in the bill now as we have it - this is what people will be diagnosed with. This is the language we need to use and something to be mindful of in the future as we go through further reforms with workplace safety legislation.

I will be proposing an amendment in the Committee stage - not a significant amendment - considering this is a dramatic reform. It is a new process we are introducing. It is important we have a mechanism to review the operation. A review is a way the parliament can be involved and have the results reported to ensure when we are introducing leading reforms they operate as they should. That is the amendment I will introduce in the Committee stage. I wanted to flag that with people now. I understand my proposed amendment has been circulated.

In conclusion, I support this legislation and am pleased to see this reform come through.

[3.04 p.m.]

Ms FORREST (Murchison) - Mr President, I support the comments made by the members on this bill. It is simple and straightforward in the bill itself, but it provides a really important provision that confirms the presumption of a cause of a disease or an illness - an illness that is difficult sometimes to define. I go back to post-World War 1 when many soldiers came back with what was known then as shell shock. The member for Rumney talked about the use of language and it has evolved over time. A lot of those people were completely shunned by society as they struggled with inner demons. We cannot even imagine what they were struggling with - things they saw, the things they participated in. We now recognise quite clearly that they were suffering from quite extreme post-traumatic stress disorder and possibly a range of other conditions from their exposure to the emotional as well as the physical trauma.

Over the years, and I think it persists, there is the stigma associated with mental illness broadly, and for someone to admit they have been deeply affected by an event they have participated in, particularly when they are a frontline worker. When you are a police officer, an ambulance officer or a nurse - even when you are a teacher - at times you are confronted with horrific scenes or experiences. I go back to my early training years, and with some of the things I saw and had to do and witness, there was not even a chance to talk about it afterwards. It was just get on and work the next shift.

At least things have changed a lot more in that area. We now recognise it. But as the member for Windermere said, it was seen as a weakness to admit something had deeply impacted you.

Even for me as a student nurse, first year out. We started six weeks preliminary training school, and you were on the wards. You are working and you are 'doing stuff' to people. It is quite horrifying. I was 16 and I was out there 'doing stuff' to people.

I still remember it, quite vividly, the first unexpected death I witnessed on the ward,. I wanted to go into the corner and cry, and I did. He was a lovely man, a young man who had a heart attack and died almost in front of me.

At that stage, the nurse in charge would give you a bit of a hug and pat on the back and say, 'You'll be right', and off you went, to turn up for the morning shift at 7 o'clock. That was expected.

I am not going to mention some of the other horrific things I saw in terms of injuries, working in the accident and emergency department, or some of the things you saw in the labour ward. There is no need to do that.

However, some people find that one event might seem not insignificant, but not as traumatic as you might think, but it can be an accumulation. It is the last brick on the wall that tips someone over and they cannot cope with all of this.

I remember once, as a midwife, we had three deaths of babies in a three-day period, unexpected all of them. With the third one, I was in the delivery room and the obstetrician came in and shut the door behind him and lent up against it. He said, 'Oh, my God, Ruth. The baby's died.' He had been to theatre with a woman to do a caesarean. I looked at him and said, 'You are joking. It cannot be true.' That was the third one. I still get a bit emotional feeling about that because it was unexpected.

The trauma is felt by all staff at that point, because in one room you are trying to be happy with a mum with a new baby while in the next room you have terribly grieving parents.

I had to deal with a dad who thought his experience of the birth was like witnessing Port Arthur, and he had. He was not there right at the time the shooting occurred but he was out on the water and came in just after it happened. He walked past the dead bodies. So for him, and for me listening to it and trying to help him, it was traumatic.

These are all experiences our frontline workers - and I include all of us in that - deal with. It might not be an event we would all agree is particularly traumatic. That might be okay. You might be able to work through that and deal with it, but somewhere down the track, something else happens that just takes you right back to there. It just adds on top and you cannot cope anymore.

As the member for Rumney said, it is very difficult to pinpoint the actual event or experience that may have resulted in the illness or the condition we consider as post-traumatic stress disorder. It is broad and everyone has a different threshold, everyone has a different experience, and just because you put your hand up to be a police officer, an ambulance officer, a nurse or whatever does not mean you are immune or that you should have to suffer without support. This legislation puts in place a supportive framework that does not force the person to go back through every traumatic experience they have experienced in their workplace or personal life, as has been mentioned, to prove that this condition they are suffering is a result of a work injury.

I commend the Government for bringing the bill forward. I think it is a positive thing. I do not think there will be any criticism of it from what I have heard. Certainly I do not think other members would want to criticise it because it is a positive step.

I acknowledge the member for Rumney's comments about her intended amendment to put in a review clause. I have not read that yet, but I will. Is the intent of that - and I guess you will address this in the Committee stage - to ensure it is not creating an onerous step and that it is actually working as is intended? I will have a look at that, but I am keen to hear your comments on that in the Committee stage.

I support the bill. It is an important step. PTSD is one of those health-related conditions that is difficult. It still carries a degree of stigma and shame for many people. The more we can make it less so, the more people have a chance of full recovery. This is a step along the path to full

recovery for people who experience post-traumatic stress disorder as a result of a workplace incident.

[3.12 p.m.]

Mr VALENTINE (Hobart) - Mr President, I support this bill. I cannot claim to have had any experiences anywhere near those of the honourable members who have just spoken on this, I have to say. The only thing I recall in my time was in fact when I was the EDP manager at the Metropolitan Transport Trust, as it was then, and in that particular environment RSI was just coming into being as a recognised injury and a problem that people were starting to experience.

The level of questioning that went on as a result of that happening was quite significant and the people who were suffering it were almost asking themselves, 'Is there something wrong with me because I am definitely feeling this. I am definitely feeling the problem. I certainly have an issue but everyone is sort of telling me it is all in the mind.'

People question themselves when they go through these sorts of things and my experience is certainly not in the traumatic end, but I do know people who have been through the stigma associated with suggesting that they have a particular condition which is very hard to demonstrate.

I support this legislation. It will do a lot of good. It will ease the burden on those who are definitely suffering. I will listen to the amendment that the member for Rumney is going to bring forward and I am pretty sure I will support that from what I read in that amendment. I support the bill.

[3.14 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I note that there were no questions during the debate, but I thank members for their considered thoughts. Some of the trauma as mentioned by the member for Murchison is indeed significant and should not be dismissed lightly. I note that it is now being called an injury instead of a disorder, as noted by the member for Rumney.

Honourable members, thank you very much for your thoughts.

WORKERS REHABILITATION AND COMPENSATION AMENDMENT (PRESUMPTION AS TO CAUSE OF DISEASE) BILL 2019 (No. 7)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 28A inserted

28A. Presumption as to cause of post-traumatic stress disorder

Ms LOVELL - Madam Chair, as I flagged in my second reading contribution, I move the amendments circulated in my name -

First amendment

That clause 4 be amended by:

Leave out 'section is'.
Insert instead 'sections are'.

Second amendment

That clause 4 be amended by:

After proposed new section 28A, *insert* the following proposed new section:

28B. Review of operation of section 28A

- (1) The Minister must cause a review of the operation of section 28A to be undertaken and completed as soon as practicable after the end of –
 - (a) the 12-month period from the commencement of this section; and
 - (b) each 2-year period after the completion of each previous review of the operation of section 28A.
- (2) The person who undertakes the review must provide a written report of the review to the Minister as soon as practicable after the review is completed.
- (3) The Minister must cause the written report of the review to be laid before each House of Parliament within 10 sitting-days after the report is provided to the Minister.

As I said earlier, this is a welcome but quite a drastic reform and one which is nation-leading in some respects. It is important when we introduce these reforms, which are well-intentioned and come with as much background work and research and evidence as we can, that we have an opportunity to review the operation of these reforms to ensure they are operating in reality as intended.

It is important the parliament is involved in that review as an added level of accountability to ensure we are doing the absolute best we can by workers who suffer an injury in the course of their duties.

I have proposed the time frames shown because with such an important and critical reform, the initial review after 12 months is an opportunity to look at any teething problems that might come out of these changes, then two years following that, which is not to say that would need to continue into perpetuity and perhaps we will be able to review that down the track.

There could be further amendments to the legislation to extend the time between those reviews, but in these initial early stages of such a drastic reform, it is important this operates as intended, to make things as smooth as possible for people who are suffering these drastic and life-changing injuries at work. I urge members to support the amendment.

Mrs HISCUTT - Before we start, I note that was an amendment moved downstairs unsuccessfully.

The Government has put a fair bit of thought into not supporting this amendment for the following reasons, which I have clearly articulated here. The Government does not support an amendment for another statutory review given the WorkCover Tasmania Board is already undertaking a considerable amount of work exploring whether the presumption should be applied to broader occupational groups, including in the private sector. A large amount of work is already going on.

The body of work will also include the board making recommendations in relation to the other recommendations from the statutory review conducted by Mr Carey and Dr Triffitt. The Government is expecting advice by the end of the year. The advice will include the findings of community consultation and actuarial advice in relation to cost implications of any recommended changes.

It is not appropriate for the Government to pre-empt the independent board's advice by adding a requirement for the new section 28A to be reviewed. This is doubling up at the moment; we do not need it here at this stage.

Kathrine Morgan-Wicks, who is the Chair of the WorkCover Tasmania Board, has stated that at its meeting on 23 October 2018 the board considered a direction provided by the then minister for Building and Construction and agreed to undertake further work with respect to recommendations 2, 3, 4, 5, 6, 8 and 10 of the Carey and Triffitt PTSD report, which includes more detailed analysis and community consultation on whether the presumption should apply more broadly. This is for persons not employed or appointed by the state.

The board noted the extensive scope that the work encompasses and that this is expected to lead to an ongoing body of work, including educational campaigns with respect to mental health and PTSD diagnosis, claim handling and data quality.

Ms Morgan-Wicks, as Chair of the independent WorkCover Tasmania Board, also stated that as this direction has already been agreed by the board, and the work has commenced and is ongoing, insertion of a further statutory review appears to be a duplication of effort and would not achieve any additional short- or medium-term benefits. Already, under section 11A of the Workers Rehabilitation and Compensation Act 1988, the minister responsible for the act has the power to make directions to the board, including to provide advice and recommendations on the operation of the act.

Honourable members, I urge you not to support this amendment because the work is already being done and this is a duplication of something that could lead to onerous work by the board. It has already been done. I urge members not to support this amendment.

Mr DEAN - Madam Chair, I have only just received the amendment. It is a pity I had not seen it before. I would have liked more time to look at it. I have heard what the Leader has said here.

My first position is that I want to support it, but I have mentioned to the mover of the amendment that I cannot support it with the current time frames that are in it.

I think a review after the first 12 months is just too early. I would be interested to know how the review went. I do not think the Leader would be able to give me an answer to how that first review occurred of the presumptive cancer legislation on the fire service. The review took place after the first 12 months, did it not?

Ms Lovell - There is provision in the bill for a 12-monthly review.

Mr DEAN - I would be interested to know how that has operated. If that review has been done, what did it find? If you are looking at the first 12 months of legislation being in operation, it is just too soon to do a review. Then, as I said to the member moving the bill, I have concerns with a two-year period after that first review.

Madam CHAIR - Moving the amendment, you are talking about?

Mr DEAN - I am talking about the amendment.

Madam CHAIR - You said 'the bill'.

Mr DEAN - Sorry, it is the amendment I am talking about. Then, as the amendment says, to carry out a review every two years after that, to me would not be necessary, and I accept that it would be unnecessary work for the department. I am not saying that there should not be other reviews - all legislation is reviewed at intervals, no matter what it is. If it is not occurring, it should be to make sure that it is contemporary and meets the requirements it was set up to meet.

I have some support for the amendment, but not with its current time frames. I have listened to what the Leader has said, but I think there needs to be a review of this specific area to ensure that the legislation is getting the result it is intended to get, and to assess whether it is providing relief to those people who are suffering this insidious injury to their benefit.

What would a review every two years do? What is a review now and again in two years time likely to return in the circumstances? I accept there needs to be a review period. At this stage, I cannot support it with its current time frames. I do not know whether the mover of the amendment would consider amending the amendment or whether I should do that, but I have another two speaks so we will see what other speakers have to say.

Mrs HISCUTT - I just want to clarify section 11A of the Workers Rehabilitation and Compensation Act 1988 where the minister may give directions already to the board to do whatever the minister of the day wishes. Section 11A(1) says -

The Minister may give a direction in writing to the Board with respect to the performance of its functions and the exercise of its powers under this or any other Act.

The minister of the day has the ability to ask for a review at any time he or she wishes.

Mr Dean - So the minister has the ability to do it, but does not have to do it?

Mrs HISCUTT - The minister may give directions and probably will. Bearing in mind that Kathrine Morgan-Wicks, Chair of the WorkCover Board, has already stated that the board has considered a direction provided by the then minister for Building and Construction and agreed to undertake further work with the recommendations I had originally read out - 2, 3, 4, 5, 6, 8 and 10. It includes more detailed analysis and community consultation on whether the presumption should apply more broadly. There is a whole body of work already going on. The board has also noted the extensive scope the work encompasses. There is a lot of work going on. I urge members not to support this amendment.

Ms RATTRAY - Madam Chair, I support the intent of the amendment, but I also share some concerns about the time frame. I have been pondering the time frames we have here. When I heard the Leader in her response talk about the minister 'may' cause a direction, that makes me want to support the amendment more because 'may' cause a direction does not give me a great deal of faith that it might happen. I think 12 months is probably a bit short. Would the member putting forward the amendment consider changing the 12-month period to a two-year period from the commencement of this section? It is important to review something new like this within a two-year period and continue on to 'the person who undertakes the review must provide a written report'. That is fair and reasonable.

As for the (b) part of it, each two-year period after the completion, I think within that two-year period, with the review process, you will know whether there are teething problems. You will have them ironed out by then. If you do not want to delete it, honourable member, perhaps change that to a five-year period, after the two. You will have some decisions to make about that, but that is what I would be inclined to support. Changing the 12 months to a two-year period would make it much more palatable and perhaps easier for the department to manage. That is my view so far, first speak.

Mrs HISCUTT - Part of the original legislation, section 10, Functions of Board -

In addition to the functions conferred or imposed on it by other provisions of this Act, or any other Act, the board, has the following functions: (a), (b), (c), (d), (e), (f) ...

(k) to advise the minister on any matter relating to this Act that the Minister refers to the Board.

It is already happening. Part of the direction already given is that the board will take into account the operation of the new provision. The direction has already been given, so there is no need to do it again. It is duplication.

Ms Ratray - There is no time frame in that, though.

Mrs HISCUTT - By the end of the year the board has to provide that information to the minister. It is already there. The direction is already there. They have to report back by the end of this year.

Mr GAFFNEY - My question is to the mover of the amendment. Could you explain to the members how you came up with the 12-month and two-year terms? Once we have had that explanation, that might be a good time to have a discussion as to whether that is the right thing. I would not like to stand up here and say, 'Well, let us do this or this', until we have heard the explanation why you chose that time frame.

Ms LOVELL - I appreciate the comments of members and will attempt to address the questions been raised around a couple of different matters.

I have a question for the Leader, which has been partly answered. I would like some further clarification around that.

The purpose of this clause is to instigate a review of this particular new clause and its operation. We have heard concerns that 12 months is too soon. The Leader is arguing that work is already underway and that work is expected to be completed by the end of the year. I would argue that the end of the year will be too soon. My amendment is 12 months from when the clause is enacted. To have a review completed by the end of this year, that could be done before this clause is even put in place for anyone. That is far too soon.

The reason I am proposing 12 months and then two years is partly to mirror the original review clause proposed around the presumption of cancer in firefighters' legislation. That review period is dealt with in section 28 of the act -

The Minister must cause a review of the operation of section 27 to be undertaken and completed as soon as practicable after the end of ... the 12-month period from the commencement of this section and ... each 3-year period after the completion of each previous review ...

That is the reason I have proposed 12 months for the first review. When we are talking about PTSD, it is something that has such an enormous and debilitating impact on people's lives that it requires the soonest time frame, without it being too soon, so that we can review initial teething problems.

The purpose of moving to two-year reviews - and the member for Windermere asked the question, what would this achieve and what would these ongoing two-year reviews achieve. With the reviews into the presumptive cancer legislation, some problems were identified with the operation of that clause. Cases were identified through that review process where the clause was not operating as intended. With the presumption of cause or the burden of proof for the claim around cancers contracted in the course of a firefighter's duty, where the burden of proof was supposed to lie with the employer, cases were identified where that burden of proof had been put back on to the employee. That was never the intention of the clause and, in fact, the intention was quite the opposite. These are the kinds of issues that can be identified by regular review processes.

A review happening by the end of the year is far too soon. In terms of amending or changing the amendment I put forward, those time frames were chosen for a reason. I stand by those time frames and I am quite comfortable with them. If other members wish to move an amendment to my amendment, we can have that discussion.

For those members who are questioning the time frame and questioning whether they would support the amendment based on that, my question would be: provided you are not intending to move an amendment of your own, would you prefer to have a review at a time frame you think could be a little too short or would you prefer to have no review at all?

Madam CHAIR - If members want to amend the member's amendment, they will need to vote on this amendment first, to enable the amendment to the amendment. It needs to be in writing, so you will need to action it and flag it.

Recognition of Visitors

Madam CHAIR - Before we go to the Leader, I welcome grade 6 students from Burnie Primary School. It is lovely to have you all here. I am the member for Murchison and you are in

my constituency. I have seen you at your assemblies at different times. I hope you enjoy your time down here in Hobart.

We are debating a bill about post-traumatic stress disorder. After having a terrible emotional experience, some people get very unwell. If that happens in the workplace, the Government is trying to assist those people not to have to prove that it was related to their work but to presume that it was. That is what we are debating at the moment. Welcome, and I will hand back to the Leader when she is ready to respond.

Mrs HISCUTT - Madam Chair, with particular regard to what the member for McIntyre was saying, an administrative order was already issued on 31 October 2018, meaning the presumption has been in place since that time for all public servants. Work is already being done. This amendment adds no value to what is happening at the moment.

I can go through the recommendations 2, 3, 4, 5, 6, 8 to 10 of the Carey and Triffitt PTSD report that need more work if that helps. Number 9, in particular, talks about the government determining administratively how public sector agencies are to assess PTSD claims for first responders.

This work is already taking place. A review now would just duplicate work already happening. The Government committed to give effect to presumptive provisions for PTSD as soon as practicable. This is why on 30 October 2018 an administrative standard was issued to all State Service agencies and state authorities by the Head of the State Service, which directed how claims of compensation in relation to PTSD were to be assessed and administered.

The direction states that if presented with a workers compensation claim concerning PTSD, it will be presumed the employment, in the absence of evidence to the contrary, has contributed to the substantial degree of that injury, and the claim should be accepted.

The effect of this direction is that as of that date diagnosed claims for post-traumatic stress disorder will be accepted as work-related for all workers employed by the Crown, a government business enterprise or state-owned company as if the presumption already applies.

We are saying it is already happening, and this amendment is a duplication of something is already happening and totally unnecessary. I urge members not to vote for this amendment.

Mr DEAN - I hear what the Leader is saying in relation to this matter. As I understand the process, an amendment can be moved to the amendment we currently have on the Floor. Therefore, it is not necessary to defeat that amendment to do this. I seek a deferment for the purposes of reporting progress to have an amendment drawn up to the current amendment.

Madam CHAIR - The member who has the amendment on the Floor will have to withdraw the amendment to enable us to postpone the clause. If you wanted to move an amendment to the amendment, you can do it now, but we will need to have something in writing from you. Is the other member willing to move to withdraw the amendment and potentially re-put it? To enable that to happen, it is up to the House.

Mr DEAN - So I cannot do that then, some other member needs to at this stage?

Madam CHAIR - You cannot withdraw, because you didn't put it.

Mr DEAN - No, you are right. All I would seek to do is amend the times; that is all. I support a review process; I am not supportive of the time frame.

Madam CHAIR - One moment before you sit down.

Ms Rattray - Can I ask what your intention is in the amendment? I will not press my send button then.

Madam CHAIR - You have not anything out there with the time lines you are looking at.

Mr DEAN - I would first like the opportunity to consult with some other members.

Madam CHAIR - They probably need the amendment to be withdrawn, if the member for Rumney is happy to do that. It is up to her whether she wants to proceed and withdraw or proceed to a vote. That is the call for the member for Rumney. You still have one more call left.

Mr DEAN - If I seek advice on this, if the amendment proceeds, and that amendment was defeated, if it were defeated, it might be supported. If it were defeated, I could turn around and move the same amendment really, with only those changes to the times.

Madam CHAIR - You could, but we would have to postpone the clause to enable that to occur.

Mrs HISCUTT - As the Government, I am quite happy to report progress if that is the rule of the Chamber.

Madam CHAIR - You cannot until the amendment has been withdrawn.

Ms LOVELL - To seek some clarification, if I were to proceed with this amendment now to a vote and it was defeated, we could then report progress and another member could move an amendment with different time frames - is that correct?

Madam CHAIR - Alternatively, if your amendment was supported, someone could then move an amendment to the amendment, but we are still going to allow that to happen.

Ms LOVELL - In that instance I would prefer to proceed to a vote.

Mr VALENTINE - Could the Leader inform us how many cases have been dealt with so far in relation to this, if you have had this in place since October?

Mrs HISCUTT - We have the information here. Since the Carey report was tabled on 25 September 2018, 21 claims for PTSD have reported; 16 of these have been accepted, four have been rejected and one is pending.

Of the 21 claims, the occupation groups are quite diverse and they are -

- other specialist managers - 2
- manufacturers - 2
- truck drivers - 2

- bus and coach drivers - 2
- nursing support and personnel care workers - 2
- police - 2
- fire and emergency workers - 2
- bar attenders and baristas - 1
- aged and disabled carers - 1
- prison officers - 1
- occupational and environmental health professionals - 1
- gaming workers - 1
- other clerical and office support workers - 1
- sports person - 1

State Service PTSD claims since the 25 September 2018: since the report was handed down, of the 21 PTSD claims, there have been nine State Service employees, including seven under the Tasmanian Risk Management Fund, and two under the Tasmania fire policy held with Allianz Insurance. Of these nine, seven have been accepted, one rejected and one pending. The rejected claim related to bullying and harassment, and also refers to adjustment disorder in the claim details in addition to PTSD.

The occupational breakdown of status of the seven State Service PTSD claims are as follows -

- other specialist managers - 2 accepted
- fire and emergency workers - 2 accepted
- gaming workers - 1 accepted
- other clerical and office support workers - 1 rejected
- police - 1 accepted and 1 pending
- prison officers - 1

So there was a total of nine claims, with seven accepted, one pending and one rejected.

In Tasmania, during 2008 to 2018 a total of 195 claims were recorded as PTSD across 79 occupational groups, averaging 19.5 claims per year. The data shows that 83.6 per cent of PTSD claims were accepted, compared to 93 per cent of total workers compensation claims accepted over the same 10-year period.

The primary reported incident type of cause of PTSD was violence and/or verbal abuse, with 94 per cent type of claims being accepted. It should be noted that was even before the presumption applied as of the 30 October 2018. As you can see, members, a great deal of ongoing work and review is already happening, and therefore another clause in the bill is totally unnecessary.

Mr VALENTINE - In the light of all of those cases, no doubt some review has already happened. I would be prepared, if the member for Rumney or someone else is of a mind to move an amendment, to strike out (a) and perhaps have (b) as a three-year period. This is just to give you some indication.

Mr WILLIE - Being collegial as I am, and making sure the member for Rumney has enough speaks, to clarify: if the member for Rumney withdraws the amendment, we can report progress? We can come back and she can put the amendment again and then any other member of the House could amend the amendment - as long as it is all in writing and everyone gets three speaks again because the amendment has been put.

Madam CHAIR - Notionally, I understand an amendment is being worked on, and will be circulated soon, that effectively extends the time lines on this. We could continue and allow a member to propose an amendment to the amendment and vote on that. If that is defeated, we will go back to the current amendment; if that is supported, we will debate the amended amendment. Is that clear?

Mr WILLIE - The amendment does not have to be withdrawn?

Madam CHAIR - No, not if we have something in writing here, which is being circulated at the moment.

Mr WILLIE - Okay, that is good, so we have used up enough time to get the amendment?

Madam CHAIR - It is entirely up to the member for Rumney as to which path she wants to take.

Recognition of Visitors

Madam CHAIR - Before the member for Windermere takes his stand, I welcome another group of grade 6 students from Burnie Primary School. It is lovely to have you here in our Chamber. I am your local member, the member for Murchison, and it is lovely to see you in here as I have seen you around your school at times. I hope you enjoy your time here. We are in the middle of trying to work out an amendment to legislation that allows people who have had traumatic experiences in their workplace and who get a mental illness as a result of that to presume that it was caused by the event. We are looking at what time frame that should be reviewed in.

Mr DEAN - Madam Chair, I move -

First amendment

That the amendment to new section 28B(1)(a) be amended by-

Leave out '12-month period', insert instead '2-year period'.

Second amendment

That the amendment to new section 28B(1)(b) be amended by -

Leave out 'each 2-year period', insert instead 'each 5-year period'.

I believe that has now been distributed to members. It picks up the position I originally spoke of - that 12 months was too early and that a two-year period could be cumbersome and is too soon. I think the member for McIntyre is along this line as well. Members have spoken on this amendment. There are a number of issues with it. This will test the Floor to see whether this amendment will be accepted.

I accept there needs to be a review period. It is important to scrutinise new legislation closely to ensure it is having the desired effects. This is a good way to do it. I do not think a review will

be long at all; how long would it take to do a review at the end of two years? There would be a lot of gathering of information between when the legislation is enacted until that two-year period. All that information would be available within the department. I would be very surprised if the department were not following it closely. It would be able to prepare a review, in writing, and provide it to both Houses with the original amendment put forward. I could not see it being cumbersome at all in all those circumstances. I ask members to consider and support the amendment to the amendment currently before them.

Mrs HISCUTT - The Government does not and cannot support an amendment for another statutory review given that WorkCover Tasmania Board is already undertaking a huge amount of work exploring whether the presumption should be applied to broader occupational groups, including the private sector.

As the chair of the WorkCover Tasmania Board has already said, they are doing a huge amount of work based upon the original recommendations in the Carey and Triffitt report, and this really is just a duplication of what is already happening. I ask members not to support any amendment at all to amend another statutory review.

Mr ARMSTRONG - I support the amendment to the amendment. I think pushing the time frame out from 12 months to two years is a reasonable thing to do and also the second part of that amendment to the amendment going to a five-year review is pretty reasonable too. It gives that extra time whereas the other time frames were too short.

Mr GAFFNEY - It was not that long ago in this place that we heard some people say that they did not like doing amendments on the run because they had not had a chance to fully assess them. Today we have some amendments similar to the amendments that were defeated downstairs. Yet we have people here today thinking, 'Well, no, we should change it from 12 months to two years and then go from two to five just because we think it is a good idea.'

We have had a brief discussion. We have only just heard about it but we are going to change it anyway. That is not good parliamentary process so I cannot support the second amendment, the amendment to the amendment. I will support the Government on this because it has said the correct processes are already in place for assessing and reviewing a most important piece of legislation. It is already there. They are already doing it.

To say, 'Well, you do not have to do it for five years' gives them a way to say, 'Oh well, we will just sit on this for a while'. When they want to get this right, they want to make certain it is right and they already have those processes in place. I will not support the change we have just had hot off the press in the last 30 seconds. That is not part of what I consider good parliamentary process. I will not support the member for Windermere's proposed amendment.

Mrs HISCUTT - What the member for Mersey is saying is what I have been saying all along. Processes are already in place. There is no need to duplicate them all over again. I urge honourable members to listen to the voice of reason and vote the amendments down.

Ms RATTRAY - Hopefully with a voice of reason, Madam Chair.

The reason we are doing an amendment on the run, if you like, is because I actually quite like the intent of the amendment that honourable member put forward, which we have only just received. I was concerned about the time frames, as was the member for Windermere.

I was trying to facilitate this really good process. If the WorkCover board is already doing quite a bit of this work, would not that support the fact that this information was fairly readily available? I think that would be the case, but I am happy to be informed otherwise.

If we made it within that two-year period, 12 months goes so quickly and we know that departments get snowed under with a lot of reporting. I think it would make it more reasonable, without not supporting the member who put forward the first amendment. That is my reason. The only reason the amendment was not printed by OPC is because the written word came quicker than the delivery of my email to Ms Jenkins and this one came around. I put that into the system but this came quickly because people can still write by hand, which is fantastic to know. That is why. This is a fairly reasonable approach.

Again, if a lot of this work is being done, when it comes to the review process, does this not just firm it up? It is in legislation which says there will be a review within a two-year period that will be provided back to the parliament. They can have as many reports as they like during that five years, but as long as there is a review within the next five-year period, the next lot of people in this place will know exactly what is going on with this legislation. That is why I think it is a reasonable approach.

Sometimes in this place we need to use the parliamentary process whenever it fits with what we are doing at this time. This is not unreasonable, albeit that I would have liked the member to change the 12 months to two years - it could have still been your amendment, member for Rumney. But if it gets the outcome -

Ms Lovell - If it is there, it is there.

Ms RATTRAY - Yes, that we need, at the end of the day it does not matter whose name it is in.

Mrs HISCUTT - The level of detail we are already talking about is reported in the annual report anyway. The annual report covers a few things I will divulge to you shortly. The amendment that came here from the other place was discussed, debated and rejected, and now it has come here.

Ms Lovell - It has not been debated by the Council.

Mrs HISCUTT - That is correct, but it what we said in the other place is all in the *Hansard*. In its annual report, it already reports on the type of information being discussed. Its annual report is tabled in parliament. This includes scheme performances, types of claims and the nature of claims. Members, this amendment is a duplication of what is already happening; it is totally unnecessary and I urge members to reject it.

Mr VALENTINE - What we have in the principal act at the moment is a review of the operation of section 27 -

- (1) The Minister must cause a review of the operation of section 27 to be undertaken and completed as soon as practicable after the end of -
 - (a) the 12-month period from the commencement of this section; and

- (b) each 3-year period after completion of each previous review of the operation of section 27.

That is section 28 of the original act. The Government bill before us today adds clause 28A; it does not actually delete section 28, so this would have been initially when the act was put together. We have a new section that talks about the presumptions to causes of post-traumatic stress disorder. It goes through to sections 28A(1) and (2).

Now we have an amendment from the member for Rumney that seeks to review the operation of proposed new section 28A which, in effect, is a review of (2) because 28A(1) will just give a definition of what a relevant worker is. Then it says -

Subject to section 25(1A) and (2), where a relevant worker suffers an injury that consists of post-traumatic stress disorder, the worker's employment is, in the absence of evidence to the contrary, taken to have contributed to a substantial degree to that injury.

That is what the member for Rumney's amendment is attempting to do, to review proposed section 28A(2) in essence.

On top of that, we have this amendment which is looking at changing it to a 24-month period in the first instance and then every five years. Quite clearly, the review currently in the act is already taking place. It takes place every three years under section 28 of the principal act and now you are asking for to be reviewed in the same manner under proposed section 28A(2).

It is already being done under the act and that is fine because the act does not contemplate proposed section 28A(2), because that does not exist. It might do when we are finished. My observation is that the longer the period between reviews, the more there is to review, and the greater the burden of the review in the review process.

I do not want to complicate things, but five years might actually be too long. I am not convinced that I am prepared to support a five-year period, because it means there is a heck of a lot to review at the end of the five-year period. It may be more time-worthy or economic every three years, which was intended in the original act.

I ask for some guidance from the Leader in respect of when these reviews occur. If a five-year period elapses and another review takes place on this proposed new section for the bill, what sort of workload is likely to be compared to a shorter time frame of three years?

Mrs HISCUTT - It does not really matter what the time frame is, the same amount of work is still to be done with the actual report and how it is working. This is being done as we speak and why this amendment is unnecessary. Why would we seek to add review requirements to every provision when the board's functions already encapsulate this?

The board is to provide advice on the operations of the entire act. This amendment duplicates that by adding statutory review requirements for specific sections. It is really a duplication; it is already happening. This amendment is totally unnecessary and I urge all member not to vote for it.

Mr VALENTINE - Given the current act, will there be another review in three years time? Yes or no?

Mrs HISCUTT - The board is already undertaking work right now and a report will be given to the minister. It will be reported in the annual report and will happen next year.

Mr VALENTINE - The act says three years.

Mrs HISCUTT - It is not three years; it depends on the recommendations the board brings back.

When the report comes back, I am sure it will have something about the way forward. The work has already been done. It has already been reviewed. It is happening as we speak.

Mr Valentine - When is the next review?

Mrs HISCUTT - That will depend when the board tables the report to the minister.

Mr Valentine - There is no guarantee of the next review?

Mrs HISCUTT - There is no guarantee there will not be, but the board will be ongoing with its work.

Mr Valentine - That is all I need to know, thanks.

Ms ARMITAGE - Madam Chair, it has all become very confusing. I tend to agree with the member for Mersey - we are now making amendments on the run.

The most sensible option would be to have a briefing. One minute it is 12 months, then it is two years or five years. The discussion is going around. Initially I was thinking perhaps I would support the member for Rumney's amendment, then the member for Windermere came out with his amendment, and now other members are saying it is five or three or two years or 12 months. We are guessing. Yes, I would like some guarantees there is actually a review; I note the board's function encapsulates this.

Mrs HISCUTT - Madam Chair, would it be helpful if we adjourned, reported progress and went for a briefing?

Ms ARMITAGE - That is what I was thinking, rather than everyone use up their speaks coming to the Floor saying three, five, two.

Madam CHAIR - Both members would need to withdraw their amendments to enable us to go to a briefing.

Ms ARMITAGE - I understand. I thought I would raise the suggestion, because as far as I am concerned it is getting more confusing now that we are making amendments on the run, whatever might get up. I am now inclined to support the Government's stance, because I do not think at this stage that any member has given me a good reason to support their amendments.

Mr DEAN - To answer the member for Launceston, it is not a matter of guessing and plucking figures out of the air. There are review periods in many other acts in legislation. A number of them. I cannot pluck them out of the air now, but there is normally a reasonable time at the beginning of a review and then a longer period after that first review takes place. Two and five

years have been identified here as being reasonable periods of time, so it is not a matter of plucking figures out of the air. A lot of work has been put into this.

To answer the member for Mersey on this amendment: the department would not just sit on this for five years if there are problems with it. If things are not working properly, they would get in and do a review as soon as they realised that was the case. No doubt they would come back to members. They do not have to wait for five years simply because we have put in legislation that a review has to be done every five years thereafter. They can do it two years after, three years after, four years after if they want to. There is no hold on them. If there are issues with it, that is what they would do.

What it does say is that if there are no issues, it should be reviewed after five years to make sure it is returning everything it should return. That is what it is all about. If this is referred to in an annual report and so on, as the Leader has said, that makes a review that much easier.

We are talking about a review of proposed section 28B(1)(a) and 28B(1)(b). That is what this is about. It specifically relates to that area and to the bill before us. All they would have to do in their review, if you are saying it is already done, is to simply say 'Please see attachment annual report. dah dah table, at ...'. That would be the review if it is properly covered in the detail, the way it should be when doing a review like this. It would make it very simple.

I do not want to mention the other matters raised by the member for Mersey. That is all I want to say at this stage.

The Labor Party would have done quite a lot of work on bringing this amendment forward. They would have put a lot of work into the fact that this is why we need a review period. I accept that and have no problem with it. That is why I move this amendment - because I am not quite satisfied that the time referred to in their amendment is reasonable; it does not give sufficient time. That is why I have moved my amendment the way I have. I ask members to support it. I do not think we need any further briefings on this matter. I think it is fairly clear. There has been a great deal of discussion about it. You either support the amendment to the amendment or you do not and we go back to the original amendment put forward.

Madam CHAIR - The OPC has obviously been paying attention and listening, as it does. The amendment has been prepared in the name of the member for Windemere. It reflects what both the member for McIntyre and the member for Windemere have proposed here, but it is drafted by OPC. It is substantially the same. I am wondering whether we should circulate this to replace the member for Windemere's handwritten version. Is the member for Windemere happy for us to circulate this version and remain on his feet whilst we do that?

Mr DEAN - Yes, I am.

Madam CHAIR - It does not have to be debated because it is exactly the same except for some Parliamentary Counsel style. As it is being circulated to the last few members, I will clarify that this is the same amendment; we are not getting three speaks each on this one, it is the same. Does the member for Windemere wish to add anything further? He still has one more speak on this amendment to the amendment.

Mr DEAN - No, I hope I have answered the questions of members who had some concerns. I urge them to give this due consideration, which they are. You either accept the amendment to the amendment, or you do not and we go back to the original amendment.

Mrs HISCUTT - Madam Chair, the question of the amendment is whether a formal review is undertaken; it is not a matter of putting what is there. A formal review is a totally different process from what you are doing as you go along. It will be different; you cannot just say that they will table what they have. To reiterate: the board already undertakes the assessment and informal review of the act as part of its normal functions and powers. Adding an additional requirement will not provide any additional benefit, as the chair of the board has already stated. I have already said what the chair of the board, Kathrine Morgan-Wicks, had to say about this - it is totally unnecessary.

I am prepared to report progress if honourable members wish to withdraw and bring the amendments back on again after, or if you wish to go for a briefing on this subject. Members, I urge you not to vote for this amendment. It really is duplication of what is already happening.

Mr GAFFNEY - Madam Chair, I will confine my comments to the amendment to the amendment offered by the member for Windemere. He commented that Labor had done a great deal of research on this and had looked into it. It came to this place with a 12-month and a two-year amendment on the Table. You said previously to that that you were aware of legislation with the two-year and the five-year review periods. Could you detail to me what legislation you are talking about that has the two-year and the five-year periods?

Mr Dean - No.

Mr GAFFNEY - You cannot, so therefore I will go back to the original comment made that Labor had done its homework and come here with an amendment that we can discuss in a minute. I am not prepared to support the amendment to the amendment because that homework has not been done on a two- and a five-year term.

Mr VALENTINE - I have done a little more homework since I got up last. The three-year review in the act is to do with firefighters.

Madam CHAIR - Are you talking about the cancer presumption?

Mr VALENTINE - Yes. I do not want to read it all; it is to do with firefighters as far as I read it. The extra relevant workers here are not actually covered by the review in the act. I can see why the member for Rumney wants to put a review in. Without the first amendment to the amendment bill, an ongoing review of two years, which is what you originally moved, would not be mandated in the act.

Ms Lovell - Not specifically on the operational PTSD presumption.

Mr VALENTINE - I can see the reasoning behind it. As for the five-year period, the act already has a three-year period for firefighters, which leads me to believe that maybe it ought to be a three-year period. I will support your amendment as it is and I will listen to the other comments. I will not support the member for Windemere's amendment.

Mrs HISCUTT - So far we have two years, three years, five years - it really sounds a bit like amendments on the run. The Government still does not support and cannot accept amendments to

another statutory review; it is already there, it is already happening. I am happy to offer you a briefing to go further into that if you wish. We seriously do not need another amendment to a statutory review where it is already happening. I urge members to vote against any particular amendment, whether it is 12 months, two years, three years or five years, because this is totally unnecessary.

The Committee divided -

AYES 4

Mr Armstrong
Mr Dean (Teller)
Mr Finch
Ms Rattray

NOES 10

Ms Armitage
Ms Forrest
Mr Gaffney
Mrs Hiscutt
Ms Howlett
Ms Lovell
Ms Siejka
Mr Valentine (Teller)
Ms Webb
Mr Willie

Amendments to the amendments negatived.

Mrs HISCUTT - Members, I urge you not to vote for this amendment if the Government does not. It cannot support an amendment for another statutory review, given that WorkCover Tasmania, broadly, is already undertaking considerable amount of work exploring whether the presumption should be applied to a broader occupational groups sector.

We have been through it, so I will not go through the whole debate again, but I urge members not to vote for the totally unnecessary amendments adding an extra burden to work already being done and there is no need.

Ms RATTRAY - While I am making my decision about the amendment, I am interested whether the Government would be prepared to give something more concrete to the Chamber in regard to the work already being done. We already have all this information on what is already being done in section 28. The amendment to the amendment to proposed section 28A has already been done. What you have told us is already done by the department.

Is there a more concrete guarantee the work will be done and the report will be available and connected directly to 28A, which is what we are discussing now? This may well give me some comfort that we do not need a review in 12 months time, if this work is happening. The fact the minister may direct a review does not necessarily give as much comfort as I would like in regard to the review, the report and the review process being tabled. Something more concrete. The Leader might like to give the minister a call and see whether she is happy to make that commitment and whether the minister is able to give us something more concrete.

Mrs HISCUTT - The direction has already been given for work to be done in these areas; that is what is being undertaken at the moment.

Ms Rattray - When you say 'work', is work a review?

Mrs HISCUTT - A report - the Triffitt and Carey report - was tabled and the minister asked for a review to be done on different sections of it.

Ms Rattray - Can we add 28A into that?

Mrs HISCUTT - This is part of it. There were 11 recommendations; I will read through the ones the minister has asked for the review to look at: number (2) - action be taken to redress the data gaps for compensation claims within the Tasmanian workers compensation scheme; number (3) - increase professional development opportunities for general practitioners to reinforce a consistent framework for PTSD, diagnosis and early intervention et cetera; number (4) - clear and consistent framework of PTSD implemented; number (5) - professional development opportunities for insurers and injury management personnel; number (6) - mental health education and professional development opportunities to help create a constructive and supportive workplace culture around mental health, destigmatising mental health issues; number (8) - target occupational stress and interpersonal conflict for employers and insurers; and number (10) - Government should adopt standardised treatment principles and protocols applicable to all workers diagnosed with PTSD.

The minister has ordered this be reviewed and work is ongoing. I will seek some more information.

In addition to what I have mentioned as part of 28A, the minister also directed, given its functions, that the board review further amendments for PTSD in the private sector. A lot of work is being undertaken and this amendment will complicate that. We do not need it because it is already happening. I urge members not to vote for this amendment.

Once we have received advice from the board, it can be looked at. It is not appropriate for the Government to pre-empt the independent board's advice by adding a requirement for the new section 28A to be reviewed. There is no need and it is not appropriate. It is duplicating what is there and we do not need it. I urge members not to complicate the issue by voting for this.

Ms LOVELL - Here I was thinking this was going to be quite simple, silly me.

I would like to make just a couple of final points on the amendment because this is my final call. The Leader has told us a number of times this afternoon that the work is already being done, that this review clause would cause a duplication of work being done. We have heard terms of reference and recommendations read out. I have not heard anything in what the Leader has said - and I stand corrected if the Leader wishes to correct me and can confirm this on the record - to suggest that what is currently being undertaken is a review specifically of the operations of this clause, the operations of the presumption of PTSD clause we are debating in the bill.

In addition, an ongoing review, not just an initial review but an ongoing review. The Leader claimed that this is unnecessary. I just remind members that we are talking about a debilitating condition.

We are talking about a condition that, as an injury, has a devastating impact on people's lives. Many of us have spoken about our own personal experiences in different ways with either members who have gone through PTSD themselves or when working with people suffering with this injury, and seeing the damage it can do and the impact it has on a person's life. It is nothing short of devastating.

I do not think it is too onerous on the WorkCover board to ask it to ensure that when we are putting provisions into a bill to better protect workers that those provisions operate as they are intended. That is what we are talking about. We know that in the past there have been instances where that has not been the case.

I spoke earlier about examples of the presumption provisions for cancer for firefighters where it was found that there were instances where that clause was not operating as it was intended. In my view, for any worker going through the difficult process that is a workers compensation claim for something as devastating as a PTSD injury potentially to have to wait five years before it is uncovered that it is not operating as it should be is too long

My other point is that while members might feel at this stage that a two-year review might become unnecessary or might be too soon or might be too short a period, it is entirely likely that once this new provision becomes an established practice and a practice that people are used to and insurance companies are used to, and workers become more aware of their rights, that we might not require ongoing two-yearly reviews. We amend legislation all the time in this place. If a future government decided that this provision in this act was an established practice, if it was better understood and less likely there would be instances where things could go wrong - and things do go wrong - it can propose an amendment to lengthen the period between reviews or remove the requirement all together. We could debate that at that time.

We are talking about a leading reform, an important reform, a reform that the Government should be rightly proud of and that workers who have campaigned for this for many years should be proud of. I do not think it is too much to ask of the WorkCover board, whose function is to look after the rights of workers undergoing rehabilitation and working through this compensation process, to ensure these reforms are operating as they are intended. I urge members to support the amendment.

Mrs HISCUTT - I note that this amendment is asking the minister to direct and not the board - 'the Minister must cause a review'. I certainly have much empathy and sympathy with the causes that you talk about. The mental angst or injuries caused by trauma in one's life are not in debate here. The Government certainly cannot argue with those points. However, the points you have made have nothing to do with adding to this part of the bill. There already are review mechanisms.

With regard to the functions of the board, as I have already said, section 10 of the principal act deals with the functions of the board and already says -

to advise the Minister on any matter relating to this Act that the Minister refers to the Board.

The minister already does that. This really is a duplication of what already pre-exists with the WorkCover Tasmania Board. It talked about the membership of the board, the WorkCover Tasmania Board and the functions of the board. So, the functions of the board relate to many things -

In addition to the functions conferred or imposed on it by any other provision of this Act or any other Act, the Board has the following functions -

(a) to make recommendations to the Minister on -

- (i) the policy and objectives of legislation relating to workers rehabilitation and compensation in this State; and
- (ii) the amendment or replacement of that legislation;

So, if it is not working properly it can be looked at through this existing legislation -

- (b) to monitor and report to the Minister on the operation and effectiveness of that legislation and on the performance of the systems to which the legislation relates;

That fairly clearly already says to monitor and report -

- (d) to control and administer the Fund;
- ...
- (f) to promote and support the purpose and principles of injury management and to encourage and support the return to work of injured workers as soon as possible;

So that is a part of a function of the board -

- (g) to review and monitor the performance of licensed insurers and self-insurers and the operation of the Nominal Insurer;

The functions of the board are fairly broad and comprehensive -

- (i) to collect and publish statistics on any matter the Board considers necessary or relevant to the performance of its functions under, or the administration of, this Act;
- (j) to promote understanding of this Act through education and any other appropriate means;
- (k) to advise the Minister on any matter relating to this Act that the Minister refers to the Board;

That is the one I would like to point out to members. It is already there. He, or she, can already do it. The minister can already do it. And any 'such other functions as may be prescribed'.

The board will report at the end of the year. We need to see that review when it comes and the minister will look at it at that stage and determine where to move from there.

As you can see from what I have just read to you, the minister already has the power to order the board to do these things. This amendment is a duplication; it is unnecessary. The Government does not support it and cannot support amendments to it.

Mr WILLIE - Thank you, Madam Chair. This Chamber has already approved a similar review period for another leading reform, which was presumptive cancer for firefighters. Exactly the same terms of review, exactly the same time frames; this Chamber has approved that.

Ms Lovell - Different time frames.

Mr WILLIE - Sorry, different time frames but the same mechanism and the same process. So we have already approved that for another bill. This is an important thing to include in this bill. If we do not, there is no formal process for a review and it might not happen. If we put it in the bill, it is a legislative requirement and we have a guarantee that it will occur. That is the choice we are making right now.

Mrs HISCUTT - We feel the issue that it does not need be in here is so important that the chair of WorkCover Tasmania is making her way over here as we speak. She feels very adamant about this - that it is a duplication and it does not need to be there. She is keen to see members understand that.

We have Kathrine Morgan-Wicks here. We will bring her to the Table and she might provide some advice as to why she believes this is right.

Madam CHAIR - If Ms Morgan-Wicks wishes to speak, she cannot on the Floor, but she can provide some advice. If members feel that they want a briefing, we will have to withdraw this amendment to achieve that, just so that members are aware of the process.

Mrs HISCUTT - If that happens, Madam Chair, I am quite happy for the process to continue after this.

Kathrine Morgan-Wicks, the chair of the WorkCover board, feels so concerned about this amendment going in that she has come here to help. Her words are to the effect that the breadth of the review is of concern when the board is already undertaking a broad scope review. The board is looking at recommendations on data collection and claims data in regard to PTSD. There is a problem with the data collection that will take some time to resolve. I have said that this review will be done at the end of the year. Recommendations will come in at the end of this year, then the WorkCover board will look at those and implement what needs to be implemented to make everything work better. That then needs to sit and they will see how that works before it is reviewed again, to ensure fine tweaking or if there are any major operational activities that need redressing. That will be an ongoing process until it is refined and things are working well.

This is why adding this amendment at this stage is totally unnecessary, because this work is already being done. I urge members not to vote for this amendment because it is totally unnecessary. We can see the seriousness of adding this because the chair of the WorkCover board has come over to help express this.

A few problems need ironing out and at the end of the year the recommendations will be made. After that they will be implemented to make it work better, then it will be reviewed again to make sure that it is all happening properly. This amendment is not necessary; it is duplication and unnecessary.

Mr Gaffney - I am not sure if it is unnecessary or unwarranted.

Mrs HISCUTT - Unwarranted; I beg your pardon.

Mr GAFFNEY - I think all the work they do is necessary for us to progress this.

The member for Rumney said she thought this would be simple. If it were easy and simple, and good legislation, it would have been passed downstairs and we would not be having this debate here.

I would have thought the Government would have strengthened the bill and would have said that it is a good idea to put this into this bill because there is a reason for it.

The principal act is a very large act that encompasses many different facets of workers compensation. I was told that if we can keep legislation as simple as possible, it is easier for people to then come back to parliament to say they have reviewed it and that it needed addressing because of this, this and this.

I believe this proposed amendment, although well-intentioned, could be something that will occur once the review has been done and the report has been tabled in parliament. They might come back and say, 'Member for Windermere, you were right five months ago, it should be two years and five years.' They might also say they take on board the comments. I think we are putting into legislation something that we are not quite sure about. The Government certainly does not like it and it was not convinced downstairs. In light of that I will not support the amendment. I would rather make a better decision when the report comes back to the parliament and is tabled, then we can have a good discussion about all of the recommendations that the board is responsible for reviewing under this act.

I will not be able to support the member for Rumney.

Mrs HISCUTT - I have said everything that needs to be said. I imagine that in two or three years, after this bill is up and working, if this amendment is necessary, the Government will bring it forward, or say what a wonderful idea it was at the time and do something about that. But at the moment, with the review at the end of the year and another review when the recommendations are implemented, and after that until things are finetuned, I think we have what we need. We certainly will not support any amendments that will complicate the issues. It is an ongoing review for maybe one, two or a number of years until it is tweaked correctly. I urge members not to vote for this amendment.

Mr VALENTINE - With respect to consistency, with regard to the firefighters, section 27 of the act will be reviewed every three years - this is two years. Where is the ongoing review mandated in the act for all these other classes of workers as opposed to the firefighters? I am looking at making sure that the classification of workers being introduced in the amendment bill per se will get the same level of treatment in terms of the review of PTSD as firemen are getting. I am interested to hear about that.

Mrs HISCUTT - We have to bear in mind that the purpose of this bill is to guarantee the link between diagnosis and payment of compensation. This is what this bill is about. It is about getting that connection together so that will happen. The ongoing review will guarantee and refine it, and make sure things are working correctly. This amendment is totally unnecessary. It is happening and the bill is the guaranteed link between diagnosis and payment of compensation for this particular sector of workers.

The Council divided -

AYES 6

Mr Finch
Ms Lovell (Teller)
Ms Siejka
Mr Valentine
Mr Willie
Ms Webb

NOES 7

Ms Armitage
Mr Armstrong
Mr Dean
Mr Gaffney
Ms Hiscutt
Ms Howlett
Ms Rattray (Teller)

Amendments negatived.

Mr DEAN - The member for Hobart asked some questions about the numbers. My question is along that line. The management of this injury has changed significantly over recent years. I suspect there will not be an answer to this, but is there any information or evidence available to identify whether there has been a decrease in the number of these injuries over the last one, two, or three years compared with the period when this injury really was not being managed within the workforces?

Currently we have the medical profession being called in, and after every critical incident we have appropriate assistance and support being given to members confronting those tragic or violent situations. Are there any figures to identify a decrease in this area of injury?

Mrs HISCUTT - I will seek some advice, member for Windermere, but I am not sure there has been enough time for it to be assessed. We do not have a trend yet, because the numbers are very low, but I reiterate what I read out in the second reading speech -

In Tasmania, during 2008 to 2018 a total of 195 claims were recorded as PTSD across 79 occupational groups, averaging 19.5 claims per year.

The data shows that 83.6 per cent of PTSD claims were accepted, compared to 93 per cent of total workers compensation claims accepted over the same 10-year period.

I have already read out the numbers for the different sectors, but it is not enough time yet to have a trend.

Clause 4 agreed to.

Clauses 5 and 6 agreed to and bill taken through the remainder of the Committee stage.

SHORT STAY ACCOMMODATION BILL 2018 (No. 66)

Second Reading

[5.05 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

In response to the Housing Summit hosted by the Premier on 15 March 2018, the Government committed to a range of actions that would lead to an increase in the supply of affordable housing.

A key action of the Housing Summit was the establishment of data-sharing partnerships between Government and website booking platform providers who host short stay accommodation, such as Airbnb and HomeAway, to determine exact numbers of entire properties being converted to short stay accommodation, particularly in areas currently experiencing housing pressures.

Recent studies by the University of Tasmania Institute for the Study of Social Change, suggest that compliance with planning requirements for short stay accommodation has been poor for a number of years. These studies also suggest that short stay accommodation has an impact on the housing affordability and availability in Tasmania.

Tasmanians have embraced the sharing economy and we are committed to ensuring it continues to play a positive role in our visitor economy and community. However, it is clear that there is an issue when it comes to compliance that is cause for concern for the community sector and the tourism and hospitality industries. Local government, the community housing sector and others have called for further action and the Government has listened.

It is important that those who benefit from the sharing economy are 'playing by the rules' in relation to the planning requirements. We need more detailed and accurate information about the use of homes for short stay accommodation to enable better policy informed by robust data.

This bill establishes a process to collect certain information from short stay website booking platform providers. The legislation and the data collected will serve two important purposes: to ensure everyone is playing by the rules, and paint a clear picture of home sharing across Tasmania.

The bill will also provide information to Government that will lead to a better understanding of the impact of short stay accommodation on the broader housing market, particularly the extent of conversion of entire houses in residential areas to short stay accommodation.

The draft bill was released on 26 September 2018 for a five-week period of broad public consultation and targeted stakeholder consultation, which included the attendees of the Housing Summit, local government, state agencies, community housing groups, short stay booking platforms, infrastructure providers and other organisations. The submissions received outlined significant support for the bill and the feedback received was constructive and of great assistance to the Government in refining and framing the bill.

Mr President, I will now make a few comments about the specific provisions of the bill.

It is important to note that the bill does not aim to introduce new planning requirements or building, health and safety requirements for short stay accommodation. It also does not aim to introduce other requirements relating to property and liability insurance, tax, local council rates or codes of conduct for the operators.

The bill will instead operate in conjunction with the existing planning requirements in planning schemes and Planning Directive No. 6 and the existing enforcement provisions available to local planning authorities under the Land Use Planning and Approvals Act 1993.

It provides a coordinated approach for collecting information on short stay accommodation in Tasmania, will assist the state and local governments in determining compliance with the planning requirements, and provides a better understanding of the extent of short stay accommodation in Tasmania. It will also assist in determining compliance with existing building, health and safety regulations.

The bill specifically focuses on short stay accommodation operating in the residential zones under the current planning schemes. This aligns with the planning requirements currently in place through Planning Directive No. 6. While short stay accommodation exists in many of the planning schemes, such as commercial, business and rural zones, impacts on housing is clearly the greatest in the residential zones.

The majority of short stay accommodation providers in Tasmania utilise a booking platform for advertising and booking purposes. Collecting information from the booking platforms provides greater scope for ensuring compliance with the existing planning requirements and understanding the extent of short stay accommodation in Tasmania.

By requiring booking platforms to advertise a permit number, or other relevant compliance information for each listed premises, it allows for easy investigation of noncompliance with planning requirements. Importantly, it also enables listings to be declined by the booking platform provider if relevant compliance information is not provided.

Mr President, it is pertinent to mention the recently published independent review by the Australian Housing and Urban Research Institute - AHURI - on the impacts of short stay accommodation booking platforms on housing markets. This independent review specifically notes the advantages in using the booking platforms for checking compliance, particularly through requiring the permit number to be included in the listing on the platform. This bill seeks to do exactly this.

Specifically, the bill -

- Requires short stay accommodation providers to supply certain information on their property to the booking platform provider before their premises is listed on the booking platform.
- Requires the booking platform provider to display on the platform the relevant planning permit number for the property, or a statement that a planning permit is not required or that the property otherwise has existing use rights.
- Requires the booking platform providers to supply information on the short stay accommodation listed on their platforms to the Director of Building Control at the end of each financial quarter.
- Includes penalties up to 50 penalty units (currently \$7950) per offence for short stay accommodation providers for not supplying the required information or for providing false or misleading information.
- Includes penalties up to 100 penalty units (currently \$15 900) per offence for each listing, with recurring penalties for noncompliance, for booking platform providers for listing properties without receiving or displaying the relevant information, and further penalties as

outlined in the bill if the relevant information is not supplied to the Director of Building Control.

The bill includes a six-month transition period after its commencement for existing short stay accommodation providers and booking platform providers to comply with the requirements.

The information collected will be used to ensure compliance with the existing planning requirements and to assist with further policy development on short stay accommodation in Tasmania. The information may also be used to ensure compliance with existing building, health and safety requirements. Aggregated and other non-privacy sensitive information may be published on the use and extent of short stay accommodation.

Enforcement of the bill will be the responsibility of the Director of Building Control. Local planning authorities will retain their role in enforcing the planning requirements under the Land Use Planning and Approvals Act 1993. The Director of Building Control and local councils will also retain their roles in enforcing the building requirements under the Building Act 2016.

Implementation of the bill will require coordination between booking platform providers and state and local government. A comprehensive implementation plan will be prepared and a range of information will be provided to support the operation of the bill.

In conclusion, the bill delivers on the Government's commitment to ensure that those who benefit from the sharing economy make sure they are doing the right thing.

Mr President, I commend the bill to the Council.

[5.15 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I warmly welcome the new member for Nelson, the return of the members for Pembroke and Montgomery, and acknowledge your role as President.

It is my pleasure to speak in favour of the short stay accommodation bill and I acknowledge and appreciate the informative briefing we received this morning.

This bill represents one of the actions taken by the Government in response to the 2018 Housing Summit, which convened to address the ongoing housing crisis.

I am aware many Tasmanians have come to utilise the sharing economy and indeed have shared in its benefits. Unfortunately, the introduction of websites that provide for short stay accommodation has had some severe economic side effects that have caused concern to many.

I am sure members were as confronted as I was to see Tasmanians living in such dire conditions at the showgrounds in Hobart. I am hopeful the present bill will go some way to alleviating this ongoing housing crisis.

There is a strong consensus that short stay accommodation has contributed to a reduction in supply of affordable rental accommodation. This has meant many of those who can afford to rent simply cannot find a place to live. Additionally, price rises brought about by this reduced supply have priced many people out of the market, particularly in Hobart.

As an editorial in the *Mercury* last August stated -

There is little doubt the number of short-stay listings is having a substantial impact on Hobart's rental vacancy rate, now the lowest for any Australian capital city.

I understand the Tourism Industry Council of Tasmania warned the Government and opposition parties of the potential impacts of the rise of short stay accommodation in 2016. Its CEO, Mr Luke Martin, described a model that would have seen minimal regulations introduced, but stated -

The Government went down one path and at the last minute they changed their approach. They wanted to look like they were embracing digital disruption and Airbnb were effective lobbyists.

He said he hoped to see a correction in Tasmania's visitors accommodation market but that was likely to take years.

Professor Richard Eccleston of the UTAS Institute for the Study of Social Change, who co-authored a report with his colleague, Dr Julia Verdouw, about regulating short stay accommodation, said in a recent email summarising the report that -

We conclude that the short-stay sector makes a significant contribution to the Tasmanian economy and community, especially in the regions, but in inner Hobart, in particular, is one of the factors contributing to the acute shortage of affordable rental housing. Our collective challenge is to develop a carefully designed and targeted approach to regulation which balances the benefits of the short-stay sector with the housing needs of the Tasmanian community.

The bill before us implements a number of measures to address the shortage of affordable housing brought about in part by the rise of short stay accommodation. It is important those benefitting from the sharing economy conform with the existing planning laws. As a result, the bill rightly facilitates the sharing of information pertaining to planning. Measures in the bill will also allow the Government to keep a more accurate record of the number of houses in the local short stay accommodation market, thereby gaining an insight into the impact the industry has on other forms of housing and accommodation.

The UTAS report from Professor Eccleston and Dr Verdouw outlined an overarching recommendation which stated -

Establishing a more comprehensive permit system: currently key SSA categories such as genuine home-sharing, owner-occupied entire homes and ancillary dwellings are invisible to the State Government.

As the government has only partial data on SSA activity, it is missing an opportunity to communicate essential information, including on SSA user rights, responsibilities and consumer health and safety standards, and to ensure hosts comply with permit requirements.

Introducing additional permit categories need not penalise or burden hosts if obligations are tiered and linked to host category type. For example, registering

for permits for genuine home-sharers or owner-occupiers should be an easy, low-cost online process.

Permits for commercial users should include greater data capture and higher costs.

Professor Eccleston is content with the bill because it is a first step in regulating short stay accommodation to alleviate the housing crisis. He stated in his email, and in the report, that -

Overall ... we are broadly supportive of the Bill as it will yield very comprehensive data on the sector which can be shared with third parties for analysis. Indeed, we now understand that the provision of data will include important information on the short-term rental of all properties, including those which are shared where the host lives at the property.

He continued -

Overall, we believe that the Short Stay Accommodation Bill 2018 will establish a robust permit system and evidence base which will be used to monitor and regulate the sector in the future. For this reason, we support the legislation.

However, given the acute housing challenges facing many Tasmanians, we do believe that it is necessary to build on this foundation by developing additional, targeted measures designed to achieve a better balance between visitor accommodation and housing needs. Our hope is that our report can inform this ongoing debate.

Dr Katrena Stephenson, Chief Executive Officer of the Local Government Association of Tasmania, said that her organisation supports the bill. She wrote in an email to members that -

I am writing to advise that LGAT welcomes the proposed introduction of measures to encourage reporting by short stay accommodation platforms on the existence of planning permits, as this aligns with one of the key recommendations of our submission to the Legislative Council Select Committee on Short Stay Accommodation in Tasmania.

Advice from the sector indicates that ensuring compliance with the current regulatory regime is challenging, that it is likely there is significant non-compliance with the current regulatory regime and that some considerable confusion remains for owners as to what they must do if they want to use their property for short stay accommodation.

However, it is not within the current resources of local councils to undertake the necessary work to determine what new short stay accommodation places have been established in their local area and whether they need a planning permit. The need for communications, resourcing and community understanding is critical.

This Bill provides an important first step, as it should ensure policy makers now have a robust data source from which to consider this issue. However, it is critical

this data is monitored at a state-wide level and, where necessary, policy responses are adapted over time.

Dr Stephenson continued -

The Bill must also be accompanied by a comprehensive education campaign, delivered by the State Government, to ensure that all short stay accommodation providers are made aware of their obligations, with adequate time for them to ensure compliance.

It was pleasing to hear in the briefing that a media and information strategy is in place that will assist in ensuring that providers will receive adequate time and an explanation to address the requirements for permits and so on as catered for in the legislation.

I am glad that councils appear to be on board with this bill. This presents us with a valuable opportunity to work with councils to ensure they remain informed about how the legislation we pass will affect them. I am somewhat concerned there is not enough consideration of the impact of new regulation and legislation on councils. This often surfaces through LGAT reviews of the Local Government Act and did even when I was a mayor and president of the Local Government Association. Ideally some sort of requirement to formally consider this issue would be welcome in the future.

Perhaps a regulatory impact statement that considers the cumulative impacts and the indirect outcomes and imposts that councils may face with any new legislation should be undertaken by the government of the day. Several examples came to mind when I was contemplating this. Environmental and waste management seem to be areas where local councils have to balance state and federal requirements. I imagine that this comes at a significant financial cost to councils. I do not think community members or some members in this place fully appreciate the hundreds, or more likely thousands, of hours of work undertaken by local councils with the legislative requirements of the water and sewerage reform in 2009.

Another example relates to the requirements placed on councils to manage feral cats. High community expectations mean that councils are constantly straining to deal with this pressing issue. Governments tend to respond to the issues that gain momentum within the community and introduce legislation to address those issues, albeit slowly and at times without adequate resourcing. One fine example exists in planning, where councils moved from their old schemes to interim planning schemes based on performance criteria. The number of discretionary applications increased significantly, thus the workload of councils very much increased.

I hope that we take any opportunities possible to alleviate these concerns. I was, however, pleased to hear in the briefings that many of these issues are being addressed by the authorities.

Mr President, I look forward to hearing the views of members regarding this bill. I am supportive of it and congratulate the Government for doing this work.

[5.25 P.M.]

Ms ARMITAGE (Launceston) - Mr President, I appreciated the briefings on this bill provided this morning. This bill is part of the equation to carefully analyse and monitor short stay accommodation in Tasmania and provides a coordinated approach for collecting information on it.

It is important we get the balance right, given the acute housing crisis we are facing. It must also be accepted that it is not just caused by short stay accommodation. We heard in the briefing it is also caused by population growth, plus challenges in workforce availability.

The information provided will assist us to look towards the future and understand current challenges. The bill is about developing a robust permit regime, what properties are being used for and for what purpose.

It should yield fairly comprehensive data on the extent of the industry in the state and also the way it is changing rapidly. I believe we need to be vigilant and see how it is to be implemented and resourced because I have concerns with regard to local councils, given their limited resources.

I note that the member for Mersey read out the section from LGAT, from Katrena Stephenson, and I think it is worth repeating. She states -

However, it is not within the current resources of local councils to undertake the necessary work to determine what new short stay accommodation places have been established in their local area and whether they need a planning permit.

The need for communications resourcing and community understanding is critical.

Like many in this place, I have been on a local council. I was deputy mayor of Launceston City Council. As the member for Mersey stated, the amount of work required may look quite simple. I note it was said this morning that the Director of Building Control will be responsible for enforcement.

However, councils will need to determine the compliance with the planning requirements to provide a better understanding of the extent of short stay accommodation in Tasmania. I recall comments from a couple councils previously when we were discussing short stay accommodation - and this has nothing to do with our current committee - prior to starting our committee, that they tried to find out where places were and it was very difficult. It was so time-consuming as well.

I believe even to go with what we have got here, to actually have something to compare, the people hours and the time involved will be considerable. While I accept that the Director of Building Control is responsible for one area of enforcement, it will be very onerous for local councils to undertake their proportion or the part that they are expected to play.

It will be interesting to see how they cope, whether they can cope. I am quite sure they will have to employ new people, even for a period of time. You might answer this for me, Leader: if local councils find that with their current resources they are unable to implement what is necessary here, would the Government be prepared to actually assist them? I am quite sure they would have difficulty, regardless of the size of their council.

In summary, LGAT support this as well as Shelter Tasmania and TasCOSS because they see a need for data. I have to be very careful I make a very short contribution because I certainly do not want to accidentally veer into anything from our committee, which would be really easy to do.

I understand it is not a difficult matter for the platforms to be able to provide the data. It was something they preferred not to do, but I am really pleased they have come on board and are willing to undertake that.

This morning education was discussed and how people will know and will find out what they have to do. It is important we provide information for operators and hosts so they know what they have to do, which will assist in meeting council planning requirements - whether you receive them, whether you need a planning permit or do not, whether you have fewer than four bedrooms or more than four bedrooms.

It is all a learning curve, and I am sure it will be for councils. It certainly will be for many of the people who are now in short stay accommodation. We may find that even if it is not overly onerous, some people may find it too difficult and perhaps will go back to long-term rental, letting the properties for long-term rental.

We were also told the bill focuses on residential zones across the state and that evidence collected under the legislation will provide a sound foundation for any adjustments in the future. It needs to be evidence-based; this is about getting the evidence before we look at what might need to be changed.

I thank the Government for putting this up. It fits quite well with the inquiry we have coming. I support the bill.

[5.31 p.m.]

Mr WILLIE (Elwick) - Mr President, tonight we assess the merits of a bill aimed to address the need for collection and sharing of data across existing booking platforms and encourage greater compliance with current regulatory requirements across Tasmania. The bill will operate in conjunction with existing planning requirements in the planning schemes, in particular Planning Directive 6, Exemptions and standards for visitor accommodation in planning schemes.

The bill specifically focuses on short stay accommodation operating in residential zones. While this bill will provide a better understanding of the short stay market, it has been an oversight of government not to put in place appropriate data capture systems to monitor the impact of government policy changes in this area. Coupled with problematic language such as 'embracing the sharing economy and deregulating the sector', a huge risk is being carried by the community currently through a misunderstanding of the current permit system and high rates of noncompliance.

In reviewing the submissions, feedback from local government and other stakeholders suggests that self-reporting is still not working and that there is still confusion about when one has to apply for a permit. The minister and the Government need to take some responsibility for that and they are being slow to act. In this environment of noncompliance and misconceptions, my colleague in the other place, the member for Braddon, Anita Dow, called on the Government to start a community education campaign about compliance to accompany this legislative change and that has been accepted.

The minister stated -

Implementation of the bill will be accompanied by comprehensive education material. Fact sheets and tailored information packages will clearly outline the

purpose for the bill, the applicable short stay accommodation, the obligations of both the short stay premises providers and the booking platform providers.

Perhaps there have been some learnings. We need to be very clear that any legislation approved in this House must consider that short stay accommodation is just one piece of this complex puzzle putting pressure on essential services, including housing, in Tasmania.

I state from the outset that we support the Government's intent to ensure greater compliance from platforms and providers through the public listing of permit details and sharing of data with local and state governments. We also support the introduction of fines for noncompliance.

However, there is a need for a whole-of-government approach to population growth, settlement planning, cost of living pressures, incomes and the impact of tourism in short stay accommodation. Data collection shared across the sector and community objectives are an important part of this process. This bill does not address this need.

Mr President, there is a significant and prolonged growth in the tourism sector in Tasmania. Successive governments of both colours have recognised the opportunity for Tasmania to bring more people here to share our beautiful state, offering more employment opportunities and small to medium and large business opportunities. This sudden growth has led to a vibrant and diverse accommodation offering across regional centres and our major cities. These considerable changes and the evolution of the sharing economy, along with other factors, have had an impact on housing affordability and homelessness in Tasmania.

This bill before the House today offers a mechanism for reporting and displaying data but it does not ensure compliance unless local government picks it up, and it should not overshadow the importance of long-term monitoring on the effect of short stay accommodation on housing and investment in accommodation right across Tasmania, not just in Hobart.

Currently, we do not have enough supply of affordable and adequate accommodation in Tasmania and the Housing Summit held on 15 March 2018 highlighted many recommendations for implementation, this bill being one of them. I believe the genesis for this bill was that the Government was not able to reach an informal agreement with platform sharing companies and had to go for a legislative change.

Examples of other initiatives from the summit include rezoning of surplus government land and the questionable Private Rental Incentives scheme, among others. Since the summit, it has been business as usual. There has been no emergency response to the housing crisis across Tasmania. I have spoken at length in this House about the personal stories that fall through the cracks of essential services.

While short stay is a small piece of the puzzle, it has had an impact on the private rental availability and rental prices. It is the simple supply and demand argument. You cannot take properties out of a market and expect there to be no upward pressure because of a diminishing supply.

I have had constituents come to my office with notice to vacate in the private rental market. They have been forced to apply for public housing because they cannot afford rental increases. I have had people with children come to my office with notices to vacate because they could not keep up with rent rises. We have had people who have been evicted, who suspect the properties they

were renting have been converted to short stay accommodation. People with issues with tenancy; people who have ended up on the public housing waiting list for years, because they cannot cope in the private rental market in Hobart.

People who have been unable to secure affordable housing, affordable rentals, in Hobart who are living in garages and cars come to my office and tell me their stories in tears. I am no longer the shadow housing minister, but these stories are still common in my constituency office, as they are I am sure, in other members' offices.

A number of amendments were highlighted in submissions from the stakeholders, which were explored at length in the other place. We will not be moving amendments in this House, and, as previously stated, we support the bill's passage. There is obviously an upper House select committee inquiry, of which I am a member, and there will be further findings and recommendations that come to this House.

I am particularly interested in the recent research and report from UTAS. I hope the Government gives the evidence presented and the work of the committee serious consideration. In my constituency in the northern suburbs of Hobart, there is extreme frustration with the slow-moving cogs of government to respond to this disruptive technology.

There is no doubt it has had a positive economic benefit to the state, but we need to make sure we balance it so everybody feels the benefit of that economic growth. That balance is not right at the moment.

This is the first step in addressing some of the ongoing issues about the availability of data to inform decision-making and policy development. It is an important component of addressing the challenges in the housing system in Tasmania, but it is of equal importance to planning for economic and social wellbeing of communities across Tasmania.

[5.38 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill. The Housing Summit took place on 15 March 2018, and we now have a bill before us so really the Government has moved fairly speedily in relation to this matter and addressing those issues. Many of those issues came out of the summit and it is good to see that has happened.

When we look at the legislation coming here it is good to consider the consultation process that has taken place. As the second reading speech and briefing this morning identified, there has been good consultation with all the relevant organisations and stakeholder groups involved. They are identified in the second reading speech. It is good to see that has happened and we now have this bill before us today.

There are a couple of issues to raise. The issues raised in Professor Eccleston's and his colleague's report are good and identify their support for this legislation. Richard Eccleston had a number of conversations with me or email exchanges on this, and I thank him and his colleague for what they have done and for coming in today at short notice for the briefing as they had other things on as well. It was good that Professor Eccleston was able to do that for us. I thank Government members for the briefing and the way they approached answering questions.

I raised a couple of issues there. I note the member for Elwick raised one of those issues in his contribution a short time ago - that is, the number of rental properties that have now become

Airbnbs. I asked in the briefing this morning: do we know how many properties that are now Airbnbs were once rental properties? That would be worth knowing. I know where this bill goes and it does not cover some of these areas, but it would be worth knowing that. This is about housing, this is about controls and restrictions on Airbnbs and getting these right laws in. In the end, it is also about affordable housing.

I would like to know those figures, if there is some detail around that. I appreciate the comment made this morning, which is outside this area.

Mrs Hiscutt - This is why this bill is being introduced: to get to the data collection.

Mr DEAN - Yes, to get those figures. It will be interesting to see, once it is in operation, what happens in that area of identifying properties that fit into that category. I am confident it will be supported here.

I raised another issue during the briefing. In making this comment I should say I am a landlord. Landlords who have spoken to me feel they are losing control of their properties. They feel that way with the laws as they currently are. They have the other issue of property abuse and other rental issues that go with it. I am aware of people who have rented properties who have now gone down what they say is a much easier path, and that is turning their premises into Airbnbs. I have considered it as well. There are many issues here that we need to consider.

Mrs Hiscutt - Some of those issues you discuss are totally outside of the control of any government, at any level.

Mr DEAN - Yes, they are, I understand that. It is good to see we have some fairly strong penalties in place for those who do not meet the requirements of the legislation, and that needs to be the case. I think Richard Eccleston commented on this in one of his reports. I think New South Wales has three strikes and you are out. If your Airbnb does not toe the line with the proper registration and information, your permit or licence is finished to operate as an Airbnb. I need to look at that closer because I did not look at it as much as I should have.

There needs to be a good education package here. I am not quite sure how the Government or the department proposes to do this. It is all very well to have this legislation, but it needs to be assured that every Airbnb currently operating is well and truly aware of this legislation and that any persons wanting to operate an Airbnb know exactly what the situation is and what they are to comply with.

At times we bring legislation into this place thinking that the people it will impact will find out pretty quickly what is going on. It is not always the case and there needs to be a lot of work done on that. I would appreciate if the Leader can give me some information about how the education package is going to turn out.

Having said all this, I will support the legislation.

[5.44 p.m.]

Ms FORREST (Murchison) - Mr President, I only wish to make a brief contribution on this bill. This is one of the issues raised repeatedly with me around the electorate and over a number of years. In my electorate there are a number of operators of small B&Bs. They have in many cases almost felt forced to enter the Airbnb market to advertise their properties as well to try to compete -

if you cannot beat them, join them type of thing. Because they are not only on Airbnb and are operating through other booking platforms and the requirements on a short stay accommodation property like a bed and breakfast or a motel-type arrangement, even motels end up putting their beds on Airbnb. You see that as well. They have a very strong view about the uneven playing field that this sharing economy is creating.

I know this bill is not seeking to address that, but I wanted to make that point because members of my constituency will go to this bill and ask, 'Why did you support it when it does not fix our problems?'. I want to say that this bill is not intended to fix those problems.

I have had meetings, which is why I spent all that time getting all those questions ready over this last week by being out in the electorate talking to my constituents. This was raised a number of times by constituents who operate in this space. I absolutely accept there is a need to get robust data on this to really understand the issue, to understand how many are out there, where they are and whether they are meeting a standard at all.

I think there will still be some who will not be picked up in this, and that was discussed in the briefing today. The intention is not to pick up all of them; it is to pick up the big operators who operate on a platform like Airbnb because that is where the majority is. When any of you search for accommodation anywhere around the world, myself included, say in Brazil, Airbnb comes at the top of your Google search because it has that market reach. Booking.com and a few others fall into that category as well.

Ms Rattray - It says Airbnb is now offering 6 million short-term accommodation listings in 191 countries.

Ms FORREST - That is right. When you do a Google search, or any sort of internet search, they will pop up. If you want to look at a particular property, it is often hard to find that property's website because you have to get through all the Airbnb listings first.

It is important to understand the extent of it. I accept there is probably a greater concentration in the Greater Hobart area, but it is still an issue in the regions, particularly in the tourist season. I know Hobart has a much greater challenge in tourist accommodation, and also on the east coast. I have talked to people on the east coast, the member for McIntyre's electorate and the member for Prosser's electorate, about the real challenges there, too.

Mr Valentine - Per head of population you will still have the same difficulty getting accommodation.

Ms FORREST - That is right. The difference is that the people who you need to work to assist the hospitality industry of the hotels, pubs, clubs and cafes have trouble getting the staff they need and accommodation for the staff because it is the same time of year as that when people put their properties out for tourist accommodation during the summer.

It is not like the university students' circumstance. The university student situation is more easy to manage in Hobart because the time when the students do not need it necessarily is over the summer period, so the challenges are very different. They are different in Hobart from what they are in the tourist regions of the east coast where there is no university.

There is a lot more work to be done in this space. I am not on the committee looking at short stay accommodation and I look forward to that report; I hope soon. I assume it would have explored a number of these issues. These are the real issues I hear in my electorate. Some of my constituents were disappointed I was not on that committee, but that is the way it is. They wanted to be sure their concerns were heard. I hope other members have raised those matters and have visited these areas as well to get that information about what is happening in the regional areas.

It is important to have accurate data. I did ask the question in the briefing, but I do not know if the Leader will have an answer for me. One of the benefits of collecting data is that you know who is doing what where. There are requirements through the State Revenue Office in regards to land tax in how that applies differently for a principal place of residence. There is an exception - primary production is a full exception, provided there is a reasonable expectation of profit and a couple of other provisos there. Investment properties or income-earning properties attract land tax. I want to know if this ends up flagging a whole heap of properties because you do not have to share too many private details to say these are the addresses of the properties, so the councils know where they are. Surely the State Revenue Office would have access too, and we could find a lot of people finding themselves with land tax they were not expecting applied retrospectively.

The SRO has every right under its act to impose land tax or other taxes retrospectively and it does. This, for me, is a bit of a problem; if a person has not notified them of a change of use, that is fair. If suddenly they are caught off through a legislative change we make, we need to be aware. I know where they are going to come - they are going to come to my office and your office and everyone else's office to tell us. I know the answer I will get from the State Revenue Office, because I had one the other day saying the same thing, not about Airbnb but another thing. If the Leader has some information on this, I would really appreciate that and I guess there will be other measures.

We discussed in the briefing the other measures that will be considered in levelling the playing field. Other members have mentioned some of these. I understand the key stakeholder feedback was positive in terms of the implementation of this legislation, as a data protection tool predominately. LGAT, Shelter Tas, TasCOSS - LGAT did raise concerns, which the member for Mersey spoke about, about public education and engagement in what their responsibilities are. I hope it will be effective and broad enough to make sure people do not fall foul of a change through ignorance. Ignorance is no defence, but we pass laws all the time here that the general public would have no clue about. It does not affect them and they do not know that it does. We need to ensure people are made aware.

The other point is the resourcing of the Director of Building Control office. That is about compliance rather than anything else, but we could have a sudden influx over a six-month period. Six months is not a long period of time. You have a lot of new permits issued, and the amount of potential compliance issues could increase quite rapidly. I instanced these in the briefing earlier. This place passed legislation giving the Health Complaints Commissioner a whole heap more work, in a very challenging area, with no additional resources, in an office currently significantly under-resourced. With the subcommittee on acute health services in our interim report, when we raised this with the Ombudsman his words were 'We were horrified'. He had not been consulted and suddenly his under-resourced office had a whole heap of new requirements to meet. Some were very extensive powers taking away people's livelihoods, without consultation. We were assured in the briefing but I would like to Leader to reassure me that the office of the Director of Building Control is adequately resourced to deal with this and we will not find a heap of backlog happening and compliance issues being overlooked.

They were the key issues I wanted to raise, acknowledging also this is not intended to pick up every person out there offering up a room in their property or their whole property or their shed out the back. They may be offering them up for accommodation if they are not using a platform such as Airbnb, but we will catch a majority of them. I accept that. The biggest complaint in my electorate, and I am sure in others', is that there still does not appear to be a level playing field and that is the issue.

Moving on with the sharing economy and the digital age, yes, you have to work hard to keep up, you have to remain competitive, but sometimes it is the role of government to manage and intervene in this to ensure that there are not massive losers. If we lose houses from the housing market for private rentals and accommodation - and we talked about the challenges on King Island and getting accommodation there - we have a duty to ensure we can house our people. If people do not have housing, everything else falls apart. Housing should be first. If you do not have secure housing, you will not have good health and educational outcomes, and justice outcomes are poor. I make that point in a broad sense.

[5.56 p.m.]

Mr VALENTINE (Hobart) - Mr President, I found the briefing this morning interesting and I thank the Leader for organising that. It is always good to hear from those who are on the ball, have done research in this area and can give us good quality advice. I acknowledge the Institute for the Study of Social Change and its *Insight Eight* report which they provided this morning. Thanks to Professor Eccleston for coming at short notice. It is important we hear from people who are right in the thick of the research end. They can inform us very much.

I note also the inquiry we have at the moment, which is chaired by the member for Launceston. That is proving to be very interesting. I will not touch on much of that because we have not reached the point of reporting yet. It is important we do not reflect on committee deliberations in this Chamber when we have not got to that point.

I want to reflect a little on the question I asked the Treasurer on 6 or 7 June in 2017, just after the Government had decided to go open slather with the share economy. I said to the Treasurer at that time -

We all know the share economy is an absolute boon for some people in the state, but for many it has meant a significant hardship as they try to find affordable rental accommodation.

Have you considered reviewing the legislation that was passed not that long ago to regulate the punters across the state that are participating in the likes of Airbnb and Stayz operations by only allowing rooms in their principal residence to be hired rather than whole homes or units, which, if that were to happen, it might take the pressure off the rental accommodation crisis which exists in some parts - maybe not right across the state. I know that in Hobart it is pretty tight and that drives up rental prices because it is very sought after. Have you considered perhaps taking a measure like that, changing the legislation to make it so that people who are participating in Airbnb and Stayz can only rent out rooms in their principal dwelling as opposed to whole houses?

The Treasurer said in response -

On 1 July the new set of rules will come into play that are under the statewide planning provisions. They will come into play via an interim planning directive which will support this. From 1 July, if it is your principal place of residence, your own home, there will be no permit required regardless of - and in fact I can say regardless of the zone, there are some zones where you are captured - but a principal place of residence up to four bedrooms, as long as it is your residence, there is no permit required. If there is over four bedrooms and it is still your principal place of residence, you will need to go through a permit process.

If it is an investment property there will be a process as well, which you will need to go through. This will only come into effect from 1 July. This will be the first time that we have actually implemented policy in regards to Airbnb and it will come into effect in a couple of weeks.

My observation at that time was: Is that not just going to pass the problem back to local government to work through the permit? How are they going to say to person A who has a house in, say, the Derwent Valley, 'Yes, you can have one', but to a person in Hobart, 'No, you can't'.

The Treasurer said -

No, I am not asking local government to determine.

I asked, 'Are you talking about permits that you are going to provide?'; the reply was -

No, it will be a permitted process whereby if you tick certain boxes in regards to meeting a minimum standard from a health and safety point of view - so you have hardwired fire alarms, the number of people that will be staying in it don't exceed the -

I said, 'I understand all that'; the response was -

All of those. That will then enable you to operate as an Airbnb or on any of the other platforms. What is happening at the moment, and you were in local government for a long period of time -

I said, 'Twenty years'?

He went on to say -

You would recognise there are a lot of properties. I would imagine, that are currently on the market that are being utilised for either short stays or longer stays across this state that have had no consideration, or little consideration has been given, to whether they meet basic health and safety standards.

There was a whole exchange in there. To be honest, at that point, if the Government had restricted it, we would not have many of the problems we have today. That was June 2017. We are now in June 2019 and the rental vacancy rate in Hobart is 0.4 per cent. It is hell out there if you are trying to rent a property.

This bill before us is seeking to do what the Treasurer was saying the Government would put its mind to, and it has. The difficulty is that it is two years after when it opened the floodgates.

Mr Willie - Mr President, there has not been a lot of urgency with this bill either. It was tabled in the other place before Christmas and we are only debating it now in this place.

Mr VALENTINE - That is true. I support this bill wholeheartedly, but I think the policy decision to open the floodgates like that was absolutely the wrong decision at that time. They should have started small and then built up.

Everybody understands the share economy. It is with us. We see it in the taxi industry, we see it in all sorts of ways. It is a way of life and that is the way the world is going. We all understand that, but when it comes to legislating to control it, I really wish the Treasurer had held back a little bit before opening the floodgates so wide so that whole houses could be used in what is called the share economy. Sharing is sharing a part of your home, not a whole house. I am not saying that you cannot share whole houses. That is possible, but the secret to this is that local government should be brought into this.

Whatever is a problem in Hobart and whatever the type of problem we have in Hobart, as the member for Murchison was pointing out too, it is going to be different in St Helens, as the member for McIntyre will tell us. There are lots of shacks and people do not use their shacks all the time. They might want to rent them out for three, four, or five months as short stay accommodation and there are companies that manage that for people for a dollar. That is not going to take housing away from people because no-one rents out their shack full-time to renters. They do not. They rent it out for short periods so that is not going to affect the likes of St Helens with their shacks being let out. But can you imagine being a worker in St Helens trying to find a place to stay, especially if you are a tradie -

Ms Rattray - Working on the St Helens hospital.

Mr VALENTINE - Who is trying to work on the St Helens hospital? It is a difficult thing when somebody says, 'I am sorry, I have been looking for a house for the last six months and I can't find one; I'm parked in one of my rellies' lounge room because I can't find space', or someone says they are in a tent at the caravan park because they cannot find a space. It is a real problem. This will give some valuable information to government, but it is important before policies are set in stone, like they were two years ago, that we take the time to understand what indeed the forward impact is likely to be.

I will support the bill wholeheartedly; I do not have a problem with this. It is the first of what should be quite a number of pieces of legislation that should be used to control the share economy. Our island does live quite substantially off tourism, especially in some of those coastal areas where people flock, and the Government has to set the policy levers right. I hope they think next time they approach something to do with the share economy, and they take a good hard look at how they approach.

Ms Rattray - Perhaps there should have been a look at what was happening in other countries, because this is not unique to any one country.

Mr VALENTINE - They go around knocking on doors asking whether the person is a resident or not. Of course, if you are a visitor and say no, they fine them if they are not registered properly

and do not have a permit. It is obviously worth their time and effort to do that and with the amount they pay a group of individuals to go around knocking on doors, they soon earn their money because they find a lot of people flying under the radar. Anyway, I support this.

[6.07 p.m.]

Mr ARMSTRONG (Huon) - Mr President, I support the legislation. As we were told in briefings today, local government and government agencies are working in the dark at the moment regarding short stay accommodation and they need to get information. This will help them obtain the information. It will be evidence-based information so they will know what they are talking about.

Richard Eccleston said he was confident it will catch the data needed to draw up the legislation required. Other members have touched on LGAT so I will not go there. It is also making sure everybody will play by the rules when this legislation is finally drafted, through the information obtained.

In the Leader's second reading speech, she said penalties apply for providing false or misleading information. Who determines what is misleading information? What guidelines are in place to ascertain what is misleading? I am curious because so many people can say something is misleading. There is a substantial fine if somebody puts up misleading information.

Ms Rattray - Perhaps if there is a bathroom out the back, it is not really in the house and they do not identify it, then a guest could complain.

Mr ARMSTRONG - Misleading, it is pretty broad, is it not? Is there something there or an example even? I will support the legislation.

[6.10 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have quite a few answers that cut across a few different members. The member for Mersey and the member for Launceston talked about the impacts on councils. The bill places no additional obligations on local councils. Local councils are not required to enforce the bill as this responsibility lies with the Director of Building Control, not local government.

Ms Armitage - You were saying it puts no extra responsibility on councils. I have to differ to say they now compare addresses with permits they have. That certainly is an extra layer of responsibility. Is the Government prepared to assist councils with extra funding if they find they cannot manage?

Mrs HISCUTT - I think I have that in the answer further down; you will have to hang on a minute.

Ms Armitage - But it is extra responsibility.

Mrs HISCUTT - Instead the bill provides a significant resource for local councils in undertaking their normal duties, under the Land Use Planning and Approvals Act 1993. The bill provides significant assistance to local councils in determining compliance with existing planning requirements for short stay accommodation under existing planning legislation. Undertaking planning enforcement is an obligation local councils already have under LUPAA. The bill takes the guesswork out of identifying short stay accommodation. In undertaking their enforcement roles,

local councils will no longer need to scan the various short stay accommodation listings on booking platforms to determine where they are located, how they are used or whether they have the required planning permit.

Information obtained under the bill will provide local councils with the street address for existing short stay accommodation in the residential zones, information on how they are used and whether it has a planning permit. This is invaluable information for undertaking enforcement. Government will also assist councils, where necessary, but it is important to note councils already have the responsibility to enforce their planning schemes under the provisions of LUPAA. This bill will provide the data to assist in that task.

The members for Launceston, Mersey, Windermere, Murchison and Elwick spoke about how the bill will be implemented with the education plan. The implementation of the bill will be accompanied by comprehensive education material. The following draft material has been prepared by the Department of Justice's Planning Policy Unit to assist with implementation. There will be a single page information flyer, alerting the public to the new legislation on short stay accommodation in Tasmania and providing advice on where to access further information. There will be a fact sheet, providing a general overview of the bill, including the purpose of the bill, applicable short stay accommodation, information requirements and the obligations of the short stay premises providers and booking platform providers, how the information will be used and applicable penalties for noncompliance.

There will also be individually tailored information packages for short stay premises providers and booking platform providers, outlining the applicable premises and platforms, information requirements, their obligations, how the information will be used, applicable penalties for noncompliance, the templates for providing the relative information. There will be a fact sheet providing an overview of the existing planning compliance and enforcement provisions under the Land Use Planning and Approvals Act 1993. This education material will be available on the Tasmanian Planning Reform website and will link to the existing fact sheets and information packages on the current planning requirements for short stay accommodation.

The Government will work with booking platform providers during the transition period to assist with the distribution of information to existing and prospective short stay premises providers and ensure all parties are aware of their obligations, under the bill. The Government will also work with local government to distribute the information received from the booking platform providers and establish appropriate reporting on enforcement through the Department of Premier and Cabinet Local Government Division. Data on enforcement and analysis of information received will be reported to parliament at appropriate intervals, following the six-month transition period.

Just as to why we are doing this before the member for Launceston has handed down her findings on your committee, the bill is complementary to the Legislative Council select committee inquiry into short stay accommodation in Tasmania.

It will collect information relating to matters identified in the terms of reference, including the growth of short stay accommodation in Tasmania, impacts on the housing sector, compliance with land use and planning requirements. Specifically, the bill will provide a better understanding of the extent and use of housing for short stay accommodation in Tasmania.

Information collected is policy-agnostic, so the settings in the PDG could change, and the information would adjust accordingly, as it only collects what is listed and allowed.

The member for Murchison asked about land tax. Land tax implications are separate from the planning and building requirements and are unrelated to the bill.

Information on any land tax implications was provided in the comprehensive information package released for the introduction of the planning reforms for short stay accommodation in 2017 and again in 2018. The information package also provided information for hosts on a range of other matter to consider including property, contents and public liability insurance, council rates and electricity tariffs.

The information package clearly outlines that where principal residence land is used for purposes other than as the owner's principal residence, then land tax may apply. Links were provided to the State Revenue Office website, which provides further information on land tax classification. Importantly, it is important the hosts are aware of these requirements and seek the necessary guidelines from the State Revenue Office similarly for any insurance, council rates or energy costs.

The bill does not capture information that predates the operation of the bill. Information obtained will only be on a quarterly basis and the bill limits it to that. The bill limits the use to the planning and building enforcement purposes, the analysis purposes for considering or determining policy on housing and the use of housing for short stay accommodation and the preparation of reports and other documents for these purposes.

The member for Murchison also asked about will the bill fix the problems. This bill will provide the data, to know what the real problem is, and the member for Elwick touched on this. It will tell us where the problem is and where it is actually occurring. It is fundamental to good evidence-based policy. For the Director of Building Control, this will complement the audit program he already undertakes on health and safety requirements. It will also provide a complete dataset, so the Director of Building Control audits are fully comprehensive and fully equipped to undertake their role as required by this legislation and the Building Act 2016.

The member for Huon asked who determines misleading information. For the permit put up, there will be an audit done by CBOS. This audit will determine if there are any inconsistencies. I thank members very much for their contributions. This bill is definitely a start on data collection to see how big or how small, or obtain an accurate reflection on what is going on out there. I thank members for their contributions.

SHORT STAY ACCOMMODATION BILL 2018 (No. 66)

In Committee

Clauses 1 and 2 agreed to.

Clause 3 -
Interpretation

Mr DEAN - Madam Chair, I raised this during the briefing session. It is a bit difficult to understand and get your head around some of these definitions. I guess they had to be set out like this but I am not quite sure how some people will interpret them.

I just want to look at the interpretation of 'short stay purposes'. It says -

In relation to short stay premises, means the purpose of enabling, under a short stay customer arrangement, the occupation of the premises for purposes that include overnight accommodation;

In the briefing this morning I raised the question of what will constitute 'short stay purposes' for the purposes of a business being declared or having declared itself as a bed and breakfast.

You get the position of people who will go away and will rent out their premises for a week, two or three weeks, and that can happen three or four times during the year. I was told that will be a decision and a matter for the council to determine. I am not sure whether I have that right or not. I probably have it wrong. My question from that is again: what actually determines whether the premises should be registered or listed as a bed and breakfast premises?

Mrs HISCUTT - I can give you the definition and what the bill will determine.

Short stay accommodation refers to premises that are let out to paying guests for overnight accommodation, generally to people who are on holiday or on vacation. This may be for a very short period, one or two nights, or for an extended period of a number of weeks.

The term 'short stay' generally describes the accommodation as being on a temporary basis. The bill defines 'short stay premises' as an applicable premises for which the owner or occupier, or an agent acting on their behalf, enters into, or seeks to enter into, a short stay booking service arrangement with a booking platform provider.

A short stay service arrangement is the formal contract or arrangement that the short stay premises provider makes with a booking platform provider to advertise and book a short stay premises under a short stay customer arrangement.

For example, if people take their six-week break in winter, head to Queensland and they say, 'Mrs Smith, would you like to stay at our place?' or they know someone, it will not be captured in here because they are not on a platform. You have to be on the platform before you are captured.

Mr DEAN - That is the point I make as to when they have to be on the platform. If they go away during the winter, they go away for three weeks, rent their house out. Then some people, retirees in particular, in another three months time will go away for another three weeks or four weeks, rent their property again. They will do that continuously. So, if they do not list it, it just does not become one, is that it? It can virtually act as a bed and breakfast but without the registration.

Mrs HISCUTT - The basis is that if you are on the platform, you will be registered; if you are not, you will not be registered. You will not be recorded. If you happen to be doing the wrong thing with whatever, insurance or whatever, you may or may not be caught out. That is not the purpose of this bill. This bill is to capture those that are on the platform.

Mr VALENTINE - I just want to get this on the record as to what (b), under 'excluded premises', relates to. Excluded premises is what the definition is about. It means -

- (a) premises that are constructed or renovated for use as a hotel, motel or caravan park;

Well, that is easily understood. Then (b) -

premises that are prescribed for the purposes of this definition or that are within a class of premises that is prescribed for the purposes of this definition;

I would say that is not a catch-all but is allowing types of accommodation to be listed if they had been initially missed. Could you clarify that?

Mrs HISCUTT - The meaning of prescribed is that has to be captured in regulations. However, during implementation other types of short stay accommodation outside of the scope of the bill may become apparent. This range of short stay accommodation will only become fully apparent upon implementation of the bill. It is important that flexibility is available to carve out those that are not relevant.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Clause 6 -

Short stay premises provider to provide certain information to booking platform provider

Mr DEAN - I take up the point raised by the member for Huon in his second reading contribution, in reference to clause 6(3) which refers to information that is 'false or misleading in a material particular'. I always have concerns where legislation contains similar wording.

A person can give information, particularly in the area of material particular, that could be found to be misleading at the end of the day. They do not knowingly do that; they provide the particulars; they provide all the evidence they believe to be necessary, but they could find out at a later stage that the information they provided was false.

In the way this is written, those people could be in jeopardy and they could be charged with an offence and, in this instance, suffer a 50 penalty unit fine.

Mrs Hiscutt - While the member is on his feet, do you want to know the difference between false or misleading and perhaps a mistake?

Mr DEAN - Well, yes, I do. As I said, because it clearly sets out here, 'if the information is false or misleading'. It does not make any delineation between deliberately providing false or misleading information, it simply says if it is. That could be found out later on when inspections and things are done. If that occurs, it could be found that the information provided was not right, it was misleading.

Ms Armitage - Maybe we should do an amendment.

Mr DEAN - No, I am simply asking for an explanation.

Mrs HISCUTT - The information collected is fairly basic information. It is easy to determine if it is misleading. Questions like, do you have a permit, yes or no? It would be misleading if you did not have one and you put yes. What is the permit number? That is a simple put the number in and if you do not have permit and you put a number in, that is definitely misleading.

Another question might be how many bedrooms do you have. You might put one but you are renting out four or five. That is misleading.

Ms Armitage - It could be you might have four bedrooms, but you might have one as a study which could be four bedrooms or five bedrooms.

Mrs HISCUTT - No, you might only be renting out one bedroom or two bedrooms or three bedrooms or four bedrooms, not your study. It is what you put on there. If you say you are renting out one bedroom and you get inspected or you have a secret shopper come and there is four bedrooms, then it is obviously misleading.

Ms Armitage - It is just for clarification.

Mrs HISCUTT - Another question would be, do you live there? That is a simple one, yes or no. The questions are not complex, basic and simple and if you cannot get those simple ones right then, maybe it is misleading.

Mr DEAN - There are some issues a person would know and very clearly to not state those facts, would be to mislead, but there are some areas they may not know and not deliberately set out to mislead.

Mrs Hiscutt - Could you give me an example of what you are thinking? I mean, the questions are simple.

Mr DEAN - I will ask this question first of all. It does not matter how many beds there are in a bedroom, and there could be four beds in a bedroom or five beds in a large area that could be considered to be a bedroom, so it is simply just considered a bedroom. I cannot think of an example at this stage. I simply raised that as an issue, but accepting your reply.

The transition period. I take it the six-month transition period is simply there to provide the opportunity to allow everybody to have it registered and do all of those things that need to be listed and so on, that is specifically what it is all about.

Ms ARMITAGE - To clarify and make it really simple. We are talking about bedrooms and beds, so is it how many bedrooms you have in your house or how many bedrooms you rent out?

Mrs HISCUTT - I think we have determined it is not how many beds you have in the bedroom, it is how many rooms you rent out.

Ms ARMITAGE - You still did not quite answer my question. I was not asking about the beds in the rooms. It is the bedrooms you rent out.

It is the bedrooms you rent out, not the number of bedrooms you have in the house. You might have six bedrooms, but you might have six rooms that could be bedrooms, two you do not class as bedrooms, so you are up for four and two you rent out and two you do not. Do you understand?

Mr Valentine - You might also have a lounge room.

Mrs HISCUTT - It is rentable rooms. It is what is advertised on the platform. So, if you say you are renting out two rooms and a secret shopper or an inspector comes and you are renting out four rooms then you have misled.

Ms Armitage - But you can have four bedrooms in the house.

Mrs HISCUTT - You can have as many bedrooms as you like. It is how many bedrooms you rent out.

Mr DEAN - I can give you an example. Where a person identifies they have - and I take it from what the member for Launceston raised - where a person has five bedrooms, they are renting out three. However there comes a time when people turn up unexpectedly or a couple of extra people arrive and they then rent out the fourth bedroom. That is not deliberately misleading when they are giving all of the facts and the information necessary, but on that occasion, they do and might do it two or three times. If that is the case, are they then required to make some amendments albeit they have no intention to permanently rent out that fourth bedroom?

Mrs HISCUTT - It is the planning permit controls that would govern that, not this bill. They would be doing the wrong thing. If they got caught out by CBOS they may or may not be in trouble, I cannot pre-empt that. If you have a spare room that you may rent out from time to time, if that happens, it is a simple matter of going back onto the platform and hitting four or three, just upping a number. If it was me I would be going for the maximum number rather than the minimum number, just in case.

Clause 6 agreed to.

Clause 7 -

Booking platform providers to provide relevant information to Director of Building Control

Mr WILLIE - My first question on this clause is, when it comes to booking platform providers, this bill includes penalties of up to 100 penalty units per offence for each listing with recurring penalties for noncompliance for booking platform providers for listing properties without receiving or displaying the relevant information. That is 100 penalty units at 15 900. Yet this fine is at 50 penalty units.

I am wondering why there is a discrepancy? I know it is for a different thing, and they have to provide the information to the Director of Building Control, but why has the Government chosen to have a step-down fine? Why not keep it consistent?

Mrs HISCUTT - Basically it is to keep the penalties similar to other acts. They are given 30 days to produce that information and the fine is similar to other acts, that is why it was chosen.

Mr WILLIE - Can the Leader give some examples of the other acts? For consistency in this bill you would think it would be the same fine for the booking platform provider.

Mrs HISCUTT - Madam Chair, we relied on advice from OPC that this was a suitable penalty to apply. One is of a lesser offence than the other, as it was deemed by OPC. I will just read out the reasoning behind it -

A maximum of 100 penalty units for entering into a formal agreement with a short stay premises provider, or their agent, to advertise and take bookings while not displaying the relevant information on the platform required by the Bill. Penalties apply for each non-complying listing along with the recurring penalties of up to 10 penalty units for each day of non-compliance.

With the other one, a maximum of 50 penalty units if the booking platform provider does not supply the relevant information required by the bill to the Director of Building Control within 30 days at the end of each financial year. That was based upon OPC advice during their drafting that it was appropriate.

Mr Willie - You said other acts and I asked you for some examples.

Mrs HISCUTT - I can give you that information later but the advisers here do not have other acts here with them. It was information provided by OPC that this is relevant.

Mr Willie - That was your argument, that there were other acts and you cannot provide examples.

Mrs HISCUTT - That is what OPC's argument was.

Mr WILLIE - I am happy to let this one go through but I would like the information later from the Leader. You cannot state something in this House and then not be able to provide an example of it. Perhaps you could take that on notice.

Mrs Hiscutt - We will check with OPC and get back to you.

Mr WILLIE - I would have thought with some consistency in this act you would fine the same for the booking platform provider, whether it was failure to show the permit or provide the information.

Mrs Hiscutt - While the member is on his feet, that offence is seen as a lesser offence than the other one.

Mr WILLIE - I have found my new favourite recurring question. I want an ironclad guarantee from the Government that if a booking platform provider breaches the 30 days and does not provide the information to the Director of Building Control, the Government will enforce the fines. I want an ironclad guarantee because I will ask this question over and over in various forums.

Mrs HISCUTT - It is generally the purpose of introducing this bill to have that done. On the ironclad agreement, it is the purpose of the bill.

Clause 7 agreed to.

Clauses 8 to 10 agreed to and bill taken through the remainder of the Committee stage.

ADJOURNMENT

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

That as its rising, the Council adjourn until 11 a.m. Thursday 23 May 2019.

Motion agreed to.

Peter Ross Schulze - Tribute

Ms FORREST (Murchison) - Mr President, I rise to make a brief contribution to recognise one of our former members who passed away a couple of days ago. Mr Peter Ross Schulze was the member for Gordon, an independent member. I want to give you a little bit of his history and some of the typically characteristic aspects of Mr Schulze.

He was born in Queenstown, a true west coaster, on 6 November 1935. He was an engineer at the Mt Lyell copper mine and he brought that great depth of knowledge from his work as an engineer in the mine to this parliament. He was married for 62 years to his wife Jen.

He was educated in Queenstown until he went to Devonport High School and then to Hobart Technical College. He was truly passionate about the west coast. Those of you who knew him would recognize that true passion he had for the west coast.

He had a diploma of electrical engineering and he was also on the Queenstown Council and was warden between 1980 and 1983. He was a Fellow of the Institution of Engineers Australia.

This information was provided by the Parliamentary Library and Parliamentary Research Service about his life. Back in the day when he was elected, you filled in your own form that gave your history. It is really interesting. On this form, considering you are filling it out yourself, it has your date of death and your place of death on it. He did dutifully fill that out; it said, 'Death date: not yet' and 'Place: not yet determined'. That shows a bit of the character of Peter Schulze; he was that sort of fellow who would make light of those circumstances.

I am going to refer to some of the media articles relating to his election and subsequent departure from this place. A story written by Kerry Pink in the *Advocate* of 30 May 1988 said -

Retired mining engineer Mr Peter Schulze, 52, of Queenstown, is the new member for the West Coast seat of Gordon in the Legislative Council. Mr Schulze topped the poll on primaries only 59 votes ahead of Strahan candidate His Grace, the Most Noble, the Duke of Avram, John Charlton.

He did have a few tilts at that seat, members might recall -

But in a close tussle to the wire, Mr Schulze was elected after three candidates had been excluded and their preferences distributed. Mr Schulze gained more than an absolute majority of 2455 after the exclusion and distribution of preferences of Messrs Ian Jamieson, Independent, Mr Bruce Dilger, Independent,

and Mr Terry Reed, ALP. The Duke, 44, remained in the running to the final count.

I thought that was a lovely recollection of his first election. *The Westerner*, one of our little papers that no longer exists, for 2 June 1988 said -

On June 21, Peter Schulze will take his place on a plush couch in the Legislative Council chambers in Hobart, ready to start his six-year term as representative for the West Coast. Mr Schulze would be more at home underground at Mt Lyell, where he spent most of his working life, than in such formal surroundings with 18 other councilors.

Remember at that point there were 19 members -

But at 52, Mr Schulze decided his long-standing mining experience and wide knowledge of the area through his local government work could be put to better use representing the area he has lived in and loved most of his life.

He claims to have knocked on nearly every door from Gormanston to Savage River -

If he did, that was no mean feat, knowing the distances between - and the roads were not that good back then -

... and to have sent out more than 1000 letters on his policies and views to West Coast homes.

The article goes on -

After the election win, Mr Schulze slammed sections of the media for tarnishing his campaign by branding him a Liberal Party candidate. Mr Schulze, who stood as an independent, said he had been haunted by the Liberal Party label ever since he stood on the steps of the Queenstown Memorial Hall as Queenstown warden, with Eric Reece and Robin Gray to support them on the Gordon-below-Franklin Dam issue.

'The media tried to polarise the election into a party one through their non-understanding of the West Coast situation,' he said.

Mr Schulze added that sections of the media failed to realise that people on the West Coast have always voted more on people and issues than party politics.

They still do - that was not in the article, I just put that bit in.

Mr Schulze has pointed out that one of his primary objectives in Parliament would be to work on West Coast mining development and land use for further exploration.

Mr President, he continued to be a fierce advocate for the west coast. He brought that great knowledge of direct involvement on the west coast and fully understood the challenges of

representing an area so remote. In another article from 30 May 1994, in the *Advocate* also, the headline is:

Schulze retains seat, pollied pay rise issue in Hobart

West coast Legislative Councillor Peter Schulze received a strong vote of confidence in the weekend's Upper House elections capturing 58 per cent of the vote.

The whole article is about the impact of the 40 per cent pay rise - '40 per cent never forget' - when we saw Doug Parkinson elevated into this place at the expense of the then sitting member, Mrs Jean Moore, the only female member at that time, who lost her seat, which was blamed on that issue.

He went on to lose his seat through the process of the reduction of members. He wrote an opinion piece that was published in the *Advocate* on 31 May 1999. I will not read all of it but I want to read parts of it because, again, some things do not change.

Having just been retrenched, this will be my last article, so I guess I should explain how it all happened. The first thing to go was my electorate, the West Coast seat of Gordon. That happened about four years ago when under the noble guise 'one vote, one value', an additional seat was gained for the State's south at the expense of the West Coast seat, giving the south dominance over the north. It's what you would call electoral rationalism and again, the bush miss out.

He was very critical of the tribunal established under legislation at the time to oversee that process. Other members understand some of that. He was particularly critical of that process. Mr Schulze continued -

During the debate on the bill establishing the tribunal, I sought to amend the legislation to take away the tribunal's power to shorten elected terms. I was unsuccessful. But then, what's new? I have often been out of step with my parliamentary colleagues so maybe it is time to go.

It is an interesting thought to note that if the Upper House was ever done away with, or control of it gained by the party in government, then quite lawfully the Government could extend its elected term indefinitely. There is nothing in the Constitution to protect democracy at State level.

In leaving Parliament, the thoughts of Omar Khayyàm, my favourite bard, come to mind:

'But leave the wise to wrangle, and with me

The quarrel of the universe let be:

And, in some corner of the hubbub cachet,

Make game of that which makes as much of thee.'

That was his view of his demise and loss of his seat in what was quite an unfortunate way to leave this place. The interesting thing was that part of that process was that financial compensation was provided to members who did not get to serve out their term. He donated \$10 000 of his compensation to Camp Quality. I will read a bit more about what he talked about.

The veteran MLC, who will still leave Parliament with a superannuation payout of about \$350 000, said he didn't want to be paid for not working and dubbed the Redistribution Tribunal the 'retribution tribunal'. Mr Schulze said he chose to donate to Camp Quality because his own daughter died of cancer three years ago.

'It just gives great hope and inspiration to help people, not just to a child who might have cancer, but to parents who are battling through as well,' he said.

'For them to be able to be given quality in those last weeks or years that they have is just the greatest thing that we can do for them.'

Members may be aware that Mr Schulze himself suffered from cancer in his later years.

His wife, Jenny Shulze was very proud of her husband's work. She did threaten apparently - according to the media reports - to leave him if he did stand for the Legislative Council, but she never followed through on that. She stuck with him and I want to read from an article here where Mr Schulze notes his most noteworthy achievements, as he saw them in the upper House.

I never missed a sitting day in the 11 years I was there. I don't think there are many members who can say that. I also served on more committees than any other member during my time. I served as chairman of the Public Accounts Committee throughout the investigation into whether the Hydro should be sold and since it was our findings that led the Liberals to call an election, I guess I can claim a bit of credit for the Hydro not being sold. One point that Mr Schulze thought was important to be made, was the time he spent on the West Coast, during his time in the Upper House. 'I think I only spent five weekends in Hobart in 11 years', he said.

Imagine the travelling that required for him on those roads.

I did a lot of travelling to and from Hobart but I think I did more between the West Coast towns and Waratah and Savage River, which were also part of Gordon. As well as enjoying retirement, Mr Schulze said he would still look for a part-time role on the West Coast, maybe in the mining industry. He said he may also play more of a monitoring role of the local council.

He continued to be involved in the local community. He also wrote a book, members may be aware of. It is called *An Engineer Speaks of Lyell*, and he writes about the Mt Lyell disaster, one of the most tragic mine disasters in Tasmania or the most in Tasmania's history. I understand that was a real challenge for him. It is important to remember this place should reflect our society more broadly and we are not all the same. We are a fairly homogenous group in here when you look around, but I want to read a little bit of the foreword of his book. It said -

The greatest downside to the project was my lack of ability with the written word. I always struggled at school with this deficiency, never passing in English

Expression exams in my first 4 years at High School. I also failed in my Leavers Year, but was given a supplementary exam. For that examination, I was coached by day and night by the ever patient English teacher Keverell Bott. I just scrapped through with a sympathetic examiner! In those days, English Expression was a required subject for any further professional schooling! This weakness of mine was also why I preferred maths and science. In their examinations were fewer sentences to put together.

For a man who identified in that way, he wrote a book. He represented the people of Gordon here for many years and is a credit to the state.

It is with sadness we farewell him and I will finish with his death notice from the paper because it says so much about him. He was always willing to talk to me about matters of the west coast. He was really keen, when I was elected, to ensure I understood the challenges of the west coast, not living there, but visiting there very regularly. It says -

Schulze, Peter Ross - 6.11 1935 to 21.5 2019.

Passed peacefully at Sandhill Nursing Home. Dearly loved and loving husband of nearly 62 years to Jen. Fantastic father to Susie (dec) and Lee. Wonderful father in law to Scott. Loving brother and brother in law to Ray and Ruth Schulze and Di and Gil Foxcroft. Beloved son of the late Ern and Vera Schulze, Devonport. Loved son in law of the late Keith and Ethel George, Hobart.

Brilliant Advisor to so many and a loyal friend. Thy will be done. Think of me and smile.

I offer my sincere condolences to his family and will pass on the *Hansard* of this to his family.

Members - Hear, hear.

Mr PRESIDENT - I thank the member for Murchison for her contribution and I am sure all members send their thoughts to the Schulze family at what will be a difficult time for them.

The Council adjourned at 6.59 p.m.