

**Tuesday 27 November 2018**

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

**LEAVE OF ABSENCE**

**Member for Elwick**

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

That the honourable member for Elwick, Mr Willie, be granted leave of absence from the service of the Council for this day's sitting.

**Motion agreed to.**

**SPECIAL INTEREST MATTERS**

**Menzies Institute for Medical Research**

[11.04 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, I thank you for arranging our recent and interesting tour of the Menzies Institute for Medical Research here in Hobart. The University of Tasmania - UTAS - established the Menzies Institute in 1988 with support from the Menzies Foundation and the Tasmanian government.

Its primary purpose was to address health issues facing the Tasmanian community. After several iterations, it became the Menzies Institute for Medical Research in 2014. From modest beginnings in 1988, the Menzies quickly gained an international reputation for its innovative work into the link between the sleeping positions of babies and sudden infant death syndrome. From this, its research expanded with population health and epidemiological research programs being developed.

In 2006, the institute expanded to include both clinical and basic science to strengthen the quality of its research. This was significant in transforming Menzies into Tasmania's premier medical research facility, attracting high-quality researchers and forging links nationally and internationally. To support this growth, Menzies opened two state-of-the-art buildings:

- In 2010, Medical Science 1 - a new \$58 million premises funded by the Australian and Tasmanian governments, the University of Tasmania and Atlantic Philanthropies with state-of-the-art laboratories and research equipment not previously seen in Tasmania.
- In 2013, Medical Science 2 - a new \$90 million premises built with funding from the bodies associated with MS1, transforming the site into a comprehensive medical research precinct with a superb biomedical and clinical research facility. The planning process, Mr President, was an interesting time.

Together, these two buildings form the University of Tasmania Medical Science Precinct, helping Tasmania remain at the forefront of medical research, clinical translation and education well into the future.

The Tasmanian Government named Menzies a Tasmanian icon in recognition of its scientific achievements and place in the community. Icon status brought prestige and infrastructure funding that has allowed Menzies to continue to expand its research programs. Menzies contributes significantly to knowledge about the prevention and treatment of diseases such as arthritis, cancer, multiple sclerosis, cardiovascular disease, type 2 diabetes, osteoporosis, mental health, obesity and dementia.

Tasmania provides a stable base for Menzies researchers while they also undertake studies with national and international researchers. This is all in the context of an island community that has limited funding for health care and specific challenges relating to disadvantage. The knowledge gained is translated into health policies, training and recommendations for treatment, and the education of future research scientists, clinicians and health professionals.

Some of the significant breakthrough research includes these notable discoveries -

- key evidence on the link between babies' sleeping position and sudden infant death syndrome, as I mentioned before
- genetic markers linked to men's risk of developing prostate cancer
- children exposed to their parents' cigarette smoke may suffer an irreversible impact to their cardiovascular health later in life, which may interest the member for Windermere
- higher vitamin D levels associated with a lower relapse risk in multiple sclerosis
- childhood obesity does not permanently increase cardiovascular risk if obesity in adulthood is avoided
- nerve cells in undamaged parts of the brain can remodel themselves in response to acquired brain injury
- platelets found in the blood kill the malaria parasite during the early stages of a malarial infection
- development of risk algorithms for prediction of heart failure in persons at risk of heart failure
- risk assessment for hospital readmission in patients with heart failure.

It is a most impressive list that the institute is rightly proud to stand by.

I put in a request for figures on state Government funding for its work and these were kindly provided by Mr Peter Hicks, the business manager at Menzies. Thank you to Peter. These are as follows -

- Tasmanian icon funding - \$500 000 per annum to support the costs of research. However, this has remained at \$500 000 since 2000, 18 years ago. It should be noted that every

nationally competitive research grant awarded to the institute costs additional money for the full cost of salaries and indirect costs. They need all the help they can get.

- Existing service partnerships paid by the state Government to Menzies to undertake agreed services, noting these are not research grants.
- The Tasmanian Cancer Register - \$320 000 per annum, and it is legally required.
- Tasmanian Data Linkage Unit - \$250 000 per annum, which is federally funded via the Tasmanian Health department.
- Translational research agreement - \$210 000 per annum for impact-based and partnership-developed research to support Tasmanian health issues.

There is also a developing partnership - a leading University of Tasmania engagement in the Tasmanian collaboration for health improvement initiative - which will also be submitted in March 2019. No funding is attached, but it will give national recognition to the Health department, Primary Health Tasmania and the University of Tasmania. It is very significant.

Professor Tony Cunningham AO, President of the Association of Australian Medical Research Institutes, said that for every dollar invested in medical research, we gain a \$3.90 return to the economy. That is pretty good. KPMG Economics identified in an October 2018 report that the Australian medical research sector employs more than 110 000, so quite a sector. It is interesting when we ferret out the funding provided by the Victorian government and compare it to Menzies. In the 2016-17 financial year, that state government provided \$26.1 million to 10 independent research institutes through a program that helps fund services and infrastructure to support research activities not covered by research. In 2017-18 funding for the program increased to \$34.1 million, indexed annually. There is a message here. If Menzies were the only government-funded research facility in Tasmania, on a per capita basis Victoria invests five times as much as Tasmania to support critical medical research. We may not have the total Tasmanian picture because organisations like Clifford Craig may receive some dollars.

Good be upon the Menzies Institute for Medical Research for an amazing job, for the sake of our health in Tasmania, and across the globe. I suggest their mini needs an upgrade to a maxi-taxi with some fuel added to boot.

### **Police Remembrance Day**

[11.12 a.m.]

**Mr DEAN** (Windermere) - Mr President, I am certain no-one here today would deny that the job of police officer can be extremely dangerous. Police are often put in the line of fire while carrying out their duties of protecting people and property. The families of officers often live with the continuous worry their loved one is out there every day often putting themselves at risk in unsafe situations to protect others - to protect you - never knowing whether their loved one will return home, or if they do, in what condition. It is a tough life to live, both for the officer and the family. I have said many times that a police officer has no choice when trying to avoid a violent or dangerous situation. They must confront it and confront it head-on.

Police Remembrance Day is held on, or close to, 29 September every year. It is an important commemorative day for police and their families. It is also an important day for society to acknowledge and pay tribute to the work police do and the sometimes tragic outcomes of this work.

On Police Remembrance Day police wear the traditional blue-and-white chequerboard ribbon, officially recognised as a symbol of remembrance. It symbolises respect for the fallen, acknowledges the tragedy that sometimes comes with being a police officer, and silently offers support to the loved ones of the fallen.

Hundreds of parades and services are held throughout Australia and the south-west Pacific to commemorate and remember those officers who paid the ultimate sacrifice in carrying out their duty.

As I do each year, I attended this year's Remembrance Day at the Tasmania Police Academy. The member for Pembroke was there. As usual the service was well attended, and a very poignant and reflective time. In this year's service, special mention was made of the R U OK? initiative, acknowledging that being an officer in the police service can be very damaging to a person's mental health. The job is hard, and unless you are a fellow officer, no-one really knows how hard it can be.

The Tasmania Police honour roll, started in 1817, now lists the names of 183 Tasmanian police officers killed in the line of duty or who died while in service. Two of those killed in the line of duty were my very close working companions, Detective Senior Constable Chesterton and Sergeant Butcher. They were both killed while attending a suspected foot-and-mouth disease outbreak on the West Tamar. Detective Chesterton worked with me; I was his boss and was hospitalised at that time.

Several of those on the honour roll went through the academy with me. My emotional position was clearly evident at this year's Remembrance Day, as it is at every Remembrance Day.

In support of Police Remembrance Day, in 2006 the National Police Memorial was opened in Kings Park on the shores of Lake Burley Griffin in Canberra. This was a joint project between the Australian Federal Police, state and territory police and the Police Federation of Australia. This memorial supports Remembrance Day by paying tribute to Australian police officers killed on duty or who have died as a result of their duties. The memorial consists of a concrete wall with 1200 touchstones listing the names of over 700 officers who have fallen to date. Behind the wall flies the Australian flag as well as the eight police jurisdiction flags, in order according to their officially recognised foundation dates.

Each year hundreds of motorcycle riders travel on the Wall to Wall Ride from every capital city in Australia to the national memorial to raise funds for the many police-related charities as well as promoting safe and lawful motorcycling. These events and the memorial all go toward honouring those people who decide to spend their life in the service of others, protecting the community, sometimes to their own detriment.

The event in Bourke Street, Melbourne the other day gave real meaning to what is expected and, in fact, required of police. There is no backing away from any incident. Their oath of office requires that they protect life and property, and that they put their life at risk to protect us. Where a life is taken, it behoves us to give appropriate recognition of that ultimate sacrifice. That is what

National Police Remembrance Day is about. It is an issue that is obviously close to my heart but I believe it should also be in the forefront of the mind of every citizen in this country.

### **Tribute - Robyn Colson**

[11.17 a.m.]

**Ms LOVELL** (Rumney) - Mr President, I speak today about a devastating story of one family's loss and how this has been turned into an opportunity to advocate for improvements in workplace safety. I know that most of the time special interest items are used as an opportunity for members to recognise good news stories, but this is an important story that should be brought to the attention of the parliament.

Robyn Colson is a mother. On 8 October 2007, Robyn's son David was working as a deckhand for an abalone diver near Smithton. At the time David lived in Warrane; he was 24 years old and was an experienced deckhand and abalone diver. Over the course of the dive, the fine weather deteriorated somewhat and the vessel took on more water than either of the two men on board had realised. David and the other man on board made many attempts to remove the water and to return safely to land but, tragically, they were unable to do so. The vessel overturned. The two men attempted to swim to the closest land, Perkins Island, but David succumbed to the freezing water and died as a result of hypothermia.

It goes without saying that Robyn was devastated at the loss of her son, but this was further compounded when she discovered that under current Tasmanian law nobody would be held accountable for the death of her son. Robyn turned her focus towards trying to ensure that no other family would go through what she has been through. She started lobbying politicians, calling on them to strengthen workplace safety provisions for contract and subcontract employees, and to introduce industrial manslaughter legislation.

Robyn started a petition that has now collected over 1300 signatures. She made a submission to, and appeared before, the Senate inquiry into the prevention, investigation and prosecution of industrial deaths in Australia. She has dedicated an enormous amount of time and energy to campaigning for positive change.

Robyn has tried over and over to have her story and David's story heard but has felt at every turn that it is falling on deaf ears.

In Australia in 2016 there were 182 workplace deaths, six of those in Tasmania. Nobody should have to go to work and worry that they will not be coming home at the end of their shift. While there will always be true accidents that nobody could possibly foresee or prevent, we all need to ensure that safety is at the front of everyone's mind at all times. The vast majority of employers are absolutely doing the right thing. I have seen this firsthand through my previous role and in the many visits to workplaces I have taken part in since being elected to this place. Some innovative and exciting initiatives around workplace safety are out there, but any employer who knowingly takes shortcuts or cuts corners or compromises safety in any way should be held accountable.

I take this opportunity to commend Robyn for the dedication she has shown to this cause. I thank her for sharing her stories so openly. I stand with her to campaign for safer workplaces for all Tasmanian workers and I hope Tasmania will join the growing number of Australian states achieving this through legislative change.

## Children's Playgrounds

[11.21 a.m.]

**Mr FINCH** (Rosevears) - Mr President, playgrounds have always been important for our kids but in this day and age there are vital. Some of us remember very different childhoods than children experience today. We climbed trees, we walked or rode our bikes to school, we took physical risks every day and we learned from them. Well, we are here to tell the story anyway.

Nowadays people reach their 20s with little idea about assessing risk because they have never been exposed to it. Playgrounds can help and kids can seemingly be exposed to physical risk while still being safe. There have been tremendous developments in playground design; some of us saw playgrounds as simply monkey bars, slides and swings, but things have changed.

The Launceston City Council has recognised this and has two important projects underway. In my electorate of Rosevears, one playground project is in Cataract Gorge between the First Basin swimming pool and the kiosk. Because of the need to stay above the flood level and create better access to the built amenity, the site has been raised.

Barry Pickett, the Natural Environment Manager at the council, says the play experience has been designed to be as engaging and inclusive as possible, with features such as a stone-seeded creek bed with a water pump and opportunities for kids to create dams. This site will be full of native plants so instead of swinging and sliding, kids can engage with the natural environment. Who would have thought a creek with stones could be a playground feature? When we were kids or maybe as kids from the east coast and kids from Ferntree, we had such things naturally as our playground.

Coincidentally, the landscaping firm creating this playground is the same one that worked on Parliament Square, so members can interpret that how they like.

The second Launceston playground development is the site near the new Silo Hotel just near the junction of the North Esk River with the Tamar. It is called Riverbend and it is a quite spectacular area. It will be called Northbank Park and it will occupy more than three hectares and cost \$6 million - what an investment.

The important feature will be a sky walk, a vast overhead net designed and made in Germany on which kids can climb as we used to do on trees but without risk of falling or injury. A smaller version of such a climbing facility has been installed in a playground at Bridport and is a constant topic of conversation. We may yet save our kids from couches and electronic devices.

The Northbank Park has tremendous potential because it is close to retail outlets like Bunnings, JB Hi-Fi and Officeworks so parents can do a bit of retail shopping for their goodies while the kids can play. Part of the whole development is the bridge connecting the play area to the south side of the North Esk River.

These two Launceston play area projects have great potential to save our kids from sedentary and perhaps unhealthy life in front of electronic screens - to be outside where they can take physical risks safely and learn how to assess them when they grow up.

We need to give access to projects like these to all Tasmanian kids, but I salute the Launceston City Council for these two initiatives.

## **MOTION**

### **Members Code of Conduct**

[11.26 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, I move -

With reference to the Report No. 3 of the Joint Standing Committee on Integrity, the Legislative Council adopt a Code of Conduct for all Members of the Parliament of Tasmania in the following terms -

#### **PREAMBLE**

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents. Members are expected to promote and support this Code by leadership and example.

#### **STATEMENT OF VALUES**

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;
- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;

- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;
- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and
- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

## **ETHICAL STANDARDS**

### **Conflict of interest**

**A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.**

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate is affected only as a member of the public or of a broad class of persons.

Each Member is individually responsible for avoiding and managing conflicts of interest.

### **Declaration of personal interests**

**A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the Parliamentary (Disclosure of Interests) Act 1996.**

### **Use of public office**

**A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.**

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.



A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

#### **Use of official information**

**A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.**

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

#### **Use of public resources**

**A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.**

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

#### **Gifts and benefits**

**A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.**

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the Parliamentary (Disclosure of Interests) Act 1996.

#### **Accuracy of statements**

**A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.**

A Member must not mislead Parliament or the public in statements that they make.

Whether any misleading was intentional or unintentional, a Member is obliged to correct the Parliamentary record, or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

### **Outside employment**

**A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.**

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

### **Upholding the principles of respect, justice and inclusion for all Tasmanians**

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights. Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

### **Parliamentary conduct**

**A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament.**

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer.

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

This particular motion must be one of the longest in history, but it has been around for some time - about two-and-a-half to three years in the making. Members have had a good opportunity to look at this particular draft and provide feedback to the Joint Standing Committee on Integrity. The Integrity Committee has sought advice and this code now needs acceptance by both Houses.

Each House operates independently. The comity between the Houses is that we cannot tell them what to do and they cannot tell us what to do, but in an effort to have a single code of conduct over both Houses this is the process chosen. It is fair to say nothing is perfect and it will be

reviewed, but should agreement be reached today - and I hope it will be passed - I will then move that a message be transmitted to the House of Assembly advising it of the Council's resolution.

The draft contains a preamble and statement of values, and refers to ethical standards; conflict of interest; declaration of personal interests; use of public office; use of official information; use of public resources, gifts and benefits; accuracy of statements made by individuals; how a member must manage employment outside parliament and uphold the principles of respect, justice and inclusion for all Tasmanians; and parliamentary conduct.

Standing orders cover many of these points, but only within the context of the parliament itself. This also is in terms of general conduct in the community. Enough has been said about this. Members have had the opportunity to comment, and I will simply listen to other members' contributions, but I hope we move on this and it can become a code of conduct each member will be happy to have and guide them on the way.

[11.29 a.m.]

**Mr DEAN** (Windermere) - Mr President, it is a momentous occasion to have a code of conduct reach the stage it has and to come here.

I am not sure how long ago I started working on a code of conduct for all members, but it was when I was the Chair of the Integrity Committee; it probably was even before there was discussion around a code of conduct being required for the whole of parliament - both places and all members. It was being pushed by the Integrity Commission Tasmania. I commend it for the strong position it took in this matter, wanting a code of conduct to go through both places.

It has taken a long time to reach this stage. I think it is fair to say that initially the Government, the Liberal Party, were not really supportive of a code of conduct for the whole of parliament. With the greatest respect to them, there was a ministerial code of conduct and, I think, another code of conduct in place, but it did not have the wide position of relating to all people.

It was interesting that at the same time we pushed forward with a code of conduct for local government - some members would remember that; we supported that through this place - we were really saying that a code of conduct is necessarily required by others but probably not by us. I realise that parliamentary controls relate to us. I accept also that we have 515 000 people out there watching our every move.

**Mr Finch** - I think 526 000 is the latest figure.

**Mr DEAN** - Right, okay. Thank you for that. We have all those people out there watching us and looking at our every move. If they believe we have stepped out of line, somebody knows about it and the matter is brought forward. I am very pleased to see this matter reach this stage.

A number of documents were provided. I recall my time as Chair of the Integrity Committee, fording through documentation, but, sadly, much of that documentation was not really taken notice of, and not too many members demonstrated any real interest in it. We were not getting a lot of feedback at the time.

I should say that with changes within that committee and the new Chair, Mr Rene Hidding MP, taking over, things started to move fairly quickly, which is great. I think there was a change of heart in the Liberal Party to this whole process. I thank the current Chair for his strong commitment

and involvement in wanting this matter sorted out and sorted out as quickly as possible. I thank the members of the committee. The Deputy Chair is Mr Valentine, the member for Hobart. The other committee member from this place is the member for Mersey, Mike Gaffney.

It has been a pretty taxing thing for us. Then we have the members, of course, from the other place. It has taken a lot of our time. We have been through many processes. We have heard from and listened to many people. I also want to thank Fr Michael Tate for his involvement in wanting to get this right as well, and giving us some assistance in the finalisation of the document.

Issues have been raised and I will refer to them now. I am not quite sure of the situation. We have had a lot of discussion about this. What happens when a breach of the code of conduct occurs? Where is the complaint made? Who oversees that complaint? Who will make the determination? Who will be the investigator of it? Everybody has the right to challenge any statement or any allegation made against them. They have every right to challenge that. Who, at the end, will be the judge? I am not sure where all of that fits in at this stage, but no doubt that will come out.

**Mr Valentine** - We need the code first.

**Mr DEAN** - We need the code first, but we then need to sort out those other issues - very important issues. It is all very well to have a document in place, but it is another thing to have in place the protocols and the position we will need to adhere to if there is a breach alleged against any member. We need to ensure that we have that right - whether it be the Privileges Committee, some other part of parliament or the Clerks - I do not know. We need to get that right for the future.

**Mr Finch** - Something you did not mention was the time that it takes for these complaints or issues to be raised, and then the processing of that complaint to reach a conclusion. That can take a long, long time if it is let go or if it is not kept highlighted.

**Mr DEAN** - You raise a very valid point. It is very important, whatever process we have in place, that we can proceed fairly quickly, being fair to the parties involved, but it needs to happen fairly quickly. You are right.

Having been dragged through a court matter - an allegation against me that went on and on and on - it becomes extremely emotional, upsetting and annoying, and it impacts on your mental health. Whatever process we have, we need to have it working right and in fairness to all, but quickly. You are right, I could not agree more. We need to do that.

We need a code of conduct, Mr President, and we need to ensure that we can have one that is a workable code and that will be fair to all people involved. All of us have, at times, made statements - I have in this place on two occasions - that were not absolutely accurate. It was picked up and it was identified to me and at the very earliest opportunity I corrected that in this place. This is what the code of conduct covers - those types of issues where it identifies in one place that you are to correct the record at the earliest possible time. I quote that, under Accuracy of statements, 'whether any misleading was intentional or unintentional', it does not matter. A member is obliged to correct the parliamentary record or the public record at the earliest opportunity in a manner appropriate to the circumstances.

I have heard other members make statements here that are not accurate; I have pointed them out in one instance and the record, to my knowledge, was never corrected. We need a code to ensure that we have some 'teeth' and that people do the right thing.

I am not going to go through -

**Mr Finch** - What are you suggesting, member for Windermere? If you hear something that is not accurate and you bring it to the member's attention and they do not respond, do you then go this integrity body to report that?

**Mr DEAN** - If a statement is made in this place that is clearly not right - that is wrong - I am saying you then have an obligation to check your statement to see whether it was accurate or not and if you are satisfied that it was not accurate on your evidence, you should come into this place and withdraw that statement, answer why you made it and apologise if anybody is impacted by it. That is all.

**Ms Forrest** - That is already provided for in our Standing Orders, that exact sort of process.

**Mr DEAN** - That is what the code of conduct will now say as well and that is within this code of conduct. That is just one point, and I wanted to make that. It covers the other points. The member for Hobart referred to some of the subheadings. The code has to be - and there is discussion about this - the same in this place as it is in the other place. That has been an issue to ensure that that happens. If at the end of this today, that code is supported then the same code will be debated in the other place as well. We cannot have a code that differs in both places - that to me would be a bit of a nonsense. We have to have one that is consistent -

**Mr Valentine** - There may be a difference in the way they implement it.

**Mr DEAN** - You are right. The way they implement it is a matter for them, and the same for us - we implement it in the way we believe is right in all circumstances.

The public will be delighted to hear that at the end of this process the whole of the Parliament of Tasmania has in place a code of conduct. Some of the people I have spoken to in local government will certainly be saying, 'Thank you, hooray. We have now parliamentarians in a position whereby they must comply with certain requirements and processes in a similar way that applies to us, and support them.'

The public has been asking and it has been in the press from time to time about codes of conduct and we now have a code. I ask all members to support the code - we need it and we need to sort out some other issues following from this. I will certainly be supporting the motion.

[11.41 a.m.]

**Ms SIEJKA** (Pembroke) - Mr President, it is positive to see a code of conduct before us. I understand this has been a long process for the Integrity Committee. A code of conduct is a positive step forward for the parliament. It enables the outlining of our shared values and principles, linking them with standards of professional conduct. It articulates the values we would like to foster, and in doing so defines desired behaviour.

There is great value in having a consistent shared code of conduct across both Houses and applying to all members. I have had experience developing several codes of ethics myself, and understand the value in having a shared code of ethics for a group, the process in researching and developing a code, the very important consultation necessary to ensure ownership of the code and the challenges with ongoing implementation.

As CEO at YNOT?, I was involved in reviewing several codes of ethics, and this led the development of statewide code of ethics for youth workers. This was a lengthy process that involved work with young people, departments, commissioners, local and international academics and interstate colleagues. Just developing a code and reaching consensus on the written word is a major undertaking, as I am sure the committee members found. However, it is simply the first step in the long journey for a code of conduct. It is what happens next that is most important and ensures its true value.

It should be noted that codes are, by their nature, about setting a standard to uphold, and ideally they are worked through by consensus and consultation. However, they are only effective in terms of how much the intended recipients are engaged in the process, are informed and educated about the code and whether there is an effective enforcement mechanism.

While I certainly support the introduction of this code of conduct, I have questions and concerns about the process underpinning the implementation. I understand you have to start somewhere. My understanding is that in practice the code will become a part of the Standing Orders and a matter for the House. This means the House will consider a breach on a case-by-case basis. I would like assurance this would allow for potential referrals to an independent body for examination, particularly in the case of serious breaches of the code. Otherwise this could result in potential conflicts and risks - the obvious problem being that the government of the day usually controls the numbers in both the parliament and the Privileges Committee, so if they want something to go away, it is very easy for a government to achieve, whoever they may be.

This concern is canvassed extensively in the Integrity Commission's report, *Codes of Conduct for Members of Parliament, Ministers and Ministerial Staff in Tasmania*, June 2011 -

As already indicated, having a code in place does not necessarily achieve ethical behaviour, either through compliance, motivation or the provision of guidance and having an inadequate or inappropriate code can have a negative effect on the ethical behaviour of public officers.

Further, it should be pointed out that codes alone are not sufficient to ensure ethical behaviour by public officers. Preston states that 'arguably, codes require supplementary measures such as education and training, sanctions, ethics advisers and parallel mechanisms adopted by political parties, measures which together constitute a non-minimalist approach to legislative ethics'.

Allegations of misconduct by members of parliament can be investigated and acted upon by the relevant chamber or its representative. For example, the matter could be referred to a Parliamentary Committee for inquiry and report. Where a code is contained in the Standing Orders of the chamber, breaches could be treated as contempt of Parliament. Currently in Tasmania enforcement of the Standing and Sessional Orders of the House of Assembly and Legislative Council is at the discretion of the Speaker and President of the House.

The Commission notes that the adoption of a new code of conduct by members of the House of Assembly and the Legislative Council will likely warrant a review of the sanctions outlined above. Fines for the range of breaches may need to be more substantial than \$40, as is the case, for example, in relation to the Victorian Code of Conduct. Imprisonment would seem to be an inappropriate sanction for

many types of breaches. Suspension may be inappropriate for dealing with conduct occurring outside of the House. Parliament may wish to consider the question of which types of sanctions are appropriate for breaches of the code of conduct, and ensure that these are available in the case of a breach. It may also wish to consider whether Standing Orders should stipulate that breaches will be referred to a particular committee for inquiry and report.

...

The Commission can itself can assess and investigate allegations of misconduct by members of Parliament, ministers and ministerial staff .... This would most likely occur in the case of allegations of serious misconduct. Following an investigation, a report could be tabled in Parliament. However, ... parliamentary privilege is unaffected by the Act and this may, in some cases, restrict the capacity of the Commission to investigate allegations against Members of Parliament, particularly where the alleged misconduct involves statements made to the House or Council.

...

In the Commission's view, the most appropriate body to inquire into misconduct by Members of Parliament will generally be Parliament itself. Matters should be considered by a relevant committee and if considered appropriate, a breach can be dealt with under the existing Standing Orders, although these procedures may require review. There may still be a role for the Integrity Commission. As will be further discussed below, even when matters are dealt with by Parliament rather than investigated by the Commission, there are avenues by which the Commission can, if appropriate, have input into the process, performing an independent advisory role ...

As discussed in Chapter Three, there remains a question about how codes of conduct for members of parliament, ministers and ministerial staff can be effectively enforced ... There is a concern that current procedures for dealing with contempt may not be sufficient and appropriate. ... The Integrity Commission may still have an important role to play in this process. As noted in Chapter Three, the most significant role the Commission can play in relation to suspected misconduct is to bring the facts to light, and to oversee how authorities deal with misconduct and provide advice to improve their capacity to do so. This role can be played by the Commission in the consideration of a complaint made against a Member of Parliament by a member of the public.

As you can see it is critical that an independent authority be able to be referred serious breaches of the code. I believe the code of conduct cannot exist in isolation and that there is still work to be done to ensure the code is adequately upheld. This is why an important next step should also be to refer it to the Integrity Commission to empower them to provide explanatory notes. This is a critical part of the implementation of any code. It is important to ensure that there is a common understanding amongst all stakeholders and the education process is vital to this. Providing explanatory notes will help to ensure the effectiveness of the code of conduct.

The Integrity Commission should also ensure sanctions and enforcement mechanisms are appropriate for any potential breaches of the code. Codes by their very nature tend to be statements of ethics regarding shared behaviour standards and this work is best done in tandem to safeguard their effectiveness and impact, otherwise they can simply become motherhood statements that are open to interpretation.

It would be preferable for an independent process to be included for the reasons outlined above. I would be interested to hear what could be done to counter these risks. A code of conduct is a positive step and I understand that we need the first step to get any further down the line. It is great to have a shared code of conduct with both Houses that applies to all members but even though this is a first step we do need to look ahead and consider how we are going to implement it and make sure it is effective. We support the introduction of the code of conduct.

[11.50 a.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I thank the member for Hobart for bringing this forward and also the committee for the time it spent putting it together. I note the comments by the member for Windermere that it has been going on for a very long time.

I would think that most people in the community would assume we already have a code of conduct. I really believe they would. It is something they would take as a given, that there would be a code of conduct for members of parliament, as there are for so many others. Anything that helps our standing in the community - I think it was the last one on member conduct, 'conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament'. Knowing what many people say about politicians and parliamentarians, anything that can help them have a better regard for members of parliament is of benefit.

It is a very long statement of values and standards. I appreciate all the work that has gone into it. There was not a need to read it out again. I did note when the member for Hobart -

**Mr Valentine** - I was not keen to read it out again.

**Ms ARMITAGE** - It is on *Hansard*, so that is what is important.

**Mr Valentine** - When I was reading it in, I was reflecting on exactly what it said. It is quite interesting.

**Ms ARMITAGE** - It really is, when you read it. I note, member for Windermere, that sometimes you get information you think might be correct, and you might say it in this place, but then you discover that there might have been something else that went with that which needs to be added. It is important that what we say on the public record is factual. I note also that it is important we do not use parliamentary privilege to say things that otherwise we might not say. To me, if you cannot say it outside the parliament, you should not use those words within the parliament. You should feel safe to say that as well.

I also note the part about the outside employment. It is always interesting. I have done some work with the AMA over the last 20 years. People say, 'Oh, you work with the AMA'. I think, 'Yes, but you do not realise I actually only do three hours a month, having dinner with people'. But some people can turn something into a huge job which actually is not. I have to admit I did resign from them at one stage when I felt I could not make all these meetings, not that there are many, there are only 10 dinner meetings a year anyway. They said, 'That is all right, turn up when you



can'. I do not attend that many meetings, but I am pleased to see that there. Some employment, as with the doctors, can enhance what you do and give you information that you might not otherwise get and that is really useful in your community service. If it does not impinge, my work with the AMA is three to four hours once a month, having dinner if I can make it, if parliament is not sitting and I find that is of benefit. I am pleased to see that in there and that you are not ruling out that we can do something that could enhance our jobs and be of benefit to the community.

Upholding the principles of respect, justice and inclusion: realistically, everything listed here is a given, and most people would assume we have it already. I am very pleased to see it will be same as downstairs. I would think that all members of state parliament should have the same code of conduct and should adhere to it. I will support it. I thank the committee for the work it has done.

[11.53 a.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I actually made a submission to the committee in regard to this. I was very firm on a couple of matters. I am pleased to see that at least one of them has been given some consideration. I am following on from the member for Launceston in regard to the outside employment. Initially the draft said a member must not engage in any employment outside parliament that involves a substantial commitment of time and effort to the extent that it interferes with other duties as a member. How on earth -

**Mrs Hiscutt** - Would you fit anything else in?

**Ms RATTRAY** - How on earth would you fit anything else in? That is a very good response.

**Ms Armitage** - Dinner once a month is reasonable.

**Ms RATTRAY** - I am certainly not making any judgment. My response to the committee was: how is substantial commitment of time and effort defined? Surely your time and effort to outside employment while serving as an elected MP is an individual choice. One cannot assume to know everyone's personal circumstance and given that there is no tenure or security or a resettlement payment following the election, or un-election, of some MPs, they may need to keep involved in the business or some level of employment.

My view is the electors will make the decision at election time if they feel a member has served their electorate well enough to gain election or re-election. I went on to say my preference would be to see this reference to outside employment removed from the draft code. I note it has been amended. The electorate will decide whether you have given enough commitment to the role you have been fortunate enough to receive.

Sometimes it is very difficult. Do you sell the family farm because you have been elected to this place? I expect not. Yet you would still possibly have a role in that farm so I was very pleased to see that has been reworded in a manner more palatable particularly to me and, I expect, to other members who may need to be involved in outside employment. It is the same wording. It was not changed. I read the first part but I did not read the second part. It has not been removed. I am interested to know what discussions were had around that. I thought I made some pretty good points in my submission. It says 'must not engage' -

**Ms Armitage** - If it is a substantial time.

**Ms RATTRAY** - How do you define 'substantial'? If you are a property owner, how do you define 'substantial'? I certainly did not read the document well enough; I read the highlighted part but I did not read the part underneath it so I have some concerns about that. It says 'must'.

**Mr Valentine** - If you read the rest of it - 'must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member'.

**Ms RATTRAY** - Doesn't the electorate make that decision?

**Mr Valentine** - Obviously they may well do, but the point is that it is not stopping you from having outside employment. It is just saying that it should not interfere with your duties as a member.

**Ms RATTRAY** - It is heavy-handed and over the top. That is my view on that. In regard to the accuracy of statements - I know the member for Hobart is going to make some comment about intentional or unintentional - I would appreciate a statement on the record about that because I asked that removing 'unintentional' be considered because I felt that if you unintentionally do it and you correct the record, that should be the end of it.

I am not entirely clear on how that will unfold through this. We do unintentionally make statements or comments that from time to time need to be corrected.

**Mr Valentine** - If you have advice.

**Ms RATTRAY** - It will be worth putting some clarification on the public record in regard to this. I commented on avoiding giving unnecessary offence to a group in the community. Obviously, none of us wants intentionally to provide offence to a group, but I also comment that at times, as an elected member, organisations or individuals will disagree with your position and take serious offence at times.

**Ms Armitage** - Put it in writing.

**Ms RATTRAY** - They put it in writing and quite rudely at times. I could take offence, but they tell me that is part of the job.

**Mr Dean** - Maybe we could have added there - 'And we might only be retaliating?'

**Ms RATTRAY** - It is difficult because somebody agrees or disagrees with what we put forward. People can take serious offence.

**Mr Dean** - It is a touchy area.

**Ms RATTRAY** - That is right.

**Mr Valentine** - Unfortunately, it is not something you can avoid.

**Ms RATTRAY** - No, not in this job. If you are doing your job, you are here to provide a view on behalf of the community that has given you this opportunity, therefore it is very difficult.

**Mr Dean** - As police often say, if you have not had a few complaints made against you, you have not been doing your job.

**Ms RATTRAY** - I will keep that in mind.

At this time, I do not support one part of the code of conduct, but I will be listening to the member in his reply, because if you have to completely give up any form of employment - the member is shaking his head - but it says you must not engage -

**Mr Valentine** - You have to read the whole thing.

**Ms RATTRAY** - The definition of 'substantial', where is that and what will come back?

**Mr Dean** - There are legal terms around substantial and what it means. It has been defined legally.

**Ms RATTRAY** - I note the report.

[12.03 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, it is with pleasure I speak on this important motion. I note the House of Assembly will consider the proposed code of conduct for members of the Parliament of Tasmania once it has been considered in this place. The Government is committed to the high standards of public disclosure, transparency and accountability.

The Government supports a single uniform code of conduct for all members of parliament and we have made this view publicly known.

I also note there are already two codes of conduct in place for members of the House of Assembly and each member of parliament subscribes to those codes when sworn in.

In addition, there is the ministerial code of conduct. There is also new parliamentary disclosures legislation and the Integrity Commission.

Members of parliament are accountable to the parliament and to the people of Tasmania in conducting their official duties while holding public office. The conduct of members is heavily scrutinised by the community, who we all serve and represent, and the media and, of course, by parliamentary colleagues. There is a community expectation members of parliament will not only uphold standards as set out in law and parliamentary procedures, but also ethical standards - that members will act in the public interest with regard to, for example, the management of conflicts of interest and ensuring the proper use of their office, information and resources. It is therefore appropriate that parliamentarians strive to lead by example in maintaining the trust and confidence of the public in all members and in parliament itself.

The Integrity Commission was established in 2010 followed by the parliamentary Joint Standing Committee on Integrity and the Parliamentary Standards Commissioner. There were discussions between the Integrity Commission and the joint standing committee about the need for a single code of conduct for both Houses. It was determined that an identical new code in each House should be adopted. The separation of the two Houses means a single code cannot apply to both.

A code of conduct will provide a meaningful benchmark that members are obliged to adhere to. The code will clarify the values, principles and responsibilities of all members of both Houses. It is pleasing that the concept of establishing a code of conduct for all members has received support from all parties.

I acknowledge the Joint Standing Committee on Integrity has, together with the Parliamentary Standards Commissioner, Reverend Professor Michael Tate AO, undertaken a power of work in finalising a single code of conduct. The most recent draft code presented by the Joint Standing Committee on Integrity in 2017 is largely similar to the final proposed code of conduct that has now been tabled. However, the 2017 draft did have an addition to it that provided for the Integrity Commission to become involved in investigations of breaches of the code.

In 2018 the Joint Standing Committee on Integrity, chaired by Hon. Rene Hidding MP, discussed that proposed provision with the Integrity Commission. I understand the very clear advice from the Integrity Commission was that it would be completely improper for the Integrity Commission to get involved in matters of code of conduct breaches in either House and that the commission has no interest or desire to deal with these matters. The joint standing committee then chose to accept further advice from the respective Clerks that the Westminster concept of exclusive cognisance of both Houses should prevail. This means that when there is a breach or alleged breach of the code in a House, that House should deal with the matter.

The Legislative Council may not handle a breach of the code, or an allegation of a breach of the code, in the same way that the House of Assembly does, but that is a matter for each House, as is the matter of a disposition of the code of conduct. In the House of Assembly, it sits in the Standing Orders but there is no necessity proposed for it to be in the Standing Orders of the Legislative Council. That is a matter for the Legislative Council to decide.

The proposed provision of the Integrity Commission to become involved in breaches of the code of conduct was subsequently removed based on the advice received. The draft code has since been modernised with acceptable language and has been rendered more readable and relevant by the Office of Parliamentary Counsel, which have done an excellent piece of work with it.

Report No. 3 from the Joint Standing Committee on Integrity now clearly requests the Houses to agree with the adoption of this proposed code of conduct for members of parliament. The Government welcomes the adoption of this code of conduct for members of parliament in Tasmania and is pleased to support the motion.

We had the Chair of the committee in the House a little bit earlier. For noting, he put in the report this bit of general information. It is in the report but it is not part of the motion. The Chairman of the committee, Hon. Rene Hidding, has asked that I place the following information on *Hansard* -

#### GENERAL INFORMATION

##### Advice for Members

Members may seek confidential advice from the Parliamentary Standards Commissioner in relation to any matter arising under this Code, including advice on how to avoid or deal with a possible breach of this Code. Members should seek professional advice if they have any concerns regarding a potential conflict of interest.

Members have a personal duty to make themselves aware of all legislation pertaining to the role of a Member of the Tasmanian Parliament. In any public expressions, Members are expected not to set aside the constitutional values of the freedoms of speech, association and religion, or the principle of the separation of powers.

#### Breaches of the Code

A breach of this code will constitute a breach of Standing Orders to be determined by the House.

#### Review of the Code

The Code will be reviewed every four years by the Parliamentary Joint Standing Committee on Integrity.

I believe that is the Government's submission. We note the report and the motion.

[12.09 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, there are some important things to state, starting with the final component of the report. It is important to understand the general information is not the code. The general information read out by the Leader talks about a breach of this code constituting a breach of Standing Orders being determined by the House.

In consultation, and getting advice through you and the Clerks, there is a question mark over that concept. It may well be what happens in the lower House, but what happens here in terms of a simple implementation is a different thing. This needs to be clearly understood. It is not, at this time, to be considered under Standing Orders. I say that very clearly because of the advice received. That is the reason the code only is on the Notice Paper today.

It is like the old republic debate - 'Do you want a republic or don't you?' Then you work out the detail. This is the code. We have to accept the code first or reject it, whichever the case may be. At a later point another motion may well come to this House in relation to its implementation. We have to understand and make sure all the process procedures are there. Different breaches of the code require different pathways to be followed. If it is difficult, we should not try to codify every circumstance and how to handle it.

It is true many things here are in the Standing Orders. The point is Standing Orders are for matters inside the parliament; this is a general code of conduct to also handle behaviour outside the parliament. We need to understand this.

The member for Windermere rightly pointed out the Integrity Commission believes the code of conduct was needed and has gone through its process. In moving the motion, I thank the Parliamentary Standards Commissioner for the advice he provided on the way through. I also thank you, Mr President, and the Clerk of the House for advice and information I received in putting this motion forward. Understand, again, that it is only the code we are dealing with - the instrument, the bare bones, that is important.

I hear the member for Rosevears with regard to the time it takes - it needs to be timely. As I mentioned, another motion may well come forward in regard to the implementation processes and

procedures. What you are saying is that it is important things do not linger. As the member for Windermere pointed out, it does have an effect on an individual, and it is important things are done in a timely manner.

The member for Pembroke talked about the Standing Orders aspect. I have already covered this. It is deliberate; this is the code and it does not deal with fines and sanctions.

I understand the member for Launceston's and the member for McIntyre's concerns about outside work. It must be understood the code has to be read in its entirety. The heading says a member must 'manage employment'. It is quite clear employment can be undertaken -

... must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.

The following statement is -

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

You may well be the chair of the board of a huge company, but other people are actually doing the work of that company. Really, when it comes to outside employment, it is more a matter of how you handle the conflicts that that might raise when you are dealing with parliamentary business.

**Mr Dean** - That position almost mirrors exactly what is in the police policy document - that they can take outside employment, but it must not in any way interfere or conflict with their duties as a police officer et cetera. It is almost identical.

**Mr VALENTINE** - It is nothing unusual.

**Ms Rattray** - If you cannot attend a committee meeting because of some other commitment, a work commitment that might be in your electorate where you might be doing something, does that constitute interference?

**Mr VALENTINE** - You are talking about a committee of parliament?

**Ms Rattray** - Yes. If you -

**Mr VALENTINE** - It would be up to the particular committee of the parliament to decide whether there was an issue. If you continually did it three or four times -

**Ms Rattray** - They would not ask you to be on another committee.

**Mr VALENTINE** - They would not be asking you - no. That would be handled through that process.

**Mr Dean** - Parliamentary functions should take priority.

**Mr VALENTINE** - It is that if you are employed in parliament, are there representing the people, you need to make sure you can do that representation to the best of your ability and not be too hindered by the work that you have.

The member for McIntyre referred to 'intentional or unintentional' - 'whether any misleading was intentional or unintentional'. We can all mislead unintentionally. I did it not that long ago, to be quite honest. As soon as I had the opportunity, I rose in this Chamber and corrected the record. It was in relation to the Treasury building. Someone said, 'You are being a bit precious, matey, you do not have to do that'. I knew very well a great deal of attention was being directed at the Treasury building. If somebody digs into *Hansard*, they will see that I have said *x* when I really meant *y*, or it was not recorded correctly or whatever -

**Mrs Hiscutt** - It has nothing to do with the fruit bats?

**Mr VALENTINE** - No, nothing to do with the fruit bats. It is a very true statement that I have the stomach of a fruit bat. Nevertheless, 'intentional or unintentional' is there because some people may do it intentionally. They may want to cause strife, but as soon as it is pointed out to them that they are not going to get away with it and they need to correct the record, if it is unintentional and it is pointed out, that is an opportunity as well. That is why intentional or unintentional is there as far as I recall.

'Unnecessary offence': quite clearly 'unnecessary' has to be in the report -

Members should also, where possible, avoid giving unnecessary offence to groups in the community ...

You do not go out of your way to give offence to people. It is important 'unnecessary' is in there. If you just had, 'members should also, where possible, avoid giving offence to groups', you are going to upset someone. There is at least a 50 per cent chance, if not greater, that you are going to upset someone with something you say. If that were going to be a breach of the code, you might as well not be in the business. It has to be unnecessary; that is quite clear.

I have covered most things. I just reiterate that business regarding its implementation: we need to be careful about how we might codify these things. Quite clearly at the moment if an issue occurs between members, or somebody raises some concern, it goes through the President and the President then deals with that at the time. We may well have another motion that addresses some of the concerns of the member for Pembroke and others with its implementation. I move this code of conduct, the bare bones of the document, and I leave it to the House to decide whether it is accepted or not, but I encourage members to accept it.

**Motion agreed to.**

### **MESSAGE TO THE HOUSE OF ASSEMBLY Proposed Code of Conduct for Members of Parliament**

[12.20 p.m.]

**Mr VALENTINE** (Hobart) - Mr President, I move -

That a message be transmitted to the House of Assembly advising of the Council's resolution and requesting its concurrence therein.

**Motion agreed to.**

### **MOTION**

#### **Consideration and Noting - Government Administration Committee B - Blueberry Rust in Tasmania - Report**

[12.21 p.m.]

**Mr DEAN** (Windermere) - Mr President, I move -

That the report of the Government Administration Committee 'B' on Blueberry Rust in Tasmania be considered and noted.

At the outset, I am able to say that the report on blueberry rust in Tasmania was well received and was said to be hard. The *Mercury* said the report did not hold back in its scathing assessment of Biosecurity Tasmania's response to the fungal disease. The *Mercury*, in another release, referred to the report's finding relating to the response to an outbreak of blueberry rust as a clear failure by the department.

The *Examiner* also gave support to the report and referred to its criticism of the department for its responses to the outbreaks in 2014 and 2016.

An important player in blueberry production in Tasmania, someone who gave evidence to the committee on a number of occasions and spoke with members of the committee, said this in response to the report -

Thankyou for a very comprehensive report outlining the committee's findings in regards to the handling of Blueberry Rust in Tasmania. The recommendations were fair and represented on the whole the feelings of the Tasmanian blueberry growers.

I am not quite sure if Costa Group saw it that way.

The only query I have is recommendation #1.

Biosecurity Tasmania should aim for eradication of blueberry rust in Tasmania.

The feeling is that the word 'should' be replaced with 'must' in order that a decent attempt at eradicating blueberry rust be achieved. The word 'should' indicates a duty or obligation however there is no backbone that the duty or obligation will occur. The word 'must' indicates that it is an obligation or duty that cannot be overlooked.

The balance of the report and recommendations portrayed an excellent grasp of the situation that occurred in both circumstances and I pass my congratulations to the committee in tackling a difficult and diverse subject.

That was a comment made by a well-respected grower in the blueberry industry in this state.



That is my position on this committee. All members were well across the subject and were intent on finding a position that will see the entire industry grow and, at the same time, protect the organic growers in the state, who play a significant role in blueberry growing. It is a growth industry and committee members saw it this way.

In case I forget, I thank all committee members for their approach to this very important inquiry and the effort and energy they all put into it over a long period. I commend all members. They were Hon. Kerry Finch, Hon. Rosemary Armitage, Hon. Tanya Rattray and Hon. Josh Willie. They went through this whole process and dedicated themselves to ensuring the report included all the information required to make the finding we made at the end of the day.

Why an inquiry? This inquiry was considered following the 2014 blueberry rust outbreaks and then the outbreak in 2016. There is much angst within the industry as to how the outbreaks were managed and some of these issues and other points were raised during Estimates. Pressure was mounting within the industry for changed approaches and a better understanding of the industry by Biosecurity Tasmania.

Growers were becoming agitated and concerned about the future of blueberry growing in this state. I was approached, as other members were, to look at the industry, and particularly to see where Biosecurity Tasmania sits and whether it is sufficiently resourced and knowledgeable to adequately respond to the blueberry rust disease. In my view at that time, it was not.

I determined an inquiry was necessary and took it to Government Administration Committee B on 20 December 2017. The inquiry was supported and a subcommittee was formed, the last subcommittee I referred to. The terms of reference were set -

To inquire into and report upon the outbreaks of blueberry rust in Tasmania with particular reference to -

1. The actions taken by Biosecurity Tasmania to address the 2014 and 2016 outbreaks of blueberry rust;
2. Past and present regulatory requirements relating to the blueberry industry in Tasmania;
3. The future of Tasmania's blueberry industry, including the impacts of previous, current and any future outbreaks of blueberry rust;
4. The capacity of Biosecurity Tasmania to manage blueberry rust outbreaks and other risks into the future; and
5. Any other matters incidental thereto.

There was some urgency to the inquiry, because of concerns held by growers regarding the treatment of one affected grower and the approach by Biosecurity Tasmania to another affected grower. These were at odds and without consistency, and some growers talked to us about this not being fair.

Feelings were running high in the industry. The inquiry had to be adjourned and was interrupted by the election. Maybe with hindsight, it was a good thing, because other things were happening in the industry which gave us a greater understanding of where things were going.

Biosecurity Tasmania made changes throughout, as is the case with most of the inquiries we undertake.

That is a good position because it shows departments do take some notice of our inquiries and evidence we are receiving. I make the same statement I made the other day - some the things are fairly basic and I wonder why a department has to wait for an inquiry to make the changes necessary to keep up. I find this interesting. It is not a bad thing but you do have to ask yourself the question.

I could relate this to another inquiry, but if I do, I will probably get a whack for it - to the fox inquiry.

**Ms Rattray** - No, not that.

**Mr DEAN** - Where similar things happened. It was a moveable feast.

**Ms Rattray** - That was complete eradication.

**Mr DEAN** - That was. A moveable feast without any foxes.

**Mr Valentine** - I was going to say: were the chickens on the run when the fox was caught?

**Mr DEAN** - However, for the information of members, that is not finished and you will hear more about that in the new year.

Re-established on 13 June 2018 - the committee was re-established and we moved fairly quickly from that time on.

The 2014 outbreak, and I referred to the Schwind property. The interest in this inquiry did not change and, if anything, it became stronger. It certainly did when the position of Biosecurity Tasmania did a 180-degree turnaround - that is, it moved from eradication to containment and management.

In 2014 Biosecurity Tasmania jumped in with all guns blazing; it brought machinery on to a north-west coast property, uprooted blueberry plants, had them destroyed and took a harsh course of action on remaining plants through strong and somewhat managed spraying regimes.

The business was almost destroyed. That came from the property owners. We heard evidence in the Schwind case of the older members of the family having suffered some medical conditions and problems as a result of what was happening and what they were going through.

**Ms Rattray** - He was distraught.

**Mr DEAN** - Absolutely distraught, to say the least. Witnesses and property owners said that Biosecurity Tasmania was intractable. It would not listen. It was headstrong and its position was 'fix the problem at all costs' and eradicate this disease, blueberry rust.

I commend it on the eradication objective, but not the way it went about it. Attitudes and actions were questionable, and in my opinion, on the evidence provided to us, very poorly executed.

I think it right to say the property and business owners, the Schwind family, were devastated and not only because their property was found to contain blueberry rust, but also because of their inability to talk to Biosecurity Tasmania and, in their opinion, reason with its staff.

Rather than belabour this point, suffice it to say the committee generally felt the Schwinds were dealt with severely and did not receive the answers to questions and/or receive the assistance they were entitled to.

Other members may wish to expand on this case because it brought to bear and made clear the lack of preparedness by Biosecurity Tasmania to handle a blueberry rust outbreak in this state.

The eradication position of Biosecurity Tasmania was fully supported by all growers. Having said that, I have in brackets here - 'I am not sure if Costa supported that or not'. I do not think they probably did, but the way it was done was questionable.

The 2016 outbreak, Costa Group - this where things change remarkably. Here we have Biosecurity Tasmania intent on eradication. This was supported in 2014 - supported one minute and then the next minute Biosecurity Tasmania moved into a control and management position.

The other growers, including organic growers, and TFGA in particular, all queried this change of attitude, and were asking why things had changed. Some comments were quite scathing. The change in attitude by Biosecurity Tasmania soon after the 2014 outbreak really became a strong focus of this inquiry.

That significant change, the need to protect other growers and the clean green fresh image that gives Tasmania a strong edge in the marketing of its produce and the selling of the state as a tourist destination - I am not sure Costa understands the marketing edge Tasmania's clean green image gives us, and that we should promote and protect it passionately. Many growers were gobsmacked and still are. It became clear that the size of Costa Group's industry and the number of plants involved - potentially impacting 150 000 plants whereas in 2014 it involved just a few hundred plants - had much to do with the containment decision made by Biosecurity Tasmania.

Incorrect facts - in addition to size of the Costa outbreak, Biosecurity Tasmania was not on top of the blueberry industry in Tasmania at all. It really had little or no idea on what was happening in the industry. It did not know the number of commercial growers. It was operating on incomplete and inaccurate records and believed Costa was growing and marketing 70 per cent, or thereabouts, of Tasmania's blueberries, when it was actually about half that amount. It had no idea of the number of commercial growers and consequently what regions they were in.

Blueberry growers were critical of this fact, and I think in the circumstances they had reason to believe the industry was being let down by Biosecurity Tasmania, and that suddenly eradication of rust was no longer the position - the only position - growers other than Costa Group would accept. This is the straw that broke the camel's back, no more so than for the numerous organic growers in Tasmania.

I still do not think there is a proper understanding of just how important it is to organic growers to ensure everything is right in the industry. They cannot spray; they cannot do those things. They are in the unenviable position of not being able to spray and they need to find other ways to protect their orchards and their livelihoods.

Before I address some of the findings and recommendations, I want to refer to what I see as important evidence given to the committee by a credible, knowledgeable and learned witness in this area of rust disease, Dr Dean Metcalf. Those of you who google some of his details will see he has worked in this area for a long time. He is a very credible person who has carried out much research work and has made many findings in relation to plant disease in this state and what should happen. He is recognised as being one of the best in this area, probably in the state and maybe the country.

I will quote from his evidence because this is where things went airy, in my view. This was on 22 January 2018 after we had resumed our hearings -

Dr METCALFE - From my background, having worked in quarantine, I have a couple of ideas on what might have been normal and what might have been unusual. Somewhere in this proceeding I'd like a chance to make a brief comment on that.

...

Dr METCALFE - There are some things I would say in favour and things I would say against the way the department has managed the matter. The first thing is that they had to make a decision about whether to eradicate or manage blueberry rust at Sulphur Creek. When that occurred they were up to their third incursion of blueberry rust. Having handled some of these matters, there is nothing that is unusual in that when you get up to the third incursion you are talking about whether to manage the disease rather than eradicate it because you start to look at the probability that it has escaped.

I don't find anything unusual in talking about management rather than eradication in that case. It would, however, depend on how many plants and the situation. I don't have all the information on how many plants were infected at that site. I can't say what I would have recommended because I don't have all the information about the situation they had there and how widespread it was.

In the way DPIPWWE has related to growers, there perhaps could have been greater care taken in the way they related to the growers in this matter. You need to handle people gently and there has been a great level of upset in this. I often had to deliver bad quarantine news to growers. You need to consider the terrible financial predicament you are putting them in and talk them through it; counsel them. There really has been a bit of a big stick approach here. Perhaps in the future they could consider how they might want to manage that. I am sure they probably regret the way they did it now.

There is one important matter that perhaps has not come to the fore. I think it was in 2011 that there was a change to Tasmania's import requirements for blueberry rust. We had required inspection of plants coming into Tasmania, to be inspected by a quarantine officer and certified free of blueberry rust. At about that time, there was a change to accept a system, I think it was called ICA-29 [Interstate Certification Assurance 29] which basically required that a nursery producing blueberry plants would put a couple of sprays on those plants and they would be allowed into Tasmania.

I do not believe there was a direct inspection of those plants. There might have been an annual audit or something like that to see that the sprays had been applied.

I would like to know why they did that, what the technical basis was to make such a decision. I can't see a reason why you would suddenly accept a lower standard of quarantine than we had.

I have noted it has been returned to something closer to its original state now. It has been changed back to the stronger level of quarantine. I suggest that the question needs to be asked of the rationale, so that a lesson can be learned about why that was done.

It seems to me that it has directly resulted in the entire situation. There would never have been this incursion - these crop destructions, this inquiry, none of it - if that change had not been made. I cannot understand the technical justification for it. It is a question that needs to be asked.

...

I believe there needs to be an inspection by a quarantine officer before anything would be imported - that is my recollection. I do not have the import requirement in front of me right now. ... I can't remember exactly [the protocols] but I believe it is an inspection by a quarantine officer. There was, as I said, a different system in place for a while.

...

I looked it at a few months ago and I noted that the ICA-29 requirement had disappeared.

That was some very important evidence provided by Dr Metcalf. There was also discussion during the Estimates about why the relaxation happened, why it was changed and who made the decision.

I refer to some of the findings in the report; I will do so by number, reason and the evidence that backs them up.

Points 4 to 6 - as with all these reports, it is easy to jump to conclusions unless you have made yourself familiar with the supporting information and the supporting information has been provided to the committee by witnesses. That is sometimes where we fall down - members and people reading these reports do not read all of the evidence that supports the findings. That is very important - to look at the evidence that supports the findings.

Members of a committee do not make up findings. They determine findings from the evidence produced. That is where the committee makes its findings from - the evidence. It is not the committee as such.

Point 10 - we had differing evidence here. Some said the spores can be carried by the wind for kilometres; others said, 'No, it can only be disbursed over relatively short distances.' We still were not able to find out exactly what the situation might be. Other evidence supported the fact spores are carried on the bodies of workers, visitors and anybody moving about blueberry farms and

wherever the disease might be. For this reason, the committee discussed for some time action that could be taken to control people. Also machinery movement from farms in New South Wales, Queensland and Tasmania because rust is common to those states and Costa Group is believed to be entertaining movements between New South Wales and Queensland to its Tasmanian properties.

Point 12 - it is, therefore, important for the control of blueberry rust that good hygiene practices exist with blueberry growers. Maybe there is a need for Biosecurity Tasmania to ensure not only good hygiene, but also security measures are in place in each case. If such measures are not in place, Biosecurity Tasmania could provide guidelines to be followed, with breaches being reportable offences. The member for Launceston took this matter up. She was passionate about security and hygiene issues.

Point 16 - the best control method for blueberry rust is prevention in the first place. That is very obvious - preventing it getting here. If we have everything in place, there is every reason to expect we can do that. That is the belief of growers. There should be no relaxation of produce, of anything coming into the state that could carry blueberry rust.

Point 19 - the evidence here was clear. The 2014 outbreak was confirmed early in the piece to originate in a nursery in Victoria. It begs the questions: Just how strong is our border security? How strong was it at the time?

**Ms Rattray** - It is pretty strong in New Zealand, I can assure you.

**Mr DEAN** - I will not refer to what happened in New Zealand - I will not steal the thunder of the member for McIntyre - but we may well hear about that a little later. Suffice it to say they really take their job extremely seriously over there - \$400, I think to -

**Ms Rattray** - It is \$400 NZ for one very small banana from the Cook Islands.

**Mr DEAN** - There you go. That is how much emphasis New Zealand places on quarantine issues and breaches of its quarantine laws and regulations.

**Ms Rattray** - If it were not for the Deputy Clerk, I would have had a nervous breakdown.

**Mr DEAN** - It is an interesting point. I have seen it happen at the airports. We have been told that all people have been checked coming through airports. That is not true. I have been through a number of times and nobody has ever come near me. That is not to say they probably have a reason to. I have also seen the dogs and the Biosecurity personnel pick up people for bringing in produce. Normally you can know if it is intentionally or accidentally brought in. If you are bringing one banana in, I suggest there is nothing intentional about that, but if you are bringing in a box or packet of them, yes, absolutely. I suggest that in those cases people should have the whole book thrown at them for breaching our laws, rules and controls.

Here Biosecurity was cautioning and warning people of the errors in their ways. That is a good approach as long as you sort out those who are deliberately offending as opposed to those doing it by way of accident.

**Mr Valentine** - It is millions of dollars if an incursion happens. It is millions of dollars in terms of lost productivity.

**Mr DEAN** - Absolutely. I do not think people generally understand that. It is like the case -

**Mr Valentine** - Like the needle in fruit offence, the impact it had.

**Mr DEAN** - That is right; it had a huge impact on the whole country. An impact, I guess, on exports, and everything else for these organisations. It was an amazing situation.

**Mr Valentine** - Different type of event, but a similar impact.

**Mr DEAN** - How much was done in this case to prevent that getting in? I do not know. There was a breakdown here. Should we ban plants and plant material coming into Tasmania from New South Wales and Queensland because blueberry rust is fairly prevalent in those areas? I assure members that the committee discussed this at some length - whether we should have a recommendation in relation to that.

Point 23 - this is another reason why Biosecurity Tasmania was criticised. Biosecurity Tasmania required things to be done but no follow up really occurred. Again, it begs the question just how serious Biosecurity Tasmania was in eradication and working with infected properties?

Evidence was given about the issue of spraying orders, saying they were going to follow up and do things but we were given evidence that the follow-up never occurred.

If you state you are going to do something, do it. As I used to say to police officers under my control, if you are not going to do it - do not say it.

Point 27 - this identifies the true position of Biosecurity Tasmania at the time of 2014 and 2016 outbreaks. The communication strategy in place was quite deplorable. It hardly existed. To the credit of Biosecurity Tasmania, changes were made to its strategies when the matter was emphasised through this inquiry. It was pleasing to see the changes made, and I have referred to that.

Point 32 - the cause of the 2016 Costa outbreak remains unknown, which is of concern. Was it through plant material sourced outside the state? Was it windblown spores or was it transported in by people or other means? Costa Group's farm at Sulphur Creek - and they have determined this since the inquiry; I do not think we were given evidence on this - is about 380 metres from the Howth Nursery, a business impacted by blueberry rust. I do not recall getting any evidence on that but if it was the case - and I do not know why it would not have been - then I think that is perhaps a possible source of the infestation.

I have had a professional person in Biosecurity Tasmania look at the evidence produced in the inquiry. He unearthed some startling facts, some of which I have referred to. He also produced a PowerPoint production for me that highlights many interesting points of evidence, including evidence that should have come forward but did not.

If the department wanted to view that PowerPoint production and the person putting it together agreed, I could probably make it available. It is an interesting document and it would be a good document for it to view. Or is the department satisfied that it now has everything right? It certainly did not have it right.

Point 35 - this is an interesting point because this is where the Secretary of the Department of Primary Industries, Parks, Water and Environment - DPIPW - determined that eradication was not feasible. Growers challenged this decision and do not accept under any circumstances that eradication is not feasible. Some have said that if it means saving an industry, anything is feasible, including the destruction of 150 000 plants and/or the defoliation of those plants and the removed material being burnt or buried. Statements similar to this were made because of a concern about protecting the future viability of the industry.

Point 39 - Costa Group has a growing property in New South Wales and there is little doubt that its approach to blueberry rust here - that is, containment - is based on what is happening in New South Wales.

Evidence was also provided of a perceived influence over Biosecurity Tasmania in this regard by the Costa Group. This, of course, was denied by Biosecurity Tasmania, but Biosecurity Tasmania agreed the size of the property outbreak did influence the decision to control and manage the outbreak, so they accepted that.

Points 44 and 45 - these both refer to the evergreen blueberry variety grown by Costa. Costa is the sole grower of this variety, which is said to be more susceptible to rust than other varieties of blueberry. It is grown because it produces more quickly and can supply the market between those other periods. The committee discussed this point for quite some time, including whether we should ban growing this variety in this state. The committee recommendation identifies that there needs to be further work done on this and that it needs to be closely considered, studied and looked at. If it is seen to be a cause of periodic blueberry rust infection, some hardline discussion needs to be made.

I keep emphasising that we must protect the clean green image of this state. We lose that and we lose our marketing edge. I listened to a discussion on the ABC last night and while other places can and do grow these things much more cheaply than we can, people in other countries, China in particular, are willing to pay a higher price for Tasmanian product than products coming out of other areas. They do not see Tasmania as being a part of Australia. That comment was made last week in the discussion about Brand Tasmania, the bill we will probably be dealing with this week. People will pay a higher price for Tasmanian products, so we must protect them.

Recommendation 10 - all recommendations have been well received by the blueberry industry. Having said this, I have had no feedback from the large producer, Costa. The TFGA welcomed the report and felt vindicated by their position that Biosecurity Tasmania had let the industry down and had a lot of work to restore its credibility and properly protect our borders.

The Government's position is not known, but we will may find out more shortly. The minister followed the usual line, saying the Government was considering the report, so I guess we will receive something later.

Biosecurity Tasmania does have problems, not only borne out by the inquiry. The blueberry industry is generally disappointed in its management and attitude, and it still has much work to restore confidence to blueberry growers. It is a developing industry with great potential to reach cherry and other fruit production in this state.

I referred to one recommendation about eradication and management. During hearings, the CEO of Biosecurity Tasmania, Mr Lloyd Klumpp, told the committee at one stage that blueberry



rust could not be eradicated. The member for Rosevears might remember that following questioning, he changed his position on this statement and said something to the effect that, yes, it probably could. The member for Rosevears challenged the second position and Mr Klumpp denied that in the first instance he had said it could not be eradicated. This point was pursued by the member for Rosevears. The two had an interesting exchange, sparks started to fly and it kept us alive and motivated.

That can be read in *Hansard*. It is not surprising growers have lost some confidence in the approach of Biosecurity Tasmania to blueberry rust outbreaks. They are not confident Biosecurity Tasmania is intent on eradicating or, in fact, has the required knowledge and perhaps resources available to appropriately perform its functions. The position of Biosecurity Tasmania with regard to fruit fly incursions was full on; they came out with all guns blazing, drawing on support throughout government departments and other areas. In my view, it should be given a big tick for its response in relation to the fruit fly and should be commended for that action.

**Mrs Hiscutt** - I thought you said 'kick'.

**Mr DEAN** - No - tick, not kick. But, sadly, as blueberry growers will tell us, it cannot say the same in relation to the action towards blueberry rust by the department. Growers are concerned about that, but hopefully it will change.

Recommendation 3 - this recommendation relates to the organic growers and throughout the inquiry they were raising a significant -

**Sitting suspended from 1.00 p.m. to 2.32 p.m.**

## QUESTIONS

### Home Builders Purchase Program - Energy Efficiency

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

[2.32 p.m.]

The Government recently announced the Home Builders Purchase Program. Remote procurement is particularly aimed at small to medium builders and developers who may build a small number of units a year and will sell off-the-plan projects to Housing Tasmania. Can you please confirm these units will be a minimum of 6 star energy efficiency accessible units with a minimum double entry point?

### ANSWER

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

The Government is seeking to purchase newly completed units from small to medium builders and developers around the state. Tenders have been called for newly completed units as part of the Home Builders Purchase Program, which will boost the state's social housing supply and will target supply in high-demand housing areas.

The procurement is particularly aimed at small to medium builders and developers who may build a small number of units a year and will sell off-the-plan projects to Housing Tasmania. Submissions close at 2.00 p.m. on Wednesday, 12 December 2018.

Tender documents can be accessed and downloaded at [www.tenders.tas.gov.au](http://www.tenders.tas.gov.au), and an information session was held on Friday, 16 November 2018 in Hobart. While the tender process is yet to close, all tenders will be assessed against Housing Tasmania design guidelines, which were included with the tenders. Further, there is a 6 star energy rating requirement currently in the National Construction Code requiring that a house must achieve a minimum 6-star rating units using the Nationwide House Energy Rating Scheme - NatHERS - accredited house energy ratings tool.

### **Tasmanian Electoral Commission - Website Crash**

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

[2.34 p.m.]

Numerous complaints have been raised with me regarding the TEC website crash on Tuesday, 30 October 2018. Some of these complaints came from experienced scrutineers regarding the activities in northern tally rooms, identified by some as a shemozzle, and activities never previously experienced. Some scrutineers have said they can have no confidence in the counting process and saw it as an unreliable process.

Will the Leader please advise -

- (1) What was the cause of the website crash?
- (2) What checking processes had been completed prior to the count to give confidence that the website was ready to go and capable of handling the workload?
- (3) Why was misleading information continuously appearing on the website, identifying exclusions when the information was not right?
- (4) What issues and/or problems arose within the counting tally rooms that caused concern to scrutineers and loss of confidence?
- (5) Have any complaints been received regarding the whole electoral program - that is, from the beginning of the election polls until this point?
- (6) If so, how many and what were the complaints?
- (7) What is the breakdown and total expenditure by TEC on all advertising and marketing costs incurred from the initial announcements of the recent local government elections through to the completed declaration of all successful candidates?
- (8) What costs were incurred for additional staff and any other ancillary issues by TEC for the 2018 local government elections?

[2.34 p.m.]

**ANSWER**

Mr President, I thank the member for Windermere for his question. I will take the time to read the answer into *Hansard*, mainly because when I read it myself, I found it fairly interesting. The answers are -

- (1) As TEC is independent of government, we have sought advice from the Tasmanian Electoral Commission to address your concerns. The electoral commissioner has advised the outage was caused by a massive spike of traffic on the TEC website at around 6.15 p.m. due to the high community interest in the election result. During the outage new figures were posted on TEC's Facebook page. Over 19 000 individuals accessed the site that night. To put this into context, the traffic was 16 per cent greater than the traffic for the state election polling night in March and is equivalent to 9 per cent of the total traffic of the TEC website over the last four years.
- (2) The electoral commissioner has advised that while significant preparation and development of systems was put into the smooth and efficient publication of results, TEC believes that the capacity of the host system was sufficient for the event. TEC was not expecting such a massive level of community interest, which was over twice the traffic in the 2014 local government elections.

In hindsight, TEC has acknowledged it should have increased the capacity of the system prior to the close of the poll. The electoral commissioner has apologised to candidates and the public for the frustration caused by the outage and takes full responsibility for it. TEC will be undertaking a full review.

- (3) The electoral commissioner has advised TEC uses a system called ComputerCount that enables a calculation of the ballot papers at any specific point. This was used in 23 councillor ballots this year and completes a full count and distribution of preferences based on the ballot papers already data-entered. The election is not final until a full second entry of all ballot papers has been conducted.

While this is a significant process, data entry provides a more accurate and timely final result, as well as saving councils significant cost in the event of filling a casual vacancy during the following four-year period.

As in 2014, TEC released 'possible results figures' based on the percentage entered on Tuesday evening. For most councils the result was from around 20 per cent of the council ballot papers entered.

While the information published on the TEC website includes a statement saying that possible election results are based on approximately *xx* per cent of votes counted and that results are provisional and may change once all ballot papers are data entered.

The commission has recognised these possible results can cause confusion and distress to some of those involved. The electoral commissioner has advised TEC will review its communication strategy concerning the release of figures for future events.

- (4) The electoral commissioner has advised there were no issues at any of the tally rooms other than the website outage. Several hundred candidates and interested parties attended the Hobart

tally room, with smaller crowds at the Launceston and Devonport tally rooms. The commissioner advises that while there was a feeling that election figures were slow to be released, the timing was only slightly later than the release of figures in 2014. This was due to the record-sized field - 481 individuals, 718 candidate names across all ballot papers and a very high return of over 209 000 envelopes, equating to 596 000 individual ballot papers.

By the end of counting that evening, figures had been produced for 77 of the 79 ballots being contested, with 18 mayors and 15 deputy mayors elected. All mayor and deputy mayor elections were completed by Wednesday, and all council counts were completed by Saturday evening, which is similar to the time taken in 2014.

- (5) The Government is advised that to the best of the commissioner's knowledge, no complaints regarding the whole electoral program have been received.
- (6) The Government is advised there has been a small number of complaints on topics including signage queries; distribution of an SMS message mentioning a candidate; that the poll should close at close of business rather than at 10.00 a.m.; concerns regarding the nomination eligibility of a candidate; complaint about the method of delivery of votes from the West Coast Council offices on Tuesday, 31 October; concerns that not all ballot papers were delivered by Australia Post; loss of votes as informal due to the requirement to place up to 12 preferences on a ballot paper; and a Facebook complaint from an unsuccessful candidate stating the counting system should be changed so the leading candidates after first preferences should be elected.
- (7) The commissioner has advised as with all major elections, TEC undertakes a large election awareness program; the placement and production budget for these elections was \$270 000.
- (8) TEC advises election casuals are employed across all stages of the election. On Tuesday, 31 October, in addition to the 14 permanent electoral staff, TEC employed around 400 paid election casuals across eight centres around the state. The salary bill for the election casuals in the week of 29 October was in the vicinity of \$650 000. The total cost for these elections has not been finalised, and due to the significantly increased expenditure return requirements to be submitted by all of the 481 candidates and the use of additional staffing for these elections will not be completed until the new year.

The electoral commissioner has advised he is happy to meet with the Member for Windermere or any other member of this House and he is happy to provide it if they wish further information.

### **Pain Management Services - Interim Options - North and North-West Tasmania**

[2.43 p.m.]

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

On 22 August 2018, in answer to a question without notice, I was advised work has commenced to identify interim options to deliver pain management services in the north and north-west, and it is the Government's intention these services are operational within six months, subject to recruitment. Can the Leader please advise in regard to the establishment of these pain management services in north and north-west Tasmania -

- (1) When will funding be announced for the creation of these services?
- (2) When will funding be made available, given these services are due to be in place for the people of northern Tasmania in the first quarter of 2019?

## **ANSWER**

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

As previously indicated, the answer is that the Tasmanian Health Service is implementing this new service with an intention to commence it in the first quarter of 2019, subject to successful recruitment. Work is underway to recruit a pain service coordinator, which will be an allied health or nursing position. This stage is occurring without the need for specific additional funding. However, future funding needs will need to be considered as the service expands.

As previously advised, the Government is looking to have a service in operation within six months of the response to the member for Launceston's previous question, noting this is subject to successful recruitment.

## **National Disability Insurance Scheme - Ineligibility**

[2.44 p.m.]

**MS SIEJKA question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,  
Mrs HISCUTT**

- (1) How many people with a disability will not be eligible for the NDIS and has the state Government identified them??
- (2) Does the Government have contingency funds if there is market failure in a particular area of Tasmania?

## **ANSWER**

Mr President, I thank the member for Pembroke for her two questions.

- (1) At this point, as a result of transition to the NDIS, the state Government has not had to continue funding for any person who was accessing specialist disability services, except in the case of agreed continuity of service arrangements for fewer than five people under 65 who are yet to transition to their age group.
- (2) Any market failure in the NDIS market would be the responsibility of the National Disability Insurance Agency. The Australian Government has also recently announced a new NDIA market enablement framework to ensure that NDIS provider markets are available to participants. The new framework guides how the NDIA will monitor the disability services market and determine what, if any, strategies should be adopted to encourage market growth or correction. A key principle highlighted in the NDIA Market Enablement Framework is enabling the market to develop and to intervene only where participants are unable to access necessary support.

The NDIA is also currently working on a number of projects that will complement the Market Enablement Framework to ensure it is actioned efficiently and effectively, including local area monitoring that identifies potential undersupply of disability supports so as to enable the NDIA to consider local responses.

Significant funds of around \$11.7 million have also been invested into sector development and capacity building since the commencement of the trials in 2013. The Commonwealth also continues to invest, with a recent announcement of a \$10 million jobs and market fund.

In addition, Tasmania will continue to share relevant data to inform policy and administration of the NDIS and to identify tailored remedies to address any workforce gaps.

### **Smoking - Receipt of Questions**

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

[2.47 p.m.]

I sent some questions through in relation to smoking and I would like to know if you have received them or if there has been a breakdown in my office. Can you confirm whether they were received?

**Mrs Hiscutt** - We are not aware of your questions, member for Windermere.

### **MOTION**

**Consideration and Noting - Government Administration Committee B - Blueberry Rust in Tasmania - Report**

**Resumed from above.**

[2.48 p.m.]

**Mr DEAN** (Windermere) - Madam Deputy President, earlier I was talking about recommendation 3, which relates to organic growers. Throughout the inquiry they raised the significance of blueberry rust eradication. To them, containment is not acceptable - because of their need for purity, sprays, of course, cannot be used. This product, organically grown blueberries, demands a premium price. Most are sold before the season even commences. That is how popular organically grown blueberries are.

Recommendation 4, 7 and 10 - these relate to communication mediums, which were found to be poor and misleading in some respects. Evidence within the report identifies this. Biosecurity Tasmania really had little idea of the number of blueberry growers, the quantities being grown and where they are being grown. That was of real concern, which is pointed out in the recommendations.

Recommendation 5 - this relates to the reviewing of the biosecurity legislation and the need to consult far and wide, including with blueberry growers. I am not sure what stage that is at; the Leader may well be able to throw some light on where those amendments are at. It is seen that they

will be an important part of biosecurity moving forward. There is a lot of interest in the amended bill that will come here at some time.

Recommendation 8 - some directions and controls are not suitably written as policies or directives and need to be in legislation and offences and penalties disclosed. Those breaches, unless in extraordinary circumstances, should be proceeded with by way of charges.

Recommendation 9 is interesting. As at this time and in 2014-16 and the more recent outbreaks, no requirement is legislated or otherwise for compensating growers. Through no fault of their own, their livelihoods can be destroyed, certainly severely impacted on - as was the case here - because of blueberry rust in situations where they have absolutely no blame resting with them. A compensation package needs to be developed by the Government and the department in relation to these people.

In the case of the Schwinds, where their livelihood - their sole income - was virtually bulldozed in front of them, and cut off under an emergency order, there was no onus on anybody to pay compensation. They were devastated, as any of us would be. They did nothing wrong; they did everything right. It was a very upsetting issue for them to have to confront and to work with and manage in the circumstances. We were told an older person within that organisation suffered some medical conditions as a result of the pressures on him, or them, during this whole process.

At the end, the Government made a small financial package available to the Schwinds as an ex gratia payment. The Government is to be commended on that. From memory the amount was \$30 000 or thereabouts. It was miniscule when you look at the impact it had on them, their family, their farm, their income. It was just a miniscule payment to them. Better than a kick in the backside, but still it caused them lots of heartache and a lot of concern. Costa did not require it. Its property was protected, even though blueberry rust was present and the similar risk existed as with the Schwinds.

I urge the Government to consider seriously the findings and recommendations within the report, and to accept that Biosecurity Tasmania has a long way to go, certainly at the time of the inquiry, and that significant change is, and was, necessary. Many people have said this to me. It is not about bagging out Biosecurity Tasmania. It is about attempting to make it a better organisation and ensuring our borders are policed appropriately, so that we can all have confidence that Tasmania will remain disease-free to the best of our capacity and ability. Further, if incursions occur, Biosecurity Tasmania should be sufficiently resourced and have the knowledge and the background skills necessary to address these issues.

Consistency of approach is necessary. Size should not determine the approach method when it comes to protecting the blueberry industry. We saw that with the recent fruit fly problem. They threw everything at it bar the kitchen sink. In fact, they even threw the kitchen sink at it.

**Ms Rattray** - They certainly threw the rubbish tins at it.

**Mr DEAN** - They threw the rubbish tins at it; they certainly did - they were all over the place. We and the blueberry growers are asking for a similar response because it means the same type of problems and concerns for them. It cannot be forgotten that Tasmania has that edge, the clean green fresh image that we have.

I earlier thanked committee members, and I want to thank our very efficient staff, both Gabby and Nat for their excellent work. I thank Gabby Woods and Allie, the supporting staff and the Legislative Council staff for everything they did in helping and supporting us with this inquiry. I appreciate it very much.

I will finish with a quote by the expert person I had look at biosecurity and this report -

The Reality of Biosecurity Barriers for Tasmania - The Risk Assessment matrix is used to ensure public resources are properly applied to those incursion threats that pose the greatest impact socio-economically or environmentally. Tasmania cannot realistically safeguard the entry of all of the List A plant and animal threats but it can be intelligent and innovative in the ways it applies limited resources. Pre-border intelligence, early detection capability and tracing are part of the solution but underpinning all efforts must be transparency, honesty and consistency.

**Mr FINCH** (Rosevears) - Madam Deputy President, I knew the Chair of our committee would cover the report in detail. He was terrific. Well done - your chairmanship of our inquiry was exemplary and we all felt we were making progress right through. It was a very important inquiry conducted on behalf of blueberry growers and the circumstance within Tasmania and where we found ourselves in respect of Biosecurity Tasmania's and DPIPWE's handling of the whole situation.

The member for Windermere outlined that, and there is no need to go back over it. I have spoken to growers to test their reaction to what has gone on and submit some of the comments I received.

Since the report was released, some growers feel there has been no further input from Biosecurity Tasmania. No contact about supporting the recommendations. They have not heard a thing about it, nor anything about supporting the organisation. They thought there was a failure about the scientific facts revealed in the report. They have no faith in their organisation, Fruit Growers Tasmania, which they were working to and put their trust in. No faith in Fruit Growers Tasmania at all now, and they are looking to support their own organisation. Generally, I believe it was the bulk, if not all, of the fruit growers.

I will tell members what happened - and you would remember, member for Windermere. The evidence we received in the report from Peter Skillern of the TFGA was damning. It was strong and he was very supportive of the blueberry growers. If I was a blueberry grower, I would be going back and knocking on his door and saying, 'Give us a hand, Peter', because he made it quite clear they were not treated well and the TFGA would look to support to them.

He was not touting for business. It was the way he conducted himself - that they are looking in this direction. They are developing their own united group and having it under the umbrella of the TFGA. I asked if it was only a few, and they said, 'No, we are not divided and everybody has that belief'. We talked about one of our strong recommendations, which was, if I recall correctly, about communication and how it had failed the growers and the organisation, and yet I have no updates at this stage regarding the level at which infected properties are now functioning. DPIPWE is not looking at alternative control options - or Biosecurity Tasmania, whichever one you want to sheet that home to - and that seems to come from the top within the department. They feel they are



being ignored or that the report is not being taken seriously. The member for the Government might give us a different opinion; however, that is what I am hearing.

I have also heard, from links within DPIPWE, that it does not seem to have served them well - 'Not happy, Jan' was the real feeling I got, whereas I would have thought they would be saying, 'What a breakthrough - that report was fantastic, they will take notice of it and they will take some action on it'. The Leader might say it is a different story altogether, but what I got is that they are not happy with the way DPIPWE has dealt with them in the aftermath of the report.

I can still perceive animosity from the growers about the way they are being treated. Perhaps we will hear differently from the advisers and from the Leader. It was a little frustrating for me because, as you know, I like to be a 'glass half-full' person; I like to think, 'Okay, we have done all that, we have highlighted all that; we have done the report, we have done the inquiry so let's move forward. What is there in the future?' What I have coming back, however, is that they want the department to come clean with the way it has dealt with this; they want honesty and they want the background dealt with thoroughly. It is okay for them to call for that. I would sooner see us move forward into a better landscape. There is a sense the department has not addressed the issues of what occurred in the past.

As to the need to reconsider the maintenance, of course there are surveys coming up; we have the report, we are moving into a new season, surveys are coming up and they have been asked to be part of the surveys of their properties again to see how they are travelling as far as any infections are concerned. They have also been told that markets can be applied for, but growers are still quite a bit in the dark - that was the message. Where is the extra communication? That message was so hot and strong. I thought I would not have one mention that communication is still not good. I thought it would be the first thing to be jumped on. Let us start this communication process going. One of the big criticisms was about communication.

When I talk about the future, people are still positive about the blueberry growing industry. It offers a lot of promise because we grow very good fruit here. People want our fruit. I think I told the story, when we were talking about the inquiry, about how one of the growers in my electorate was exporting, of her own volition, to Hong Kong. She built up a little market with a pallet every now and again going to Hong Kong, then she got a knock on the door and a bloke from Canada came in and said, 'I want to have a look at your blueberries'. She asked, 'How did you find out?' He said, 'I've tried them in Hong Kong. We want them for Canada.' Because the product was organically grown and the quality was so high, now she is exporting to Canada. There is positivity within the industry, but of course they are not going to be happy until the fruit is in the punnets and being sold, because the market is still nebulous. They are still not sure. They want to see those markets being communicated with, being developed properly in Victoria, Western Australia and South Australia - those markets being developed properly and supported through the process to ensure their product into markets on the mainland.

That is as much as I want to contribute. I know it is a negative, but I will wait to hear what the Leader has to say. My thanks, like those of member for Windermere, go to the people who gave evidence under a fair bit of duress because of the way they had been treated and what they had to go through.

I will not go into it. I suppose we skirted around the issue in the report but that was certainly not fair. You know of which I speak and it is the sort of thing we do not want to have happen in Tasmania. We do not want people treated this way. We have to nip it in the bud, because if this prevails in Tasmania, we are in trouble. A different world altogether.

Hopefully, it will not occur again, but certainly the people were very courageous in many ways. They were very intelligent, informed and knowledgeable about their fruit and the industry and were prepared to share their knowledge with us. We learnt a considerable amount and had a good experience. If we think about the process we went through, the findings and recommendations made, it will be very helpful to the industry, DPIPWE and Biosecurity Tasmania to have highlighted the things the way we did.

[3.07 p.m.]

**Ms RATTRAY** (McIntyre) - Madam Deputy President, I make my offering on the noting of the blueberry rust report and certainly endorse the words of the member for Rosevears in acknowledging those who made representations to the committee. I know the Chair of the committee also did this.

He was absolutely right in indicating how difficult it was, particularly for the Schwinds, who had to relive the awful experience on Christmas Eve receiving an eradication notice. It had to be read out to them and the older Mr Schwind really did not take it well.

**Mr Finch** - The way he was treated he could make comparisons to his European background.

**Ms RATTRAY** - It certainly was a difficult time and to relive that was difficult, so I again acknowledge their willingness to come forward and put on the public record their concerns in regard to the process that unfolded.

That brings me to the main point about eradication versus containment. Containment is what we have in Tasmania when it comes to blueberry rust at this time, but it is not what the industry wants. It wants eradication. Growers want to be able to hold their punnets up for the market and say that we do not have blueberry rust in this state. While ever we have the containment process in place, they will not be able to firmly say we do not have blueberry rust in this state.

I take on board the comments on the first recommendation made by the industry and particularly the grower identified by the member for Windermere: Biosecurity Tasmania 'must' aim for eradication of blueberry rust in Tasmania in preference to the 'should' we had in the report - and perhaps that would be the case if the committee had its time again. We thought 'should' was a strong enough message at the time for the Government to work with Biosecurity. I will quote something from the report when Mr Skillern, the TFGA CEO, came to the inquiry and presented and advocated strongly for the industry. Quite a few blueberry growers, particularly the organic blueberry growers, would have signed up as TFGA members following his support. Even though they did not necessarily directly represent the group, they were there supporting and advocating for them. I quote from page 94 of the report -

4.102. The importance of agriculture in Tasmania was raised during the hearings; Mr Skillern commented:

The Government has a role to play, as does Biosecurity Tasmania, in making a determination that eradication is the way forward. If we are going to go down that track it goes to a point you asked me previously about what assistance would be required. If assistance is required, that is that what we should be doing to protect the Tasmanian brand and our biosecurity system. At the end of the day, a dollar spent doing that will have a multiple economic effect in enhancing our

brand to show that as a state we are serious about biosecurity and if we do have an incursion then we rally around as a state to support the producers that have been affected. This idea that we cut them loose and they are on their own is just not sustainable in the long term for agriculture.

It goes on to say -

I know I do not have to reiterate this to the committee but given this is a public record, I will. Agriculture in Tasmania produces just over 7 per cent of state growth product. We are the state where agriculture is the most significant economic driver. Surely any government or department should be putting biosecurity to protect such a key economic pillar as one of their number one things to be doing in funding and dealing with.

And -

Unfortunately, this whole sorry saga has left us with the view that perhaps that is not the case.

You can see that the peak body for agriculture in Tasmania absolutely supports the Government and Biosecurity Tasmania working with these growers to make sure the biosecurity aspect of their industry is first class. I acknowledge the work done with the fruit fly - it has been exceptional and it was acknowledged during the inquiry that they have really taken hold of the issue and are getting on top of it. That is what we would have liked to have seen.

Again, it follows and most members have read this, but it is worth putting on the public record for those who may be listening elsewhere -

4.103 - Biosecurity Tasmania's submission summarises lessons learnt as follows:

This was interesting after the member for Rosevears' contribution -

As with every response, Biosecurity Tasmania undertakes a process of evaluation to learn and improve its activities through a process of continual improvement. A number of lessons have been learnt from the blueberry rust responses including:

- The need for a property register. A number of blueberry growing enterprises were unknown to both Biosecurity Tasmania and the industry peak bodies.

They go on to say -

Despite extensive communications and searching, a number of these properties only came to light in the early stages of the 2016 response.

It then goes on to say -

Processes for compensation of producers with impacts of the emergency response were not available to Biosecurity Tasmania,

Hence we have made a recommendation around that.

The last dot point in that piece in the report says 'communications processes require improvement, and it says -

Despite extensive communications in both responses, gaps were still identified in both systems and performance. (eg. approvals processes for external communications and website updates sometimes resulted in slow and incomplete communications occurring) Ongoing work is aimed at rectifying this.

Interestingly, in additional submissions after that original submission from Biosecurity Tasmania, as late as August 2018 we were informed as a committee that the Tasmanian biosecurity alerts system was still not working. This particular grower, Trish MacFarlane, had registered on the DPIPWE website on 16 August 2014; two infected properties on March 2017 were not notified; update on change from eradication to management on May 2017 was not notified; and when the IP5 was detected, no alert was raised.

We have Biosecurity Tasmania saying, 'Yes, communication is important', and 'Yes, we are learning from this all the time' but as late as March and May 2017 the online website system unfortunately was still not working. It was still not letting these people know or notifying growers of what is going on in the industry. That led to a lack of confidence, a significant lack of confidence, in what should be a body all blueberry growers, all fruit growers, all the agricultural industry organisations should have absolute confidence in. It is our livelihood; it is our brand. It is what we pride ourselves on: having that point of difference when it comes to produce. It is really important that we continue to support that.

I continue to have some concerns and, given that we have had such an extensive discussion around the code of conduct, I should declare that my son-in-law is a blueberry grower, a small grower. He still has a full-time job because it is not to any extent that he can make a living out of it to support his family but he is a small blueberry grower in the far north-east of the state. Organic certified, I might add - Berry Blue.

I was recently looking for some blueberries to make some muffins for the Scottsdale Show afternoon tea and there were no blueberries left in the freezer from last year. That is fantastic. We have been able to onsell the ones in the freezer to different people and the supermarket from the season's end through to more recently.

I will have to wait until January or February to be able to get some more unless I buy them directly from the supermarket.

**Mr Valentine** - I will have a look through my freezer. I might be able to give you some if you are going to bring us muffins.

**Ms RATTRAY** - I am actually pretty good at blueberry muffins, if I do say so myself.

I also declared through the inquiry process that my son-in-law grows blueberries and my daughter works at picking them when she has to.

It is such an important growth industry for the berries, that is the important aspect.

**Mr Dean** - That is what Biosecurity Tasmania is beginning to understand.

**Ms RATTRAY** - It did not even know how many growers there were. To be fair to Biosecurity Tasmania, the peak body did not know how many growers there were. In all fairness to Biosecurity Tasmania, when the peak body does not know how many growers there are, there are some issues around that. The peak body needs to do some work.

But for the growers, registering their business is so important - as is registering a business in any industry so the likes of the appropriate government departments know who is in the industry so they can be kept abreast of what is going on. Much work is still to be done when it comes to this industry. I absolutely believe that establishing this inquiry and developing this report, providing the findings and the recommendations, can only benefit the industry, the growers, Tasmania and our brand. There are some good recommendations. We do not always have 10 recommendations to a report, but they are 10 significant recommendations -

**Mr Dean** - It will make a big difference if some of them are accepted.

**Ms RATTRAY** - I would like to think they will all be accepted. None of them is outside the Government's remit. None of them. If the Government resourced Biosecurity Tasmania to the appropriate level, none of those recommendations is outside their remit. They are all achievable. That is what it is: it is resourcing a department to be able to undertake the role it was established for. We almost liken it to the Ombudsman's Office. That will be a discussion for another day. But if it is not adequately resourced, it cannot do its job to the highest level - then matters will happen, situations will occur, and we never, ever want to see a repeat of the situation the Schwinds and the other grower went through.

**Mr Finch** - Interestingly I went into the inquiry thinking that Biosecurity Tasmania was not funded as well as it might be, yet we heard evidence that, in fact, whatever they ask for, they get. It is covered so that is not part of the problem, as we heard.

**Ms RATTRAY** - At the time. That is right. But to be able to implement the entire 10 recommendations of the report, in my view, it will need additional resourcing. I take on board the point the member for Rosevears made in regard to that. We have had requests for additional funds - RAFs - in this House, particularly when extra money had to be provided through the department to address the fruit fly problem.

This House has never, and never would, query such a request for additional funds. A few of us in this place get into it with a microscope, as you well know, Madam Deputy President, but we would never argue that a request for additional funding is not appropriate, when it is integral to the biosecurity of our state. We would never do that.

Certainly, a comprehensive grower database and a system of property identification developed for blueberry growers will take the department time to do. A grower will just be able to log on to the database, but there has to be technical expertise behind that. Biosecurity Tasmania will need to ensure that legislative provisions for noncompliance are applied. If somebody is doing the wrong thing, Biosecurity Tasmania needs to come down on them hard. If that takes a legislative approach, that is government's role. If you are doing the wrong thing and putting Tasmania's biosecurity at risk, be like New Zealand and slap a fine on them. Honest mistake, a banana into Auckland, too much travel, not enough sleep and obviously did not need the banana -

**Mr Valentine** - Who was this person?

**Ms RATTRAY** - This person was me.

**Mr Finch** - No need for the Integrity Commission to investigate.

**Ms RATTRAY** - No need at all. I paid up with my own funds and will never do it again. I will empty my bag and take everything out. I had a backpack, you can fit quite a bit in a backpack -

**Madam DEPUTY CHAIR** - It would be great to stick to the purpose of the debate, which is the blueberry rust report.

**Ms RATTRAY** - I thought, it might be pertinent to the debate, about how effective the biosecurity measures are in New Zealand.

**Ms Armitage** - A big stick works.

**Ms RATTRAY** - It certainly does. The fine is almost double what can be applied in Tasmania, so the biosecurity man at the airport at Western Junction told me. He said, 'That is very expensive, we do not charge nearly that much.' I said, 'You should increase your fines.'

I fully support the recommendations. As I said at the beginning, perhaps we should have put 'must', but the intent was there and the fact we felt it was so important, it was number one in the recommendations. They are all important recommendations, certainly to the industry. It was at the top of the list. We should aim for eradication. That should be their goal. I would fully support that. I know the industry would fully support that, with perhaps the exception of one very large grower in the state, who might not.

If we are to uphold the Tasmanian brand and really promote organic and the value of the blueberry industry, aiming for eradication is certainly a goal we need to have. We need to put in energy and focus. I support noting of the report. I thank the member for Windermere for his leadership, and I thank my colleagues on the committee. Yes, I learnt a lot from the committee, as we always do. There has never been a committee in this parliament not worth its salt. That is why the committee process works so well, particularly in the Legislative Council. It is a fact-gathering mission which ends up coming out with a report of substance and value.

I want to make sure we support all our industries. In promoting biosecurity in this state and making sure Biosecurity Tasmania is appropriately resourced to deliver those 10 recommendations with government support, I think it has been a fantastic process. I support the noting of the report.

[3.29 p.m.]

**Ms ARMITAGE** (Launceston) - Madam Deputy President, I, too, support the recommendations and the noting of the report. I thank the Chair and other members of the committee, the committee secretary and the other staff for their assistance. It was certainly an interesting committee. Originally, I thought, 'What am I going to learn about blueberry rust?' It did not seem it would be enthralling, but I learned a lot about blueberry rust. I learned a lot about biosecurity, and what was and not happening in the state. On the weekend - and I will not say where - I was looking to buy a blueberry plant and I must admit I started examining the leaves to see if I could see any spores.

**Ms Rattray** - The interesting part is that it is not easy to locate on the plant, if you recall.

**Ms ARMITAGE** - I did but I found myself looking. It was something I would never have done before. I automatically started looking at the plants and the leaves and in the end I decided not to buy one because I was not sure and I thought I would leave well enough alone.

Going to some of our recommendations, as has been said, the first recommendation is -

1. Biosecurity Tasmania should aim for eradication of blueberry rust in Tasmania.

That message kept coming back again and again from evidence that we heard, particularly from the organic growers. Their blueberries will not be sold if they spray. They cannot spray; they have to have eradication.

It was interesting when we were speaking with different people giving evidence how different things came across depending on who they were. Some of the growers were very stringent when it came to hygiene and pickers who came to their properties, so much so that you had to leave your boots and your clothes outside, everything had to be washed and nothing could come onto the property. You could not take a picker from New South Wales because it was particularly rampant up there.

Yet a couple of other growers did not worry too much at all. They seemed to say, 'It does not really matter, spores can come on cars on the ship'. They did not seem to have the same concern some of the organic growers had, and that was something we found when it came to the evergreen and the deciduous varieties of blueberry. I will read a small section from page 49 of the report. Tony Waites of Woodlea Nursery, Springfield, Tasmania made the following statement regarding eradication by means of defoliation at the hearing of 22 January 2018 -

**Ms Rattray** - I am glad you are reading that out, I had that ear tagged but did not read it out so well done.

**Ms ARMITAGE** - He said -

There is a grey area between containment and eradication. You are trying to suppress active rust spores in both cases but in eradication you are saying you are trying to get rid of it completely. In containment you are saying it is too hard to get rid of it completely, let's try to minimise it. That component is common to both of them. If you look at why it is difficult to get rid of the rust spores there are a couple of things.

One is that some growers in the state grow evergreen blueberries and that supplies host material for the rust to grow on all year round. When you see that, dealing with those trees has to be a high priority. There is a number of ways. You can rip out those evergreen plants but I do not think anyone is suggesting you do that. Another option is, as I am sure you have discussed, the issue with defoliation. My interpretation of the fairly scant evidence and study information suggests controlling with defoliation is, at the very least, going to assist in containment. You are going to have less of a problem with blueberry rust after you do it and hopefully, based on the results of Rosalie Daniel, there would be a hope the rust is killed completely. If you can defoliate the plants within the four to eight weeks there would be every hope you would kill the outbreak.

The use of evergreen production systems at Costa was raised during hearings with Mr David Bardon, horticultural manager at Costa Group. The Chair said -

We have covered it but I raise it again. It has been put to us that Tasmania should not allow evergreen plants into the state. We should be simply deciduous because it protects against disease in that they drop their leaf, the climate is cold during the winters and therefore it kills off the rust, the spores and so on. It is a natural predator of disease. What would you say to that position, that we should not entertain the evergreen variety?

The response from Mr Bardon -

The evergreen variety we are talking about gives us an advantage. It is a great variety, a good producing variety that offers good cross-pollination for a number of other varieties. Yes, I would be concerned. I would like to see that continue. There has been significant work in breeding programs, particularly for our customers. I would say that with disease, disease can hang onto non-senescent leaves. It is not to say that because they go deciduous in winter are not going to have the disease. That is well documented. I am more concerned about growers that don't spray than growers that do spray, particularly when it comes to disease and outbreaks.

As it has been mentioned, it is very difficult for organic growers to spray. That is one of the things that Tasmania had, listening to a variety of people who came and gave evidence: the Tasmanian brand. In some cases the cost of the organic berries was double because it was such a good product; as mentioned by other members, it is all around the world.

**Mr Dean** - A premium product at premium price.

**Ms ARMITAGE** - An absolutely premium product. For those people, it was their lives and their livelihoods. We did a couple of site visits. For them to have to lose all their berries and even to spray once, to get accreditation back was next to impossible. It was an issue.

The other issue was the spores. We were told a variety of different things by people. Some people said that the spores will not travel from one property to the next. Then we had evidence saying that a spore could travel from here to New Zealand. Whom do you believe? At the time, they all believed what they were saying, but how do we know what is accurate and what is not accurate? That is really difficult. I have two little blueberry plants in my garden that came from a good registered grower who gave evidence. They still have not produced any berries, so it must be me.

**Madam DEPUTY PRESIDENT** - It is not the right season; give them time.

**Ms ARMITAGE** - They have been there a couple of seasons now. They are still very small.

**Mr Farrell** - They might be like lemon trees.

**Ms ARMITAGE** - I do not have trouble with the lemon tree; I have four sons.



Going back to the blueberries, the concern is that if the spores do travel, if I were to get blueberry rust, first, would I know because who looks at their garden very often? It could cause many problems for other blueberry growers. I think it is something the average person with some blueberry plants in their garden is not aware of. Until I was part of the committee, I would not have been aware of it either. That is very important. It probably goes back to the resources mentioned by other members and the fact that the department needs to be adequately resourced. It is all right to resource it. When we had the fruit fly problem, all of a sudden resources came from everywhere to make sure that it was eradicated. I do not believe the department has thrown as many resources at blueberry rust as it threw at things like fruit fly.

To people who are involved in the blueberry industry, and it is many more than we realised, it is just as important. I believe there should be adequate resourcing.

Most of the areas have been covered by members, and I am not going to go on and repeat what has already been said. I agree with the recommendations. It was a very enlightening and informative committee. I hope that most of the recommendations are taken up. If extra resources are required, they need to be provided because it is such an important area.

I do not know how we can overcome some of the issues to do with pickers from certain areas and hygiene on certain properties, which realistically comes down to the individual growers and whether they decide to tighten what they have. If you are not an organic grower, you do not have the same impulse to do it. You are not as concerned because you can spray. That is a real issue for organic growers. It is certainly a lot more difficult for the organic growers. To have both in the community - deciduous, evergreen, some people who are more concerned with hygiene on their property and where pickers come from, and others who are not as concerned because they are not organic growers - certainly makes it difficult for the department because you are not playing with the same deck and you are trying to compare apples and pears. It is a different situation. I feel for the organic growers because they are at a disadvantage when there are two different markets out there. I do not know how we can overcome that and I do not think the department can overcome it. The only thing we can do is to aim for eradication, but whether they are supported by the non-organic growers in aiming for eradication is another matter.

I support the report.

[3.40 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Madam Deputy President, the Government welcomes the tabling of the Government Administration Committee B Report on Blueberry Rust in Tasmania. I thank the members for their valuable contributions to the committee and also acknowledge those growers and stakeholders who made a submission and attended inquiry hearings.

I advise that the Government will provide a formal response to the report in due course. The Government agrees with the Chair of the inquiry's statement that -

An effective, efficient, proactive biosecurity approach with well-trained and readily available staff is critically important to the agricultural sector and the broader community.

The Government formed Biosecurity Tasmania as a new, more integrated organisation, and since 2014 has invested more funding into biosecurity year on year. Our biosecurity system is based

on managing risks across the entire biosecurity continuum with pre-border, border and post-border activities designed to work together to mitigate risks.

The Tasmanian Biosecurity Strategy operates on the understanding that a zero-risk system is unachievable, and that the balance and level of biosecurity resources across the continuum should be determined by consistent analysis of risks and returns across programs using evidence-based systems and techniques.

The Government fully recognises its leadership role in biosecurity and also acknowledges how our successful state biosecurity system is the shared responsibility of government, industry, the broader Tasmanian community and visitors working together.

With these overarching principles in mind, the Government, and in particular Biosecurity Tasmania, is carefully considering and is applying the learning and experience from the blueberry rust incursions since 2014.

The process of this inquiry and the report has helped inform the Government's ongoing approach to improve our biosecurity system, including the direction of some of the recent increased investments made into biosecurity, improved industry partnerships and communications, the draft biosecurity bill, and also how Biosecurity Tasmania conducts responses to detections in conjunction with effective stakeholders and industries.

I will briefly provide an initial response to the inquiry's recommendations. In relation to recommendations 1 and 2, the blueberry rust response is based on sound biosecurity principles supported by evidence from the department, New South Wales DPI and the Tasmanian Institute of Agriculture.

A regulated containment strategy was adopted by Biosecurity Tasmania as the appropriate response to the specific situation in 2016, which presented a different situation to the 2014 incursion. The current regulated containment strategy involves a suite of measures, including property quarantine, farm biosecurity and preventative measures, property inspection, industry partnership, and support for growers maintaining market access.

The regulated containment approach manages the biosecurity risk for the industry as a whole - both organic and conventional - and it does allow for possible longer term eradication without widespread impacts on businesses.

Since 2016, a total of five infected properties have been identified through statewide surveillance. Importantly, two of the infected properties no longer show signs of the rust through the on-farm measures adopted.

Given the practical challenges faced with rust diseases, the next step towards possible eradication is further research to provide sound scientific guidance, as per the inquiry's second recommendation.

Biosecurity Tasmania is currently considering several research projects requested of, and proposed by, the Tasmanian Institute of Agriculture. Further details on the specific research will be provided in the Government's formal response to the inquiry.

The 2018-19 state Budget provides an additional \$3 million over five years, taking the total investment to the Tasmanian Institute of Agriculture to \$28 million to support the new Agricultural

Innovation Fund for specific industry-aligned priority research programs. This provides a ready pathway for TIA to support industry-specific research in the blueberry industry.

Madam Deputy President, in relation to recommendation 3, the Government has always appreciated the concerns of organic growers. In negotiating market access arrangements, those properties determined to be free of the disease, which are the vast majority, are still able to access regulated markets under pest-free places of production or property-certification arrangements. This particularly assists our organic growers.

In relation to recommendations 4 and 10, the Government is continuously improving the communications with farmers, industry, and the wider community on biosecurity matters. Additional funding was provided in this year's state budget for a new biosecurity industry collaboration manager, whose role is to lead Biosecurity Tasmania's communication strategies. The industry collaboration manager will work closely with industry to provide information and support on current biosecurity matters. Biosecurity Tasmania is also actively considering information management improvements, including that associated with external communications.

In relation to recommendation 5, the Government is working with industry so that we will soon be in a position to bring into parliament the new biosecurity bill to modernise and streamline our biosecurity regulation. The member for Windermere asked about that. The bill has been the subject of broad consultation. The consultation is still ongoing, but nearing finalisation. The consultation has involved -

- (1) The Government, in its first term, initiated the first ever comprehensive policy review of Tasmania's biosecurity legislation.
- (2) The initial review process involved consultation and input from industry groups such as the Tasmanian Farmers and Graziers Association, Tasmanian Seafood Industry Council, the then Primary Industry Biosecurity Action Alliance incorporating a wide range of industry stakeholders, Tourism Industry Council Tasmania, local government and other key stakeholders such as the Tasmanian Conservation Trust and the Invasive Species Council.
- (3) A draft position paper setting out policy positions for the proposed regulatory reform was released for public consultation in March 2016 and a draft future directions paper outlining a new legislative framework for biosecurity was released in November that same year.
- (4) Consultation on the draft bill is continuing with recent briefings of a wide range of industry groups, including nursery, fruit growers and blueberry industry representatives.

Madam Deputy President, that was the answer to the question on the floor from the member for Windermere. The aim is to finalise the bill ready for tabling in the new year.

In relation to recommendations 6, 8 and 9, biosecurity is essential to Tasmania's agricultural productivity and market access, the state's reputation for high-quality primary products and our natural environment. The biosecurity bill, if implemented, will establish the framework for a practical, modern biosecurity system, capable of furthering the principles and objectives in the Tasmanian Biosecurity Strategy, while streamlining red tape for businesses and the community.

The bill provides provisions relating to noncompliance that are a significant improvement on the current legislation. The new biosecurity bill, among other things, will enable programs to reimburse businesses for direct losses as a result of a biosecurity response in specific circumstances.

In relation to recommendation 7, the National Biosecurity Committee, which ultimately reports to agricultural ministers, is progressing a nationally coordinated project related to the issues of traceability and property identification for key agricultural sectors. Tasmania is participating in this national process. Further information will be provided in the Government's formal response to the inquiry. In 2017 the Government also partnered with the Tasmanian Farmers and Graziers Association on a new on-farm biosecurity project. This \$310 000, four-year project is funded under the Strategic Industry Partnerships Program, commencing in 2017-18. As part of the project, the TFGA is exploring opportunities for improved property identification. One component of this project is to establish a framework for development of a farmer database of what is grown and raised on farms and as far as possible commencing implementation. In closing, the Government has noted and is considering the inquiry and will provide a formal response of the report in due course.

The Member for Rosevears also spoke about communication so I would like to inform him that Biosecurity Tasmania is in the process of sending information to blueberry growers about market access and other updates ahead of the seasons.

[3.51 p.m.]

**Mr DEAN** (Windermere) - Madam Deputy President, the member for Elwick briefly mentioned this last week and he certainly would have spoken on this bill but he has a family issue to attend to. We congratulate the member and his wife on the new arrival to their family. It is great having members with young families.

I thank all members for their input and matters they raised here. It is recognised while this is a fledgling industry at this time, it is progressing and has a long way to go. The growers are telling us it is an industry many have put their whole life and savings into to progress and achieve the best returns they possibly can. They are all about promoting Tasmania. These guys want to promote Tasmania and want to sing the clean green image in this state, which is where we have the advantage.

Honesty and transparency above all is necessary and many growers raised issues and concerns about that. If it is bad news, tell it; if you have done something wrong, admit it. Tell people you have done it wrong, will change and have learned - that is what people want to hear.

There are lessons to be learned here. If I were part of the department's Biosecurity, I would be meeting with blueberry growers and talking to them about this report and some of the issues and evidence provided in it. I would be trying to do that and passing the information on. We accept some of this; we do not accept that, but what we are doing is addressing these issues. I would go out there and be communicating. I will not harp on it any longer because it has been mentioned by other speakers and justifiably so.

**Mr Finch** - It was a real vocal point of the evidence we received, and here we are talking about it again. It does not seem the message is getting through and is very important for the further cohesion of these people. If they develop their conglomerate to work under the TFGA, they are going to want strong communication with Biosecurity Tasmania. This is what they were pleading for.

**Mr DEAN** - Absolutely, and communication will fix most things. The member for Rosevears mentioned the concern of many people giving evidence. Some of these people were so concerned they elected to give evidence in camera. That is how concerned they were about the issues and many matters occurring within the industry.

Even though the inquiry has been concluded and the report has been tabled, growers are still talking with me on a fairly regular basis. That is great. I am happy to talk with them and help them in any way I possibly can and give them whatever direction I can give them. I am probably right in saying our Hansard representative here has some interest in blueberry growing as well. We are all talking blueberries.

I will most likely seek a briefing from Biosecurity Tasmania on any progress in this area and any changes that they have made. Karen Brock, Trish Macfarlane and others have contacted me to see what is happening. I think it was either Trish or Karen who said to me, 'What happens if Biosecurity Tasmania or the Government simply dismiss all the recommendations and nothing happens?' I said, 'I think that would be probably foolish of them'. I did say we will be keeping a close watch on it and we will get the opportunity to question them as we move forward. I would think they will be giving good answers. If the recommendation does not fit or they cannot comply, I hope they will tell us why. We might need to address some of those issues further.

I said to them that there is no reason we cannot have another inquiry at a future time if things are not going the way we believe they ought to be going. I think the member for McIntyre, in her contribution, raised aiming for eradication. That is what the growers are asking. If we do not aim for eradication or suppression of this disease, we will enter the same area that New South Wales and Queensland are in where there is an impact on growers and their product, and on where sales can and cannot occur, exporting and so on. I think some of these people are saying we can live with it or work around it, but it still has a detrimental impact. That is where we will move into if we relax and do not take a strong approach to eradicate this disease. That is what we should aim for in every instance: not accepting it as a fait accompli, that no, we cannot and we will not just work around it.

The member for Launceston raised the issue of blueberry plants and identified she had bought two plants recently. It makes you think whether blueberry plants sold at nurseries - or sold anywhere, I suppose - ought to have some warning on their labels to identify they are subject to rust, with a photograph on the label. They already have to put a label on them that identifies the plant, how high it grows, where the best place is for it, the conditions and so on - these are already on there. Maybe there ought to be something on the label to identify that these plants are subject to rust and that would bring it to customers' attention.

**Ms Armitage** - It is the seriousness of it.

**Mr DEAN** - That is right, exactly that. How much effort would there be in that? I would not have thought there would be a much greater effort because these plants already have labels on them. I bought a couple of plants myself, but that was several years ago -

**Ms Armitage** - A bit like cigarettes and how they have a warning on the packet.

**Mr DEAN** - You are absolutely right. I had two plants, but the wallabies liked them better than I did so they ate them. I do not have those plants anymore.

I appreciate the Government's response and the fact that the Government is going to provide a formal response in due course. I take it our issues are being addressed; I hope that is the case. That is good. We heard there has been good progress on the bill. Once again, I commend the Government on that because people in this industry are asking now when the amended bill will come out. They want to look at that bill. I will be providing it to a number of these growers when we do have it. They will be wanting to make comments on it and have a say in relation to it. I thank the Government for moving forward on this.

Was Fruit Growers Tasmania - Mr Phil Pyke - included in that? I hope so because it is an important player in this whole thing.

**Mrs Hiscutt** - They are involved in consultation with the berry industry. Is that what you meant?

**Mr DEAN** - That is great because they are important. They are the link between Biosecurity Tasmania and these growers so it is good that they are involved. I thank honourable members for their contributions. I again thank all witnesses, all those who presented to us and our wonderful staff for the support that they gave us throughout this inquiry. I commend the report to the House. I asked that it be noted and considered.

**Motion agreed to.**

**Report noted.**

#### **MOTION**

#### **Consideration and Noting - Government Administration Committee A - Acute Health Services - Second Interim Report**

[4.02 p.m.]

**Mr VALENTINE (Hobart)** - Mr President, I move -

That the report of Government Administration Committee 'A' second interim report on Acute Health Services be considered and noted.

Honourable members, the terms of reference of this inquiry are -

1. Current and projected state demand for acute health services
2. Factors impacting on the capacity of each hospital to meet the current and projected demand in the provision of acute health services.
3. The adequacy and efficacy of current state and Commonwealth funding arrangements.
4. The level of engagement with the private sector in the delivery of acute health services.
5. The impact, extent of and factors contributing to adverse patient outcomes in the delivery of acute health services.

6. Any other matters incidental thereto.

For the record, members may remember that this particular inquiry was formed on 28 June 2017. The advertised terms of reference went out and we received 35 submissions. The inquiry held hearings between September and December 2017 with 21 groups or individuals presenting across the state, so a significant number of people presented to us.

We made informal site visits to each of the four major hospitals and North West Private. The first interim report of the committee was tabled on 20 December 2017 and should be read in conjunction with this report.

That particular report has eight key findings and one recommendation. It is an important recommendation to reiterate here today -

The Sub-Committee recommends all parties fully consider the key findings contained in this Interim Report and work collaboratively to propose, refine and implement solutions to the challenges and problems identified within the Tasmanian Health Service and the State's major hospitals.

That was the one recommendation that we put in that first interim report and it is an important one. I want to thank the members who participated in this particular inquiry. Again, this is not the final report, but I will go through this because it is the major component of the inquiry. I want to thank the members for Murchison and Rosevears for coming on this journey with me; it was never going to be a walk in the park -

**Ms Forrest** - Is that because of us or because of the content?

**Mr VALENTINE** - No, the topic; health never is, member for Murchison. I will not comment on personal matters. I do not think the minister would see this as a walk in the park, either. I thank the members. I thank the Legislative Council - Jenny Mannering, as inquiry secretary, obviously very much assisted by Julie Thompson and Gabrielle Woods, backing up as the secretary on occasions, Stuart Wright and the Clerk and Deputy Clerk for various levels of advice which we all so much appreciated. I want to put that on the record.

I want to thank Government Administration Committee A for allowing a subcommittee to be formed, indeed, an independent subcommittee. It was important to have this second report out to ensure the information it contains is still relevant at the time of its publishing. The information is relevant and has considerable insight to offer into the acute health services system in this state.

I thank the minister for appearing at the hearings a number of times and for providing input, although it was not as complete as we would like in terms of reports we requested, hence the reason for this second interim report. It may well have been a final report, had we received those last final pieces of information. We will obviously be looking forward to information coming through.

It is disappointing the KPMG report commissioned by the Tasmanian Health Service has not been made available, because that would have meant we could have concluded the inquiry and rounded out the information in this report. Nevertheless, more information is to come.

There were four new submissions and seven updates on my count, 11 overall. If you put this together with the 35, it means we have 46 submissions. This report has no fewer than 70 findings, but eight main recommendations. That is important. We wanted to make sure those recommendations were concise and something the Government can actually grab hold of and, one would hope, further scrutinise and implement.

We had submissions from a range of health organisations - Australasian College for Emergency Medicine, the Royal Australian and New Zealand College of Psychiatrists, the Royal Australasian College of Surgeons, the Australian Nursing and Midwifery Federation of Tasmania, the Rural Doctors Association of Tasmania, the Heart Foundation, College of Emergency Nursing Australasia and patient health groups. There were two patient health groups in particular, but there are a lot of patients within those groups; they all provided personal accounts of their experience through the system. While those accounts are not particularly referenced in this report, they certainly helped to underpin the inquiry and provide information that enabled the inquiry to focus its work. I want to thank all the private individuals who were involved and put forward their submissions for us to look at. Obviously, we need to be concentrating on the game in terms of the matters that came to us, and we really appreciated those submissions.

We also had the Neurological Alliance Tasmania; Perinatal and Infant Mental Health Services; the Child and Adolescent Mental Health Services; independent health policy analyst, Mr Martyn Goddard; Dr Stephen Duckett, Health Program Director of the Grattan Institute; and Clinical Associate Professor Robyn Wallace, who has a focus on people with a disability. These are a number of the organisations and people who submitted to the committee.

The inquiry gave people and organisations at the coalface an opportunity to have a say - the doctors, nurses, allied health professionals and patients, as well as those involved in research in acute health services. Overwhelmingly, the message coming through was about the overcrowding and bed block that affect patient safety, quality of care, and longer stays through delays to patient discharge. Everyone talks about bed block and getting people into hospital, but it can also be an issue getting them out of hospital, making sure the services they need in order to exit the hospital are there to effect that discharge.

We basically looked at the whole of the acute health services system as best we could, with information coming to us that it is not efficiently or effectively meeting increasing demand. Tasmanians have higher levels of acuity and increases in complications - the word 'iatrogenic illness' is one I learnt in this inquiry - as a result of their stay in hospital. They are going in with one particular concern and coming out with more than they went in with, in simple terms. The member for Murchison might know.

**Ms Forrest** - Hospital-acquired complications.

**Mr VALENTINE** - Hospital-acquired complications - that is exactly right.

That is something for those running the system to think about carefully. There is an expectation that hospitals improve our health. It is not always the case. The long waiting times in emergency departments do not help, especially for the mentally unwell. We found that people with disability and neurological issues are higher users of acute health services.



Ambulance ramping is an issue, not only for the availability of ambulances out there because they are sitting in a hospital trying to discharge a patient, but because they are bringing people in and emergency departments become full.

There are higher rates of adverse patient outcomes and avoidable mortality at a fairly significant level. Quite clearly, we want hospitals to be safe places for people to attend. We happen to be the only state that is growing in that respect.

I hope the Government studies these findings and responds to the recommendations because we simply cannot continue the way we are. Today, looking at the news, \$100 million extra has been provided and I think about this: I was in the Department of Health and Human Services for 20 years; you would get the message coming down that the government wants extra cuts and savings and all the rest of it. While we see the \$100 million extra today - and it would be good if that were real; we will see what comes of that - I wonder what efficiency dividends are expected this year from the department. That would be interesting to see. The minister might reveal that at some time. The efficiency dividends are quite often something that helps the government to prune its costs, not always understanding exactly how that is going to impact on the operations.

I turn to the findings and I am not going to go through every one of them, the 70, or we would be here until midnight.

**Ms Rattray** - We might be anyway.

**Mr VALENTINE** - I do not think we will be. I do not think I could talk that long but do not tempt me. We look at the key findings under the first term of reference -

Demand for acute health services, including the Emergency Department, is exacerbated by higher levels of acuity, bed/access block (particularly in medical and acute mental health wards) and patients requiring longer hospital stays.

If you go to page 17 of the report, the Australian Medical Association made some interesting observations -

The first observation they make is that of the Australian states, Tasmania has the oldest, sickest and poorest population with poorer health literacy and adverse metrics for social determinants of health.

We certainly have a state that requires the services we deliver from our acute health services hospitals. Their statement points to the fragmented nature of funding, the silos and maybe not a holistic approach. They say it must be highlighted that acute health services do not exist solely in the hospitals. The vast majority of medical care is delivered by general practice in the community. The lack of sustainable funding for general practice has flow-on effects for the hospitals. The lack of timely patient access to specialists and many specialists in the outpatient settings of our public hospitals leaves general practice to cope until the inevitable crisis arises and requires an acute hospital admission. Hospitals have much to gain from investment and integration with general practice.

The general practice side of things is the area of the Commonwealth and not that of the state. The funding, or at least different aspects of health service delivery, is coming from different areas. Do we have a good holistic approach to that funding and are we able to apply the funding where it

is needed? I draw on the submission from the Australasian College of Emergency Medicine, which is on page 28 of the report. Part of its submission was that putting more beds in and recognising investment in the infrastructure is significant but unless you have the systems in place to keep patients moving through to the next point of care, you are going to end up with a bigger car park with a lot more people in line.

Further down, Dr Simon Judkins noted that Dr. Kate Brockman, Healthcare Reform Consulting, supported this argument stating -

... one of the things she has done with her work is she recognises in any hospital at any time in Australia probably 30 per cent of the capacity is being used by people who do not need to be in hospital, possibly because they are waiting to go somewhere or home or it is a Sunday and there are no ward round.

Simple things like that, Mr President -

Key finding 2 -

All of Tasmania's main hospitals fall below the clinically recommended guidelines for elective surgery and the performance of similar hospitals around the country.

If you go to page 21, we will see some information on that in the charts. We see that the separations per 1000 population and the overnight separations per 1000 population are there. They show Tasmania is lower than all the others, except for the same-day separations per 1000 population where we are up there with South Australia and New South Wales, but the rest are performing quite well. Patient days per 1000 population in public hospitals down compared to everyone else. It is what it is; the figures do not lie.

The tables on page 23 of the report show waiting lists. The minister in his 2018 submission claimed a significant improvement had been made regarding elective surgery waiting times. When we look at the list, it shows that during 2014, 8528 on the total waiting list, while during 2017, that figure was 5453. The longest waiting patient list went from 3700 down to 520 over those three or four years, significant moves.

If we look at Figure 2, it shows statistics on the Health department's website and the movement from July 2017 to June 2018. This is for all categories and starts at 5403, ending up in June 2018 at 7933, so it is going up.

The urgent Category 1 patients who should be treated within 30 days has gone from 508 to 574.

Semi-urgent Category 2 patients should be treated within 90 days. In July 2017, there were 1915, and 3008 in June 2018.

Category 3 - there were 2980, rising to 4351 in June 2018, and quite clearly going in another direction now.

We obviously need to watch what is happening on the real figures to pay attention to the areas of need.

I will deal with key finding 5 -

Emergency departments are not well-equipped to provide high-quality care for acutely unwell mental health patients.

We hear in the media about mental health patients. Page 30 of the report contains a statement from the submission by the Mental Health Council, which expresses concern regarding the capacity of Tasmania's acute health services to respond to current levels of demand, particularly in relation to mental health services and the availability of acute psychiatric beds within public hospital settings. It says -

While the MHCT is not privy to public hospital admission data, we are advised anecdotally by sources within the Tasmanian Health Service (THS) that since February 2017 emergency departments in all regions of the state have experienced an unprecedented increase in mental health presentations.

Further down -

MHCT is firmly of the opinion that solutions must be implemented in each region as a matter of urgency to enable Tasmanian emergency and inpatient units to respond appropriately to patient need. However, we are at pains to emphasise that it is not yet known whether the recent increase in mental health presentations and admissions represents a spike in demand, peak demand within a trend, or ongoing exponential growth.

They are definitely up-front saying they are not 100 per cent sure of some of those aspects they mention, but there is nothing surer that the demand is there; as to why is another thing.

Going to key finding 7 -

There is a high demand for perinatal mental health assessment and care throughout Tasmania.

If we turn to page 92 and read what the Perinatal and Infant Mental Health Services says in its submission -

No private hospital admits young people with mental illness below the age of 18 in Tasmania. There is an extremely limited number of private practitioners with the specialist qualifications and required to provide care to this group of patients.

PIMHS does collaborate with the Mother and Baby unit at St Helen's Hospital in Hobart, where there is one publicly-funded bed for maternal mental illness requiring admission.

One public bed in the state for the number of parents in this state - women who may be struggling after a birth in terms of how they are handling life. There is one opportunity to obtain a bed in Hobart. If you are in the north-west of the state, or you are in the north of the state, yes, there might be some short service you might be able to access, or someone you can -

**Ms Forrest** - When you need admission. This is when you have got acute psychosis and you need admission.

**Mr VALENTINE** - That is why I am pointing it out. I am saying that you might be able to go to a GP and ask the question. But, if you do not have a bed to go to, you have to go back home and face the stress of having to run a household -

**Ms Forrest** - You cannot. You have lost touch with reality at this point.

**Mr VALENTINE** - That is exactly right. Something has to be done here. I stress that this is really important for people. For mothers, with their babies, something has to be done there. We have to see that fixed.

I know the Government is taking steps to increase mental health services within the system. I know that, and some of this is mentioned in the report, but we have to stress the real importance of looking after people when they are in absolutely dire need.

Neurological conditions account for one in five emergency department hospital admissions. I have to say that was news to me. I looked at page 32 of the report, and it certainly opened my eyes. It is a submission from the Neurological Alliance Tasmania -

Neurological disorders are common. Neurological disorders account for one in five (5) emergency hospital admissions, and one in eight (8) general practice consultations and account for a high proportion of disability in the general population.

Members, did you know that? I did not know that. It really surprised me that it was at that level. One in five. That is 20 per cent.

**Ms Forrest** - That includes a lot of the chronic neurological illnesses like Parkinson's, MS and others.

**Mr VALENTINE** - That is it. There is all sorts, yes, Parkinson's, MS.

**Ms Forrest** - But it also accounts for the acute strokes and things like that as well.

**Mr VALENTINE** - That is right. I know hospitals and acute health services are therefore those absolutely in dire need, and a lot of these services being provided are for people who might have other types of ailments, but neurological disorder, that is significant; they say

For a variety of reasons, neurological services in Tasmania have lagged behind neurological services in Australia. Future demands on inpatient and outpatient neurological service in Tasmania are likely to increase.

We heard as well from Dr Wallace - Dr Robyn Wallace - who is an associate professor. In her submission, she said demand for acute health services involving hospitalisation by people with disability is high in Tasmania, and members of this diverse group were well known to be high users of acute hospital care.

On page 33 she talks about the fact that it is -

not expected to decline, and the successful health outcomes are lower, the rates of adverse medical events are higher and speculated to be more expensive and inefficient compared to the care given to people without disabilities accessing acute health services.

She goes on to outline and highlight that people with mental illness and people with intellectual disability are very vulnerable in the Tasmanian health system -

It is not unique to Tasmania. It is well known in Australia and all over the world that people with disabilities are very vulnerable in the health system. They are high users, and they endure higher rates of preventable morbidity and mortality in the hospital setting.

As I said before, we want people to be going in to hospital, going through the system, and coming out better than they went in. For some, it is simply not the case.

The importance of long-term planning is in finding number 11 -

Robust data collection and transparent reporting is needed to fully understand demand trends and growth to accurately inform short and long term planning in all areas of acute health services.

I will read one of the components of the neurological, under the heading 'Demand for Neurological Conditions/Services' on page 31, it says -

Neurological Alliance Tasmania (NAT) expressed concern regarding how and what data is collected in relation to the prevalence and needs of people living with neurological conditions, and whether that data is representative of the number of people living with neurological or progressive neuromuscular conditions being admitted to hospital:

Quite clearly, it is important that we have the data -

For example, if a person with Parkinson's Disease is admitted to hospital for a urinary tract infection (common for people living with Parkinson's) is comorbidity data collected in relation to their Parkinson's?

They have gone in with a urinary tract infection and they happen to have Parkinson's. Is comorbidity data being collected in relation to that particular event in hospital? They might not be going in for attention for anything to do with Parkinson's, but knowing they have Parkinson's might change the way they are dealt with.

It says -

This would then, for example, enable a better understanding of the numbers of people with Parkinson's being admitted, the length of their admission and any adverse outcomes, particularly in relation to medication changes.

If that information were collected, it would be far better knowing what the true state is of people with these sorts of conditions. It might also assist in how their medication is dealt with. That is important to understand in the long term.

Term of reference 2 is -

Factors impacting on the capacity of each hospital to meet the current and projected demand in the provision of acute health services.

There are comments from the Australian Medical Association on page 42 of the report. I want to read a brief component of those -

Emergency Department demand growth is particularly strong in Southern Tasmania with the Royal Hobart Hospital experiencing a consistent 4% rise in demand year-on-year for almost a decade. This demand is reflected in both the requirement for adequately resourced Emergency Departments in Tasmania, but also adequately provisioned acute and subacute inpatient bed stock, as over one third of all patients presenting to an Emergency Department require inpatient hospitalisation. For example, this equates to a bed growth requirement -

I ask you to pay attention to this one -

... of approximately six more acute beds required year-on-year, every year at RHH alone.

**Mrs Hiscutt** - I am listening.

**Mr VALENTINE** - That is the important thing; you are the important person to listen and I am sure the others will read this report. They will take it home and read the 141 pages of this report.

**Ms Forrest** - As we have a number of times.

**Mr VALENTINE** - We have, a number of times; you are right, member for Murchison. On page 42, it says -

For Tasmania's hospitals to meet this growth in demand they need:

- (a) More physical space (substantially more funded hospital beds, both acute and subacute);
- (b) More staffing - both medical, nursing, allied health, cleaning and clerical,

We always think of the hospitals and the way they run with the specialists and nursing staff that are needed. If you are going to open a bed, you have the nursing staff and whatever, but you also need cleaners and clerical staff to make it all happen. To properly clean - I am not quite sure what the term is -

**Ms Forrest** - Terminal clean - it is a bad word to use. It is a really bad word.

**Mr VALENTINE** - Terminal clean. I am told that it takes one-and-a-half hours to do that job in that bed space.

**Ms Forrest** - In an infection control situation particularly if it is just the standard terminal clean it does not take that long; certainly, for an infectious disease, you have to do something like that.

**Mr VALENTINE** - That is right, yes. The AMA is saying to meet this demand there has to be more staffing - and I have run through that - and more surge capacity for busy times. Only 85 per cent of physical bed space is used routinely. There is a need for clear and credible local hospital governance structures responsive to local requirements while working within a statewide planning framework - how important is that?

I dip my lid to the Government because the first thing it did when it came back into government was to reorganise the THO into one Tasmanian Health Service. I congratulate the Government on that; it has listened and taken action. It understood that clinicians at each of these major hospitals were being hampered in their work simply by the administrative structures that existed around them.

Local decision-making was not as it should be and the Government has recognised and has moved to change that, but, as I say, it is staffing and opening the beds that is needed. Cleaners and the clerical staff are needed, all that. A chain is only as strong as its weakest link. You can have all that in place but if you are not moving people out of the hospital effectively, you are still going to have bed block so it is important the entire system is looked at.

Going to page 51, we see some comments by the Australasian College of Emergency Medicine, ACEM. At page 50 -

ACEM considers that access block and overcrowding in hospital emergency departments remain significantly unaddressed in Tasmania. This recent data, and anecdotes provided by Members at the Faculty's annual meeting and scientific conference in August this year, highlights that patients remain at high risk of adverse care outcomes. It is ACEM's view that the situation in emergency departments in Tasmania is deteriorating rather than improving.

That came out of its 2018 submission which it updated and provided to us. If we look at the ANMF statement, on page 51 under the heading, 'The Royal Hobart Hospital and Emergency Department Solutions', it provides a list of solutions -

- Additional nursing staff to assist with triage and to monitor those patients who have been triaged and are waiting in the ED waiting room.
- Additional Psychiatric Emergency Nurses (PENs) to allow for two on each early shift, one on a late shift and one on a night duty to assist with mental health patient care and treatment as they have one of the longest stays in the ED.

They recognise this and they know the type of service people in the emergency department need, and so it is important that they are there -

- Increase Crisis Assessment Team (CAT) and Community Adolescent Mental Health (CAMHS) nursing staff to assist in acute mental health concerns more easily in the community and hopefully prevent the need for presentation to the ED.

They are pointing to the fact that services out in the community for people with mental health issues are really important to better the access to the acute health services system. Those community services might be able to prevent so many people needing to turn up at the door of the hospitals.

- Increase the use of private mental health beds such as those in Hobart Clinic to prevent unsafe lengths of stays at the RHH ED.

I will not go through the entire list, but for anyone who is interested in reading that, it is on page 51.

We have a response from the minister, Mr Ferguson, on page 54 of the report. The minister noted in relation to the flow of the RHH ED -

Our biggest challenge is the physical environment. That is the biggest bottleneck on being able to provide the patient flow that we want. We want to reduce the time people are waiting in an emergency department or in an emergency department waiting room, and the best way we can do that is by opening more beds. We have opened 120. It has been very successful but we want to open more. The way to do that - and it is budgeted for - is to get the buildings completed so that we can commission them and start to use them.

That was transcript of evidence of 22 October 2018.

At page 57 there is a statement from Martyn Goddard's submission, reiterating the need to address bed block at the RHH -

In 2016-17 bed block at the RHH was the third-worst of all 30 major hospitals in its national peer group; the LGH was worst among the 29 major regional hospitals;

The worst! -

time waited at the NWRH was 21st longest of 29 large regional hospitals; and at the MCH was 17th longest of 21 medium regional hospitals. Overall, the LGH had the worst bed block of any of the 287 public hospital in Australia with emergency departments. And only eight had a worse result than the RHH. Staff at both hospitals attest that the situation has continued to deteriorate in the past year.

There is no question, it is real and brought to our attention, and in the report.

I move to Finding 8, term of reference 2 -

Good governance and effective leadership in executive management and clinical decision making is essential to manage demand across the Tasmanian Health Service.

Finding 10, term of reference 2 -



In other jurisdictions efficiency models, such as the LEAN methodology, have resulted in improved performance across a range of measures of service delivery and patient outcomes.

Page 46, we see a quote from the 2014-15 annual report of the Central Queensland Hospital and Health Service about Lean methodology -

Efficiency and the elimination of waste lead to safer and better delivery of health services. This has been demonstrated at many medical facilities across the world, but is highlighted by the success at the Virginia Mason Medical Center in Seattle, USA.

Virginia Mason Medical Centre used the principles of Lean methodology to create a world recognised facility of patient safety and cost effectiveness. CQ Health staff began implementing the principles of Lean methodology into the way it delivers health services. Using its First Steps Program, Rona Consulting guided staff through the process of identifying ways to improve processes to deliver safer, streamlined and sustainable services to our patients.

The quoted material includes a table showing that 926 patients waited longer than clinically recommended on 1 July 2014 for general surgery. By 30 June 2015, this had gone down to 50. In the orthopaedic area, the number of patients waiting longer than clinically recommended was 1147 in 2014, down to 94 in 2015; urology, 342, down to 8; general medicine, 204 down to 16; and gynaecology, 113 down to 8.

It is quite clear Lean methodology is having an effect. We do not know what else might be happening outside this methodology. We do not know how much money may have been thrown at that problem, but it is clear from these figures that whatever they are doing was working. It is important the Government looks at the processes and procedures there - and not just that one but maybe others as well - to see what can be done to improve the situation simply by changing the methodology used. Our second recommendation goes to that -

The Government investigate efficiency models used in other jurisdictions (e.g. a LEAN methodology, Safer Care Victoria) which have resulted in improvements to timely access to acute health care, elective surgery, improved patient flow and a reduction in adverse patient outcomes.

It would be wonderful if we had people come in who are experts not only to do that analysis but to assist with implementing it. That would be terrific. It would be really good if we could see that happening. That is for the Government to consider; it is for the Government to look at those models - I hope it will - and get the expertise required to consider, assess and implement an appropriate efficiency model to address these challenges and patient safety. Do not forget patient safety; the hospitals are there for the patients. It is important that the focus is on the patients.

Mr President, I am not going to go much further because the report speaks for itself. It is important that those who are in control of the system take the time and the effort to read the submissions made in conjunction with this report, to look at the issues with funding - a number of those are mentioned, and I am sure the member for Murchison will cover those - and take a holistic look at it. I also encourage all other parties to collaborate in trying to see that patients in our health systems across the state improve greatly over what we have seen over the last few years, if not

decades. I encourage members, if you do nothing else, to just read the findings and recommendations of this report. I also urge the minister to read them and to consider seriously its recommendations and put them into action.

[4.48 p.m.]

**Ms FORREST** (Murchison) - Mr President, I will speak only briefly on this report. As the member for Hobart said, the report speaks for itself and I encourage members to read it. It contains a great deal of very relevant information. I will speak to a few aspects of it.

I, too, thank the committee members and the committee secretariat, Jenny Mannering in particular and Gabrielle Woods for their hard work in putting this report together so we could table it by the end of this year and have time to debate it in this place. It is important there is public debate around this issue.

As the member for Hobart alluded to, we could not recommence our committee deliberations following the prorogation of parliament before the last election until parliament resumed and we had a chance to put on notice the re-establishment, have a GAA committee meeting -

**Mr Valentine** - That was July, wasn't it?

**Ms FORREST** - Yes - have GAA approve the reappointment of the subcommittee and then start the subcommittee proceedings - that all takes time. It was well into July before we could really get going and ask for updated submissions. The committee has done an amazing job preparing such a detailed report in that short time since July when we called for updated submissions. Here it is only November and we have a very comprehensive report.

The reason it is a second interim report and not a final report is because we have not had a number of outstanding or delayed responses from the minister. We tried to get the minister before the committee in time to include his input into the committee report on this occasion, but we were unable to do so. There were times when he did not respond in a timely manner to our requests, so by the time we got him to appear before us, we had basically signed off the report. That is why we are here today debating a second interim report that is lacking some detail in some areas.

The executive summary provides a clear overview about the demand and the challenges faced by the Tasmanian Health Service. No-one says providing health services is easy anywhere. All states are facing challenges, but it is very clear that demand for health services in Tasmania is growing more quickly than people expected - people being government officials, the Health department, the minister, Treasury - who have to approve funding for health - and Treasury officials. They underestimated the growth we are going to see.

We all expect and acknowledge there are times when we have unusual episodes of growth related to a particular event; 18 months ago it was a major flu season. Those things happen. This year we did not have that, but we still saw the same level of growth. It is not just a one-off event; it is a continuation of the demand for health services in this state. To say that we top up funding to meet these extraordinary events - because that is what it was - for the year before you could argue that, with the flu season, but not this year and I imagine not this year we are in. The minister has recognised that to a degree because in the paper today he was talking about throwing another \$100 million-plus at Health, but without any real clear plan about how that will fix the problem.

The demand is increasing and hospital overcrowding has become the norm. That is not okay. The evidence in this report and in other sources from which we had information is that hospital overcrowding is creating adverse patient outcomes. The idea of providing a health service to Tasmanians is that they do not have adverse patient outcomes; they go in and have whatever they require, get better and leave. We are seeing avoidable mortalities occurring in our hospitals. While some may dispute the validity of the collection of this data, data released by the Grattan Institute very recently shows that Tasmania is the only jurisdiction where the unavoidable mortality rate is increasing. In Western Australia it is static; in all other states it is reducing.

Regardless of whether that data is totally accurate in terms of how you measure the avoidable mortality, these are people dying who should not. These are people who should go home, but they are dead, and that is not okay. I am not saying we are going to avoid every potentially avoidable mortality in our hospitals, but if they are avoidable, we should be able to. Some people are going in and they are going to die because that is where they are at. We are not talking about those people. These are people who were not expected to die but they did, in our hospitals. Coroners' reports have shown that to be the case.

It is not something we can just brush under the carpet and say we do not agree with those figures. This is happening, so let us fix it. As Dr Duckett said when he spoke to us - he works for the Grattan Institute and took leave of absence from the Grattan Institute to undertake the review of the circumstances surrounding the deaths of a number of babies in a Bacchus Marsh, Victoria hospital. He then made a number of recommendations, out of which flowed the Safer Care Victoria model. That is mentioned in our report if members are interested in looking it up.

In his evidence to us, he said -

I try to avoid focusing on how much you are spending. I would rather focus on what the experience of the patient is.

That is a really good idea to focus on the experience of the patient, because it should be patient-centred care that we are providing in a hospital. He goes on -

The experience of the patient is that they are waiting far too long, and that they are sicker than they ought to be. Then what I say is, 'This is what we can actually see. I do not actually care whether you think you are putting in enough money, or you are not putting in enough money, the outcomes are not good enough for Tasmanians, and it is your job to fix it'.

That is his message to the minister. It is clear when you look at the information on pages 97 and 98 that Tasmania is experiencing a higher level of avoidable mortalities than we should be. Those are people who are dead, and they should not be. Probably they would not be dead had they not gone to our hospitals. That is what that means.

They might have died some time later of something else, but they should not be dying in our hospitals - and they are. That is not okay. It is not okay by me. I am sure it not okay by you.

We talk about the funding of hospitals and the historic underfunding. This is not just the fault of this Government; it has been going on for years. It goes back before this Government came into power. But for the minister to come in and say that we are spending record funding on health and put out all these media releases on 'record funding on health' - of course you are, every year, because

demand increases, and not only does demand increase, but we know that health inflation costs are higher than general inflation.

If you are not putting more in each year, you are actually going backwards by a large degree. Of course it is record funding each year. That is a nonsense to use that as an argument. It is like saying that a 6 per cent pay rise over three years is more than a 2 per cent per annum rise. He needs to go back to primary school and understand how you add up if that is what he thinks.

Mr President, we have to be truthful with people in Tasmania. That is what they want. They want to hear the truth, and they want to understand what we are doing to address these very real challenges. When you look at the funding in health, there is a table on page 83 compiled from data from the Tasmanian Health Service annual reports, the Health department's own reports, and the Government's own budget papers. This table clearly shows that every year in two areas that particularly relate to the acute health services - admitted services and emergency department services - we are spending significantly more than what is budgeted. The chart shows back to 2015. It is a little bit hard to go back before that because we had a different structure with Tasmanian health organisations then. But it has still been a problem back then. Even so, I do not think it was quite to the same degree. However, let us look at it while this Government has been in power: in 2016, the budget was \$760 million plus a bit; the actual was \$788 million plus a bit. In 2017, the budget was \$772 million plus, and the actual was \$835 million plus. This past year, 2018 just gone, the budget was \$819.5 million - so \$819 million - the actual was \$902 million and a bit extra.

We approve supplementary appropriation bills, we approve RAFs - requests for additional funding - to top up the Health budget. This tells me there is an underlying problem if we have to top it up every year. In the 2017 budget year, you could argue some of that related to the flu season. True, but in 2018, it does not. That year was even more. Even more we had to top it up.

There is a chronic underfunding issue here. Just to throw another \$100 million plus at it without a real structural plan for that will not necessarily fix the problem. As identified in the report, one of the problems is patient flow; we are not getting patients out the door of the emergency department or out the door of the hospital when they are in the wards, or out the door of the emergency department and into a ward because they are not leaving the hospital wards. So, the whole patient flow challenge is very real.

As the member for Hobart said, one of the biggest constraints at the Royal is the physical infrastructure. We know that to be the case with the Royal rebuild, and, yes, it has been an ongoing battle and challenge, but it is not confined to the Royal. We are seeing the same sort of challenges at the LGH and more recently in the last few months I am hearing about the same thing happening at the North West Regional Hospital in Burnie. Patients are being sent home because there are no beds. Patients are waiting way too long in the emergency department and patients with mental health conditions are being sent home because there is no appropriate care.

Young patients with mental health issues actually have nowhere to go. A young patient I am aware of ended up in ICU because there was nowhere for her to go. Eventually she was sent to the children's ward, not an ideal location for a 17-year-old with acute mental health issues - not suitable but nowhere else to go.

How long have we heard we are getting adolescent mental health beds? We heard it from the last government; we heard it from them and it did not happen. We have heard it from this Government for five years now; they say it is going to happen. I will be celebrating when it does because this is a really sad thing to try to help a family, help some parents who really care about

their child, who cannot get access to acute mental health care when their child is suicidal. It is not okay at all.

We know that mental health patients particularly are spending too long in emergency departments. It is a really sub-therapeutic environment. Acute mentally unwell patients need a quiet environment. They do not need all the stimulation; they do not need bright lights. They do not need people rushing around; they do not need alarms going off all the time and they do not need a code black happening every few hours to re-enliven their senses. They do not need that but that is what they are getting; that is where they are. Patients are being treated with invasive procedures in corridors.

**Mr Valentine** - They need a different access point.

**Ms FORREST** - That is another matter that should be explored, the access for acutely unwell mental health patients so they do not come into that area. They are dealt with separately. There are also equity issues there and often those mental health patients may also have physical health conditions that need to be accessed. They do need to be cared for in a place that is therapeutic, ideally not in the emergency department for more than a few hours, two, three or four hours, but into a more appropriate therapeutic space. They do need that particular different level of care than you can provide easily in an emergency department.

As the member for Hobart mentioned, there are a lot of findings in this report. I urge members: if you do not read the whole report, at least to read the findings. All the evidence is there in the report if they are thinking how did they come to that? It is there. The patients who spoke to us about some of their experiences - it was hard because we knew their experience was very valid and very real and we could not actually assist them. That was not the job of the inquiry but it also became very apparent that the Health Complaints Commissioner is severely under-resourced. They have had their funding cut and their FTE staffed reduced making it even more impossible.

We are talking about the Ombudsman generally; this sits within the Ombudsman's Office. I know the member for McIntyre raised this as well. We recently passed some legislation to give the Health Complaints Commissioner a whole heap of extra work and quite extensive powers in relation to unregistered health practitioners, including the power to deregister a person. One of my main concerns at that point was: is this being resourced?

We asked Mr Connock about it and how he dealt with this legislation that passed to give him a bit more work, and the report states on page 127 -

When questioned about the additional workload related to codes for conduct for unregistered practitioners Mr Connock stated,

'We are horrified'.

What is the Government doing to assist them? We cannot continue to throw more really important work at these departments. If someone is sexually abused by a massage therapist, they will probably also make a common law claim, but a complaint could come through this body. He went on to say -

I have been in contact with my counterparts interstate, New South Wales, South Australia and Queensland already have codes. I have been speaking to them

about the impact on their offices of that. I have been to see the Secretary of the Department of Health and Human Services and I have been to see the Attorney-General. They are aware this is potentially a difficulty. We do not know how big it is going to be down here, that is the problem.

Ms Whyte, the Health Complaints Commissioner within the Ombudsman's Office, added -

There is no question we are going to have to bring a lot more rigour to the investigation based on the fact it has the potential to impact on someone's employment.

The Office of the Health Complaints Commissioner is absolutely under-resourced. We already know about the delays in assessing complaints through the Ombudsman's Office. The Government has to do something. This is a statutory office that needs to be properly resourced.

That concludes other matters incidental thereto, but we felt it had such importance, it needed to be included in this report. The other thing is, there is no one port of call for complaints, so people are encouraged to go back to their healthcare provider, which is not unreasonable. They then become shunted around. A suggestion was made that should not be the case.

I encourage the Government to respond. I know it cannot respond today directly to all the recommendations; it will in due course. We really need to look at how we manage these matters. How we manage the flow of patients. How we improve the efficiency within our hospitals. It is not about cutting nursing staff. It is like trying to play a string quartet with two players. You cannot do it. It is a service delivery model. Nurses can only look after so many patients at a time. You need specialist placements in some areas, particularly ICU and the emergency department, and the nurse-to-patient ratio there is different, as it should be. Those people are very sick and require much more intensive and targeted care.

We need to be looking at this budget shortfall and not topping it up all the time. There are always times when you cannot budget exactly. I am not saying the Government should be budgeting exactly what it is going to need. There will always be times when you may need a bit more, but when you are consistently - every year - paying \$150 million to \$160 million additionally, something is not right.

We need to spend more in the preventive health space to make sure we keep people out of hospital in the first place. When the minister presented to us, he was talking about how fantastic the Government was doing in reducing the waiting times and how it had them down to a bit over 5000 people, still a lot of people - that is across all categories. The committee looked at the latest data on the Government's health statistics page. It is true that in July 2017 the total number of patients on the waiting list across all categories was 5403. By June 2018, it was 7933, back to where it was before. I pointed this out - it was on the minister's own website. He knew about it, but he chose to say, 'Look at what we did last year'.

This is the real thing. This is where we are now. These are people waiting too long - not all of them, but many of them are waiting too long for the surgery they need. This is on page 23, and there is further information about patients who are waiting too long.

All this data is in the report, and some of it has been provided by people who put in submissions, like Dr Martyn Goddard and others. Much was taken directly from the Government website or the

Australian Institute of Health and Welfare to be sure our data in here is correct - all from the Government's documents - like the annual reports of the Tasmanian Health Service, and others.

Those are the points that I wanted to make. There are some very big challenges for the Government. There are some very big challenges for the Health Service generally. No-one is saying it is easy.

We are still waiting on information. One of the points of information we are waiting on is the review that we were informed of about this time in 2017, of the North West Integrated Maternity Services. There have been a lot of concerns about the lack of continuity of care, the problems for midwives and operating costs, their full scope of practice, staff and potentially women's dissatisfaction with the service - not with the care when they get it; it is the continuity of care and the midwives being able to operate across their full scope.

We asked for a copy of this report some time ago in October but we still do not have it. Again, we cannot complete that section of our report because we want to know what is happening with that. The staff were promised a review; we were told it was imminent in November-December 2017 and we still do not have a copy or any information on what the review found. I am very concerned about that because it is an area that is very close to my heart - North West Maternity Services. We had a fabulous service up there. The midwives who work there still provide very good care for the women they care for, but the job satisfaction is going down the drain because when you cannot work across your full scope of practice, one, you risk being challenged when you are re-registered if you are audited by AHPRA, and two, there is no job satisfaction. Midwives will get burnt out and leave, and then you have the problem of recruiting new ones. Specialist fields are not easy to recruit.

These are the key points I wanted to make. There is a lot more in there but we will be presenting a final report once we get this information we are seeking. I am not going to comment on the KPMG report that the member for Hobart mentioned; that is a matter for another day.

Mr President, this report needs to be taken seriously by the Government. I am sure that the minister has had time in the interim to read it. If he has not, I am sure his adviser has. I am sure we will get a more comprehensive response in due course, but we did want to report while this information was relevant. I sincerely thank our secretariat for completing such a body of work between the end of July and now.

[5.12 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I am pleased to speak on the noting of the second interim report of the Acute Health Services in Tasmania subcommittee inquiry.

The Government acknowledges the challenges posed by increasing demand and acuity on our health system which are being experienced by jurisdictions both nationally and internationally.

We are determined to make the necessary investments to ensure that the Tasmanian community can continue to access world-class health care. In total, the Minister for Health has appeared three times before the Legislative Council subcommittee and cooperated extensively with the inquiry, providing three submissions and facilitating visits to local health facilities and meetings with officials.

We know demand on our health system is increasing, as it is nationwide. By way of illustration, I am advised that last financial year, almost 12 500 more Tasmanians attended ED than in three years prior, and that 11 300 more people who attended the ED were admitted to hospital wards. Of the increased admissions, more than 6500 were for conditions recognised as high-burden and high-cost conditions and these include an additional 1213 cardiology patients treated across the period, an increase of 23 per cent; an additional 435 neurosurgery patients treated across the period, an increase of 39 per cent; and an additional 2001 respiratory medicine patients treated across the period, an increase of 18 per cent.

This is a very significant increase in demand and as a government we are forced to get on with the job of meeting the demand and improving the health system, as the community rightly expects us to do.

When the demand for health services continues to rise, governments need to make choices and this Government has chosen to hire more staff and treat more patients.

The Government has demonstrated that we will respond and act when demand in the health system continues to grow. As announced earlier today, the Government will invest around an additional \$105 million this year in our hospitals to meet the costs of increased demand being delivered. Investing these additional funds is the result of increasing patient demand for our services. Health is by its nature demand-driven and our public hospital EDs never close their doors. This is on top of the Government's previously announced \$465 million investment in Health in our last budget, which is delivering new services.

Over six years, our \$757 million plan will see the recruitment of an estimated 1300 additional staff. This includes almost 300 additional hospital beds to take pressure off our emergency departments, as well as investing in the Hospital in the Home program to improve waiting times and access to care.

I note the inquiry's interest in planning for our workforce and for our infrastructure. The Government agrees this is an important area, which is why we have a clinical planning task force for Tasmania with strong clinical engagement, which is overseeing master planning and clinical service planning for our hospitals. In recruitment, we have formed a health workforce retention and recruitment unit, headed by a doctor, to ensure we plan appropriately and attract and retain the very best health staff. It is critical to recruit the 1300 additional staff we have funded as part of our record investment.

Tasmania is now investing more than 30 per cent of the state's total budget in Health, putting Tasmania in the top two in the nation for health spending. We are able to invest in Health because we have rebuilt the state budget and we are committed to keeping the budget in the black. We will continue our focus on strong financial management so we can continue to invest in Health as well as other priorities in Tasmania.

In closing, it is important to make it very clear that the Government has never tried to pretend that the health system is fixed. Rather, the health system is in a critical period of rebuilding and planning for the longer term.

The Government notes the findings of the Interim Report No. 2, acknowledges the current demand pressures on acute services and is acting, providing more funding to recruit new nurses and support staff, and to improve patient flow and bed management. This is our response to the report:



our commitment to Tasmanians to address these issues, to invest in new services, expand the capacity and better health infrastructure over the next six years, as well as to ensure a greater focus on planning for the long term. The Tasmanian community deserves access to the best possible health care and that is exactly what this Government is working hard to deliver.

Madam Deputy President, we note the report and will provide a formal response in due course.

[5.18 p.m.]

**Ms LOVELL** (Rumney) - Madam Deputy President, the members for Hobart and Murchison have made some excellent points and raised the concerns I share in terms of the report and the submissions brought forward.

I congratulate members of the subcommittee for the extraordinary amount of work they put in to establish this inquiry, to conduct the hearings, to read all the submissions and to produce two interim reports. It is an extraordinary amount of work which has been pulled off in a relatively short time under circumstances that were not always easy.

It is, however, very frustrating that the committee has been unable to produce a final report, and we know that is due to information being withheld by the minister.

Health is the single most important issue for the majority of Tasmanians. Without access to adequate health care when and where people need it, they are unable to contribute to their community, support their family and work.

It is well known that there are enormous problems in Health, which was well supported by the submissions provided to the inquiry. We hear all the time about the impact on staff of the incredibly trying circumstances that they are working under and the impact on patients. It is concerning the minister does not feel he needs to be completely transparent on these issues. I question how Tasmanians can have confidence these issues will be addressed without full transparency from the minister, without him providing all the information requested by the committee. I encourage all members to read this very comprehensive report as it contains a huge amount of important information.

I commend the committee members and committee staff for their work in pulling together these reports. I acknowledge all those who put in a submission, because the number and content was perhaps more than was expected when the committee was first established. I urge the Government to respond to the recommendations because this is an important issue. People have come forward with their submissions, appeared before the inquiry, and committee members and staff have put in an enormous amount of work. The very least the Government can do is to respond to those recommendations. I look forward to that response in due course.

[5.21 p.m.]

**Mr VALENTINE** (Hobart) - Madam Deputy President, I thank members for their contributions to this debate. It is important the Government is made aware of the true situation. I am not suggesting they are not seeing it for themselves. The amount of information we have managed to pull together from various directions and professional bodies must provide a rather fulsome picture. I hope the Government seriously analyses this report.

The issue of the top-up funding brought up by the member for Murchison has gone on for years. You focus on the need for adolescent mental health services and only have to think about what parents are feeling when trying to deal with a child with serious mental health issues - it cannot be

a comfortable place. They need good assistance, not a simple half-hour meeting with somebody to work out what some of the problems and issues might be. It is really important somebody will walk with them on the journey and be there to assist them.

The member for Murchison raised the Health Complaints Commissioner's resourcing. It is true this House cannot, by passing a bill with a significant workload associated with it, do this without thinking about the level of resourcing required to undertake the work. It is important work, a matter of community service that a service is available and to have the checks and balances on services being delivered in the community. The Health Complaints Commissioner's resourcing has gone down and when you look at the level they need, it is important it is addressed because there is no proper functioning system without it.

The issue of patient waiting times was also brought up by the member for Murchison. We have a system seriously impacting on patients, as they wait for service and attention. Through interjection I was talking about the fact some mental health patients are waiting days. This is totally and utterly unacceptable, and the Government knows this, but we have to be cleverer the way we are dealing with this. The issue of doing a proper analysis, having experts come in and doing further analysis but also helping with the implementation - not just doing the talk, but actually assisting with implementing things they know work elsewhere. That is important.

The North West Integrated Maternity Services - we want a hospital system that delivers the services, but we want a hospital where the staff feel valued, are able to be properly trained, and, as the member for Murchison said, are working across the spectrum they are trained for - that they are not disadvantaged by being in a system that is simply passing patients on to another service. This does not assist the staff in the public system.

I heard the Leader's response - I am glad to hear we are going to have a full Government response. I think a full Government response is needed on this, and that long-term planning happens. I only hope that long-term planning is collaborative and that we reduce the politics in all of this.

As I have said from this Floor many times, you can have various strings to a strategy and long-term plan, and you can choose which one you chase down, but do not go outside the framework of that plan. Do not go outside it, and it will reduce the conflict. By all means argue about the smaller components, but do not argue about the big picture. Know that this is where we want to be in 10 to 15 years time. We want world-class health care, but we are not going to get it if we do not fund it properly. It is important it is funded properly.

I thank the minister for the appearances noted by the Leader. He did turn up, and ministers do not always turn up to hearings, and so we thank the minister for doing that, but we also need cooperation to make sure we have got the fullest information to be able to do our job.

Some of the information that we are asking of the minister is not so much being withheld - some of it is not being withheld. It is simply a matter of getting that information processed and to us in a timely manner. We understand the minister is willing to provide certain information that we have requested; it is just a matter of getting the information. If we get that information, we can then apply it to the claims and observations that have been made by some of the people putting in submissions. We can then provide the Government with that opportunity to have their say. It makes for a more complete report. I just wanted to cover that with the member for Rumney. Some of it

is not being withheld, whereas there are some components that we certainly have not been able to get at this point.

The \$105 million extra today, great stuff. However, I really would like the Leader to be able to tell us, what is the efficiency dividend expected from DHHS this year? I would really like to be able to find that out. If you can find that out for me, that would be -

**Mrs Hiscutt** - Can we undertake to do that? Or do we need to have a question without notice on that?

**Mr VALENTINE** - We would probably need a question without notice because you are not going to be coming back to this, and I am happy to put it on notice, just so it is there and you have something to respond to.

I acknowledge everybody's contribution and really stress the importance of the Government taking this report super seriously, understanding we have not played politics in this. This is the warts-and-all information being given to the Government through the submissions that we have received, and it is important that it is dealt with in that time frame. So please understand that we have done our best to reduce the politics and that is important.

**Motion agreed to.**

**Report noted.**

**CRIME (CONFISCATION OF PROFITS) AMENDMENT BILL 2018 (No. 34)**

**EMERGENCY MANAGEMENT AMENDMENT BILL 2018 (No. 25)**

**TRAFFIC AND RELATED LEGISLATION AMENDMENT BILL 2018 (No. 30)**

**Third Reading**

**Bills read the third time.**

**ROADS AND JETTIES AMENDMENT (MANAGEMENT OF STATE HIGHWAYS  
IN CITIES) BILL 2018 (No. 54)**

**Second Reading**

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

That the bill be now read the second time.

Madam Deputy President, as part of its plan to combat traffic congestion, the Government has committed to transferring four key urban roads from local government to the state government.

In Hobart, the sections of Davey and Macquarie streets that link the Tasman Highway and the Southern Outlet will become state roads. Similarly, in Launceston, the sections of Wellington and Bathurst streets that link the Midland and East Tamar highways will be transferred.

The amendments in the bill before the House will facilitate these transfers and the effective management of the roads post-transfer.

Where state roads pass through urban areas, the state government is not responsible for maintaining the whole of the road reserve. Section 11 of the Roads and Jetties Act sets out how maintenance responsibilities are split up between state and local government. An additional clause is being inserted to define maintenance responsibilities for multi-lane one-way roads, a scenario that was not previously covered.

A new provision has also been included that will allow for the default maintenance responsibilities set in the act to be overridden by specific agreements between the minister and local government. This will provide more flexibility to ensure practical and reasonable outcomes when dealing with unusual situations.

The legislation that permits the use of parking meters currently applies to council roads only. These amendments will permit parking meters on state roads as well, so that the current parking arrangements on Davey and Macquarie streets, and Wellington and Bathurst streets, will not be affected by the transfer of ownership.

The state Government intends to negotiate agreements with the relevant local governments whereby they will remain responsible for the day-to-day management of parking controls, including enforcement activities.

Illegally parked vehicles can cause substantial traffic congestion. While the owner of the vehicle can be fined, this does not resolve the congestion being caused. These amendments will give the state government the power to tow away vehicles that are causing any obstruction in a location that is creating congestion or safety issues.

This approach has been adopted by mainland jurisdictions and the powers contained in the bill mirror those that already operate in the state of Victoria.

This package of legislative amendments has been developed to create an improved congestion management regime for these important urban roads following their transfer from local government.

Madam Deputy President, I commend this bill to the House.

[5.36 p.m.]

**Mr VALENTINE** (Hobart) - Madam Deputy President, I only have one council in my electorate and it is certainly happy with this. It is going back to what it used to be. I think a lot of people think this is new, but it is not. On Macquarie and Davey streets and the lower part of the Brooker Highway there was a bit of an exchange many years ago. I can recall that when I was in Hobart City Council.

It is important, as much as possible, to try to improve traffic flows. I support this bill.

[5.37 p.m.]

**Mr DEAN** (Windermere) - Mr President, I support the bill. Launceston has been talking about this change for Wellington and Bathurst streets forever and a day. I recall when I was mayor of

Launceston there was a strong push for it to occur back in about 2008, and long before that. These are main arterial roads and they connect Hobart to George Town, and vice versa, George Town to Hobart. They are very important arterial roads.

It is great to see this happen now. I did not contact the council on this, but I am certain they will be absolutely delighted that this is now happening.

I notice in the bill that there is still a sharing between local governments and the state government, as I understand, of the maintaining of parts of the road reserves in these streets. I would like to know a little about how that will occur, and what parts would the City of Launceston Council, as it now is, be responsible for in relation to Bathurst and Wellington streets, because I am not quite sure. I would like to know the involvement of local and state government.

I am certain that the public will be delighted to know that the state government can also put in parking meters. In this instance, this is all about identifying those parking meters that are already in place in these streets and remaining there. It will also involve the councils, as I understand it from the second reading speech, remaining responsible - I am using Launceston in this instance as an example - for the parking meters in Bathurst Street and Wellington Street. The Launceston City Council will be responsible for maintaining them.

Therefore, I ask the questions: What about the revenue that is raised through these parking meters in these areas? Will all of that go to the City of Launceston, or will there be a dividend going into the state -

**Mrs Hiscutt** - I can answer that now: yes, the money will belong to the council.

**Mr DEAN** - It will all go to the council. They are responsible for policing and maintaining them; thank you, that covers that point.

The removal of vehicles is an important one. There has always been discussion and a lot toing and froing about who has responsibility to move vehicles parked where they should not be parked. After they have been there for long periods, there is the authority for people to move vehicles on. It is great to see that and that it has been clarified. Police, of course, have always had the authority to move vehicles parked where they are dangerous for motorists. The police have always been able to clear the roads.

Another problem here is burnt out vehicles, unfortunately. There have been burnt out vehicles close to Launceston remaining in situ for long periods on the side of the road. It is not good enough. I know that insurance companies are involved in many respects in relation to these vehicles, but there ought to be a position in place where the council, police or road authority - whether it is a state road or a local government road - are in a position to move those vehicles, whether insured or not, and then claim against the insurance companies.

**Mrs Hiscutt** - Sometimes they are a crime scene and that needs to be considered.

**Mr DEAN** - That is a different thing, but the police never leave them in the situation for all that long. If it is a stolen vehicle then the police are not really interested in maintaining or retaining the vehicle and it has to be cleared off the road very quickly. Whatever happens, a crime scene is a different thing, but it is very seldom that those vehicles are a crime scene other than a stolen motor vehicle.

**Mr Finch** - I remember a famous incident where a car was stolen in Hobart and burnt out at Exeter and that was left there for quite some time. That became a police investigation.

**Mr DEAN** - You are right, it is a terrible look and if you leave them there it is like graffiti. Take an example from Rocherlea, where they left some burnt out vehicles in an area and they continued to stack up. In the end there were something like 30 to 40 burnt out vehicles in this one area simply because they were being left in situ and not moved. We have to get something in place to also move those vehicles. There ought to be a claim against insurance companies where insurance is involved, and the authorities ought to have the ability to do that.

I support the bill. The City of Launceston Council will be delighted with this, as would Hobart. There is a lot of traffic on the main arterial roads, certainly in Bathurst and Wellington streets and there is bumper-to-bumper traffic in the streets of Hobart most of the time. I support the legislation and commend the Government for bringing it forward.

[5.43 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the two members who spoke are the ones who I imagined would have some input to this bill because it affects those two regions of Windermere - that is, Launceston - and Hobart. We spoke about the responsibility for the roads. The state government is in charge of the actual road, where you drive your car, and the councils are in charge of the footpaths and the parking meters. This will give councils the responsibility or ability to tow away cars from clearways.

The change will allow the minister to make arrangements and agreements with the local governments to work through that.

Who is responsible for abandoned cars on the road? I remember asking this question of the minister ages ago and it is the same issue. The state does the best they can to remove the ones off state roads and council roads are the council's responsibility. We do the best we can as a state to move things as quickly as we can. All things being equal, crime scenes, insurance, all that sort of stuff, can get very costly for whoever is left to pick up the bill, so the answer is probably the same as the answer I received many years ago to the same question.

I thank members for their input.

**Bill read the second time.**

## **ROADS AND JETTIES AMENDMENT (MANAGEMENT OF STATE HIGHWAYS IN CITIES) BILL 2018 (No. 54)**

### **In Committee**

**Clauses 1 to 3 agreed to.**

**Clause 4 -**

Section 11 amended (Maintenance of State highways, etc., in cities, etc.)

**Mr DEAN** - This relates to an additional clause being inserted to define maintenance responsibility for multi-lane, one-way roads, a scenario not previously covered. What does this mean? Does this mean it is a state road, and multi-lanes on all state roads, but what is the clarification necessary there for maintenance and so on? Would it not be the responsibility of the

state? What has happened there, and the reason for this? So having raised it, I will sit down and you will tell me.

**Mrs HISCUTT** - I seek some advice on this simple answer. Essentially, there is no provision for maintenance delineation for multi-lane roads through towns; there was no definition before, so it is there to define.

**Mr DEAN** - Who has been responsible for the maintenance in these areas previously if there is nothing there? I am having trouble interpreting this. I will see if I have got it. Because it says -

... in the case of a State highway comprising more than one lane in a single direction ...

If you have two lanes going in either direction, it does not relate. That is covered. Is that already covered in the legislation before us? Is that right? This only deals with multi-lane, one-way traffic in a street?

Was it an oversight or simply not there? Who has been carrying out the maintenance?

**Mrs HISCUTT** - The original Roads and Jetties Act of 1935, part II section 11(a)(i) is -

... the Minister is required to maintain and reconstruct ... the carriageways and the surface lying between them in the case of 2 paved carriageways divided by a median strip;

It is not in there. That is what it was before. We need to add this to accommodate for what we are trying to do.

**Clause 4 agreed to.**

**Clause 5 -**  
Section 48B inserted

**Ms RATTRAY** - In regard to clause 5, new section 48B(3), the fee set for the purposes of subsection 2, is for 'impounding, moving, keeping and releasing the vehicle'.

Often you do not know who actually owns these abandoned vehicles. What happens then? Who is actually responsible for the cost of removing those vehicles? How much is it likely to be for those that do have an owner registered? How will the mechanics of this clause work? Often people do not necessarily transfer the ownership of vehicles. If it is still registered in the previous owner's name, and somebody who buys the car that fails them might be very annoyed and not prepared to take responsibility for the car, particularly if it is a clunker.

Who is liable for those fees? What are those fees expected to be in regard to this fee set?

**Mrs HISCUTT** - We have discussed abandoned vehicles before and who is responsible for them, but I think the member means vehicles that are towed away. Who pays for that cost recovery? At the moment it will be possible cost recovery from a maintenance contractor. Because this is a new bill I cannot tell you how much that will be. We do not have a quote.

**Ms RATTRAY** - We also talked about keeping and releasing the vehicle, including any relevant overhead and other indirect costs so that could well be a moveable feast.

Look how expensive it is to get your pet out of a pound. There must be some idea; and what happens? What obligation is there on a person who has not transferred ownership? Are they responsible for the vehicle? I can see nodding so it appears they are.

**Mrs Hiscutt** - The owner of the vehicle is responsible.

**Ms RATTRAY** - Okay, but we do not know how much that is going to be for keeping and releasing the vehicle, including any relevant overhead and other indirect costs. That could be up to \$1000 by the time you get it towed, impounded and released. Probably worth more than the vehicle in some cases, otherwise it would not have been stuck in the middle of the road, possibly. I am assuming that that is correct, Leader?

**Mrs HISCUTT** - The whole idea is to prevent people from parking in clearways. The idea is not about abandoned vehicles, but we have established that.

The registered owner is responsible and the detail is to be worked out. Reasonable costs will be applied so, because it has not been done yet, you have to consider that the vehicle is towed away, where it is going to be stored, what they want for the storage of that vehicle and how to get it out.

**Mr VALENTINE** - I am looking at proposed new section 48B(1)(c), where the vehicle has been left standing illegally for a period of at least two days. I thought there was a limit less than that for vehicles parked in ordinary streets if they do not move. I might be wrong and I will be happy if I am corrected.

**Mrs HISCUTT** - No, not currently, and it is not for state roads or local roads.

**Mr DEAN** - I am trying to understand exactly what new section 46B(b) means - that a road authority may move, keep or impound any vehicle (and anything attached to the vehicle) that 'is unlawfully parked or left standing in an area designated by the Minister'.

What are we considering there? An area designated by a minister? While I am talking on this, where the state will now take over Bathurst and Wellington streets, who has responsibility for the parking requirements on those streets? Does the council have the right to change the metering areas in those streets? Can it simply come in and put more meters in or take one out if it is deemed the meter ought not be there? Can they change all the configuration of parking around or is that a state responsibility? If I can have that one also answered, and the other point on 'designated by the Minister'. What do we actually mean by that?

**Mrs HISCUTT** - The parking requirements will be managed by the council on council roads and in future that will be in agreement with the state. It talks here about the minister. These changes allow the minister to make arrangements and agreements with the council. As it is now a state road, this allows the minister to enter into an agreement with the local council about the control and whatever the council would like to do with the road.

**Mr ARMSTRONG** - Just with that follow-up from the member for Windermere, what about the fines or the parking fees that are imposed? Can the cost of \$2 for an hour be increased to \$4 per hour or does that have to be in consultation with the government?



**Mrs HISCUTT** - It is negotiated. The minister has the power to talk to the council, but generally speaking it will not change. If the council decides to put its parking meters up all over town, that is the council's call. The council still has control over that. It has to be negotiated.

**Mr VALENTINE** - With respect to revenue collected from parking meters on these roads, does that revenue stay with the council?

**Mrs HISCUTT** - Yes.

**Clause 5 agreed to.**

**Clauses 6 to 8 agreed to and bill taken through the remainder of the Committee stage.**

## **LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) BILL 2018 (No. 49)**

### **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.

This bill proposes a number of minor, miscellaneous amendments to the Local Government Act 1993. These amendments fall into two broad categories -

- the first group of amendments 'fine-tunes' aspects of the local government code of conduct framework, in response to the outcomes of a recent review initiated by the local government sector
- the second group of amendments will improve the clarity and effectiveness of the act in relation to a range of minor drafting and administrative issues.

The amendments proposed by this bill across both categories have been the subject of substantial and detailed consultation with the sector, and have received broad support.

On 26 June 2018, the minister announced a major review into Tasmania's local government legislation.

I should state at the outset that the amendments contained in this bill are not part of that review.

That review will deliver, in close collaboration with the local government sector, a best practice twenty-first century framework that -

- supports greater innovation, flexibility and productivity
- minimises red tape
- enhances accountability and transparency
- increases community engagement, participation and confidence.

The review is expected to take approximately two years. The amendments proposed by this bill will ensure the current act remains technically robust, practically workable, and legally effective until such time the new legislative framework comes into force.

Tasmanians need to be confident the councillors they elect to represent them will uphold and abide by certain standards of conduct and behaviour.

The local government code of conduct framework plays an important role in ensuring this is the case.

Earlier this year, the Tasmanian Government and the local government sector completed a review of the existing code of conduct framework for elected members - first introduced in 2016 - to ensure it is operating as intended.

The review was the subject of substantial and detailed consultation.

The Government supports adjusting and refining the code of conduct to address the issues and concerns identified by the sector and code of conduct panel members during consultation.

In responding to the review, the Government agreed to a package of 19 individual improvements to the code of conduct framework, designed to increase the sector's ownership of, and commitment to, the framework and improve the efficiency of the complaints handling process.

A number of these improvements require legislative amendment. Others will be implemented through amending the model code of conduct and refining administrative processes.

The key legislative changes include -

- A new requirement for complainants to demonstrate they have undertaken 'reasonable efforts' to resolve an issue that is the subject of a complaint before a complaint is formally accepted. This will place the onus on parties to try and resolve an issue before formal escalation, and reinforce that a code of conduct complaint is designed to be the option of first resort in relation to elected member behaviour.
- A new provision in the model code to allow panel chairs to dismiss complaints on the basis of 'triviality', as well as frivolous and vexatious complaints. This will improve efficiency by allowing the panel to focus its time and resources on investigating material behavioural conduct issues.
- A new provision that explicitly prevents all relevant parties from misusing information they obtain as part of a code of conduct investigation. The act does not currently deal with the misuse of information obtained by panel members or complainants, only elected members and this needs to be addressed.
- A new requirement that complainants, councillors, witnesses and councils verify the veracity of the information they provide to the code of conduct panel by way of a statutory declaration.

The remaining code of conduct amendments are very minor, and are focused on improving the overall procedural fairness, confidentiality and transparency of the complaints handling process more generally.

The second group of general, miscellaneous amendments seeks to address ambiguities and provide clarity in how the act is administered. These amendments fall broadly into four categories -

- the first are new provisions that enhance the clarity and consistency in the application of existing policy, at a practical level, across different parts of the act
- the second are amendments to eliminate current drafting ambiguities, identified by both the Department of Premier and Cabinet's Local Government Division and the Office of Parliamentary Counsel
- the third are changes to correct minor technical drafting oversights related to changes brought in during 2017
- the fourth are minor administrative corrections and updates, including addressing outdated names and inaccurate cross-referencing of sections.

All these changes have been widely consulted on, with some changes specifically requested by the sector to improve the administration of the act.

The changes enjoy the broad support of the sector and will ensure the act is robust and effective in the period until the Government's new legislative framework for local government in Tasmania is implemented in 2020.

The amendments proposed by the bill before the House today are minor, yet important to ensure the act's continued effective administration.

The amendments are the outcome of a strong and ongoing collaborative relationship between the Government and the sector. They provide necessary clarity and consistency while the Government conducts and implements its broader legislative review.

I commend the bill to the House.

**Debate adjourned.**

## **SUSPENSION OF SITTING**

**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 dinner break.

[6.13 p.m.]

**Mr DEAN** (Windermere) - Mr President, I query why we have to adjourn the debate. I think this is the only other matter we have on our books for this evening, and it would seem it is not a

matter that will take a long time. It is normal that sometimes we go through until 7.00 p.m. I accept that another arrangement has been made, but I would have thought in the circumstances that we could have at least continued for 15 -

**Mr PRESIDENT** - Order. The question has already been decided in relation to the debate standing adjourned. This is in relation to the sitting being suspended now. I understand, that being the case, the question you are now putting is not appropriate.

**Mr DEAN** - Mr President, so it is not appropriate that I talk about whether the sitting be suspended? That is what my discussion is about now, the sitting being suspended.

**Mr PRESIDENT** - You can address that question, but not whether the debate stands adjourned. Whether the debate stands adjourned has already been voted upon, but in relation to the second matter that was put, you can address that question.

**Mr DEAN** - Mr President, thank you. There is no point in my continuing in that argument or that position. If the motion on the suspension of proceedings was successful, and it was not suspended, we have no business because the other matter has been deferred. That is the way I see it. I do not wish to continue with my position, Mr President.

**Mr PRESIDENT** - You can address that question.

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, in response to the member, we have an appointment at 6.15 p.m. with the Premier and ministers. They are also sitting. Things are set up ready to go in the Leader's rooms. I apologise for the inconvenience, but it is a prior appointment we have made.

**Sitting suspended from 6.15 p.m. to 7.20 p.m.**

## **LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) BILL 2018 (No. 49)**

### **Second Reading**

**Resumed from above.**

[7.21 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have finished my contribution. I look forward to hearing other members' contributions. I commend the bill to the House.

[7.21 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I support in principle this amendment bill. During the course of the day I have had some toing and froing with the Leader's office and I would like to acknowledge the work of the Leader's office, Rick Dunn from the minister's office, Alex Tay and Luke Murphy-Gregory who have been very accommodating because I had attempted to put forward an amendment to the clause 14, proposed new section 55 when it came to interests of employees and general manager.

In our state general managers have an enormous amount of influence in councils. Since the 1993 changes to the Local Government Act, it has certainly been a step up in regard to the roles and functions of a general manager and what they undertake.

I have noticed over my time in this place, there have been some issues on what could have been public perception of general managers and their influences and interests. I thought here is a chance to be able to put something into this amendment bill that asks for the general manager and key area managers in local government -

**Mr Valentine** - Division heads.

**Ms RATTRAY** - Division heads. That is the term. Thank you. Where there is the register to be kept of any interests and the community can ask to look at the register. This talks about interests of employees and general manager and we would have come to the stage where the dog catcher would have to have been included in the group. Then when you look a little bit further into the local government act you actually cannot request any of this information. Under the RTI process it is not available, so it would have been useless. It would have actually had something in the act that was unworkable.

Then I thought: how else can we have a look? I know there is going to be a complete review of the act as this was shared with us through the Leader's contribution. This is in approximately two years. Most of us around this place know if a review is being undertaken with a two-year time frame, it is probably four years. If you are lucky perhaps three, but it does not happen very often in the time frame suggested.

What next? Again, some more consultation with those three or four gentlemen I mentioned and some toing and froing with the minister. I also want to acknowledge his contribution in this as it has been determined the Leader will provide a statement in response to my queries around having an open and transparent process for all community members. We have an elected body around the table from Council but that does not always mean that we are going to have an open and transparent process for all of the community. I know we have just been through local government elections and you only have to see by the number of candidates that there is significant interest in local government, and rightly so. Local government is the first contact with your community. I want that to continue but I also want our communities to feel that we are open and transparent in federal government, in state government and in local government.

The Leader will have a statement in regard to a commitment from the Government to undertake some consultation with local government, particularly the general managers council, GMC.

**Mr Valentine** - No, that is the Local Government Association's General Management Committee. It is not a committee of general managers.

**Ms RATTRAY** - There will be some consultation through LGAT with the general managers in regard to potentially having in regulation, if that is agreed, to have something put into the annual report. I received some information about council reporting and the accounting standard is AASB 124 for related party disclosures. I was provided with a couple of examples, one from the Devonport City Council's 2017-18 annual report and two transactions were recorded. They are called transactions. The nature of the transaction in this case was marketing, the amount was \$22 000, and the terms and conditions are as per an agreement. There is an asterisk underneath

saying, 'Council pays for marketing and promotion to a company which has a relative of a member of Council's KMP as a director'.

Here we have an example of a disclosure, but it is purely a transaction; it does not give you any information about who it belongs to, what the nature of it is although it says 'marketing', so I suppose in a small community you can work that out. The other one that I had an example of is the Break O'Day Council's 2017-18 annual report. The nature of the transaction is supply of services and material costs during the year of \$4384. The 30-day terms are on invoices and it says -

In accordance with ... the *Local Government Act 1993*, no interests have been notified to the General Manager in respect of any body or organisation with which the Council has major financial dealings.

That is not a bad process, but in my view it does not go down to the detail of what key senior management and a general manager may have in the way of interests in smaller or larger councils. I have an undertaking from the Leader to put that review in process and I will be looking forward to a time frame around that. At this point I have not been made aware of what that time frame is and I know it takes some time. I do not want to see a two- to three-year period where we still potentially have communities who feel that they need to go to the Director of Local Government, through their local member, 99 per cent of the time to ask questions about information that they cannot receive from their local council.

It is time that we put out on the table that open and transparent process for all. If there is no issue, there is no concern. I expect this will be well received by the local government community because they will also want the community to know that they are declaring all their interests and there is no issue with what is going on in and around council. In my mind that confirms the confidence of the communities that they represent because these are significant roles in this day and age.

We know that there would not be a local government manager who is not paid very well in this state and we know they have significant roles, but they also have significant influence among those roles. I wanted to take that opportunity while we had the Local Government Amendment (Miscellaneous) Bill before us to have some discussion around this particular issue. Over the past four or five years, I have had many dealings with the councils I represent - around seven local government areas. I know the member for Hobart deals with one council -

**Mr Valentine** - It is very easy, isn't it?

**Ms RATTRAY** - It certainly makes possible a lighter work load when it comes to dealing with your council, albeit your council is a significantly large council.

**Mr Valentine** - It is a large council.

**Ms RATTRAY** - It is a large council with quite a lot of senior management. Again, I thank the Leader's office for facilitating the number of times that I needed to leave the Chamber to have those discussions and particularly those gentlemen I named at the beginning of my contribution who worked through this with me.

I have a couple of questions I just want to get on the record through the Committee stage in regard to a couple of other areas, but other than that I agree they are minor amendments and when

you are providing a more open and transparent process and providing some clarification in this very important area of local government, I am fully supportive of the amendment bill.

[7.32 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, we certainly took on the concerns from the member of McIntyre. I would like to address it and hopefully it will be to your satisfaction. The member for McIntyre has raised concerns about a lack of transparency regarding the public disclosure of the pecuniary interests of councils' general managers. Accordingly, the member for McIntyre has suggested that consideration be given to further amending section 55 of the act to provide that registers of general manager interests be made publicly accessible, similar to the arrangements that currently apply to elected members. The Government understands the concerns of the member but does not support the amendment to the act at this time. The Government believes that the transparency improvements sought by the member could instead be achieved through a regulatory change without further amending the act itself.

To this end, the Government is willing to put on the record that it will publicly commit to examine, in consultation with the sector, appropriate options for including additional transparency in the reporting of general managers' interests in councils' annual reports. The Government expects it would be in a position to complete consultation with the sector and have settled a position on this matter during the first half of 2019. Section 72(e) of the act provides for the inclusion of prescribed matters in council's annual reports. For instance, a change to the regulations could prescribe that councils must report on the number and nature of pecuniary interests declared by general managers and/or other senior staff. There may also be some circumstances where more detail or specific disclosures are warranted. This approach would provide the opportunity for the sector to provide input into any additional reporting requirements which the Government feels is important, given the broader need to balance transparency in council operations on the one hand, and the protection of personal information of council staff on the other.

Looking further ahead, I should also note that the Government's view of the legislative framework for local government will be looking at a broad range of options for enhancing the overall transparency and accountability of the sector, including appropriate disclosure and reporting requirements. I hope the honourable member is satisfied with that commitment the Government will take.

I commend the bill to the House.

**Bill read the second time.**

## **LOCAL GOVERNMENT AMENDMENT (MISCELLANEOUS) BILL 2018 (No. 49)**

### **In Committee**

**Clauses 1 to 10 agreed to.**

**Clause 11 -**

Section 28ZNA inserted

**Ms RATTRAY** - In regard to clause 11, proposed section 28ZNA, Costs of training to be borne by council, there is a written determination report of a code of conduct complaint by the code of conduct panel as required under the appropriate section and then it talks about the costs.

What does the training consist of? What are the costs likely to be? We have some relatively small councils and it is only fair they have some understanding of the costs to be borne by councils should that process unfold. So, I am interested in those costs and the training requirements.

**Mrs HISCUTT** - This amendment responds to a recommendation from the code of conduct review to make clear it is the relevant council and not the individual councillors that bear the cost of training they may be required to undertake as part of a sanction applied by the code of conduct panel.

It should be noted other sanctions are applied to individual councillors in the event of more serious code breaches, including suspension from office for up to three months.

The actual costs will vary depending on the training, but usually in the hundreds of dollars would be expected, not thousands of dollars.

**Ms Rattray** - And the time frame? Or does that depend on what the actual code of conduct related to?

**Mrs HISCUTT** - A determination report will usually say whether any training is required and at what level.

**Clause 11 agreed to.**

**Clauses 12 and 13 agreed to.**

**Clause 14 -**

Section 55 amended (Interests of employees and general manager)

**Ms RATTRAY** - By way of explanation, this was the area I was seeking to amend and where I have the commitment from the Government in a timely manner. The first half of 2019 is a reasonable time frame to have that conversation with LGAT and the general managers and senior management to come to some agreement about what might be the best way forward in regulation for that open and transparent process. I again acknowledge and thank the Government, particularly the minister, and those who have supported that.

**Mrs HISCUTT** - The member's comments are noted.

**Clause 14 agreed to.**

**Clause 15 -**

Section 56B amended (Gifts and donations register)

**Ms RATTRAY** - In relation to clause 15 and the amended gifts and donations register for elected members, I am interested in 'the register is to be - ... updated at least monthly'. I am querying whether that might be a little too onerous. When you say 'updated', is there just a mark on the website saying 'no further' -

**Mr Gaffney** - It is probably a way of recognising their monthly meeting.



**Mr Valentine** - It would not be for one individual.

**Ms RATTRAY** - This is the website - 'available on the relevant council's website; ... and updated at least monthly'. Do they put on the website that there have not been any additional disclosures? Do people know that it has been updated monthly or do they just assume that it has? I am interested in the mechanics of that. Small councils do not have many people doing all these jobs. Sometimes we put an onerous task on local government for no real value.

**Mrs HISCUTT** - This amendment will require a council's gifts and donations register to be made permanently available at the relevant council office, on the council's website and updated at least monthly. The aim of the amendment is to improve public transparency and accessibility to information on gifts and donations that councils have received, consistent with the overall intent of the register process. The logistics of that are that a councillor has to declare within 14 days if they have received a gift or donation. Then the website has to be updated once a month to reflect that. If there is nothing to register and there is nothing declared, there is no need to update it. Once a month it will be done if there is something to declare.

**Ms RATTRAY** - If there is a gift to the council itself, is there a register for that? We have gifts to the parliament. The President may receive a gift on behalf of somebody who visits the parliament. Is that included in the register? I expect it would be given to the mayor for the council to have. It might be a painting or it might be an expensive bottle of wine to open at Christmas. I do not know. I am just asking. A gift to council and not necessarily to the elected member.

**Mrs HISCUTT** - If, for example, a bottle of wine were given to the council, but given to the mayor for the council, yes, they would have to declare that. If it were a gift given to the council in general, not to a particular councillor, no, because it is not an individual thing.

**Clause 15 agreed to.**

**Clause 16 -**

Section 61 amended (Appointment of general manager)

**Ms RATTRAY** - In regard to the appointment of general manager - and I asked this question of the gentlemen earlier today - what had instigated this amendment? For clarification around the advertising of the vacant position for the appointment of a general manager, it would be useful to have that on the public record as well the response I received after asking the question: what instigated this amendment?

**Mrs HISCUTT** - This clarifies that the notice should be given when the position is being recruited for and not immediately at the time that it becomes vacant.

**Ms Rattray** - So it does not have to be advertised twice?

**Mrs HISCUTT** - That is correct.

**Clause 16 agreed to.**

**Clauses 17 to 26 agreed to.**

**Clause 27 -**

Section 226 amended (Dismissal of councillors)

**Mr VALENTINE** - Madam Chair, does the minister have the right to dismiss a councillor before this amendment takes place? It is just a query and maybe I should have made a contribution to the second reading debate and asked that question there, but I want to know whether that capacity existed prior to this amendment.

**Mrs HISCUTT** - This amendment will remove any possible ambiguity regarding the power of the government to dismiss a councillor or all councillors following a recommendation by the minister under section 226 in this regard. This is in response to technical advice on drafting from OPC.

**Mr ARMSTRONG** - Madam Chair, I am curious that on receipt of a recommendation, the minister may by order dismiss a councillor or all councillors. I am wondering: if you had a council of seven councillors and the minister dismissed three of them and another councillor was away on leave of absence et cetera, they would not have a majority of councillors. If there were a council meeting the next day or the day after, and there had not been a recount or an election held, is there something in the Local Government Act that allows him to postpone a council meeting? What could happen then? They would not have a quorum for a council meeting. Is there a process that the council has to go through to postpone a meeting?

**Mrs HISCUTT** - We are checking some facts and seeking advice. Is the member happy to proceed with the bill and take the answer when we find it?

**Mr Armstrong** - Yes.

**Mrs HISCUTT** - I will undertake to get the answer and send it to you.

**Mr DEPUTY SPEAKER** - Before the third reading perhaps.

**Mrs HISCUTT** - Yes, that is possible.

**Mr DEAN** - I am being pedantic here. 'On receipt of a recommendation by the Minister, the Governor, by order, may dismiss the councillor, or all councillors.' What happens if they only want to dismiss three or four? Is that meant to be a part, because it specifically refers to one councillor and/or all the councillors?

**Ms Rattray** - It should be 'a' not 'the'.

**Mrs HISCUTT** - I am reliably informed he can dismiss this councillor and that councillor and that councillor if need be.

**Mr DEAN** - It does not say that.

**Mrs HISCUTT** - He can dismiss the councillor or the other councillor or the other councillor. The intention is he can dismiss as many or all, as he wishes.

**Clause 28 -**

Section 228 amended (Confidentiality)

**Ms RATTRAY** - This clause amends section 228 of the act by inserting -

'other than those used by the Director for the purposes of an investigation under section 339EA' after 'Right to Information Act 2009'

I was informed a few hours ago that there was no right to information access. This is purely for the director for the purposes of an investigation but does the director not already have the right to request information in regard to any matter? Given that we know how long it takes to get information under the RTI process, I am interested in how long the director thinks they might have to wait for the information. I am interested in some clarification.

**Mrs HISCUTT** - This is from the board of inquiry not the council.

**Clause 28 agreed to.**

**Clauses 29 to 39 agreed to and bill taken through the remainder of the Committee stage.**

## **BURIAL AND CREMATION AMENDMENT BILL 2018 (No. 56)**

### **Second Reading**

[7.59 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.

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

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

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

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

Earlier this year, the Government commenced a review of the act and associated legislation. This work has identified priority amendments that are necessary to address an immediate need to protect the rights of community members.

The review is ongoing, and it is anticipated that additional improvements to address other important, but less urgent issues, are intended to be introduced in 2019.

On 24 September 2018, the Government released a draft bill for public consultation, outlining the first stage of amendments. A number of changes have been made to address issues raised during consultation.

The amendments we are proposing have been well received by the community. The Government is working to ensure that cemeteries will be properly protected, and that these changes will strengthen both the rights of community members and, where appropriate, the obligations on cemetery managers.

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

- to oversee the sale and transfer process, ensuring cemeteries that are sold are owned by suitable entities
- enforcement of regulatory obligations, ensuring accountability and transparency in the management of cemeteries
- oversight of the closure process and ongoing protection of gravesites beyond the closure of the cemetery.

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

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

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

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

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

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

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

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

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

It is acknowledged that a small number of cemeteries have been sold to private individuals under the current legislation. The Director of Local Government has committed to work through options in good faith that could deal with legacy arrangements in the second stage of the review. This second tranche of the review is underway and these issues will be addressed as a priority through that process.

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

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

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

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

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

The bill increases the time period before a cemetery can be closed to 50 years since the last interment, and requires cemetery managers to apply to the regulator to close the cemetery. The regulator can place conditions on the closure, such as requiring certain graves not be moved.

Importantly, these powers will allow the regulator to ensure that the graves of war veterans are protected and treated with due respect.

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

Building on this amendment, the bill effectively prevents cemeteries from being used for other purposes for 100 years since the last interment.

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

The regulator can also place conditions on the approval, if needed, to protect graves or monuments on the site.

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

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

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

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

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

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

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

Outside of the sale and closure processes, the bill does not significantly change day-to-day obligations on cemetery managers. It should not impose any significant cost on cemetery managers who are already meeting their obligations and are operating their cemetery to an appropriate standard. It does, however, improve the ability of the regulator to monitor compliance and ensure that cemeteries are being properly managed.

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

I commend the bill to the House.

**Debate adjourned.**

**COMMUNITY, HEALTH, HUMAN SERVICES AND RELATED  
LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 58)  
SECURITY AND INVESTIGATIONS AGENTS AMENDMENT BILL 2018 (No. 51)  
ENERGY CO-ORDINATION AND PLANNING  
AMENDMENT BILL 2018 (No. 57)**

**First reading**

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

**ADJOURNMENT**

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

That at its rising the Council adjourn until 2.30 p.m. on Wednesday 28 November 2018.

**Forthcoming Legislation**

[8.15 p.m.]

**Ms FORREST** (Murchison) - Mr President, I would like to ask the honourable Leader a question: what legislation will we be dealing with tomorrow and on Thursday? A number of bills are on the Table, some of which I have proposed amendments for. It would be helpful to know which ones we are planning to deal with tomorrow and on Thursday.

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) -  
Mr President, we will be doing the Burial and Cremation Amendment Bill, the Macquarie Point

Development Corporation Amendment Bill, the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill and the Brand Tasmania Bill. I am still not sure whether we will be doing the Justice and Related Legislation (Marriage Amendments) Bill; the Attorney-General has not yet given the nod on that. I think it will be dealt with but I cannot guarantee that one tomorrow.

**Ms Forrest** - So are all those bills tomorrow?

**Mrs Hiscutt** - And Thursday, in that order.

**Motion agreed to.**

**The Council adjourned at 8.17 p.m.**