



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 22 November 2022

REVISED EDITION

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Tuesday 22 November 2022

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

PETITION

Cam River Bridge

[11.02 a.m.]

Ms Forrest presented an e-petition from 1828 residents of Tasmania who draw to the attention of the House the recent flood-related damage to the Cam River Bridge, the need for a full investigation of causes of the damage and consultation around the provision of a dual river crossing to complement the new bridge currently being constructed.

E-petition received.

RESPONSE TO PETITION

Salmon Farming in North-West Tasmania

[11.04 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have the honour to table the Government's response to the member for Murchison's petition presented on 8 March 2022 regarding expansion of the ocean-based salmon farming industry into the north-west of Tasmania.

REQUEST FOR INFORMATION

Answers to Questions - Macquarie Point

[11.10 a.m.]

Mr VALENTINE (Hobart) - Given there are only two sitting days left in the year, I wondered when I might receive answers to questions about Macquarie Point that were posed on 19 October, or thereabouts?

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I can inform the member that we have it in hand.

Mr Valentine - This week?

Mrs HISCUTT - Hopefully tomorrow, but I cannot guarantee that. We have been chasing it at a rate of knots.

Mr Valentine - Thank you.

RECOGNITION OF VISITORS

[11.11 a.m.]

Mr PRESIDENT - I welcome to the Chamber Dustin Geard, a second-year Arts-Law student from the University of Tasmania. Dustin is completing a work experience program this week, and during this time he will meet with members and staff across the Tasmanian Parliament. Dustin hails from the north of the state, just outside Devonport. On behalf of all members we welcome you here today and trust you enjoy your time with the Legislative Council, and all the best for your continuing studies.

Members - Hear, hear.

Mr PRESIDENT - I also welcome Dr Lisa-ann Gershwin, Leanne Minshull, Rachel Hay, Eloise Carr and Dr Graeme Wells who are the subject of the member for Nelson's special interest this morning, which will be coming up shortly after the member for Mersey, who will make his contribution now.

SPECIAL INTEREST MATTERS

Don River Railway

[11.12 a.m.]

Mr GAFFNEY (Mersey) - Mr President, I thank you for allowing me 15 minutes to speak about the Don River Railway this morning.

Mr PRESIDENT - Certainly.

Mr GAFFNEY - This morning, I will inform you about one of the north-west's community organisations that also happens to be one of the north-west's largest tourist attractions. The Don River Railway, located within the municipality of Devonport, is a not-for-profit tourist railway and museum. It has been operating as an organisation for many years and plans to celebrate its 50th anniversary next year.

The railway is volunteer-owned and 99 per cent operated by over 80 volunteers. Its volunteers are drawn from many walks of life. Apart from providing an outlet for men and women interested in trains, the Don River Railway also delivers on its social purpose in supporting, training and providing work experience for long-term unemployed people in the area. It also provides volunteering and work experience for a small number of our community with special needs.

The railway operates from its base at Don village on the course of the Don River, for 4.5 kilometres, out to its current destination at Coles Beach. This half-hour return trip operates hourly, four days per week, with heritage steam trains operating on at least one of those days. Don River Railway is one of the biggest heritage railway workshops in the southern hemisphere, and boasts Australia's largest collection of heritage steam and diesel locomotives. Some of its exhibits are over 100 years old, showing the historic development of railways here in Tasmania.

Members will be surprised to know that in 2018-19 - pre-COVID-19 - the railway attracted over 18 000 passengers, approximately 60 per cent of whom were interstate or international visitors. As tourism recovers within the state, the railway is well placed to deliver for new visitors and contribute to the area's economic wellbeing.

In 2020, the Tasmanian Government provided funding for a study to be undertaken to look at the potential tourism demand, operational feasibility and economic impact of expanding the Don River Railway at its Don site as well as reconnecting to the TasRail main line at Coles Beach. Results of this study were compelling. Exciting plans include:

- the redevelopment of the tourism experience at Don village. This will include new display sheds and an interpretation centre. The aim is to bring the stories and the purpose behind the people who shaped Tasmanian railways and the Don River from 1854 to today. These stories will be brought to life in a dedicated area where installations are created to take visitors through the railway's journey;
- a new café with facilities for visitors is also included. This element is costed at \$9.82 million;
- the restoration and upgrade of railway rolling stock to provide visitors with a better experience in line with modern expectations is costed at \$3.34 million.
- the reconnection to the main line at Coles Beach, with associated designs, signalling and radio equipment, will enable the railway to make use of one of Australia's best coastline scenic railway journeys from Devonport to Penguin.

All three components outlined would deliver a forecast 33 600 visitors to the attraction and an additional 22 000 bed nights in the greater Devonport area each year. In addition, during construction the project will contribute about \$30.1 million and 49 FTE jobs to the local economy.

Once built, visitor spend would increase by about \$2.3 million locally each year. Over the next 10 years, investment in the construction of the railway experience, its ongoing operation and upkeep, plus the local visitation it attracts and the flow-on economic benefit it stimulates throughout the region will be around \$7.92 million per year and an average of 40 FTE jobs, nearly \$80 million in total over the 10-year period.

The project has enormous strategic merit, capitalising on the additional 40 per cent capacity of the new *Spirit of Tasmania* ferries, due to arrive in 2023. It also aligns with significant local and state investment in the Devonport Living City project, including the new Novotel and providing visitors disembarking and boarding the *Spirit* ferries with a critical trigger for spending an extra night in the greater Devonport area. In addition, there are flow-on effects as this stimulus circulates through the local north-west economy. When the flow-on effects are incorporated, the \$20 million investment in the railway experience will add an additional \$42 million to GRP over 10 years, supporting over 400 FTE jobs, due to the increased tourism expenditure.

The community benefit, the economic benefit, as well as the preservation of our railway heritage that this project brings to Tasmania makes this a project worthy of support. We should,

as a parliament, support this funding in this wonderful economic and tourism opportunity especially for the north-west and west coast region.

Tasmanian Independent Science Council

[11.17 a.m.]

Ms WEBB (Nelson) - Mr President, this morning I rise to highlight the Tasmanian Independent Science Council and the laudable work it does as a source of independent research analysis and advice, seeking to bridge the gap between science and public policy by providing a sound evidence base to better empower decision-makers. I am pleased to be joined in the Chamber today by a number of members of the Tasmanian Independent Science Council and I also acknowledge the many others who were unable to be here.

The Tasmanian Independent Science Council is composed of a diverse group of scientists and professionals with decades of experience. The expertise of members spans a broad range of areas in the realms of science, policy and communication. These areas include geography, environmental science, geology, climate change, ecology, oceanography, marine science, agroecology, environmental law and economics, to mention a few. The council members seek to contribute to policy discussions and the broader public discourse by providing sound input, grounded in scientific rigour and concern for the long-term health of Tasmania's critical environments, with a focus on forests and fires, fresh water and oceans.

We are fortunate to have considerable expertise within government departments, working under the direction of the government of the day to develop public policy and progress legislation to this parliament to give effect to government policy. However, we are also privileged to have the considerable expert knowledge and vast experience present in our community.

It is vital to the health of our state and its democracy that subject matter expertise is brought to bear from all directions in contributing to the development of good, robust public policy. How does the Tasmanian Independent Science Council contribute, I hear you ask, Mr President? Let me count some of the ways. The council produces scientific reports and papers. It makes submissions to policy and legislative processes. It holds public events and educational opportunities and contributes to media commentary and information. I will mention some of the examples of contributions from the council in recent times.

It is no secret to members in this place that I have been vocal in recent times regarding the state's inability to deliver a State of the Environment Report since 2009. While recently I have been critical in this place, you can imagine the longstanding disappointment and frustration with the Tasmanian scientific community focused on the health of our environment at its absence. As a response to this, a number of council members have rolled up their sleeves to fill the gap left by the long-overdue State of the Environment Report. They have sought to obtain, analyse and report on valuable environmental data, data which should be compiled and published by the government as a matter of course. For example, Dr Christine Coughanowr published in 2021 a report titled *The State of Tasmania's Freshwater* and I understand she is now working on a follow-up report focused on water use in the state.

Another council member, Dr Eric Woehler OAM, who many will know here as our local pre-eminent sea and shorebird ecologist, is currently developing a report in conjunction with

the Australian Coastal Society to fill further gaps from the missing State of the Environment Reports. I am sure it will come as no surprise that the recent direction from the minister for Planning to the Tasmanian Planning Commission to finally undertake and release a State of the Environment Report 2024 was welcomed as a development in the eyes of the council. I know the council members will also be keenly interested in the scope and methodology to be adopted for this report and to understand the basis on which it will be the framework for future policy development in Tasmania to which they can contribute.

On a topic close to home, I note a number of the council members made substantial individual contributions to the recent Fin Fish Farming in Tasmania Inquiry, for example, which I had the pleasure of chairing. I thoroughly appreciated the perspective and scientific rigour of members' submissions to the inquiry and believe they are a valuable addition to the broad evidence taken and considered.

The final example I will highlight of an important contribution to policy discourse and development from the council is a recent one that members will be familiar with. Council member John Church OA, alongside others from Climate Tasmania, was instrumental in advocating for evidence-based improvements to the recently debated update to the Climate Change (State Action) Act. I am sure many members here interacted directly with John or indirectly with his work in preparation for this recent debate.

The instances of the council's contribution to public policy discourse and development is considerable and is made freely available on the council's website. What is clear to me through engagement with various members on a range of matters is the council makes an important and tangible contribution to scientific knowledge and provides an invaluable evidence base on many matters relating to our state's environment. This generously provided independent knowledge and evidence is something that we, as legislators, can confidently rely upon.

The council's mission, centred on advocating for a sustainable and healthy Tasmanian environment for all Tasmanians and generations to come, is a worthy one. The council has a number of projects and reports currently in the works and continues to engage on issues relevant to its mission. Currently, these works include work on the EPBC act review, Tasmanian planning laws, native forest biomass burning, bushfires, nature restoration, threatened species and coal mines in Tasmania, to name a few.

I hope members will join me in celebrating the value added to public policy discourse and debate by the Tasmanian Independent Science Council which seeks to bridge that gap between industry, academia and governments in the development of excellent public policy. I commend and thank the council and its members for their excellent ongoing work, fuelled not only by high-level expertise but also by a passionate commitment to our state, its people and its natural environment.

Northern Midlands Relay for Life

[11.23 a.m.]

Ms RATTRAY (McIntyre) - I recently had the honour of cutting the ribbon to commence the Northern Midlands Relay for Life at the Longford Recreation Ground. What a lovely recreation ground it is, fantastic facilities. This was the first time the Relay for Life event had

been held in the Northern Midlands. With 150 people in 20 teams, the participation rate to support this wonderful cause was excellent.

The organising committee, led by Mel Nicholson, who I will speak more about later, consisted of Matthew Brooks who is pretty good on the mike, Casey Pinchin, Tamika Stretton, Damien Benson, Nicole Graham, Donna Franklin and Di Barnett. What a dynamic team to bring this event together.

I am pleased to share that on the day there were many more members of the community who stepped up to support this inaugural event. Mel and her team worked tirelessly, not only on the relay day but also holding several fundraisers leading up the event, including the Love, Laughter and Living Well event, a day of self-care and empowerment for ladies of all ages, which I attended with my sister, Tracey, and friend, Teresa. We had a brilliant day and the amount of community spirit - that is short for chatter and laughter - was an absolute delight to be part of.

To date, the total amount raised from the relay and other events for the Cancer Council of Tasmania to assist their research and support services, is an impressive \$40 000. What a team.

To speak more about Mel, this project has been about giving back to the Cancer Council after her personal experience with cancer. Mel spoke and shared her journey at the Love, Laughter and Living Well event, from the time of her diagnosis of stage three bowel cancer in 2020. She credits the Cancer Council of Tasmania as a major support during her treatment, providing her with endless counselling and emotional support.

This support was invaluable to Mel during her very challenging time, together with the unwavering support from her husband, Paul, family and friends. I heard Mel's journey on that Love, Laughter and Living Well event, and it was pretty emotional to hear of her journey.

Mel has recently been nominated to be a 2023 Global Relay for Life Hero of Hope. The Global Relay for Life Heroes of Hope program profiles cancer survivors and caregivers whose exemplary involvement in the community embodies the mission of their cancer organisations and Relay for Life.

Interestingly there are four Australian Global Heroes of Hope, and three of those, which includes Mel, are from Tasmania. Again, Tasmania punching above its weight.

Mr President, it has been an absolute pleasure to meet and get to know Mel Nicholson who, despite a cancer journey, has the most positive outlook on life and continues to give back to our community in spades. I wish Mel and her family health and happiness long into the future.

I hope Mel was listening in.

Exeter Child Care Centre

[11.28 a.m.]

Ms PALMER (Rosevears) - Mr President, you would not necessarily expect those caring for children to go rogue, but in 1992, that is what happened in my electorate of Rosevears, when the wider West Tamar community moved to establish its own childcare centre.

There was growing demand from mums in particular, wanting to re-enter the workforce, and while they had access to playgroup, there was nothing available for long day care.

Those behind the move say the child care was initiated by the community, for the community. To this day, it remains very focused on its local community, becoming a hub for learning and exploration, as well as for bringing community groups together.

The self-funded Exeter Child Care Centre was considered a private business by the then federal government, and was not eligible for any operational funding. This did not deter the original management, which opened the doors on the Exeter Child Care Centre in the old Education department house, opposite the current site.

I was recently most fortunate to join the Exeter Child Care Centre's 30th birthday celebrations. There was a stunning birthday cake, and as you can imagine, a splendid supper table. We had the opportunity to reflect on the changes that had occurred over the past three decades.

There are currently 70 families registered with the centre. There are educators coming back, after going through the centre as a young child. Families who had children attend and now have their children coming through.

The centre's director, Cathie Burr, has been part of the centre for 22 years, firstly when her children attended and then after she completed her education degree. She loved it so much, she has not left. She is affectionately known as Grandma Cathie by those involved with the centre.

In the early days, the West Tamar Council supported the enterprise with a small loan for toys and equipment, on the condition the loan be repaid when the centre folded.

With strong demand for child care in the region, the service quickly outgrew the little house and a community campaign was launched to acquire, and relocate to, the vacant Hydro Tasmania depot and office across the road. While this move was met with some resistance, committee members lobbied hard and quickly became known on a first-name basis to many state and federal MPs. Their determination paid off, and the service was officially opened in 1998 on the current campus on a shoestring budget.

Since then, the centre has been upgraded and refurbished to meet compliance, and become more comfortable and user-friendly. The Exeter Child Care Centre prides itself on having a dedicated, stable team of educators who offer a warm and welcoming service. The service strives to build connections with the broader community through the purchase of resources from local businesses and employing locals for gardening and maintenance where possible.

It has become a real hub for activities and community involvement. Children from the centre attend Gym Fun at Exeter Primary School once a week and staff from Exeter Library visit for Simultaneous Storytime and during Book Week. The centre was also fortunate to work collaboratively with the West Tamar Landcare volunteers to create a wild garden. They are proud of this project that they have done in conjunction with Landcare, to create a space outside to work in, for which they received a grant. I must also mention West Tamar Rotary who are friends of the centre, helping out at certain family nights.

The centre is managed by a community committee including members of staff, Exeter Primary School, parent representatives, the manager of the centre, and community representatives. I acknowledge the amazing educators and staff who work with our little people each day. Centre director, or Grandma Cathie, has been a huge contributor to the Exeter community over many years, nurturing children through their early stages of life and educational journey. It takes a special person to have as much resilience and patience to effectively deliver every day, not only for the children, but also the educators who Cathie mentors.

I pay tribute to all our educators within our childcare centres around the state, and acknowledge the power of work that is put into these special and vital services. Happy Birthday to the Exeter Child Care Centre, and I wish you and your families your support for another bright 30 years ahead.

Members - Hear, hear.

Tribute to Tasmania's Health Care Workforce

[11.33 a.m.]

Mr EDMUNDS (Pembroke) - Mr President, this morning I will briefly place on record my thanks and admiration for this state's healthcare workforce. In particular, I thank the nurses, orderlies, cleaners, and other staff who work in Ward 6A at the Royal Hobart Hospital. My thanks also to the emergency department, particularly those who worked the night shift before this year's Royal Hobart Show, and the surgical teams working on a public holiday the following day.

In the early hours of Thursday 20 October, I was admitted to the Royal Hobart Hospital. I had a temperature over 39 degrees, was short of breath, had woken up in a sweat, and was unable to control my legs and arms which were shaking - almost more than when I give a speech.

After a call to the national healthdirect line and then the Tasmanian GP Assist, I was advised to head into the emergency department. Two of our children were already awake in the commotion, so we woke the third child and my wife, Anna, drove me to the emergency department about 4.30 a.m. Thank you, Anna, for keeping it all together.

From there I cannot thank enough everyone I dealt with. I am extremely grateful for the professionalism and bedside manner of every one I dealt with as I was triaged and diagnosed with acute appendicitis and sepsis and guided through the hospital. In hindsight, I probably knew something was up for about 10 days prior. The urgency to get it seen to subsided when our commitments here in the Chamber called, or a GP appointment was not available. It felt

as though it could wait, and what felt like stomach muscle pain when it started became worse. I had written it off as a strain reaching into the back of the car, lifting a child, or even a swift kick overnight from a sleeping child. It turns out it was a little bit more serious than that.

We are so lucky to have the health workforce that we have in this state. However, that luck does not mean we should take it for granted. As elected representatives, we should be doing all we can to ensure that our health workforce - throughout the entire health system - is respected, adequately staffed, fairly remunerated and provided with appropriate and safe job conditions so they can do their amazing work without being burnt out either during a shift, a week, a year, or a career. A high-performing health system benefits everyone in this state.

Without our dedicated healthcare workers, Tasmania is in more strife than I was the night before show day. We should do everything we can to support the workforce we have, to ensure they stay in Tasmania and that people looking to enter health professions can see a long-term, stable and rewarding career here in Tasmania.

MOTION

Consideration and Noting - Report of the Select Committee on Road Safety in Tasmania

Continued from 15 November 2022 (page 85).

[11.36 a.m.]

Mr WILLIE (Elwick) - Since I was last making my contribution, the debate on this important issue continues in the community and it continues as a point of discussion in the media. The tragedy that occurs on our roads impacts all our communities. I must correct myself - last time I was speaking I said the road toll was at 51; it is actually 49. When I looked that up it might have been a figure without the medical episodes removed -

Mrs Hiscutt - Mr President, I can confirm that it is 48 plus one medical incident, so yes, you are right.

Mr WILLIE - So 48 plus one medical. I have an article I am will read from the *Mercury* that states - so it must be right - that it is 49. As I was saying, the discussion continues in the media, as it should. The more people who engage with this issue, the more likely it is that the political system and the government departments will respond. In the *Mercury*, at the weekend, it is quite a tragic article, it is titled, Lasting Legacy of our Horror Year on Roads, by Helen Kempton:

Tasmania's road toll continues to climb in 2022 with a more than 65.5 per cent jump in the number of people killed and grieving families left behind.

Forty-eight people had lost their lives on the state's roads up until the end of October.

Another person has died in the week since to take the state's road toll to 49.

That is up from 29 deaths for all of last year.

Sunday was World Day of Remembrance for Road Traffic Victims and Australians were asked to reflect and remember road trauma victims.

The day also honoured those who are injured, the loved ones facing a lifetime of grief and the emergency responders tasked with cleaning up the aftermath of road trauma.

People like Logan Brinckman whose best mate Jacob Donohue was killed after crashing at St Peter's Pass on the Midlands Highway on October 14.

Jacob was travelling with a visiting friend who also died after the crash.

I must say, my thoughts are with the family and all of the friends in the community that have been impacted and if people need help there are services available.

Logan said he thought about his friend, who he played football and cricket with, every day.

'It hit very hard. I also think about the impact on Jacob's family,' Logan said.

'Jacob was only 19 and he was really enjoying life. His death has also made me realise just how dangerous driving can be. A take away message from this would be if you are tired when driving you need to rest.'

Jacob was remembered by his family as a hard worker who always tried to make everyone happy.

'Jacob was an incredible young man excelling at life, and anyone who knew Jacob could not say a bad word about him,' an online tribute said.

'Jake's smile and laugh were infectious with his quirky sense of humour and the way he spoke his mind. This young man was taken too soon from this world, and he will be sorely missed every day.'

Particularly tragic because of his age with so much life to live. The article goes on:

The national road toll is also up this year on last year.

So far this year, 999 people have died on Australian roads, [a concerning] 7.1 per cent higher than the same time last year.

Australian Road Safety Foundation founder and CEO Russell White said: there was too much tragedy on Australian roads for this issue to be ignored any longer.

'Last year, 1122 lives were lost and over 40,000 people were seriously injured on Australian roads. Sadly this year things are looking worse as we're on

track to exceed last year's road toll unless significant action is taken by road users,' Mr White said.

'The reality is that many of these crashes are entirely preventable. Yes, curbing illegal behaviour such as speeding and using a mobile phone are obvious fixes, but choosing road safety is more important than that. It's also about being vigilant about road safety every single time you are behind a wheel, in a passenger seat, on a bike or even on foot.

'While people don't go out intending to crash, even switching to autopilot compromises all important reaction times and can be what takes a precious life away.'

There is an important message at the end of the article from Russell White. I was fortunate to meet Russell at an event here in Hobart earlier this year. The Leader's advisers may be able to nod if it is correct. I think it was Russell who was here to speak at an event about road safety. He has had a particularly traumatic experience in his family too.

That brings me to enforcement where I was at making my way through the report. Finding 51 - Tasmania Police previously had a dedicated centralised traffic enforcement command. That was a point raised many times in the evidence in the hearing, submissions to the committee. It probably highlights the power of the committee system in this House that we can establish a committee into an issue the Government and the community are grappling with and take a deep dive into it and get experts and the community to engage with it.

At that time the Government was paying attention and they made changes as the committee proceeded. We explained some of the delays we had, but it was pleasing to see the police restructure their traffic division as the committee went on and now there is a centralised traffic enforcement.

There is a statewide inspector and there is regional responsibility. Anecdotally, since I heard of that change I have noticed a more visible police force on the roads. It has been reinforced with the introduction of the mobile speed enforcement trailers and vehicles. I have noticed even in urban areas more policing of traffic, particularly where I live. There is a road policed quite a lot and it is good because it is near a school and there are a lot of children and it is easy coming down the hill to increase your speed, hopefully not over the speed limit.

There was another finding here of importance that traffic policing appears not to have the same resourcing as other important policing matters. From memory, there are significant resources that go into criminal investigations and serious crimes. If you look at the number of fatalities, I am sure road toll and traffic policing would have far more. That was an interesting finding we found.

Ms Armitage - That old saying that 'you can't manage what you don't measure'.

Mr WILLIE - 'You can't manage what you don't measure' and if you are reflecting public sentiment, we want to make sure there is a resource behind criminal investigations and serious crime. That is of high importance to many Tasmanians - feeling safe in their communities and preventing crime, making sure all those who participate in crime are caught.

I will talk briefly about the staged rollout of traffic enforcement cameras. That happened as the committee progressed, not to say there were not traffic enforcement cameras prior to that. They were just fixed.

We heard some evidence through the committee that sometimes they are intermittent. Sometimes they are working, sometimes they are not, but it is good to see there is a scaling up of that complementary enforcement provision. It helps our police with their very important job.

We also had a finding here of particular importance that from 2016-21, analysis of traffic data indicates average vehicle speed on the state roads has risen. The number of vehicles driving at, or below, the posted speed limit on these roads, has fallen.

The Chair, in her foreword, mentioned that for every one-kilometre reduction in average speed can result in four percent less serious crash and fatalities.

Speed is a significant factor and it is interesting to note in that five-year period, it has been increasing. Hopefully, with some of these changes in traffic enforcement we see that number come down, because it will save lives.

Breath-testing. Notwithstanding the period of the COVID-19 pandemic, there has been an apparent decrease in large scale random breath-testing undertaken by Tasmania Police since 2008-09. Some members may realise this themselves as it has been a long time since I have done a breath-test. I might have even asked the question in the hearing, why that is the case. The explanation we were given is things like social media. People get on social media these days and say there is a breatho down the road at this point and a lot of people avoid them. In response, the police have become more targeted in how they test. They do not set up those big road blocks anymore, because it is probably not an effective use of the resource, because people are telling each other now where they are.

That said, I heard on the radio recently, that they are still catching nearly as many people, if not more, through the targeted response.

Mr Valentine - A couple of rippers in today's paper, I can tell you - 0.119.

Mr WILLIE - Yes. I actually know one of them.

Mr Valentine - You do not follow that example, obviously.

Mr WILLIE - No, not at all. I will talk to you about that later, but I know him from when I was growing up. It was a shock to see that.

Another finding that was quite a colourful part of our inquiry came from hearing from a school crossing guard, Mr Simon Lincoln, who is passionate about his job. He has detailed a lot of information about how he goes about his job and the importance of it, the close misses he sees and what could potentially improve crossings. Better visibility at school crossings, maybe flashing beacons, or school crossing patrol officers with illuminated signs may improve the safety around school crossings in general.

There may have been a trial for body cameras for the school crossing guards, maybe even in my electorate at New Town Primary School. There is a school crossing guard there trialling one of those.

Mrs Hiscutt - We have them in the wonderful town of Ulverstone.

Mr WILLIE - In Ulverstone, yes, and it seems to be a personality type which is attracted to being a school crossing guard, because I know the one at New Town Primary School. He is a real character with his own Facebook page and it is great he does that. It shows his passion for the job keeping kids safe, engaging with families, and what it means to him.

Ms Lovell - Brilliant one at Rokeby too.

Mr WILLIE - I was about to mention that. I heard on the radio, the one down at Rokeby actually won a Clarence Plains Community Award the other day.

Ms Lovell - They have had two consecutive crossing guards win two awards.

Mr WILLIE - Yes. He sounded like he took his job so seriously, engaging with the community, he used to do things like meditation. He dressed up for Halloween, but he took his job seriously as well. He is obviously recognised by the community too, for the work that he is doing keeping that community safe. It was good to engage with them too. I note that Mr Simon Lincoln engaged as a Tasmanian citizen, not a representative of the Department of State Growth; and I know that Brett - at New Town Primary - made sure that he put on his Facebook page that he is just engaging as a Tasmanian citizen. I would hate to see that limited in any way. These are passionate Tasmanians who care about their job and they should be able to speak about it.

Incentives are another thing that came up. There may be benefit to introducing incentives for recognising good driver behaviour, maybe with discounted driver licence renewals. We have talked a lot about penalties and enforcement, that sort of thing, but probably 90 per cent of the population does the right thing on the roads, the majority of the time. There are many people who have not had any demerit points or fines for many years, so perhaps they should be rewarded for their safe driver behaviour.

Embedding road safety systems within all Tasmanian workplace health and safety programs may be of benefit in ensuring contemporary, safe driving practices are regularly imparted to the Tasmanian workforce. We heard through the committee that many workforces are starting to take this very seriously. They have a lot of their workforce on the road every day. They put serious amounts of resources into their workforce and they care about their employees, so they are making sure they are safe whenever they are driving to a job, or driving as part of their work. I know some of the big transport companies, in particular, are very focused on road safety, because it would be confronting, I would imagine, working in that industry. You would probably see more of this stuff than most.

Other Australian jurisdictions utilise confronting road crash re-enactments to educate senior school students on the impact and cost of road crashes. We heard that through the committee. That would be pretty confronting for kids to see, but it probably shocked them into the potential seriousness of a crash on the roads and what can happen. It is incumbent upon all

of us to think about those sorts of things when we get behind the wheel, particularly young people, who might be inexperienced or still learning how to drive.

Other jurisdictions employ fire and emergency service personnel, in preference to police officers, to deliver road safety education to senior school students. The explanation given was that they are not seen as authoritarian - that is probably not the right word. It was easier for the kids to engage with them because they did not think they were going to get into trouble from a firefighter, rather than a police officer. So, that is the approach other jurisdictions take. Being aware that firefighters have a lot of engagement with road crash trauma as well, so they have experience and speak with authority on the matter. I do not know whether that is something the Government will look at here, and whether it can improve engagement in our high schools as well - that kids do not feel like they are going to get into trouble - but that is also part of our culture we need to change. I encourage my children that the police officers are there to look after us, they are nice people, and we engage with them when we see them. I have some friends who are police officers. I want my kids to feel safe around police, not that they are going to get into trouble. We probably need to change that culture in our society as well. They are doing a very difficult job for us. So, perhaps that is partly societal attitudes.

The Rotary Youth Driver Awareness program continues to be of benefit to Tasmanian senior school students. We heard that tens of thousands of students have engaged with that program over the journey. It is evidence-based. It is a national program. I want to see that continue. I am just picking a few here.

Ms Rattray - I am ticking the ones that you are picking.

Mr WILLIE - Motorcyclists in general are acknowledged as being over-represented in Tasmanian serious injuries and fatalities. They are obviously a particularly vulnerable road user group. There are lots of things that could improve safety for motorcyclists, including technology. Things like bikes falling over; there are bikes that do not do that now, and more electronic systems on bikes to make sure they do not veer off the road.

Mr Valentine - Driver awareness would be one.

Mr WILLIE - Driver awareness is obviously key to this.

Mr Valentine - Through you, Mr President, it is all very well to have a motorcyclist who is a defensive rider, but drivers need to keep their eyes open.

Mr WILLIE - It is a bit like cyclists too, is it not?

Mr Valentine - It is.

Mr WILLIE - You can be defensive and still end up in a road crash, because we share the road with others. It is important that all motorists are aware and understand that motorcyclists are particularly vulnerable, and not to take any risks.

Regarding post-crash considerations, there may be avenues to better support road crash victims and their families. It was very eye-opening, and confronting, to engage with families who have experienced road crash tragedies. I spent some separate time away from the committee with some families who had suffered, and had long-lasting trauma and ongoing

impacts to their life, and a real passion for improving road safety so that other families did not experience the same sense of loss that they have in their lives. I thank those people for engaging with the committee; there was great personal growth for me in engaging with you and trying to understand. I never will, but I hope this report leads to change for you.

We heard, on a number of occasions, that some Tasmanian councils lack the capacity to apply for Black Spot Program road funding. Many Tasmanian councils are small and do not have staff with particular expertise. There are these buckets of money that they may be missing out on and there are quite a lot of road crashes in their municipality. Perhaps there is a role there for the state Government to help with that expertise.

Regarding other findings, local government is dissatisfied with the current state distribution of heavy vehicle motor taxes to road safety projects. Current heavy vehicle motor taxes, amounting to \$1.5 million - it is not indexed, nor has it changed over the past decade despite the increase in heavy vehicles on Tasmanian roads. There is stagnant funding.

Ms Rattray - Time for that to be reassessed, through you, Mr President.

Mr WILLIE - There are obviously funding challenges across areas of government, whether local, state, or federal; there is a lot of crossover in this space and revenue is obviously key, as well as how it is distributed. This is particularly important in terms of crash data collection. Austroads is currently progressing a national road safety data collection system so there is some consistency across jurisdictions.

Moving to recommendations, I know the Chair has covered a number of these.

- R1. The Government consider whether the Road Safety Advisory Council (RSAC) should be more independent of Government.

As I said in my previous contribution, that is not a criticism of the Road Safety Advisory Council; they do a great job in the information they are collecting, the reports they provide and the recommendations they make to government. It was whether they were freer to do that and that there was some accountability- more so for Government.

- R2. RSAC improve the transparency of decision-making including sub-committee decisions.

We had a few examples of that through the hearings.

- R3. All RSAC recommendations to Government should be publicly reported and tracked.

It will be interesting to see the Government's response with those.

Ms Armitage - That improves the accountability from the Government's point of view because there are quite a few State Growth and other public servants on the committee from memory.

Mr WILLIE - Yes, who are doing excellent work.

Ms Armitage - They are all doing excellent work but it is the accountability. It would be good to track them and see where the recommendations are going.

Mr WILLIE - We are hoping this report is a catalyst for change so if there is some accountability and that leads to change it is a good thing.

This one had a lot of attention in the media:

R8. The Government allocate the revenue collected from road safety enforcement to road safety improvements.

It would be good to have some transparency on that. What has been collected for road safety enforcement and how is it being directed towards road safety improvements? That said, I acknowledge the Government is putting a lot more money into infrastructure and road development and a whole range of other things, but some transparency regarding that would be good.

R10. The Government consider the feasibility of installing post-cushioning on wire rope barriers to minimise the crash impact on motorcyclists.

This is topical amongst the motorcycle community. As I said previously, they support barriers but it is the construction of the barrier. Maybe there is a compromise there to minimise any impact with the posts, which is something I learnt through this committee. I used to think it was the wire that was the issue. It is not, it is the posts. It will be interesting to get the Government's response there. I know they are continuing that rollout of the wire rope barrier. I know that it does prevent head-on crashes and where it has been installed it has been much safer, particularly for four-wheel vehicles. I know I feel much safer driving on those roads, whether it is the centre barrier or the ones on the verge as well to prevent run-off.

Mr Valentine - Recording the type of barrier that is involved in an accident, whether or not it was a factor, that would be good. I do not think it is at the moment.

Mr WILLIE - What happened in the hearings and the committee submissions is that there is not a lot of transparency about the number of crashes that happen with wire rope barriers, the impact they have, those sorts of things. If they are safer and the Government is transparent about that then you will get community support for that and it will stop some of that discussion, I suspect. There is a lot of cynicism amongst some in the community because there is not that transparency, so I would be interested in the Government's response.

R14. Tasmanian road authorities consider adopting rumble strips more broadly on the Tasmanian road network.

I cannot imagine they would be expensive to install. Maybe over lots of kilometres they add up. I know the Bicycle Network supported that too.

R16. Tasmanian road authorities consider installing more slow-moving and heavy vehicle lay-bys.

I know that is a passion of the member for McIntyre so I will leave that to her.

Better Integration of Cycling and Pedestrian Needs

This is one I will speak to.

R17. The Government accommodate 'movement and place' ideals in road infrastructure planning, as appropriate.

'Movement and place' recognises that transport links and performs two functions: movement of place and goods; and serving as a place. That is a destination in its own right. We have seen some of that movement and place design happen here in our city, the Midtown, for example. It is a destination now. You have people congregating in that area of the street, cafes and other businesses, but careful design of the transport that moves through there too. Separated pathways and all those sorts of things are important in moving people, particularly with active transport.

You can have lanes on existing streets that are still separated. I note that Sydney and Melbourne and those more densely populated cities are putting bike lanes and things like that in the middle of streets that are separated. It is not that expensive to do either. The barrier does not have to be a huge concrete barrier. They can be posts and other things.

R18. Tasmanian driver education continues to feature the safety needs of cyclists on Tasmanian roads.

There has been a lot of support for that road safety messaging and improvement. Most people understand the 1.5 metre rule. I know when I am on my bike people are very good. When I rode home last night and up Creek Road people were on the other side of the road passing me.

R19. Increased separated pathways and networks to improve safety for cyclists and encourage this as a transport mode.

We spoke about that previously too. It encourages people to use it, because they feel safer. They can take their kids and that helps all of us with traffic congestion, emissions profiles, parking, a whole range of things. It is worth the investment.

The vehicle fleet is important but we do not want to penalise low socio-economic members of the community, and there is a balance for safety needed here. Things were mentioned in the inquiry, instead of issuing a fine for somebody, for say bald tyres - or the people presenting this information said it would be better to present them with a notice to improve, that there was no cost, that they actually invest the money they would have spent on a fine in replacing the tyres because that improves safety.

Ms Rattray - That is the aim of the game.

Mr WILLIE - That is the aim of the game. If you fine someone they are probably even further away from replacing the tyres.

R22. The Government and RSAC continue to develop and implement the 'Safer cars for younger drivers' and 'Light vehicle safety strategy' initiatives, as contained in the Towards Zero Action Plan 2020-24.

There are some good initiatives in that plan.

R23. The Government consider increasing compliance to vehicle road worthiness with the view of reducing unsafe vehicles on Tasmanian roads.

We have to balance that safety against people's access to transport.

Further down, Speed Management.

R26. The Government consider raising the maximum speed for probationary motorcyclists from 80 km/h to 100 km/h in line with other probationary road users in Tasmania.

That is in train. It did not make sense to have motorcyclists on a different training plan to learner drivers in four-wheeled vehicles. It is good to rationalise that, another initiative that happened as the inquiry progressed.

We have talked about re-centralising the traffic command. This is something that could happen quite quickly: Senior traffic police should conduct more frequent, high-profile media and messaging on enforcement activities. We often see them before long weekends, and holidays, those sorts of things, speaking in the media. We could see them more often, speaking in the media. A lot of the crashes happen during the week, not necessarily on holidays and long weekends. I know there are more vehicles on the roads at those times but having a consistent profile and message in the media is important.

Inattention - the committee notes that driver inattention and seatbelt cameras are on the way. That will shake up the way people drive. I cannot remember exactly the figure how many people have been caught since the traffic enforcement cameras have been put on the road. I think it is a couple of thousand, in the initial stages.

Mr Valentine - Issued warnings, in the first instance, or -?

Ms Armitage - Not for speed.

Mr WILLIE - No, a couple of thousand - this is for speeding. I would hate to think what it is going to be for mobile phone usage and those sorts of things. That will change driver behaviour, once people start getting caught for having a mobile phone in their hand.

Ms Armitage - Or on their lap.

Mr WILLIE - Or on their lap, yes. You see it all the time when you are driving, or even being pulled up at the lights, and the light goes green and the person in front of you has not moved and you know full well that they have their head in their phone. I will watch with interest what impact that has.

We also have:

R34. The Government consider investigating improved safety around school crossings including the feasibility of body cameras to School Crossing Patrol Officers.

Noting that there is a trial at the moment.

We talked about good behaviour, investing in ongoing education, Tasmanian road rules and road safety. It is important to note that there are a lot of stakeholders in this space, engaging with Government and engaging with the community. It is important that they continue to collaborate and work together where they can, to break down some of the silos - whether it is between local government and state Government, or between stakeholders that have a different view - to improve road safety for Tasmanians.

We need more road safety specialists here to help drive some of that change. I will not prattle on too much longer. I will leave some for the member for McIntyre.

It was a privilege to be able to serve on this committee, chaired very well by the member for Launceston. We were the last three standing on this committee, which made it very challenging to finish the report, because three was a quorum. If one of us could not attend, there was no meeting.

I hope we do not see this report collect dust, like the previous Road Safety report. We did look at that, and there are quite a lot of recommendations that remain the same in this one.

It is incumbent upon all of us in this House, and in the parliament, to pay attention when these matters come up, to advocate on behalf of our communities and, hopefully, to see some change in this area, because we cannot keep doing what we are doing.

This year has been an absolute horror when it comes to road safety in Tasmania. We have seen a plateau over ten years. Many Tasmanians do not accept that. We can do better. We can look to other jurisdictions that have good road safety measures in place, and we can change attitudes in the community. We have seen that happen over time. It used to be even worse before seatbelts and drink-driving laws, and things like that.

I will leave it at that, Mr President.

[12.12 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I thank the member for Launceston for inviting me to be part of that committee, and I acknowledge co-members, Ms Jo Palmer and Dr Seidel who, for reasons we know, did not complete the inquiry journey. I also acknowledge the work of the member for Elwick, Josh Willie.

As the member for Elwick said, it was a privilege to be part of the committee, and to sit through the hearings and have people who come with genuine interest in wanting to make a difference to our road safety in Tasmania.

It was very humbling, to be part of that journey. Yes, it is a significant body of work, with 94 findings and 49 recommendations. You often think through an inquiry that you should possibly have fewer and get more focused on it; but they were all so important that you could

not leave them out. I also acknowledge the support of the secretary, particularly Simon Scott's excellent input into this inquiry. I greatly appreciated that opportunity.

I endorse the words of the member for Elwick about family members who came and shared their stories. That would have been a very difficult thing to do when you have lost a loved one through a road crash. I echo the words that he placed on the public record about that.

There were 94 findings, and I know we have been through quite a few of them. The report has been covered very well by both members. It was possibly the longest contribution from the member for Elwick for quite some time, and a valuable one. It was intentional. That is why this has been such an important report. I also endorse his words: let us not leave this body of work sitting on a shelf in a ministerial or a departmental office and not take up the challenge to explore those 49 recommendations. They are there for a reason, and we feel, as a committee, that they are deserved. and there is no particular order for those 49 recommendations. They all have equal importance, and that is something we need to focus on.

The member for Hobart is starting to read the report; I hope he does not expect me to speak until he has read the report so he can make a contribution.

Mr Valentine - I have scanned it before. I am reminding myself of some of those findings you are talking about.

Ms RATTRAY - Otherwise I will probably be here for a day or two, and that would not be useful.

Recognition of Visitors

[12.17 p.m.]

Mr PRESIDENT - Honourable members, talking about being here for a day or two, we do have guests in the Chamber today and I welcome the Year 9 students from Fahan School. They are part of the legal studies group.

What we are doing in the Chamber at the moment is considering and noting a report on road safety that was done by a Legislative Council committee, which is one of the roles that the Legislative Council has, in addition to scrutinising legislation that comes from the House of Assembly.

No doubt at some point you will be studying the role of parliament in making laws. I know that any member in this Chamber will answer any questions you have about that process and they will make you feel very welcome to the Legislative Council Chamber today. We will continue listening to the contribution from the member for McIntyre. On behalf of all members, welcome to the Chamber.

Members - Hear, hear.

Ms RATTRAY - They are our future road users as well, when they become drivers on the roads, so it is something they will experience in time to come when they go through the

process of gaining a driver's licence, and undertaking those 80 hours with either their parents, carers or perhaps some professional driving instructors; so, listen carefully.

I will pick out a few as well of the findings and touch on them. They have been fairly well canvassed by the member for Launceston, the Chair of the committee and by the member for Elwick, our co-member of the committee.

The objective of the committee was to look at improving road safety outcomes.

Finding no. 10:

F10. To improve road safety outcomes, there is a need for professional people, independent of government, to carry out and make recommendations from road safety audits.

We heard that, in other jurisdictions, there are road safety experts who undertake an audit process - particularly around crashes. That is important, and if that sort of approach could be made available to Tasmania, where somebody dissects what the issue was behind the matter - we know the police do that, and they do a reasonable job in that regard, but having a professional person or a group to do that would be useful.

It could well be a combination. We know it could be inattention and what the fatal five are and it is not bad to repeat them - significant contributors to road deaths and serious injuries - speed, the non-use of seatbelts. You cannot believe it, can you, as we have had compulsory seatbelt wearing in this state for 50 years. People still drive and do not put seatbelts on, and particularly in newer vehicles, the going off of the alarms when you do not have your seatbelt on must drive people mad. It is natural you put on your seatbelt, but older vehicles that do not have the warnings if there is no seatbelt connected, perhaps they are the ones who do not use seatbelts. Alcohol and drugs -

Mr Valentine - I think it was councillor Readett who brought up the issue of compulsory seatbelt wearing? It would be many years ago now.

Ms RATTRAY - It has been in place 50 years.

Mr Valentine - I can remember that. It says a lot.

Ms RATTRAY - I am not making any judgments about the member for Hobart. I would say he has a fantastic memory.

Mr Valentine - It is amazing it was that long ago and yet people are still driving without them.

Ms RATTRAY - Alcohol and drugs - it was alluded to by interjection by the member for Hobart on the two significant alcohol readings that were detected over the past weekend. They were seriously over what is allowed for a driver and that is for a reason because people who have excessive alcohol or the misuse of drugs in their system would not be able to make the same decisions on the road as people who abide by the law.

Distraction. We have also heard through this committee noting of the inquiry and the recommendations from the committee that distraction could well change with the introduction of the new technology around being able to detect where people are using a mobile phone.

The last one is driver fatigue. We all know that 4 p.m. in the afternoon can be a deadly time to be on the road if you have had a long day and then head onto the road. Around 4 p.m. is where I drink a lot of water when I am driving to make sure I am alert at that time of the day. I hope that other people take that message - get your water bottle out and use it regularly or do what the sign says and pull over and have a break, another important message.

I have heard lots of people - and the former member for Rosevears could go to sleep at the drop of a hat once he pulled over and had a 10- or 15-minute power nap and then was on his way again, not something I have ever been able to do. I do not normally sleep in the middle of the day. It was always interesting you see people pulled over on the side of the road and they are possibly either taking a phone call or perhaps having a power nap and it is good to see.

I support the notion any fines collected from road safety enforcement measures should go back into road safety infrastructure improvements. Not being able to see where the revenue goes - the committee felt that would be an appropriate way, that the community would accept, that the revenue that is raised from infringements through that enforcement process, if it went back into the infrastructure to improve our road safety, they would be very accepting of that. I want to see the Government consider that way forward. Then it is open and transparent for all those who find themselves on the end of a ticket, for whatever reason.

I also support the idea that has been put forward by the committee that instead of fining those people who have defects in their vehicles, unless it is unroadworthy, but within seven days they are to have tyres replaced, indicators repaired or whatever it might be when it comes to a defect, to allow people to get that work undertaken. They would then present their vehicle to the traffic officers, whether it be the local police station or whatever the Government considers appropriate. Then you are actually encouraging the community to make sure that they have good-quality tyres and all the safety features that come with your vehicle. It is an important recommendation, and I would particularly like to see the Government - and that would not take very long to enforce at all. There is no money attached to that, as such. They may well lose a slight bit of revenue, but as we know, there was very little in the way of vehicle inspections being undertaken in Tasmania.

When you were pulled up for something else, a police officer may have noticed that your tyres were bald or your indicator was not working or whatever the defect might be, then you may well have been pinged for that as well, if you like. Generally, looking at roadworthiness of vehicles is not something that the committee found had been considered or undertaken.

We have had a couple of years of COVID-19. I wrote down here, the COVID messaging for our community was absolutely first class through that COVID-19 period. The committee would very much like to see that same format of messaging. Whether there be a champion, as we had a premier at the time who was the champion, and every day there was a message from the premier about COVID-19. Every day. I am not expecting that there is a message every day about road safety, but more regularly than we have seen in the past, and have one particular person, a road safety champion. They could be that face, that message, 'here is the tip for the week, here is the message for the week'. It is something that is simple, but I believe - and the committee believed - would be really effective. If it is something that you see at 7.30 p.m. after

the news, something like that, then it is going to stick in your head, it is going to stay in your head. That is the message for the week. Let us get onto it.

F61. Inattention and other driver distractions contributes to Tasmanian road deaths and serious injuries.

This is something where we will not always be able to change everyone's behaviour, but we need to attempt to change anyone's bad behaviour.

When it comes to inattention, and other driver distractions, I know a lot of us, particularly members who travel, tend to use our hands-free mobile phone connections through our cars, as we are driving.

I do not ring anyone through traffic. I do not make any calls through traffic. Being a country driver, getting myself from here onto the highway, and that is once I get through to Kempton, I am happy to use my phone after that. Prior to that I am not interested in using my phone at all to do any work because you need your full attention.

When you are driving in double lanes, and it is heavy traffic, sometimes it can take 40 minutes to drive from here, and you would know that, Mr President, driving out to get home to New Norfolk. Sometimes the traffic is very heavy getting out of the city.

We need to concentrate on the messaging about inattention and driver distractions.

I fully support the ongoing education and we know that children are very good at learning and taking up messages. We have seen it through fire safety education in our schools, and I would particularly like to see that education transferred to the road safety message as well. For many years, we have had Tas Fire representatives come into the schools and they have a very good education program. The students do an emergency fire plan for their own home. They draw their own home, and where the exits would be, and that type of thing. That same messaging could be imparted to students.

We know that those younger students are very impressive. They get onto parents and grandparents and carers. They say, 'Oh, we learnt this at school, and we have had this particular person come and talk to us'. I want to see that part of the education curriculum ramped up. Great opportunity to use our young people, but also, they are our future drivers. If they get the right message early, then, in my mind, that can only be an advantage, definitely an advantage.

We also talked about the fact that other jurisdictions employ fire and emergency services personnel, in preference to police officers. I am not saying that police officers would not be able to deliver a message. You could perhaps have a couple of police officers who are dressed a bit more - do not go in with all the regalia that they wear on, and perhaps have more of a sit-down. I am not necessarily saying you need to use people outside the police force, because they do a great job, and they know all the rules and regulations.

By all means, use those people. There would be plenty of people in the force, even using your local police officer to engage with local schools. It not only helps you understand and know who the local police officers are, it means that they are doing that within their own areas, and that is important. Often the personnel at our police stations change quite regularly so it is a way of continuing to engage with our community.

The SafeT360 is an excellent initiative that we already have, and that relates to learning to understand about heavy vehicles on our roads. We know that we have a lot of heavy vehicles on our roads, and they keep the state going. They keep the country going for that matter, but they keep our state progressing and moving ahead. To know that when you see a heavy vehicle coming, you do not meet them on a corner, you hang back and let them go around first because they have a lot more difficulty in pulling up their vehicle than we do in a car or a smaller vehicle.

Those little things that make a big difference to how we treat our fellow road users is important. Next time, when you are following one of those heavy vehicles, they may well if they could ever find a lay by - particularly in some of the roads I am responsible for - they will move over and let you go past. They will. If they have had road courtesy presented to them, then they will return it back. Absolutely for certain. However, if you have people who are not considerate on the road, then the next thing you do when you are driving one of those heavy vehicles, is think I did not get much courtesy last week so they can just wait and follow.

We do not want that attitude, we want people to be respectful and understand the challenges of the heavy vehicle industry in our state. They came to the inquiry with some solutions. They are always involved when there is road infrastructure being upgraded because if there is an opportunity to be able to put in somewhere where heavy vehicles can take a rest - it may well be a rest area or as significant as the new Howth roundabout, where they have a significant pull off rest area. Still no toilets attached to it. Not every heavy vehicle driver in our state is male and can just hop around behind a wheel.

Mr Valentine - Is this Perth, you are talking about?

Ms RATTRAY - Howth.

Mr Valentine - Howth, yes.

Ms RATTRAY - Howth, yes, but there is also one planned for Longford.

Mr Valentine - Longford is the one I am thinking of.

Ms RATTRAY - Outside of the township of Longford on the road through there, there is one planned. The Public Works Committee especially asked for a toilet facility, to no avail, I might add.

Mr Valentine - Recommended.

Ms RATTRAY - We recommended it to no avail, Mr President. It is not that easy to drive into the centre of Longford to use a toilet facility.

Mr Valentine - With a B-double.

Ms RATTRAY - With a B-double, not that easy. They should come as a matter of course. When you have rested and properly catered - for drivers on our road, whether they be heavy vehicle drivers or light vehicles, then you have a much pleasanter experience and that keeps everyone's stress level down.

Driving instruction. It was difficult for the committee to actually ascertain the quality of driving instruction. As a parent who has helped, and not been the only person that has instructed four children, and one granddaughter, to obtain a driver's licence, it is not an easy task for anyone, particularly if you are the older generation and it has been a long time since you gained your own licence. Back in the 70s, you went to the police station and the local police officer would know if you had any idea whether you could drive or not. They would have seen you with your L plates up driving around various towns at various times, certainly a whole different kettle of fish now.

As I have said, 80 hours and a lot of hoops to jump when it comes to gaining a driver's licence. To have some data on how many of our drivers who graduate to gain a driver's licence who have only had perhaps family or friends deliver that instruction or whether they have had some professional driving instruction would be interesting to know, but we were not able to gain that information.

Always an interesting area to look at is defensive and/or advanced driving instruction and the committee had a finding with it being more accessible to Tasmanian drivers and possibly having a positive impact on road safety. We know there are particular courses that can be undertaken. I have not ever actually attended one of these and it is something I would not mind doing and probably should. Touch wood I am as good a driver as sometimes I believe I am.

That would be interesting, whether that is attached to part of gaining a licence that you go through one of those courses. They can be quite expensive and we are very mindful not to put further impost on the community who might struggle. If that is an absolute requirement for a licence it could mean that somebody does not get a licence. We have to be very mindful of that, but it could be something that is optional if there was some sort of course available. I have said in this place many times before, after I completed a Stay Upright motorcycle course, I absolutely felt I was a much better road user than I was prior. I was in my 40s when I attended and gained my motorcycle licence. You are more aware of the other road users and even something like that, which is not necessarily an advanced driving course, but the videos we sat through were useful. I think they are called a DECA course now and feel they are very useful in being more aware on the roads.

Sadly, the motorcyclists in general are acknowledged as being over-represented in Tasmania's serious injuries and fatalities. Not to labour too much on that particular point, but perhaps it is people who have had a motorcycle licence as part of their issuing of a license 20 years ago and then life allows them some freedom and they decide to buy a bike and get back on the road. Perhaps it is some of that, perhaps it is other road users not necessarily being acutely aware of motorcycles and the difficulties. If you come off one, there is not much protection. Actually, there is next to none other than your helmet and if you have some good DriRider gear on, that is pretty useful as well, those Kevlar pants helped me a couple of times when I dropped my bike and it fell on me and a little bit of padding is quite useful.

They are Kevlar jeans, they are a jean, but they have padding in them.

Ms Forrest - That is why you should wear them. Everyone.

Ms RATTRAY - Yes, oh absolutely, I mean they pretty much look like normal jeans so you do not have to be in leathers, only if you want to.

Ms Forrest - Both of them are pretty expensive - that makes it hard for some people.

Mr Valentine - More expensive to fix a broken body.

Ms Forrest - That is what you are saying, yes.

Ms RATTRAY - Exactly; as the member for Hobart knows only too well, fixing a bike and a body.

Mr President, the member for Elwick touched on the fact that the current heavy vehicle motor tax amount of \$1.5 million is not indexed, nor has it been changed over the past decade, despite the increase of heavy vehicles on Tasmanian roads. The Government absolutely needs to be advocating for an increase in that.

It is a significant amount of money to register a heavy vehicle in this state, in this country for that matter. A 12-month registration for a prime mover is about \$13 000. That is just the prime mover itself, not the trailers. A prime mover without anything behind it does not make you any money; it has to have trailers as well. Why would the Government not be advocating for an increase in that \$1.5 million to go back into road safety in Tasmania? I expect that the heavy vehicle industry and the transport industry in general would be very pleased that part of their fees and charges to use our roads goes back into improving the road infrastructure and any road safety aspects. I appreciated the member for Elwick raising that important matter. It could immediately be done by negotiation. There is a very strong argument - it has not been raised in a decade. That is ridiculous.

We were surprised to learn that. Here we are, advocating for the transport industry, and they have every right to expect that the money they pay - \$1.5 million - that is a pittance to the amount of money that would be generated and paid by the industry.

Mr President, it is always difficult for local government to attract and retain road safety specialists in their organisations. Small councils do not have road safety specialists; they have people with an amount of knowledge, perhaps an engineer or an engineering background that has some experience. That would be a great resource-sharing opportunity for local government. You would not need an expert in every council, but if you had an expert in the region, and that could be Devonport Council, the Cradle Coast area, the northern Tasmanian affiliation and then the southern ones. If there is an expert for each of those areas and they could be used to look at some of the infrastructure in each municipality, that would be very useful. We know we cannot have experts in everything, but retaining those road safety specialists who we do have is something that we should be looking at.

It was also interesting to learn about the lack of trainers in Tasmania to deliver Austroads temporary traffic management training. There are very few of those trainers available. That would be a terrific role for somebody to undertake, to get the qualifications and skills in what is required for traffic management. There is a demand, and they are not available. That became evident as we went through the report.

You would have thought that with 94 findings, and 49 recommendations, we would have covered everything. There were some areas that were not included in the report; not because they were not important, but you cannot include everything in a report. The submissions are there for anyone to have a look at and assess.

One that we did think was interesting - and we struggled with how to put a finding or recommendation into a report - was about unrestrained and unharnessed dogs in cars. We received a submission - number 38 - from Chris Boron, a road safety advocate, and we very much appreciated his input. Interestingly, Australia has approximately five million dogs and Tasmania has the highest per capita dog ownership in Australia. Dog ownership is growing exponentially. They are almost a fashion accessory when you are out and walking. They are great for your health - you take the dog for a walk and you get some exercise yourself. Families love their dogs, and we recently talked about dog ownership and some of the challenges for training dogs that are not doing the right thing. You see many people driving around with unrestrained dogs in their vehicles. I do not have a dog, so do not have one in my vehicle.

The submission told us that a small, unrestrained dog becomes a lethal projectile, at thirty times its weight at 40 kilometres per hour crash impact - endangering the safety of the driver and passengers. It is interesting that that could be the case. We did not make a recommendation on this, but it is worth considering whether it could be investigated.

Ms Forrest - It is not just dogs that become projectiles; it is anything in the back of your car that is not behind a screen or does not have a cover over it.

Ms Rattray - Through you Mr President, the RSPCA has been in touch and they are going to include an amendment to look at restraining animals in vehicles.

Ms RATTRAY - Thank you. It is worthy of consideration, how you might restrain big dogs in a seatbelt type of arrangement - whatever that might look like.

Mr Willie - They put a harness on it.

Ms RATTRAY - However, big dogs? Have you seen some of those big dogs?

Mr Willie - You put a harness on them, then put the seatbelt through the harness.

Mr Valentine - Two seatbelts sometimes.

Ms RATTRAY - Okay. It seems you can already buy the appropriate equipment, but I am not sure about enforcing it. It is something that - as stated by the member for Launceston - the RACT is considering.

Ms Armitage - With respect, the RSPCA is currently looking at it.

Ms RATTRAY - Oh, right. Perhaps the RACT could, too?

We also received some feedback after the report was made available that there has long been an association between low socio-economic status and obesity and there is also a relationship between driving and obesity. We found that quite interesting and we were challenged by a member of the community that it was not something that the committee had spent any time or focused the inquiry on. It is not something that I had ever considered before, and it certainly was not raised.

Ms Armitage - There were no submissions.

Mrs RATTRAY - There were no submissions, even though the committee was prepared to take additional information, or later submissions. As we know, sometimes it can be difficult for people who are putting in submissions to always get them in on time. If this had been presented to us during the course of the inquiry, before we began considering the draft report and findings and recommendations, I am sure that we would have done. My constituent has sent this information on to the Minister for Health, and is waiting for a response. It will be interesting to see whether there is any traction on it. However, the committee was not made aware of that particular link around crashes and obesity. An interesting one and we will continue to monitor that. As members of parliament, we are more than comfortable to receive correspondence. This was from a constituent who I know and I am always happy to receive their correspondence.

There are 49 recommendations, and there is no particular order. They all have equal status. We have pretty much touched on them as I have gone through the findings, but I will see if there is anything that I want to particularly drill down on. I did touch on local government and the funding challenges that they have, particularly blackspot areas. That is very sought-after funding, and there could, and should, be a role for Government to assist with the expertise, particularly in a small to medium council, to put together a submission to access that blackspot funding to upgrade road infrastructure. That takes some pressure off the state Government, and we know that there is always a big call in this state for funding for road infrastructure. I talk about that quite a bit in my contributions, having the extensive road network that covers the McIntyre electorate; and I know other members have significant -

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

QUESTIONS

COVID-19 - Protocols for Latest Outbreak

Ms FORREST question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.31 p.m.]

We know there has been a large increase in the number of COVID-19 cases and related hospitalisations in Tasmania and throughout Australia. In light of the ongoing risk of serious illness from COVID-19 for some people and an increasing risk of long COVID-19 from those reinfected with COVID-19 and the arrival of cruise ships into Burnie with many positive cases onboard which is expected to continue in coming months:

- (1) are the new variants that are likely to be causing many of the latest infections detected as readily as previous variants with a RAT test;
 - (a) if not, will greater access to diagnostic PCR tests be promoted;
- (2) will PCR testing centres be reopened in Burnie, as this is the town where the cruise ships dock on the north-west, to facilitate timely and more ready access to PCR testing; and
 - (a) if so, where and when will they be reopened and if not, why not?

ANSWER

I thank the member for her question.

- (1) The Therapeutic Goods Administration (TGA) is currently reviewing all COVID-19-specific laboratory antigen tests and rapid antigen tests (RATs), including point of care and self-tests included in the Australian Register of Therapeutic Goods (ARTG). The purpose of the review is to determine if tests have been impacted by the current known variants of SARS-CoV-2, with ongoing activity to assess their ability to detect emerging variants.

The post-market review includes testing of all point-of-care tests (PoCT) and self-test RATs included in the ARTG to validate their performance in detecting emerging variants of concern. As each variant of concern emerges, the manufacturer is expected to undertake an analysis in line with their risk management plans to verify that their tests continue to perform as intended and that any adverse impacts are identified and communicated to users and regulatory authorities.

As an additional measure, the TGA has commissioned the Peter Doherty Institute for Infection and Immunity - the Doherty Institute - in collaboration with the National Serology Reference Laboratory to undertake laboratory testing to verify manufacturers' claims. The TGA with the Doherty Institute and the NSRL are undertaking the testing to ensure the TGA can provide the most up-to-date information about test performance.

The Tasmanian Government will adapt Tasmania's testing strategy as appropriate in line with TGA recommendations.

- (2) There are no plans to reopen the state-run PCR testing clinic in Burnie at this time. Since borders opened on 15 December 2021 COVID-19 transmission has been established in the Tasmanian community in all regions of the state. We can expect to see continuing waves of COVID-19 in the community over the coming months and years.

Currently, in Tasmania we have a few hundred new cases daily, many of whom will spend some time infectious in the community. The overall public health risk from day visitors from cruise ships is minimal compared to the risk of infection that is circulating in the community. When there is significant transmission identified on cruise vessels, passengers undertaking day tours are required to test negative before disembarking and are asked to wear masks indoors. Cases on cruise vessels are managed in their cabins until recovered.

As part of the move towards living with COVID-19 and managing COVID-19 as a sustainable model, the state-run testing clinics are being gradually stood down.

The Department of Health is consulting with the primary care sector, aged care sector, and private pathology providers to ensure there is sufficient capacity to manage COVID-19 testing requirements on an ongoing basis. The Department of

Health will maintain capacity to deploy mobile testing units to targeted areas across Tasmania if required in the future.

Ms Forrest - So we do not know.

Tamar River - Abandoned and Sunken Vessels

Ms ARMITAGE question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.35 p.m.]

Regarding abandoned and/or sunken and submerged vessels in the Tamar River:

- (1) what is the current situation with regard to the abandoned vessels moored in the vicinity of Kings Wharf, given they are an environmental hazard, unsightly and a breeding ground for vermin and seagulls;
- (2) can you advise the situation with regard to the vessel that had been anchored for around 30 years, that sank earlier this year in the Tailrace in proximity to the Trevallyn Power Station;
- (3) what is the situation with regard to the yacht that was sunk in the 2016 floods that has lain partially submerged a little down towards the Tamar Rowing Club since then?

ANSWER

- (1) The Government is seeking to understand what it would cost to remove the vessels from the Tamar River.

The Department of Natural Resources and Environment Tasmania intends to submit a claim for costs through the deceased estate on behalf of the department and the Environment Protection Authority. The claim will be for all environmental mitigation from the oil spill and the projected costs of removal. There is no guarantee that a claim will be either wholly or partly successful. Further, specific legal advice is being sought on the ownership of these abandoned vessels.

In relation to the diesel and oil on the vessels, the EPA engaged a specialist contractor to recover remaining fuel and oil safely and efficiently from the Cape Barren and the Harry O'May. Fuel recovery commenced on 28 October 2022, and is expected to be completed in the next week or so, subject to weather and tide conditions.

- (2) I am advised that the yacht, Storm Runner, sank on its mooring in the Tailrace late September 2021. The owner of the vessel was issued a notice by MAST requesting that the vessel be removed. Two months later the owner had removed the vessel.

- (3) The minister has been advised the vessel has no clear owner to be held to account for its removal. The vessel is not causing any navigational risk to any other waterway users.

TASCAT Appointment Process

Ms WEBB question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.38 p.m.]

Noting material released under right to information relating to appointments to the Tasmanian Civil and Administrative Tribunal (TASCAT), including a letter from the president of TASCAT to the Attorney-General, dated 21 June 2022, and media comments by the Attorney-General on 12 November 2022, in which she said that she did not follow the recommendations of an independent selection process to appoint more individuals to TASCAT because they are 'active public advocates,' can the Government advise:

- (1) where in the selection criteria for appointment to TASCAT, is it stated that public advocacy disqualifies an individual for appointment;
- (2) what specific criteria did the Attorney-General apply to assess 'active public advocacy' to determine the exclusion of those four panel-recommended candidates and where is this assessment documented?

In the letter from the President of TASCAT to the Attorney-General, dated 21 June 2022, Mr Schyvens notes that the Attorney-General has recommended six applicants to be appointed who are not recommended for appointment by the selection panel.

Without identifying individuals, can the Government confirm:

- (3) whether any of the six people recommended for appointment by the Attorney-General were among candidates rejected by the selection panel during the recruitment process? Specifically, were they among the six candidates deemed by the selection panel in the short-listing stage as not suitable for interview, or the eight candidates interviewed by the panel who were subsequently deemed not suitable for appointment;
- (4) what specific criteria were used by the Attorney-General in recommending the appointment of six candidates to TASCAT who were not recommended for appointment by the TASCAT selection process, and where is this assessment documented?

Noting Section 44 (4) of the Tasmanian Civil and Administrative Tribunal Act 2020, which states:

The Minister must consult with the President before a person is appointed [to TASCAT],

and further noting that in the letter to the Attorney-General dated 21 June 2022, the comment from the president of TASCAT that the Attorney-General's recommendations:

represent a significant divergence from the views of the appointed selection panel

and the president's request for a meeting in that letter, can the Government advise:

- (5) Did the Attorney-General consult the president of TASCAT as she is required to do under section 44(4) of the act before making appointments to the tribunal? If not, why not?
- (6) If, contrary to what appears implied in the letter, the Attorney-General did consult with the president of TASCAT prior to making the appointments in June 2022, when did such consultation take place?

ANSWER

Mr President, I thank the member for the question. As it is quite a lengthy answer I will seek leave to have it tabled and incorporated into *Hansard*.

Leave granted.

Ms WEBB - Through you, Mr President, I request that it be emailed to me very promptly, since I have not had a chance to respond by hearing the answer.

Ms Forrest - Perhaps all members might like a copy.

Ms WEBB - Exactly right. Perhaps you could email it directly to all of us?

Mrs Hiscutt - Through you, Mr President, it is the member's question. We will email it to the member and then she can disseminate it as she likes.

See Appendix 1 on page 70 for incorporated answer.

North West Regional Hospital - Ophthalmology Services

Ms FORREST question to DEPUTY LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms PALMER

[2.41 p.m.]

With regard to the ophthalmology care at the North West Regional Hospital:

- (1) when and for what eye injuries and eye conditions are patients referred to the Devonport Eye Hospital for assessment and care;

- (2) what after-hours ophthalmology services are provided at the North West Regional Hospital and are the necessary skilled and qualified staff and equipment available to assess an eye injury or serious eye medical condition;
- (3) how often is the available ophthalmology equipment checked to ensure full functionality?

ANSWER

Mr President, I thank the member for her question.

- (1) Patients are referred to the Devonport Eye Hospital as clinically required in consultation with the regional ophthalmology consultants.
- (2) After-hours ophthalmology services on weekdays are covered by Burnie Ophthalmology or Devonport Eye Hospital ophthalmology consultants or registrars. The weekend service is provided as a statewide on-call roster system. All the necessary skilled and appropriately credentialled consultants and registrar ophthalmology personnel are available in the north-west and have access to appropriate equipment.
- (3) Equipment is checked in house as required.

Olive Industry Consultation

Ms RATTRAY question to MINISTER FOR PRIMARY INDUSTRIES AND WATER, Ms PALMER

[2.43 p.m.]

Minister, have you met or intend to meet with participants of the olive growing industry to discuss expansion of the industry, given the benefits of oleic acid in which Tasmanian grown olives have the highest concentration in the world of between 81 and 83 per cent?

ANSWER

Mr President, I thank the member for the question.

As yet I do not believe I have met with those from the olive industry. Seeing it is one of my favourite foods in the world, I will put that on my list. One of the greatest aspects of this job is the opportunity to get out, to get on farm and to meet with people like that in our industry, and I thank you for drawing that to my attention.

Ms Rattray - You do have an email in your email box from 13 November.

Mr PRESIDENT - There being no further questions without notice -

Ms Rattray - Further questions, Mr President, but no answers.

MOTION

Consideration and Noting - Report of the Select Committee on Road Safety in Tasmania

Resumed from page 28.

[2.45 p.m.]

Ms RATTRAY (McIntyre) - Mr President, before the lunchbreak, I was talking about the significant road infrastructure challenges that local government has. We know they have an extensive network, and the cost of maintaining the bitumen network but also looking after the gravel network is quite a challenge. Our recommendation that the Government explores additional support options to assist local councils to apply for Black Spot road funding is a key recommendation. I feel sure that local government would be very pleased to know that the Government has taken the recommendation on board and acted upon it.

Recommendation no. 43 suggests:

R43. The Government redouble its road safety messaging at State entry points to improve road safety on Tasmanian roads.

From our findings, we know that 10 per cent of the road crashes in Tasmania are by non-Tasmanian residents. There is some work to do in that area, in continuing to educate, inform and advise people who come to the state - particularly international visitors. On many occasions in this place we have commented that it is not unusual to see a rental car stop in the middle of the road and occupants taking a photo of an echidna crossing the road. I have seen that a number of times and the car is literally on the road pavement which can cause significant issues. People are not allowed to run into the back of anyone, you always have to keep a safe distance, but if you come around a corner, you are not expecting to see that type of thing happening.

There is an important opportunity there and I know we have talked about information given to people who travel on the *Spirits of Tasmania*, that that be distributed with regard to some of the challenges of the road network. We have also spoken many times in this place, about how visitors to the state think they will be able to do a complete tour of Tasmania in three days; not possible. We know that it is possible but you do not see anything. That is not the aim of any visitor to the state to hit the road and get around it as quickly as possible and not experience its wonderful attributes. That is another area that would be a real positive for the Government to undertake.

The findings and recommendations of the report have been well canvassed by the Chair and the member for Elwick, Mr Willie, who was also part of the committee. There will probably be other contributions. I thank the member for Launceston for the invitation to be part of this very important committee inquiry. I urge the Government and the department to really consider those 49 recommendations in a timely manner. We do not want to leave a report like this sitting on a shelf and some of the recommendations are a complete copy of what was in the previous road safety report, with no action taken to date.

That is not the purpose of any committee report, and not the objective of this committee report when you are looking at road safety in Tasmania. One of the important aspects - and we

have already talked about the tragic number of deaths we have seen in our state this year. We do not want a repeat and I certainly do not. I have appreciated the opportunity to make some comments and thank the secretariat for their exceptional support and my colleagues who sat with me.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, there is no doubt so far it has been a horrific year on our roads. The Government will continue to do all we can to ensure people start getting the message and drive safely. The Government extends its thanks to the members of the select committee, for your extensive work over the past 16 months and to all those who made submissions. Thank you to the member for Launceston for bringing it on today for noting.

The report's 49 recommendations will now be carefully considered by the Government and the Road Safety Advisory Council. As members of this House would be aware, the Towards Zero Tasmanian Road Safety Strategy 2017-2026 provides the strategic direction to guide road safety activities. The Towards Zero strategy is based on the Safe System approach to road safety, which aims to deliver a transport system that sees safe people travelling on safe roads, at safe speeds, in safe vehicles. It focuses on those initiatives that will gain the greatest reductions in serious casualties. The Towards Zero Action Plan 2020-2024 commits \$75 million to improve road safety in Tasmania and prioritises a total of 42 actions to achieve the greatest possible reduction in road trauma on our roads. A major component in our ongoing efforts to save lives and reduce trauma is the delivery of a new fleet of automated traffic enforcement cameras on the Tasmanian roads.

Across the nation and worldwide, mobile speed cameras have proven to be one of the most effective ways of making speeding motorists slow down. The member for Elwick asked about numbers and as of 28 August, there are around 1800 people. Based on independent research the program can be expected to reduce Tasmania's fatal and serious injuries by up to 10 per cent. The risks of speeding are well known, but there simply has not been the change in attitudes to speeding to improve safety on our roads. The new cameras can be anywhere, at any time, making those who speed think twice before putting their foot down and risking death. The eight new cameras complement the 10 fixed speed cameras operating around Tasmania and commenced enforcement activities at the end of September. In time, the number of cameras will be extended to 16 and extra enforcement measures will be introduced, such as detection of illegal mobile phone use, lack of seatbelts and average speed enforcement. These measures are important because speed, distraction and seatbelt noncompliance are a factor in 29 per cent, 24 per cent and 9 per cent respectively of Tasmania's fatal and serious injury crashes.

I take the opportunity to outline some of the other work being undertaken in recent months. We know that motorcyclists are particularly vulnerable on our roads and this has been discussed by other members. The Road Safety Advisory Council held a public consultation process in August and September, seeking the community's input on potential changes to the motorcyclists' Graduated Licensing System. The GLS is being reviewed as one of the 42 key initiatives under the Towards Zero Action Plan and aims to identify changes to make new motorcyclists safer. Over the past few years, the motorcyclists' GLS has seen enhanced training and assessment requirements for learners and provisional motorcyclists. Despite this, they remain over-represented in crash statistics, accounting for around one third of serious crashes last year. More than 300 responses were received during the consultation process, with the

feedback to be provided to the advisory council, together with recommendations for consideration.

The Road Safety Advisory Council also invited the Tasmania community to participate in regional road safety forums to put forward their ideas to reduce the road toll. These forums were concluded in late August, with the outcomes also under consideration.

In other road safety initiatives this year, we have announced a new rule during National Road Safety Week in May to keep roadside assistance workers safer by implementing a 40-kilometre hour limit for passing motorists. This expands the rule that existed for emergency vehicles and service vehicles. From 1 August the rule also applied to breakdown assistance, towing, battery replacement and other on-road support services.

Mr Willie - It should say it is when safe to do so. You do 40 kilometres when it is safe to do so, you do not just go from 110 kilometres per hour to 40 kilometres per hour. It is unsafe.

Mrs HISCUTT - That is right. Thank you. This reduces their exposure to fast-moving passing vehicles and will save lives. On high-speed roads above 80 kilometres per hour, drivers must slow to 40 kilometres per hour if it is safe to do so.

Mr Willie - There you go.

Mrs HISCUTT - You must have written this, I reckon. An education campaign started in July, ahead of the new rule coming into effect. The Government has also taken further action to ensure the safety of our schoolchildren and crossing guards who protect them. We have implemented a trial of body worn cameras for school crossing guards to record evidence of and deter dangerous driver behaviour. This year we have also continued the rollout of driver licensing improvements to make new drivers safer with the release of a new computer-based hazard perception test for learners. Research shows that new drivers have less ability to perceive hazards in complex driving situations. The online test in a safe environment is free and assesses a learner's ability to identify and react to hazards. The test is mandatory for most learners before they are eligible to sit their P-plates. All these actions are complemented by the Tasmanian Government's latest anti-speeding campaign, 'Over is Over'.

Put simply, motorists need to heed the messages contained in these road safety education campaigns and, where necessary, modify their behaviour accordingly. Reducing the road toll requires all Tasmanians to be responsible, intelligent and considerate on the roads. For its part, the Government remains committed to our long-term vision of zero serious injuries and deaths on Tasmanian roads. There can be no other target. No fatality on our road is acceptable.

The member for Elwick mentioned an app in his contribution. There is an app.

Mr Willie - Okay.

Mrs HISCUTT - There is an app and it came out on 29 March 2022. It is a new smartphone app that will provide real-time information about traffic conditions on key commuter routes. It is covering the major routes through Hobart and Launceston. With further expansion planned, the TrafficTAS app uses existing traffic monitoring technology to alert users about unexpected travel delays, such as when there is a crash. The app also provides estimated travel times on key routes based on current traffic conditions.

Mr Willie - TrafficTAS.

Mrs HISCUTT - It is TrafficTAS, no gaps. Capital T for the 'Traffic', small letters and the TAS is T-A-S in capitals. The service covers the state-managed roads in the two cities, including the Southern Outlet, the Brooker, the Tasman and the East Derwent highways and Macquarie and Davey streets in Hobart and the Midland, West Tamar and East Tamar highways and Wellington and Bathurst streets in Launceston.

All that is required to use the TrafficTAS app is a bluetooth-enabled smartphone, the app is available from the Apple App Store or Google Play. More information is available on the Transport website, which is transport.tas.gov.au/traffictas. I am keen to see whether the member for Elwick has it yet.

Mr Willie - It is not loading very well.

Ms Rattray - No, it is slow loading.

Mrs HISCUTT - Sorry, I must have said 28 August. I have the 1800 people, to get the figures right it was 1817 infringements as of 28 October.

[3.00 p.m.]

Mr VALENTINE (Hobart) - I have a very short contribution in regard to this. I congratulate the committee for what is a 301-page report, not a small report. I cannot remember what our finfish was, but it was pretty close.

Ms Rattray - Every word was actually spoken. We read that whole report.

Mr VALENTINE - I am sure you did, like we all have to with our reports, but a huge page number and a lot of work that goes behind it, a lot of hearings and people's opinions that come through and it is well presented.

I liked the way the findings were presented and the recommendations, how you have done it in sections. Interestingly, it shows up the important matters that the committee considered. Enforcement had 18 findings and better road safety, education and training opportunities had 12 findings. Similarly, in the recommendations there were 10 recommendations on enforcement and eight recommendations on better road safety, education and training opportunities.

It shows you how important education is. The thing I picked up on, only because I am a motorcyclist - and this is why I rise to talk about this - it is important that motorcyclists have that opportunity to learn about defensive riding. Everybody would agree with that. You have to ride defensively. You have to think as to whether somebody has actually seen you. You have to ride and be ready to brake accordingly.

Given the fact that motorcyclists are over-represented in the statistics, and we know they are, it is important too that training for drivers is undertaken to help drivers be on the lookout for those who might be coming out of a side street and may not be quite so visible. It might be that there are some issues relating to clothing and the visibility of that, and helmet colour. Those sorts of things might assist motorcyclists and reduce their level of representation in the crash statistics.

It is a two-way street. We do not have a breakdown of those motorcycle accidents that were actually caused by driver error, as opposed to motorcycle rider error. It would be interesting to know that. It would be interesting to be able to capture that in the stats, in some way, the same as, through interjection, I was talking about the barriers and how they may be involved with the severity associated with motorcycle accidents, or indeed car accidents for that matter. It would be good to know what type of barrier was involved and the effect, or otherwise, of that barrier in preventing or exacerbating the problem. Having those sorts of statistics, and also statistics about what caused that accident, whether it was driver error, or whether it was motorcycle rider error, helps to focus where the attention needs to be paid.

I simply rise to make that point. A lot of people think, 'Well motorcyclists are -' - I am going to have to say, my wife always says, and I am sure she will not mind - 'temporary Australians ride motorbikes,' she says. She is not a fan, but it is important for us to look at the causes as much as the straight statistics about accident rates between motorcycles and cars.

The one point I would ask - and I have not absorbed the report. The member for McIntyre pointed out that I was flicking through it, as she was talking, and I was, but the question that I have is with respect to the new avoidance of cyclists - not motorcyclists - with cars being able to cross white lines to provide the distance needed for cyclists, I was interested to know whether that has caused a problem. The Chair in her summing up might be able to provide the information. Unbroken white lines are there for a reason and it is usually because people cannot see around corners. Has that proven to be a problem when it comes to the crash statistics and cars trying to provide distance between cyclists and cars? I am interested to know whether that was something that came up in your deliberations.

Ms Rattray - Through you, Mr President, you can only overtake when it is safe to do so, and if it is double white lines I suggest it is not safe to do so.

Mr VALENTINE - No, but it is legal, I believe?

Mrs Hiscutt - Only if you can see, and it is safe to do so.

Mr VALENTINE - It is interesting, as they are usually there because people cannot see.

Mrs Hiscutt - Through you, Mr President, my advice is that does not appear to have been an issue. I do not know whether the committee has seen something.

Mr VALENTINE - No, it would be interesting to hear some feedback, if there is any. The way you have this set out - Road Safety Advisory Council, Motor Accidents Insurance Board, Transport Services Group, Road Safety Funding, Road Design, Road Maintenance - you have so many different categories. Clearly, it will prove to be interesting and absorbing reading. Thank you to those who were involved in putting it together.

[3.07 p.m.]

Ms ARMITAGE (Launceston) - Thank you to the members who made comment on the report. In response to the member for Hobart regarding cyclists, from memory I do not recall it being an issue or being raised about the white line and people having to cross it to give cyclists the 1.5 metres. It could be useful, as one of our recommendations from our findings was that causes for accidents be looked at, as it is in other states. It probably has not come up because it is not something that is investigated. As I mentioned when the member for Elwick

was speaking, the old saying that 'you can't manage what you don't measure', comes to mind. One of our recommendations was that we look at investigating a mechanism for mandatory road safety audits to be undertaken for all road accidents involving a fatality and/or a serious injury. That does happen in many states of Australia and it gives you some indication of the reasons behind them.

As mentioned by my fellow members, we did have 94 submissions and 94 findings and 49 recommendations and we covered a wide range of areas and we had a lot of people coming to our hearings. As both members stated, there was some sad reading from people who have had family members involved in accidents, and also speaking to the emergency services. Sometimes we forget that our emergency services, whether it be our police, our paramedics, our fire, they do not just turn up at an accident that is pretty clean and tidy. They see some pretty awful things and sometimes we forget that.

Mr Willie - That poor truck driver who came to the hearing; he had someone drive into him. It was terrible.

Ms ARMITAGE - That is right; and it is with them forever. As they said, they do not forget. They get back on the road and they see a car overtaking, and they think 'Is that car going to go back to its own side or is it going to crash into me?'. That was mentioned by one of the members - we do not know what people have lived through or what they have gone through when they are out there on the roads.

I would also like to reiterate and thank the previous member for Huon, Bastian Seidel, who was keen to be part of our committee. He has had a lot of issues, particularly with bike riders.

Mr Willie - A keen cyclist.

Ms ARMITAGE - A keen cyclist. He used to cycle from here down to the Huon. He was keen to be on the committee, and I thank the member for Elwick for taking his place when he left parliament. It was great that you came on board. I have to say, Josh Willie has been a great part of our committee, coming up with some very good ideas and a great contributor. I also thank the member for Rosevears, Jo Palmer, who was on our committee for some time before she became a minister. We went across many areas on our report and everyone worked well together. It became quite difficult, as the member said, when it came down to three members, trying to find a quorum, because the quorum was three so no one could miss a meeting. The member for Elwick did a great job, particularly with trying to juggle childminding on different occasions to make sure we had the quorum, as did the member for McIntyre, trying to be available to get our report finished. I thank them so much for all the work that they did to make sure that we at least finished it this year, with two prorogations and one suspension of parliament.

I also thank the secretariat, Simon Scott and Allison Scott. As mentioned by the member for Hobart, the way that Simon has put the report together in sections and segments makes it very easy and very clear to see the findings and recommendations and read them quite well.

Ms Rattray - Very interested, Mr President, in the entire concept of the inquiry that the committee were dealing with. Very impressive.

Ms ARMITAGE - Absolutely. I will not go over any more of the findings and recommendations that have been mentioned quite well by other members. It is sincerely hoped that the report's recommendations, on behalf of the community, are supported and actioned by the Government, and other responsible parties, because the improvements to road safety combined is envisioned over time to reduce road trauma in Tasmania.

Report considered and noted.

MOTION

75th Anniversary of the Universal Declaration of Human Rights and a Human Rights Act for Tasmania

[3.12 p.m.]

Ms WEBB (Nelson) - Mr President, I move -

That the Legislative Council:

- (1) notes that International Human Rights Day is observed every 10th of December, the date on which the United Nations General Assembly in 1948 formally adopted the Universal Declaration of Human Rights, which proclaims the inalienable rights to which every person is entitled;
- (2) notes that 2023 will be the 75th anniversary of the milestone Universal Declaration of Human Rights;
- (3) acknowledges the longstanding community call for a Tasmanian Human Rights Act;
- (4) recognises that the Tasmania Law Reform Institute (TLRI), following extensive public consultation, recommended in 2007 that Tasmania introduce a Human Rights Act, and that the TLRI is currently finalising an updated report;
- (5) notes that Victoria, Queensland and the Australian Capital Territory have implemented Human Rights Acts;
- (6) welcomes the recent ministerial statement made by the Premier, the honourable Jeremy Rockliff MP, on the 16 August 2022, asserting the safety of children and young people are 'fundamental human rights', and also the Premier's media statement of 26 September 2022 recognising housing as a 'basic human right';
- (7) welcomes the recent formation of the grassroots Alliance for a Tasmanian Human Rights Act (ATHRA), arising from a forum held in June this year which was hosted by Equal Opportunity Tasmania and sponsored by the Attorney-General;

- (8) congratulates this new grassroots alliance for their work, including a rally to be held on Saturday 26 November, to both celebrate International Human Rights Day while highlighting that it is time for a Human Rights Act in Tasmania; and
- (9) urges the Government to consider marking the 75th anniversary of the Universal Declaration of Human Rights by initiating consultation on a Human Rights Act for Tasmania.

Mr President, I am very pleased to rise to address this motion tabled in my name. This motion is fundamentally about celebrating and commemorating the anniversary of the signing of the Universal Declaration of Human Rights (UDHR), which occurred on 10 September 1948, almost 75 years ago. A milestone for humanity; a watershed moment, literally forged in the blood, sweat and tears of World War II.

This 1948 watershed moment saw, for the first time, countries agree on a comprehensive range of fundamental rights and freedoms to which all of us are entitled. It guarantees the rights of every individual, everywhere, without distinction based on nationality, place of residence, gender, national or ethnic origin, religion, language or any other status.

Despite the declaration not being a binding document, it inspired more than 60 human rights instruments which, together, set an international standard and reflect the general consent of all United Nations member states on those fundamental rights laid down in the declaration. Mr President, the signing of the UDHR is widely recognised as a milestone which has had a profound influence on the development of international human rights law.

In 1966, two further international covenants were adopted: the International Covenant on Economic, Social and Cultural Rights (ICESCR); and the International Covenant on Civil and Political Rights (ICCPR) which established the civil, political, economic, social and cultural rights to which everyone is entitled. Collectively, these are known as providing the International Bill of Human Rights.

Significantly, these covenants not only identify and articulate specific universal cultural and economic rights - such as freedom from torture, freedom from slavery, the right to form trade unions, the rights to freedom of religion, or the right to education - these covenants also identify the responsibilities placed on states to respect, protect and fulfil those rights. By 'states', as a proper noun, we are referring to nation states who are the signatories to and those who have ratified these covenants, such as the Australian Government.

Mr President, by ratifying and becoming parties to these conventions, states are agreeing to particular international obligations, defined by their specific responsibilities to respect, protect and fulfil the conventions' expressed intent. For example, the obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. For instance, the state must refrain from preventing people from speaking their birth language. States are also expected to not only refrain from interfering with our rights but to actively seek to protect individuals and groups against human rights abuses. For example, to intervene to prevent hate speech being employed against citizens because of who they are, or to intervene to require equal pay for equal jobs regardless of the gender of the person doing those jobs.

Further, when signing up to the covenant, states are committing to also fulfil the realisation of these rights by taking positive action to facilitate the enjoyment of basic human rights. For example, it is the state's obligation to ensure an appropriate interpreter is provided to ensure someone who may not speak English as a first language here and is before the courts, can understand the charges they are facing and are able to provide a defence.

The point here is these international human rights covenants are not just aspirational statements we signed up, they are calls to action. By signing up to these calls to action we are committing to respecting, protecting and fulfilling the realisation of human rights for those within our jurisdiction. This is highlighted by this year's United Nations Human Rights Day slogan of 'Dignity, Freedom and Justice for All'. Specifically, the call to action to stand up for human rights is in the context of next year's 75th anniversary of the 1948 historic watershed moment of the declaration's ratification.

The challenge we have been set is to not wait for December next year - the 75th anniversary - before we act to stand up for human rights in our local jurisdiction, but to instead proactively use the next 12 months to take concrete action to progress, in a meaningful manner, the respect for and the protection and fulfillment of the fundamental human rights enshrined in the declaration.

This brings us to the question: why does Tasmania need a human rights act? To quote the Office of the United Nations High Commissioner for Human Rights:

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties.

Which brings us back to Tasmania and our role at the domestic level to actively respect, protect and fulfil our formal human rights obligations. As we are aware, there are instances where - as the state signatory to an international treaty - the Australian Government will establish a legal or regulatory framework which also requires the sub-national states and territories to adopt consistent regulatory and legal frameworks.

Last year, the passage through this parliament of the OPCAT Implementation Act 2021 was an example of this, the purpose of which - to quote from the act - was to enable the mandate set out in article 11 of 'the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' adopted by the General Assembly of the United Nations on 18 December 2002, as amended and enforced for Australia from time to time.

However, at this stage, the domestic manifestation of a national human rights infrastructure - by which Australia purports to fulfil its obligation under the UN human rights covenants - is the formation of the Australian Human Rights Commission along with the national Human Rights Commissioners. Yet, it is important to note that although, so far, the federal government may not have seen fit to legislate a national human rights act, there is nothing preventing states and territories from doing so. As detailed in section (5) of the motion before us, Victoria, the Australian Capital Territory and Queensland have all implemented their respective human rights acts.

According to a recent report released by the national Human Rights Law Centre earlier this year called *Charters of Human Rights Make Our Lives Better*, it summarises the impact of these three interstate legislated human rights acts as:

These Charters have been quietly improving people's lives, in small and big ways. They have helped to ensure that people are treated with greater fairness, dignity and respect, stopping families from being evicted into homelessness, ensuring people with a disability receive appropriate support, and so much more.

This Human Rights Law Centre report presents 101 case studies which demonstrate how the Australian Capital Territory's, Victoria's, and Queensland's human rights acts work in practice. While the report does identify where these acts could be improved or strengthened, it provides a valuable resource which presents tangible examples of how these charters are implemented and importantly, how they have improved the lives and protected or restored the dignity of real live people in those jurisdictions.

To quote further from the report, page 8, these 101 case studies show how these charters have:

- Helped governments to identify and address human rights issues affecting people at an early stage of policy development.
- Ensured transparency around how governments and parliaments have considered people's human rights.
- Promoted better understanding of human rights.
- Prevented human rights issues from escalating.
- Provided a way for people to resolve human rights issues by raising them with government and other agencies.
- Given people the power to take action and address human rights issues affecting them through complaint mechanisms and in the courts.

Time constraints prevent me from going into these 101 examples in any detail, but it is worthwhile emphasising the range of issues explored by these selected case studies. For example, some case studies explore how recourse to human rights acts assisted against disproportionate COVID-19 public health measures or enabled an expectant mother to hold onto her housing tenancy or protected a domestic violence survivor from eviction or requiring escalators to be installed to provide accessibility. It is a fascinating report and one which provides very significant and, in places, very moving insight into the human rights challenges many people still contend with just trying to live their lives, and where and how these existing human rights acts encourage, foster or bluntly require these challenges to be acknowledged and addressed, whether by a public authority, an individual or by the relevant government.

There is so much we can learn from the case studies provided in the Human Rights Law Centre's report to deal with some of the human rights challenges and abuses experienced by many Indigenous Australians and traditional owners. It is worth noting that later this week, 25 November, will be the first-year anniversary since the groundbreaking Pathway to

Truth-Telling and Treaty Report was tabled in this parliament, a fundamental case of human rights requiring addressing. Hopefully, we will receive a formal update from the Premier or minister on progress on that report's recommendations to mark that significant anniversary, which is very timely in relation to December's International Human Rights Day and week.

I expect that any progress on the Pathway to Truth-Telling and Treaty Report would share a synergy and an urgency with the commencement of public consultation on a Tasmanian human rights act. However, we do not need to look beyond our shores for justification to explore whether Tasmania should introduce legislation to implement a formal human rights infrastructure and if so, what it should look like. Further, as has been raised previously on other matters in this place, just because reforms may or may not be occurring interstate, Tasmania's elected representatives have a responsibility to act in the best interests of those who elected us here and now. Closer to home, we have a clear recommendation from the Tasmania Law Reform Institute, based on public consultation with Tasmanians that Tasmania requires a legislated charter of human rights. We have had that recommendation with us since 2007. That is 15 years ago since the TLRI report entitled A Charter of Rights For Tasmania put the state parliament on notice that human rights protection in Tasmania is, and I quote from that 2007 report:

partial, disconnected and inaccessible.

The first two recommendations of the TLRI report are:

Recommendation 1 - Enhanced protection of human rights

The Tasmanian Law Reform Institute recommends that the law be reformed to provide and promote specific, better and accessible protection for human rights.

Recommendation 2 - A Tasmanian Charter of Human Rights

The Tasmanian Law Reform Institute recommends the enactment of a Tasmanian Charter of Human Rights

To recap for members and anyone listening who may be unfamiliar with the 2007 TLRI report, it provides a total of 23 detailed recommendations, canvassing not only the specific rights which need to be articulated in a legislated charter but also regarding other aspects, such as education programs, implementation and periodic review, as well as the role and obligations of authorities, courts, the executive and parliament. A comprehensive report indeed. I will not consume the Chamber's time now by reading out all 23 recommendations; however, they can be found on pages 4-14 of the TLRI 2007 report. For those wishing to familiarise themselves with the extent of that detailed work, I encourage people to access the full report on the Tasmania Law Reform Institute's website.

Not only is the 2007 TLRI report extensive and thorough, it is the result of thorough and extensive public consultation. This community consultation process was overseen by a specifically established human rights consultation committee consisting of the Tasmania Law Reform Institute (TLRI) representatives, as well as representatives from community advocacy groups and the private sector.

The committee formally commenced in September 2006, when the Tasmanian Attorney-General, at that time, the Honourable Steve Kons MP, launched the TLRI issues paper, A Charter of Rights for Tasmania?, and called for submissions about the project from the Tasmanian community. Mr President, 407 submissions were received; 355 of those were from individuals, and 52 were from organisations.

At the time of releasing the report in 2007, the TLRI stated in a media release that this was the largest number of original submissions received on any project undertaken by the institute. Significantly, 383 - that is, 94 per cent of those submissions - supported the enactment of a charter of human rights to better protect human rights in Tasmania.

That significant number of submissions was received from a broad cross-section of the community, including: people living in rural areas; family-based groups; Indigenous Tasmanians; political and non-political organisations; pensioner groups; students; professional groups; members of the gay, lesbian, transgender and bisexual community; young people; people with disabilities; people from culturally and linguistically diverse backgrounds; women's groups; and faith-based groups.

The TLRI report, in summarising the submissions received, states:

While it is recognised that a process that calls for submissions cannot claim to result in a representative response in the way that analyses based on random selection do, the responses received are consistent with findings of an ACP Morgan Opinion Poll conducted in 2006 which showed that 81% of Tasmanians favoured the enactment of a Charter of Human Rights. This was the highest support rate of any Australian jurisdiction.

That was from Page 153 of the TLRI report.

Yet, Mr President, despite this high degree of community engagement and support, and the very clear advice received from the TLRI 15 years ago, and while acknowledging some interim steps towards implementation by former governments, the parliament has not acted in that time; hence, the TLRI recently agreeing to re-examine and contemporise the case for a human rights law in Tasmania.

It is expected this updating report will add further weight to the findings of its original report, and also to the ongoing public campaign for law reform in this critical area.

As noted in the 2007 TLRI report:

Tasmanians are not protected by any State or Federal Charter or Bill of Rights. Australia is now the only common law country that does not have a national Bill of Rights.

The TLRI further summarises the situation, stating that in Tasmania a patchwork of sources provide a protection of human rights including the Tasmanian and Australian constitutions, international law, common law and state and federal laws. However, the protections offered by these sources are fragmented and incomplete - working out what rights are protected, when and how, is a complex task.

Yet this motion is not asking this Chamber, or the Government, to commit here and now to immediately implementing a legislated human rights charter for Tasmania. Nor does it even ask us to commit to any particular model of human rights charter.

However, it does ask us to support moving forward Tasmania's public debate on implementing a legislated charter of rights to address the current patchwork of fragmented and incomplete protections, as identified by the TLRI 15 years ago.

By supporting this motion, we are asking the Government to commence a contemporary public consultation process on a Tasmanian human rights act, to build upon the strong foundations set by the 2007 report, and presumably the TLRI's imminent review of the current situation, as well as provide a concrete example of seeking to respect, protect and fulfil human rights protections and responsibilities.

While the TLRI presented a clear case for a Tasmanian human rights act, it did not provide a draft bill by which to do so, and nor was that their brief. That would be the appropriate role for the parliament, and more specifically, the Government.

Hence, clause (9) of the motion, presents the crux of the motion, and it says

- (9) urges the Government to consider marking the 75th anniversary of the Universal Declaration of Human Rights by initiating consultation on a Human Rights Act for Tasmania.

The motion does not ask for the Government to repeat the community consultation regarding whether Tasmania should, or should not, implement a charter of rights, but instead to consider progressing that debate from where it has stalled and to begin the process of formally drafting and discussing how such a legislated charter of rights would look and operate to respect, protect and fulfil our human rights in this state.

Further, it is important to acknowledge this motion does not seek to lock in the Government or any other member to support any future human rights bill, or model. Instead, it merely seeks to reboot the stalled legislative discussion within the framework of the next 12 months leading up to the significant 75th anniversary of that momentous international human rights milestone. The 75th anniversary, Mr President, is even more momentous than a platinum jubilee, and if we have seen all stops pulled out this year to celebrate an individual's platinum jubilee, surely, we can do the same for this collective commemoration of equality, dignity and common humanity.

It is worth noting that support for this motion does not pre-empt the release of the TLRI's imminent update on their initial 2007 report, in the sense that this motion's call to action is framed within the period of the next 12 months. As previously stated, it was due to a gap of more than a decade between the 2007 detailed recommendation for a legislated charter of rights that the TLRI agreed to undertake a review to potentially update and contemporise the current situation. Initially, it was thought that review would already have been released by this time, but as acknowledged in the recent independent review of the TLRI, some of these projects have been unavoidably delayed due to resourcing and staffing constraints experienced by the institute. However, it is hoped the finalised review will be released shortly. In that case, it will be available to help inform the Government's considerations of whether - and if so, how - to

initiate community consultation processes on the development and implementation of a human rights act for Tasmania.

Mr President, I said at the outset that this motion was tabled in my name. In fact, as much of the work is that we bring forward in this place, this motion is tabled and debated in the name of many other Tasmanians. It is a great honour, when debating this motion, to be doing so for all those Tasmanians who have, and continue, to fight to protect and maintain inalienable human rights for themselves and fellow Tasmanians. It is also a great honour, when debating this motion, to be continuing the advocacy of the many who have campaigned, and those who continue to campaign, for a Tasmanian human rights act.

A vote progressing the formal consideration of a Tasmanian human rights act is not just a vote for ourselves, or for the benefit of a particular sector or industry. It is a vote for all of us and, most importantly, it is a vote acknowledging the primacy of inalienable rights of all Tasmanians, no matter their gender, their race, colour of their skin, religion, sexual orientation or their country of origin. As per the rallying call of the Alliance for a Tasmanian Human Rights Act, 'My rights matter; Your rights matter; Our rights matter'.

To conclude, Mr President, when the Universal Declaration of Human Rights was signed on 10 December 1948, although a milestone, it was not considered an end in itself. Instead, drafters of the document and signatories to the declaration at that time were clear: it was a beginning, an international collective starting point. It sets a framework and a benchmark towards which we, as a global community, must continue to strive at the international, state and domestic levels. Sadly, it is not an exaggerated or hyperbolic acknowledgement that over the last 75 years we have witnessed some historic shadows re-emerge. They are not always on the periphery. We have been forced to see that some of those lessons, presumed to have been irrevocably learned and permanently engraved on our collective memory, sadly may not be so. Hence it is important to not lose sight of the fact that the designated annual observance of the UDHR signing anniversary is not only about celebrating a significant historic achievement, but also an opportunity for us to take an annual human rights health check. How are we travelling in Tasmania right here and now, when measured against the Declaration of Human Rights? How consistently and rigorously are we delivering this mandate, without fear or favour? What achievements can we reiterate and reinforce? Also, most importantly, where can ongoing improvements be made?

To reiterate, in relation to that last question, Mr President, this motion presents a positive and constructive proposal to mark the 75th anniversary of the UDHR, by the Government initiating public consultation on a human rights act for Tasmania, as we look ahead to that anniversary in 12 months time. In the 75th anniversary year of the signing of the UDHR, what better tribute could we pay to the foresight and humanity demonstrated by our forebears who drove and delivered that 1948 milestone? To the Australian legislators who signed up to deliver on that declaration's principles? And to our former and current fellow Tasmanians working to protect and enhance our inalienable rights here and now and to formally engage with our community by initiating public consultation on a human rights act for Tasmania and how it can assist us to meet those agreed obligations of respecting, protecting and fulfilling our human rights?

Last but not least, I place on the record my thanks and appreciation to all members of the Alliance for a Tasmanian Human Rights Act and others for their dedication and work to progress this important issue on behalf of our community. I applaud their efforts to remind us

that there is more we can do to both celebrate and protect our fellow Tasmanians' inalienable human rights as well as foster Tasmania's human rights reputation. I wish them well for this Saturday's public event, highlighting how we can still do more in this fundamentally important space. Just as we celebrate the historic milestone and watershed achievement of 10 December 1948, let us all work to progress Tasmania's own historic human rights milestone and watershed achievements in 2023.

My rights, your rights, our rights matter. I commend this motion to the House.

[3.36 p.m.]

Mr VALENTINE (Hobart) - I thank the member for bringing the motion forward, especially when we are considering International Human Rights Day. It was interesting when I was looking at various aspects of this, to understand that when the Universal Declaration of Human Rights from the United Nations General Assembly, when that came into being it was 1948, quite clearly 75 years next year. It is interesting to note that an Australian was in the chair at that time and there has never been an Australian in the chair since. It would be important for us on the 75th anniversary - I do not know that we are going to get an Australian in the chair - but it would be important for us as a state to be able to say, here in Tasmania we heed the call of some 75 years ago to bring in a charter of human rights.

I went to the Tasmania Law Reform Institute's report of 2007 and yes, it has a significant number of recommendations and I will touch on some of them because it paints an important picture as to what this is all about. From day to day, we see reports in the paper. We see reports over time about how various nations are mistreating their people. We know that Australia has been held up to ridicule sometimes too when it comes to our Indigenous people here in this country and how we deal with them. We know that in South Africa, for instance, apartheid existed there and how injustices were committed. People like Nelson Mandela made headlines for many years, and how they fought for his release and eventually that occurred, and gains were made in the way people were dealt with by that regime.

We look at what happens in the Middle East. We look at what happens in China. We hear of various groups that are being persecuted across the nation, across the globe. We do not want to be part of that statistic as a state. We certainly do not want to be as a nation. It is important for us to consider what has come forward with the Tasmania Law Reform Institute's review and some of the recommendations.

Recommendation one, enhanced protection of human rights. Recommendation two, a Tasmanian charter of human rights and it goes into what the form should be. Whose rights should be protected? The member for Nelson has dealt with that. It should apply to all, including those external to Tasmania, who are affected by our laws and decisions but should not extend to corporations. An interesting aspect.

That it should not disturb the sovereignty of parliament but it should bind it when scrutinising bills in relation to the production and statements of compatibility and when deciding whether to enact legislation that overrides or encroaches upon human rights. Also, binding when parliament is performing non-legislative functions.

It is not light stuff but neither should it be. It talks about the application to public authorities that should initially bind only public authorities but be reviewed going forward as to who it also should bind outside of public authorities. It covers some of that territory. It goes

into what a public authority is and after it is accepted for public authorities, when it is reviewed, it should be further considered for non-government schools, for instance, and health services that have a public benefit.

It talks about the obligations of public authorities, that they should be required to act in a way that is compatible with human rights. The operations of the charter should be phased in; education programs are very important on human rights obligations. These things will not happen overnight if we were to go down this path and education would be essential to make sure that we get it right.

Recommendation 10 talks about the role of parliament and about bills that might be brought in by members of parliament and how they should be accompanied by reasoned statements concerning compatibility and compliance with human rights standards. The same would apply to subordinate legislation.

The role of the courts. Declarations of incompatibility. The role of the executive; and on it goes. Limitations on rights; specific rights. There are lots of recommendations in here and what it provides is a very good basis for the consideration of a charter of human rights. There is a lot of work in it and it would be a pity to see that work wasted.

Quite clearly, if they are reviewing it, it would be very interesting to see how they might change some of the observations they have made in the past and some of the recommendations. I am fascinated to hear what has changed over that period of time from 2007 until now. That is a significant period of time, 15 years.

I support the member's motion. We have heard it talked about for quite some period of time. I have been to conferences in relation to it and it is certainly something that we as a state would be strengthened by. Our standing would be improved by having a charter of human rights. I simply support the motion.

[3.44 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I will state from the outset that the Government is not supporting this motion but I will explain why.

The Government is committed to protecting and respecting the human rights of all Tasmanians. This commitment is demonstrated through many of our key policies and reforms, including legislative reform in relation to family violence and safeguarding adults.

The Government believes that Tasmania is a fair, accepting and inclusive state with robust protections in place to protect and promote human rights in Tasmania. These are enshrined in a range of legislative regimes and those bodies set up under such frameworks at the international, Commonwealth and state level. In Tasmania these protections are extensively reflected in statute and in the numerous independent statutory authorities established including: the Office of the Public Guardian; the Commissioner for Children and Young People; the Ombudsman; the Custodial Inspector; the Anti-Discrimination Commissioner; and, the Integrity Commission.

The Government has not supported the creation of a standalone statute relating to human rights on this basis. However, our Government has clearly demonstrated its support for and

commitment to human rights through a range of reforms, including, for example, the current reform of the Guardianship and Administration Act 1995. The guardianship and administration streams within TASCAT provide a range of supports in relation to people with a disability who require representation. The TASCAT's goal is to respect the rights of people with disabilities to make their own decisions wherever possible and, when it is not possible, to ensure that processes are accessible, impartial, expeditious, highly competent and result in just decisions by TASCAT. The current GAB reforms - recently out of consultation - take a will and preference approach to decision-makers rather than a best-interests model. Extensive consultation and review of the current legislative framework is well underway with the next tranche of reforms due to be tabled at the beginning of 2023.

A further example of our Government's support of human rights includes our ongoing commitment to effective and evidence-informed responses to family violence, such as our new offence of persistent family violence in the Criminal Code Act 1924. In addition, the parliament has passed amendments to the Family Violence Act 2004 to enable the court to make persistent family violence declarations and to provide for national enforcement of domestic violence orders. Other recent legislative reforms fulfil Tasmania's obligation under the Optional Protocol to the Contravention Against Torture (OPCAT) by creating the role of national preventative mechanism. The Government's extensive commitment to the commission of inquiry process also demonstrates a rights-based focus on the safety of children. We are also actively participating in a range of national reforms, through the Standing Council of Attorneys-General in relation to the protection of rights including reforms relating to family violence, elder abuse and minimum age of criminal responsibility.

We are also obligated to comply with international human rights laws, including under the seven core international rights treaties to which Australia is a party, and those optional protocols to the treaties to which Australia is also a party. It is against these treaties that human rights scrutiny processes - under the Commonwealth Human Rights (Parliamentary Scrutiny) Act 2011 - are undertaken. Australia also has periodic reporting obligations under these treaties. Australia is an active participant in the Universal Periodic Review (UPR) process which provides an in-depth analysis of Australia's compliance with our international human rights obligations. The Tasmanian Government regularly participates in, and supports, the human rights processes by providing reports to the Australian Government on actions and initiatives to support the treaties.

The issue of a standalone human rights act, or human rights charter, has been raised intermittently for a number of years. In 2007, the Tasmania Law Reform Institute released a report recommending the adoption of a charter of rights to be enacted as a statute, and setting out the rights that should be included in the charter. The TLRI report also recommended the establishment of an independent office of the Tasmanian Human Rights Commissioner and a Human Rights Unit within the Department of Justice. In 2010, the then government released a discussion paper proposing the adoption of a charter of rights. A reference to the Tasmania Law Reform Institute to produce a research paper re-examining the case for a Tasmanian human rights act was accepted and the Government understands that a report is intended to be released by the end of 2022, so human rights are the cornerstone of a strong inclusive society.

The Tasmanian Government is also committed to the basic freedoms of parliamentary democracy, the freedom of thought, worship, speech and association. As the Government is continuing to work towards a fairer more accepting and inclusive Tasmania, we will consider the TLRI's report on a human rights act in Tasmania when it is available. Therefore, it is

premature for the Government to consider this motion prior to the release of the TLRI report and that is why we will not support this motion.

[3.51 p.m.]

Ms LOVELL (Rumney) - To make a few brief comments on the motion, I start by thanking the member for Nelson for putting the motion to the Chamber for us to have this debate and the opportunity to put our thoughts on record.

First of all, I note that International Human Rights Day is observed on 10 December. I acknowledge that day is approaching in our calendar and I am sure we will all mark that day in our own way. There will be a number of ways in which people can do that. I also note this is the 75th anniversary of the Universal Declaration of Human Rights and it is a timely motion for us to be debating. It is timely we are talking about the issue now and, in particular, noting the anniversary and the review of the TLRI report, hopefully available by the end of the year.

I note it was Judy Jackson, the former Labor member of parliament, who commissioned the TLRI report in 2007. It is also worth noting the record number of submissions received by that inquiry by the TLRI or that report, a record number of submissions at the time and the outstanding support for a charter of human rights. It was 94.1 per cent of respondents in support of a charter of human rights. It is reflective of community expectation. A review of that report - I am watching that space with interest to see what comes of that review of that original report, given there is significant time that has passed.

I am not convinced we will see much of a change in terms of the recommendations of the TLRI or indeed that level of community expectation and support. I expect we may even see a stronger level of support for a human rights act, particularly in light that a number of other states and territories have already moved in that direction.

I commend the work of the Alliance for a Tasmanian Human Rights Act. As the member for Nelson spoke about earlier, this is a grassroots organisation that has come together on this particular issue. It is always heartening to see those grassroots organisations come together on an issue they have in common, particularly when you get a number of people from a number of different backgrounds and organisations coming together on a particular issue. The work they have done on this is commendable and I wish them well for the rally on Saturday. I am sure it is going to be well attended and note the commitment they have made to this particular issue.

Human rights is a phrase we hear tossed around quite frequently and maybe a little flippantly, but it is important and we should not underestimate or fall into the trap of letting that become a kind of go-to phrase we use without understanding what that means and having something to underpin that. I listened to the Leader with interest and I can understand, given that review is due by the end of the year, the response from the Government. However, I am disappointed in the response, and the Leader said the Government believes that Tasmania is a fair, inclusive and respectful state. A lot of us want to believe that. We would all like to live in a state that is fair, inclusive and respectful, and for many people it probably is or it feels like a state that is fair, inclusive and respectful. However, for many people who are listening to Government members talk about housing being a human right, but they are waiting for years, literally years, to be housed in a safe place that they can call home; if you are a child or a young person in detention in Tasmania at the moment, hearing Government members, or indeed any of us, talk about human rights, it is probably pretty galling. Children in out-of-home care at

the moment, young people in out-of-home care, we talk about children, but let us remember these are teenagers and young people up to the age of 18. They do listen to this and I have had contact from many of them.

To hear community leaders and Government leaders talk about human rights when you are living in that type of environment where, at the moment, many of them do not even have a case worker allocated to provide the support they need, I do not know that I can agree with that statement that we live in a fair, inclusive and respectful state for everybody. For some of us, sure, but not for everybody.

The Leader talked about a number of legislative reforms that demonstrate in the Government's view their commitment to human rights. While many of those reforms are welcome and commendable, my question is, why not underpin that with a human rights act? Why not underpin that with something that can support those reforms and inform those reforms and future reforms with a human rights focus?

That leads me to concluding my contribution by turning to the last point of the member's motion, point (9), that the Legislative Council:

- (9) urges the Government to consider marking the 75th anniversary of the Universal Declaration of Human Rights by initiating consultation on a Human Rights Act for Tasmania.

We have heard from the Leader that that is not something the Government will support.

I hope that we, as members of the Legislative Council, can still support the motion in order to urge the Government to reconsider. However, at the very least, I sincerely hope the Government will reconsider that position once the TLRI has released their review of that original report. This is something that is well in line with community expectations. It is something that we should all be able to support. It is a bit of a 'no lose' to me. Why not? What is the harm in having a human rights act? What possible harm could it do?

I will be watching with interest when that report is released and looking for some further action from the Government on this, and what we will hopefully see in the very near future. I support the motion, and thank the member for Nelson for bringing it to the Chamber.

[3.58 p.m.]

Ms WEBB (Nelson) - Mr President, thank you very much to members who contributed to discussing this motion. I very much appreciate it. It is interesting, is it not? I prepared this motion in what was the most accessible and inclusive way to produce a productive, and constructive engagement here in the Chamber, and support for it. I reiterate, from my earlier contribution, and from what has been pointed out by some members also, the motion does not ask us to commit to anything concrete. It does not even ask the Government to commit to a human rights act.

It does not ask the Government, or any of us, to commit to a particular model of a human rights act, or what that might ultimately look like. All it does in its call to action at the end, in point (9), it urges the Government - quite gently phrased, it does not even ask for a commitment - it urges the Government to consider initiating a consultation on a human rights act in this,

what will be the 75th year leading up to the 75th anniversary next year of signing that declaration.

It is the mildest possible call to action on this topic, which should be - and we know from the TLRI past consultation in this state, this is an incredibly well-supported concept.

Sitting suspended from 4.00 p.m. to 4.30 p.m.

MOTION

75th Anniversary of the Universal Declaration of Human Rights and a Human Rights Act for Tasmania

Resumed from above.

[4.31 p.m.]

Ms WEBB (Nelson) - Mr President, before the break I was making mention that the concept of a human rights act for this state is an incredibly well-supported one in the broader community and in those who are expert in these matters. That was established in the original TLRI report. It will be interesting to see the update. There will no doubt be some ways the findings, recommendations and the outcomes of an update on that will be contemporised and there may well be further, and interesting, useful reflections on what had originally been identified as that patchwork of protections, back in 2007. However, as the member for Rumney mentioned, it would be extraordinary for us to imagine there would be a diminishment in the community support that was identifiably there at that time and when well established, we would see something very similar. I would be surprised if we did not.

It is disappointing that the Government would not contemplate supporting this motion, given it is very mild in its call to action. It is very non-prescriptive, in terms of a particular outcome - it is an urging of consideration for consultation in this fairly significant anniversary year for the UDHR. What a shame for a state government not to support that and see that as a valuable way forward for our state.

Thank you to the member for Hobart for his contribution and with some references and detail from that original TLRI report. I reiterate that was a valuable report. It is dated now and is being updated. The motion does not call for implementation of that model and those particular details that were in that report, merely for progressing action on what might be relevant and appropriate at this stage.

I find it quite interesting that the Government points to many robust protections that are in place in this state and it is pleasing that on many fronts we do have some very well established and functional protections in place for various aspects of rights-related matters. However, the member for Rumney was very apt in her comments when she picked up on the use of that phrase 'the Government believes we have a fair, inclusive and respectful state'. That is no doubt true, for many Tasmanians and certainly probably for many of us here in this room. Thank goodness for that, but we absolutely cannot close our eyes to the fact that is certainly not the reality for all Tasmanians.

There are categories of Tasmanians who are particularly vulnerable to this being far from a fair, far from an inclusive and certainly far from a respectful state, and we do not make human rights acts and legislate for these protections for those who already have power, already have privilege and are already well protected through their station in life and the characteristics they were born into. We do not make the protections through legislation for them. We make these protections for people who are vulnerable. For people who do not experience the privilege, the power, the station in life, that affords them a fair, inclusive and respectful existence. That was very well put from the member for Rumney, and I thank her for that contribution.

Even things that we take for granted, things like the right to an education for every Tasmanian child. We think, well, we must have that in place. All our kids would be accessing that right quite readily and freely, without too much problem. I cannot make that assumption. In fact, thinking of personal circumstances, I can think of times, and I can think of many Tasmanian students who would be finding it very challenging to be afforded that right, right now.

Mr Willie - They come through my office.

Ms WEBB - I can think of Tasmanian students who are being excluded from school, whether it is through unnecessary and punitive suspensions, or whether it is through shorter days. They have to go home after the first couple of hours because the school does not have the capacity to manage their behaviour.

Mr Willie - Educational adjustments not being met.

Ms WEBB - I was going to say, or whether it is students with a disability who are not having their educational adjustments provided to them appropriately.

There are things that we may take for granted, here in this place, but we do not have to look very far, as the member for Elwick has pointed out. Often, they come right to our offices to tell us about it. There are people and Tasmanians, including Tasmanian children, who are struggling to have their very basic rights met in this state.

That is why we need to be thinking about a human rights act. That is why we saw the Tasmania Law Reform Institute tasked with looking into this back in 2006, producing a very clear report to point a way forward. That is why in intervening years, we have seen other states move ahead. We have seen Victoria and Queensland and the ACT move forward on this, recognising in their jurisdictions the benefit and the value that it will bring to all in their community.

That is why we are here revisiting, and why I am pointing with this motion to this 75th anniversary year of the Universal Declaration of Human Rights as the perfect opportunity for us to be embracing a way forward, and committing to exploring that way forward together as a parliament and as a broader community.

I note that the ATHRA group, yes, is a grassroots group in some ways. It has membership of many non-government organisations and advocacy groups of different sorts but it also has, as membership, our Anti-Discrimination Commissioner, Sarah Bolt, and also in its membership you have former governor, former head of the TLRI, Kate Warner, as part of that alliance.

You also have Unions Tasmania as part of that alliance. This is, yes, to some extent a grassroots movement calling for progress on a human rights act, but it is also a group of people which is very informed, expert and well connected into our community and our workplaces.

This is not something to be dismissed. When the Government points to the things that we have in place, the protections that we have through various individual mechanisms, that is true and fine. However, when we have our Anti-Discrimination Commissioner, our former governor, Professor Kate Warner, also former head of the TLRI, saying a human rights act is necessary for this state, will be beneficial for this state, and should be progressed, those are voices that I would think any government would welcome hearing from, and welcome guidance from.

I hope the Government does take an opportunity to rethink its position on this. Perhaps the update on the TLRI report coming out by the end of the year will provide the Government with that opportunity for a rethink. Perhaps it will enable them to come forward positively and constructively to basically do what this motion is calling for, and that is to begin progress by beginning consultation and beginning exploring what a human rights act could look like for this state into next year.

I thank the members who have already indicated their support, and I hope other members will consider this as a reasonable, constructive and positive motion to support. I hope they will recognise that it is not an onerous call for action to government. It is a good urge to consider, and I hope that members will join me in constructively looking ahead for where we might go as a state, in providing all our citizens with the protections of a human rights act. As they are saying as their call to action, your rights, my rights, our rights matter. All of us.

Motion agreed to.

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 a briefing on the proposed amendments to the Public Interest Disclosures (Members of Parliament) Bill 2021 (No. 22), which will be hosted by the member for Mersey.

Sitting suspended from 4.40 p.m. until 5.29 p.m.

**PUBLIC INTEREST DISCLOSURES (MEMBERS OF PARLIAMENT) BILL
2021 (No. 22)**

Second Reading

Continued from 18 October 2022 (page 43).

[5.30 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I thank the members for their contributions. I have sought feedback from Dr Woodruff on some of the matters raised by members during the second reading speeches. On the matter of the responsible and appropriate use of the Integrity Commission, Dr Woodruff has provided the following response:

The public interest disclosure framework is designed to allow whistleblowers to disclose information that is in the public interest and provide protections to that person from repercussions. In this context, it is unlikely that this framework will be utilised by political opponents or third parties. If a third party or political opponent of a person had information to disclose, they would not need protections from reprisal and there would be much more efficient means to disclose this information available to them.

On the matter of existing disclosure regimes to the Integrity Commission, Dr Woodruff has responded:

We respectfully disagree that the assertion that the bill incorrectly assumes that disclosures in relation to a member of parliament cannot be referred to the Integrity Commission. We have made referrals to the Integrity Commission and we imagine all members of parliament are aware of this avenue. We made no such assumption in the preparation of the bill, and the bill itself does not make this assumption any more than the principal act does, given that the principal act currently allows for referrals to the Integrity Commission. As Government members have noted in their second reading speeches, there are distinctions between the matters that the Public Interest Disclosures Act and Integrity Commission Act deal with. These include, but are not limited to the distinctions between the definition of improper conduct in the Public Interest Disclosures Act, and misconduct in the Integrity Commission Act.

The final matter in which a response was provided by Dr Woodruff relates to the issue of parliamentary privilege, which also relates to the amendments that will be moved to the bill:

The Government's initial draft of the amendments to this bill provided that a disclosure under the principal act could be made to either the Ombudsman, Integrity Commission, or the relevant Presiding Officer and allowed for the transfer of a disclosure by the Ombudsman or Integrity Commission to the relevant Presiding Officer. The rationale provided to us was that, if a disclosure related to a matter of parliamentary privilege, the Integrity Commission and the Ombudsman would not have jurisdiction to make a determination in respect to that disclosure. The Greens accepted the argument presented by the Attorney-General's office. However, we retained

concerns that the possibility of transferring the disclosure may either deter a person from making a disclosure, or cause discomfort or anxiety to a person if the transfer occurred. As such, we responded by asking if the Attorney-General would consider further amendment such that a transfer of a disclosure could only occur if consent had been received from the person who made the complaint. It was indicated to us that the Attorney-General had no objection, in principle, to this request. Subsequently, a further draft of the amendments was provided to us. The updated amendments which had been provided to members largely addressed the matters we raised for consideration.

The only matter that differed materially was in circumstances where a person who made a disclosure has done so without providing contact details. In these circumstances, the amendments would allow for the transfer to occur without the person's consent. The argument put to us is that if consent was required in these circumstances, the person who made the disclosure would not be aware their complaint was unable to be progressed. The Greens consider there are detractors to each possible approach to such a circumstance. As a consequence, we are comfortable supporting the Government's amendments. We do suggest, however, that information ought to be made available to advise people considering making a complaint that the potential for this transfer exists if they do not provide contact details.

In summary, we are aware of the view the amendments proposed address the issues identified by the Government, as well as ensuring that the underlying issue the bill intends to address, are satisfactorily addressed. We thank the Attorney-General for involving us in this process and being receptive to our suggestions on these amendments. We also thank her office, departmental staff, and the Office of Parliamentary Counsel for their work on these amendments, particularly for progressing them throughout the weekend which has made it easier for this debate to occur today.

Mr President, I will now provide some background comments to the amendments I intend to move in more detail, thus saving time in the Committee process. I apologise for not being able to provide these amendments at an earlier time. As I previously mentioned, they were the subject of some back and forth between the Attorney-General and Dr Woodruff. The arrangements and circumstances around this bill have also been somewhat out of the ordinary.

These amendments have been developed to address an issue arising from parliamentary privilege, and some related matters, to avoid unintended restrictions on the investigation of public interest disclosures. This issue was raised in the lower House in the Attorney-General's speech, recognising the support in principle with the intent of the legislation but also acknowledging that there may have been amendments required to adjust, to ensure sound legislation. Parliamentary privilege prevents an inquiry into what is said or tabled in parliament, including the proceedings of its committees, other than by parliament itself.

If a disclosure relating to an MP relates to matters already covered by the privilege the Ombudsman and Integrity Commission are restricted in their capacity to deal with the matter because they must not breach parliamentary privilege. This issue does not hinder the

Ombudsman and Integrity Commission managing disclosures, or part of disclosures, about MP conduct that does not relate to parliamentary privilege.

The main proposed amendment, therefore, is to retain inclusion of the Ombudsman and the Integrity Commission as people to whom disclosures about MPs can be made while retaining the option for a person to disclose to the Speaker or President directly. The amendments therefore omit clauses that remove provisions in the act that relate to disclosure to the Speaker/President, including protections under the act for a person who discloses to the Speaker/President. Furthermore, the amendments provide that the Ombudsman or Integrity Commission may, with the consent of the complainant if they can be contacted, refer a matter to the Speaker or President, where appropriate. For example, this may be where there is a parliamentary privilege matter they cannot properly investigate themselves.

It is noted that persons making anonymous disclosures sometimes provide a contact detail such as an anonymous email address or similar. The consent requirements would apply in this case. If the person has not provided any means to contact them, the consent requirement need not apply. The consent requirement did apply in this case and it seemed to have the undesirable result that such a person will not know their disclosure could not be dealt with as the disclosure was not referred to the Speaker/President due to the consent requirement.

I thank the members for their contributions. I also acknowledge the efforts of Dr Woodruff and her party in bringing forward this bill, also the genuine good faith relationships between the Greens and the Attorney-General in identifying issues and creating amendments to the bill. I hope this bill has the support of the members to progress to the Committee stage.

Bill read the second time.

MOTION

Public Interest Disclosures (Members of Parliament) Bill 2021 (No. 22) - Council Resolve into Committee

[5.37 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I move -

That the Council does resolve itself into a Committee to further consider the bill.

Ms FORREST (Murchison) - Mr President, I move -

That the question be amended by leaving out the words after 'That', in order to add the words:

the Council will tomorrow resolve itself into a Committee ...

The reason I am going to do that is because, as the member for Mersey himself said in his contribution, the amendments have only arrived to us this morning. We have not had a lot of time and they are extensive amendments. It is effectively a rewrite of the bill and whilst

I agree in principle with the bill, I personally have not had time to put the amendments in line with the principal act and also consider the bill before us and bring all of those things together. It is an important matter. The interaction of parliamentary privileges, as the member for Mersey identified, is important. It was identified by the Government and I appreciate that the Government has worked with the Greens who are the presenters of the bill in the other place to progress this.

I appreciate the briefing. It was helpful but there are still a lot of matters that I feel I need to have time to fully consider because when I read through the amendments when I did have time during the day - mostly at lunchtime because we all had commitments early, the whole Chamber did. I then read the clause notes and I was quite confused after I read them to think, how is this supposed to work? I emailed the member for Mersey and asked if he could organise a briefing which I appreciated him doing. That has helped to clarify some of the points but I need time for myself to review these amendments in the context of the principal act, and also noting there was no actual consultation with the Ombudsman or the Integrity Commission in regard to the original bill before us, and the Greens adviser advised us as to that process.

I know that matters such as the Ombudsman's resourcing is an issue and I understand the current act is not used very often; but it is very important that we take our time to ensure that this does deal with the issues of the matters that might attract privilege, and that we should not rush these things. We criticise the Government for landing something big on us and then expecting us to debate it the same day. I know this is the last sitting week. If the amendments could have been drawn earlier and brought to us earlier, then we might have had the time to deal with it, but they are complicated. It had to be worked through carefully.

I urge members to consider that we put this off until next year. I know it would be nice to get it sorted out and tidied up before the end of the year; but it has been like this for a long time. We have had party members as Speakers forever, and our President, for more recent years, and it has not created a major dilemma or problem at this stage. It is important to take the time to ensure that it is right and give us time to look at how these amendments now fit in with the bill that is before us, but also, more importantly, the principal act. I ask that we do not resolve into Committee today, but put that off until our next sitting week, which I know is not till March next year.

Mr GAFFNEY (Mersey) - Mr President, I appreciate the member for Murchison's position on this. I have spoken to the Leader. The Leader has three bills that they want to get through tomorrow and perhaps early Thursday. Could we follow this on, on Thursday, to complete it then? Whether that day-and-a-half would give enough time for members to consider the bill, seeing that we have had a briefing. On the understanding that when it was passed downstairs, the Greens were quite comfortable with the Attorney-General taking it and getting further amendments and advice, to make sure it was sound. I am comfortable with the briefing I heard today that it is.

So, whilst I agree, I would prefer, speaking on behalf of carrying the bill in this place, if we could deal with it on Thursday, after we have finished the Government business of the day. If that cannot occur, then it will be March next year; but to be accepting of the Greens' position downstairs, where they allowed the Government time to look into this and come up with some amendments, I believe that would be a possibility.

I am not sure how people feel about that. So, my position is yes, let us defer it, but hopefully finish it on Thursday of this week, if time allows.

Ms Forrest - Through you, Mr President, on that point. Some members of this Chamber have commitments at every lunchtime for the rest of the week, which does not give us time in going through the whole thing. I am saying, there is not always a lot of time.

Mr GAFFNEY - If we get to Thursday and we cannot do it, that is fine, too; but I know that we are not sitting late tonight or tomorrow night, is my understanding. We do not have any late sittings.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Speaking to the question to move into Committee, as the member for Mersey has said, there is Government business that I want to take care of before we come back to this on Government days. I am quite happy to do one of the second reading speeches tonight, to get a bit of a head start, and sit at 10 a.m. on Thursday, to have a bit of extra time there. I am comfortable with it, as long as I get my three bills done, one way or the other. I am happy for the member for Mersey to bring that back on after that, on Thursday afternoon some time. It is at the will of the Council, but I am happy with the situation.

[5.44 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I support the member for Murchison. I know I have stood here on a number of occasions and said when members request more time that I appreciate when that opportunity is provided. I appreciate the member for Mersey who is presenting this bill, being accepting of that. Obviously, there will be another discussion if there is more time on Thursday if members have had the opportunity to have a look at the principal act and marry up and perhaps even give the Ombudsman a call - if he even has time to take a call - in regard to resourcing. We know it is not necessarily about money. It is about resources that come with that money for the Ombudsman's work.

I support the member for Murchison to delay.

Amendment to the motion agreed to.

Motion as amended agreed to.

RETAIL LEASES BILL 2022 (No. 30)

Third Reading

[5.46 p.m.]

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

That the bill be now read the third time.

Bill read the third time.

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

Third Reading

[5.47 p.m.]

Mrs HISCUTT - Mr President, I move -

That the bill be now read the third time.

Mr President, in moving the third reading I offer the following comments.

In relation to the Expansion of House of Assembly Bill considered by the Chamber last week, I provide some additional comments to avoid any confusion and to be absolutely clear in providing some clarity.

Mr President, neither the Clerks of the parliament, the President or the Speaker were directly consulted in development of the bill. The Department of Premier and Cabinet ran an open consultation period and a member of this House responded to the members' feedback. The members' feedback was considered in part of the bill.

In relation to the 2023-24 Budget process and the logistical requirements for both Houses to accommodate additional members, the department recently contacted the Clerk of the House of Assembly to commence those discussions. As commented in the debate when we had it in our House, the department has now reached out to yourself, Mr President, and the Clerk of the Legislative Council to arrange a meeting. I understand this is scheduled for 29 November and I have checked that this is indeed the case, Mr President.

Mr GAFFNEY (Mersey) - Mr President, I take this opportunity to provide a few points regarding this bill and it will not take very long.

When passed this bill will become an act of parliament but really there was little consultation with half of the parliament, the upper House, the Legislative Council, let alone the community. What little consultation there was happened over three years ago with a select group, in a comfortable pre-COVID-19 and lower cost of living world.

I find it extraordinary that a significant increase in lower House numbers by 40 per cent has been detailed in the three-and-a-half page second reading speech and 10 pages of legislation, with minimal submissions or great community consultation. In my mind, this consultation and the time for debate on this issue has occurred very quickly, without it being in effect until the next election is scheduled for 2025. There was no need for this rush.

I find it quite astonishing that this parliament will accept this legislation without having an actual up-to-date costing on what this will mean in reality. Surely there was time for the costings to be actualised and verified. Very few pieces of legislation I can remember have not been at least itemised with an approximate costing; and yet at budget Estimates we methodically and painstakingly pull apart each line item as we should.

I can well imagine the community conversation when the financials are released and people understand what this act is costing and that is coming out of the Tasmanian coffers, and how that will be eventuating in terms of value for money with minimal accountability. I heard

no guarantee through the conversation if the cost of the extra 10 members were offset with the reduction or redistribution of advisers, staff or consultants. There is no guarantee the increase in numbers is going to positively impact the quality and performance of the additional ministers and the effectiveness of their portfolio and ministerial responsibilities. It is almost likely the embodiment of Parkinson's Law where the work will expand to fit the time available to do it.

I have heard no mention of the proposed rationalisation or reduction in the growing numbers of ministries to ease the need for additional ministers. I see this as a missed opportunity for this parliament and for this state to investigate the options that might be considered, as we move towards 2050. I did perhaps make the mistake of highlighting in my second reading speech the unicameral scenario in Queensland. Immediately some members reacted with, 'I wouldn't support that because - ', and that was not the point. It was an example there are and could be other ways of operating in a more efficient and cost-effective manner which should be explored.

I also raised the issue of, does the adversarial nature of a politics best suit our needs? People tire of two parties that by and large are not that different and thus, should we agree to explore other options? Is our version of the party political Westminster system of the government governing and the opposition opposing the best way forward in the long term? A chance to investigate a way forward in light of many changes to the way we operate has been missed, especially with so many new challenges coming our way, some known, some unknown.

This House and this parliament are about to go back to a process with similar lower House numbers which was altered with good intent nearly 25 years ago, in what was a pre-digital age that occurred in the last century. It is for these reasons I cannot support the third reading of this bill. It is a missed opportunity which will continue to sit in the too-hard basket until a government comes along that is brave enough to address this problem with the respect it deserves. I cannot support the third reading.

Bill read the third time.

MOTION

Deferral of Business

[5.52 p.m.]

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

That intervening business be deferred until after consideration of order of the day no. 7.

Motion agreed to.

WORKERS REHABILITATION AND COMPENSATION AMENDMENT BILL 2022 (No. 48)

Second Reading

[5.53 p.m.]

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

That the bill be read the second time.

Mr President, the purpose of the bill is to make amendments to the Workers Rehabilitation and Compensation Act 1988 to extend the benefits delivered under two unrelated sections of the act. Specifically, the bill amends section 27 of the act, which establishes a presumption as to cause of certain cancers in relation to firefighters, and section 87 of the act, which deals with the cessation of entitlement to weekly payments on the basis of a person's age.

I now speak first about section 27, which provides that if a firefighter meeting relevant criteria is diagnosed with a specified cancer then it is presumed, in the absence of evidence to the contrary, that firefighting was a substantial contributing factor to the disease.

I am sure we can all agree that the work carried out by Tasmanian firefighters is vitally important to our community. Whether volunteer or paid, our firefighters provide a crucial service to the community, sometimes at risk to their health and safety. It is therefore important that if their work results in injury or disease, the benefits of the Workers Rehabilitation and Compensation Scheme are readily accessible to them.

The presumptive provisions of section 27 make the process of applying for compensation less onerous for a firefighter who contracts one of the 12 specific cancers which have been linked to the work of firefighters. There is a group of workers employed in firefighting and fire prevention operations in the Tasmania Fire Service who are not covered under section 27, namely the Bushfire Risk Unit. These employees perform bushfire prevention operations during the autumn, winter and spring months and undertake bushfire firefighting operations during the bushfire season. They perform similar tasks and are exposed to similar risks to other firefighters covered under section 27.

It was brought to the minister's attention in 2020 that most of these firefighters do not meet the definition of any of the three types of firefighters covered by section 27, namely career firefighters, volunteer firefighters and occupational firefighters. Because of this, most employees of the Bushfire Risk Unit in the Tasmania Fire Service engaged in bushfire prevention and fighting activities are excluded from the presumption. Clearly, these workers undertaking firefighting activities should be afforded the same protections as those workers who are covered under section 27.

I should acknowledge that a small number of employees of the Bushfire Risk Unit are covered by section 27 because they are career firefighters. However, they are in the minority. Those who miss out on coverage under section 27 are State Service employees, or State Service officers appointed or employed under the State Service Act 2000. They are engaged in bushfire

fighting and bushfire prevention operations. They are appointed for the purposes of the Fire Service Act 1979, in accordance with section 24 of the act, but they are not career firefighters.

A statutory view of the operation of section 27 commenced in 2020 and it was requested the WorkCover Tasmania Board consider the risk of covering employees of the Bushfire Risk Unit. Coverage is affordable. The board's actuaries estimated extending coverage to firefighters of the Bushfire Risk Unit would cost an additional \$53 000 per annum, which is 1 per cent of the cost of all firefighters covered by section 27 of the act. The board recommended the act be amended to cover the relevant employees of the Bushfire Risk Unit and the Government strongly supports this recommendation.

The amendments set out in clause 4 of the bill will rectify the current gap by including the relevant employees in a new definition of occupational firefighter. The current definition is limited to workers of an agency or government business enterprise, a significant function of which is the management of forests or parks. It therefore excludes employees of the Tasmania Fire Service. There will be no change to the status of occupational firefighters covered under the existing definition. These workers will remain covered in the first part of the new definition. The second part of the new definition will provide coverage to the relevant employees of the Bushfire Risk Unit within the Tasmania Fire Service.

Moving on to section 87 of the act, the current provisions provide for the cessation of the entitlement to weekly compensation payments under two sets of circumstances, according to when the injury occurred, in relation to the person attaining the pension age. By pension age, I refer to the meaning of the term under the Social Security Act 1991 of the Commonwealth.

Currently, under section 87 of the Workers Rehabilitation and Compensation Act if a person is injured 12 months or more before reaching his or her pension age, then the entitlement to weekly compensation payments ceases when the person reaches their pension age. If the injury occurs less than 12 months before attaining pension age, then the entitlement to payments ceases after one year from the date of injury. Workers whose conditions of employment would have allowed them to work beyond the date of attaining pension age may seek a determination from TASCAT allowing the continuation of eligibility for payments until a date specified by the TASCAT.

Since 1 January 2018, section 87 has been silent on workers who are injured on or after reaching their pension age. Any question as to whether such workers are or are not covered by the cessation provisions of section 27 was settled in mid-2020 when the now former Workers Rehabilitation and Compensation Tribunal, which has become TASCAT, confirmed that section 87 does not apply to these workers.

The proposed amendments to section 87, set out in clause 5 of the bill, aim to reduce the disadvantage experienced by workers injured at an older age by extending the period of time before the age-related cessation provisions apply to those injured close to reaching their pension age. The provisions of the bill will increase the existing time frames from one year to two years.

Under the proposed changes, if an injury occurs when the worker is aged two or more years before the date on which the person obtains the pension age, entitlements to weekly payments will cease at pension age. In cases where the injury occurs less than two years before the date on which the worker attains the pension age, entitlements to weekly payments will

cease two years after the injury occurs. Existing provisions, which allow an injured worker to apply to the TASCAT for a determination for an extension of payments beyond the applicable cessation dates will be retained.

There will be some changes to the existing wording for greater clarity and consistency throughout section 87. For clarity, age-based cessation dates do not exempt the worker from other provisions of the act. They set a maximum period for the entitlement to weekly payments subject to any decision by the TASCAT for the continuation of payments beyond the cessation date. Responsibilities to participate in rehabilitation and return-to-work programs apply, just as they do for other workers.

Section 87 is regarded by many stakeholders as age-discriminatory because it imposes a limitation on the period of entitlement for payments to an older worker injured in the years leading up to his or her pension age. The provisions allowing an affected worker to apply to the TASCAT for further payments are also regarded as age-discriminatory. Younger workers do not have to apply to the TASCAT to receive weekly payments for more than two years after their injury.

A review of section 87 was undertaken by the WorkCover Tasmania Board in October 2018. The board consulted with key stakeholders, called for submissions through regional newspapers and on 25 April 2019 published an issues paper on the board's and the Department of Justice's websites. Some stakeholders argued for removal of age-discriminatory provisions or at least a very significant reduction of the impact of such provisions. Some other stakeholders preferred no change or minimal change. Despite two further rounds of stakeholder consultation in 2022 there is no universally agreed approach to amending section 87. Views differ on how to find the right balance between treating older workers the same as younger workers on one hand, and on the other hand ensuring that our workers compensation scheme remains cost effective and retains its focus on rehabilitation and return to work.

The Government believes the bill presents an appropriate balance, particularly when considered in the context of section 87 does not apply to workers injured on or after reaching their pension age. The Government has decided to maintain that position and to additionally provide some further benefits to workers who are injured less than two years before reaching their pension age. For these workers, the cessation provisions of section 87 will not apply until two years after the date of their injury. No worker will be disadvantaged by the changes presented in the bill and those workers who are injured within the two years before pension age will potentially benefit from the changes to the cited time periods from one to two years.

It is the Government's view that the changes to section 87 are also affordable. Advice obtained from actuaries in June 2022 estimated that the cost would be an additional \$351 000 per annum to the scheme compared to the status quo. This is less than 0.01 per cent of the suggested premium rate which means that the proposed amendments to section 87 of the act will not trigger any changes to the suggested premium rate. The proposed changes contained in the bill are prospective.

In conclusion, these changes will be beneficial to workers who are affected by them. They are worthy changes and are consistent with the objects of the act including providing fair and appropriate compensation to workers and a fair, affordable, efficient and effective rehabilitation and compensation scheme.

I commend the bill to the House.

Mr President, I move that the debate stand adjourned.

Debate adjourned.

ADJOURNMENT

[6.05 p.m.]

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

That the Council at its rising do adjourn until 11 a.m. on Wednesday 23 November 2022.

Motion agreed to.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, there is no change to our briefings tomorrow. We will have the briefing on this bill at 10 a.m. in Committee Room 2, and then move into doing this bill. While I have the Floor, I will indicate that it is my intention to sit at 10 a.m. on Thursday. However, for today, we will adjourn until 11 a.m. on Wednesday 23 November 2022.

Mr President, I move -

That the Council do now adjourn.

Circular Head - Ambulances and Paramedics

[6.06 p.m.]

Ms FORREST (Murchison) - Mr President, I wish to use this opportunity to speak on adjournment about ambulance services and availability of paramedics in the Circular Head region. In doing this, I acknowledge the amazing work our paramedics do in our region, and particularly the volunteers who we rely on so heavily in our regions.

I was somewhat disturbed to read this letter to the editor in the *Circular Head Chronicle*. I have since had communication from the *Circular Head Chronicle* itself, seeking to get a response. I will read in the letter to the editor, and I hope that members will see that this should surprise us all that in a community as large as Circular Head a member of our community has experienced this. It was written on 15 November 2022 by Scott Tufnell from Smithton:

I write this letter in the hope that perhaps it may constitute some actions or at the very least bring awareness to a very real problem in Circular Head. The lack of ambulances or Ambulance Crews is a growing problem that I experienced firsthand this week. On visiting the Smithton Hospital, having suffered severe uncontrollable abdominal pain, I was advised by the nurses and doctor to go to the Burnie Hospital to have a CT scan and find out what was going on. This was about 8pm. An ambulance was called but

unfortunately there were none available on what was termed a busy night. So, we mutually agreed to drive down ourselves. I was in no shape to drive doubling in agony, so my wife Caroline drove us. The nurses advised us if my pain became intolerable to call an ambulance as we got closer to Rocky Cape. Eventually the pain became excruciating, and Caroline pulled over and called an ambulance. The 000-call attendant advised us to stay in a spot where the ambulance could easily find us. So, we waited and a few minutes later the 000 attendant called back apologising that there were no ambulances available. So, Caroline had no choice but to drive me into the emergency section, and I rode out the pain as best I could.

Obviously, Mr President, with no pain relief.

Later the next morning I found out I had kidney stones, described by some as the male equivalent of giving birth. My point is that I was able to make it to the hospital thanks to having access to a car driven by a loving wife, but how would I have got there if she had not been available. Ambulances are an essential service and Circular Head seems to be losing quality services over the last years. We have 2 banks closing down making it difficult for many in our community. Our community consists of taxpayers who pay the same taxes as other communities but for no particular reason we are being given a raw deal in Circular Head. I am grateful we have the medical benefits that we have in Smithton and Burnie with 2 excellent hospitals and consistent quality nurses and doctors, but can we please do something about the lack of crews in the ambulance service before somebody dies.

That was his letter. I found it disturbing that when someone has an urgent medical problem and he is advised to call 000 if it gets to that point, that he is then told there are no ambulances available.

In the email I received today from the *Circular Head Chronicle* alerting me to this, they wrote, and it is a little bit repetitive, and I apologise for that, I think it is the editor, but anyway, they wrote:

The situation surrounding the shortage of Ambulances in the Circular Head region has come to the forefront yet again ...

Members will remember, I have raised this in the past, particularly on wait times. I talked about an older lady who actually ended up dying after they called an ambulance. Four hours they waited, and in the end the daughter decided to try to deal with her elderly mother at home, cancelled the ambulance. The ambulance arrived six or eight hours later, whatever it was, and her mother subsequently died, not necessarily from the lack of ambulance, but clearly, she needed medical attention.

I will go back to the communication from the *Circular Head Chronicle* and he spoke about:

... with local resident, Scott Tufnell, penning a letter to the editor, printed in this week's edition of The Chronicle. In the letter, Tufnell states that he was experiencing severe abdominal pain and after attending the Smithton

Hospital, was advised to continue to the Burnie Hospital to receive a CT scan. After calling an ambulance, the Tufnell's were advised that none were available. Tufnell also claims that he was advised by the nurse on duty at the Smithton Hospital that if the pain worsened, to try again as they got close to Rocky Cape. Once at Rocky Cape, again, the Tufnell's were advised there were no ambulances available. Unfortunately, this situation is not uncommon in our community, however, this is the first time we have been contacted formally addressing this issue. Since last Wednesday, The Chronicle have attempted to contact Ambulance Tasmania to be able to provide information to the Circular Head community regarding this matter, and to address the seriousness of the overall shortage. Their Media and Communications Manager was very forthcoming as we gave the organisation the right of reply to Tufnell's letter. We gave them an opportunity to respond by the deadline of 3pm Monday,

This is Wednesday, the week before, to 3 p.m. Monday.

That was extended until 10am on Tuesday [this week], the time this newspaper goes to print.

This is today we are talking about, Mr President.

The final correspondence stated that the media team wished to make changes to their final statement and could we extend the deadline another hour. In a letter printed in the Tasmanian Times in February, an anonymous paramedic stated that emergency response times had continued to deteriorate, with a report on government services finding that for the seventh year in a row, Ambulance Tasmania provides the slowest response for lights and sirens jobs of any ambulance service. The article went on to say, more worryingly, the emergency response times have gotten worse, deteriorating by than more than 10 minutes in 10 years, from 17.1 minutes in 2011 to 27.9 minutes in 2021. With no ambulances this side of Rocky Cape, our region certainly adds to the average wait time, through no fault of our own.

I know there is an ambulance station near the Smithton Hospital that is staffed by volunteers. I am not entirely sure how this situation could have occurred and I urge Ambulance Tasmania to respond, either through this process that the Leader, I am sure, will take back to the Premier and Minister for Health; but I am sure *The Chronicle* will remain interested. I want to add that:

The Chronicle does not suggest any paramedic is to blame for the current shortage and we continue to seek answers before the consequences become fatal.

All of us understand the pressures on our health system generally and on our paramedics, but to think the community of Circular Head, who have limited access to health services, particularly after hours - you cannot be admitted to the hospital there without a doctor, like a GP, from Ochre medical practice overseeing that. When your situation is obviously much more dire and you need urgent care, one would hope that an ambulance could get there at a reasonable time, rather than to call 000 to be told there are no ambulances available.

Put yourself in that situation, Mr President. I think none of us would believe that to be acceptable. I find it staggering that was the advice provided. If that was the reality, it is very frightening for a community that have an ageing demographic.

The Council adjourned at 6.14 p.m.

Appendix 1

J. Palmer

** seek leave to
table &
incorporate
into
Hansard.*

ADVANCE NOTICE TO THE LEADER OF QUESTION WITHOUT NOTICE

Question to be asked by Hon Meg Webb MLC

During week commencing: 22 November 2022

*Tabled and
incorporated
into Hansard
J. Palmer
22 NOV 2022*

Ms Webb to ask the Honourable Leader of the Government —

*clipped
agony clerk*

Noting material released under RTI relating to appointments to TASCAT, including a letter from the President of TASCAT to the Attorney General, dated 21 June 2022, and media comments by the Attorney General on 12 November 2022 in which she said that she did not follow the recommendation of an independent selection process to appoint four individuals to TasCAT, because they are “active public advocates”, can the government advise:

1. Where in the selection criteria for appointment to TASCAT is it stated that public advocacy disqualifies an individual for appointment?
2. What specific criteria to assess “active public advocacy” did the Attorney General apply to determine the exclusion of those four panel-recommended candidates and where is this assessment documented?

In the letter from the President of TASCAT to the Attorney General, dated 21 June 2022, Mr Schyvens notes that the Attorney General has “recommended 6 applicants be appointed who were not recommended for appointment by the selection panel.”

Without identifying individuals, can the government confirm:

3. Whether or not any of the six people recommended for appointment by the Attorney General were among candidates rejected by the selection panel during the recruitment process, specifically, were they among the six candidates deemed by the Selection Panel in the short-listing stage as not suitable for interview, or the eight candidates interviewed by the Panel who were subsequently deemed not suitable for appointment?
4. What specific criteria were used by the Attorney General in recommending the appointment of six candidates to TASCAT who were not recommended for appointment by the TASCAT selection process and where is this assessment documented?

Noting section 44(4) of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the Act) which states: “The Minister must consult with the President before a person is appointed” to TASCAT, and further noting in the letter to the Attorney General, dated 21 June 2022, the comment from the President of TASCAT that the Attorney General’s recommendations “represent a significant divergence from the views of the appointed selection panel” and the President’s request for a meeting, can the government advise:

Noting section 44(4) of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the Act) which states: "The Minister must consult with the President before a person is appointed" to TASCAT, and further noting in the letter to the Attorney General, dated 21 June 2022, the comment from the President of TASCAT that the Attorney General's recommendations "represent a significant divergence from the views of the appointed selection panel" and the President's request for a meeting, can the government advise:

5. Did the Attorney General consult the President of TasCAT, as she is required to do under section 44(4) of the Act before making appointments to the Tribunal? If not, why not?
6. If, contrary to what appears implied in the letter, the Attorney General did consult with the President of TasCAT prior to making the appointments in June 2022, when did such consultation take place?

GOVERNMENT RESPONSE

Question 1

Ordinary members of the Tasmanian Civil and Administrative Tribunal (TASCAT) are appointed by the Governor under section 44 of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the Act). Section 44(3) of the Act provides that members are to be appointed having regard to any selection criteria applying under section 43(a), any advice provided by the selection panel under section 43(b), and the range of knowledge, expertise and experience required within the membership of the Tribunal.

The selection criteria are set out in the Information Package, that was publicly available at the time the positions were advertised.

Selection criterion 6 in the Information Package was:

Preparedness to adhere to the TASCAT Member Code of Conduct and to maintain the Tribunal's independence and reputation, as well as personal independence and integrity, and to promote the highest standard of behaviour.

The TASCAT Member Code of Conduct (Code of Conduct) is publicly available on the TASCAT website and a link to the Code of Conduct was contained in the Information Package.

The Code of Conduct states:

Fairness requires a Tribunal Member to make unbiased, impartial decisions and to give all parties the opportunity to put forward their positions.

More specifically, Members are to:

apply the law equally, and act in an impartial manner in the performance of their decision making functions, so that their actions do not give rise to a legitimate apprehension of bias or amount to actual bias;

...

In addition, Members should:

- o if engaged in another profession, occupation or business, take care to ensure that those activities do not conflict with or undermine the discharge of their responsibilities as Members and otherwise comply with s52(2) of the TASCAT Act;*
- o refrain from partisan political activity which is directly related to the work of the Tribunal or which may impinge upon the perception of impartiality of the Member or the Tribunal.*

The issue of whether an applicant's public advocacy gives rise to a perception that the applicant does not demonstrate the required degree of independence is directly relevant to criterion 6. Further, matters that impact on an applicant's impartiality are directly relevant to the applicant's ability to adhere to the Code of Conduct, which is incorporated in the selection criteria by virtue of criterion 6, particularly activity which may impinge upon the perception of impartiality of the Member or the Tribunal.

Question 2

As already detailed in response to question 1, the criterion applied to assess the suitability of candidates in respect of their public advocacy was selection criterion 6.

Question 3

The six applicants who were recommended for appointment by the Attorney-General were applicants who were deemed suitable for interview by the panel. These were consulted on with the President as required under the Act.

Question 4

The Attorney-General has publicly stated that her intention with regard to the appointment of applicants deemed unsuitable by the panel was to appoint applicants who were existing suitable members of TASCAT whose terms of appointment were expiring and/or who had been through previous relevant appointment processes and deemed suitable and had been interviewed in the most recent process, and/or to ensure continuity and prevent the loss of expertise. All six applicants were currently in the roles, or had been deemed suitable in previous rounds or for higher office.

Question 5

The Attorney-General did not make any appointments to the Tribunal in this process. As set out in response to question 1, ordinary members of TASCAT are appointed by the Governor under section 44(1) of the Act.

Pursuant to section 44(2), a person may only be appointed as an ordinary member of TASCAT if the person is:

- (a) is an Australian lawyer of not less than 5 years' standing as an Australian legal practitioner; or*
- (b) has, in the Governor's opinion, extensive knowledge, expertise or experience relating to a type of matter in relation to which functions or powers may be performed or exercised by the Tribunal and, where the Governor thinks it required, holds a particular qualification or an authority to engage in a profession that relates to that type of matter.*

Section 44(3) of the Act provides that members are to be appointed having regard to:

- (a) any selection criteria applying under section 43(a); and*
- (b) any advice provided under section 43(b); and*
- (c) the range of knowledge, expertise and experience required within the membership of the Tribunal.*

Section 43 of the Act, to which 44(3)(a) and (b) refer, provides:

The Minister may from time to time appoint a panel of persons who, at the request of the Minister –

- (a) are, after consultation with the President, to recommend the selection criteria for the senior members, supplementary senior members, ordinary members and supplementary ordinary members; and*
- (b) are to assess a candidate, or candidates, for appointment as a senior member or ordinary member of the Tribunal and, as appropriate, to provide advice to the Minister for the purposes of section 44(1).*

Appointments under section 44 are made by the Governor-in-Council, on the advice of the Attorney-General. As the minister responsible for the administration of the Act, and responsible for advising the Governor in relation to the appointments, it was incumbent on the Attorney-General to be satisfied that the people recommended for appointment met the eligibility requirements under section 44(2) and were suitable for appointment having regard to the matters in section 44(3). The Attorney-General was entitled to reach a different view about the suitability of applicants than was reached by the selection panel after having regard to the panel's advice.

Section 44(4) of the Act provides that the Minister must consult with the President of TASCAT before a person is appointed under section 44. The appointments to the Tribunal were made by the Governor-in-Council on 22 August 2022.

Pursuant to section 44(4) of the Act, the Attorney-General met with the President of TASCAT on 1 July, prior to the appointments being made by the Governor, to discuss the advice of the panel. Any views the Attorney-General expressed to the Department of Justice about who should be recommended for appointment prior to that meeting did not—and could not—amount to an appointment.

Question 6

The appointments to the Tribunal were made by the Governor on 22 August 2022. Pursuant to section 44(4) of the Act, the Attorney-General met with the President of TASCAT on 1 July 2022.



Hon Elise Archer MP
Attorney-General
Minister for Justice

Date: 17 November 2022