

## DRAFT SECOND READING SPEECH

HON GUY BARNETT MP

### *North West Maternity (Employee Entitlements) Bill 2023*

*\*check Hansard for delivery\**

Mr Speaker, I move that the Bill be now read the second time.

Mr Speaker, the purpose of the North West Maternity (Employee Entitlements) Bill 2023 is to facilitate the transfer and appointment of employees of the North West Private Hospital, and their entitlements, to the Tasmanian Health Service in conjunction with the commencement of the new public inpatient maternity service in the North-West of Tasmania.

The establishment of an integrated North West maternity service, including the consolidation of birthing services was a key part of the Tasmanian Liberal Government's One Health System reforms and I want to acknowledge my colleague, Michael Ferguson for driving these reforms.

Importantly, the implementation of an integrated North West maternity service, delivered from one site, was based on the best clinical advice from specialists and put the safety of North West mothers and babies first.

In 2020, the Government commissioned a review into the integrated maternity service on the North-West - chaired by Dr Jo Burnand. The review made a number of recommendations for the improvement of maternity services in the North-West, while acknowledging that many of the challenges identified in providing maternity services are not unique to the North-West of Tasmania, but are shared with other regional communities across the country.

Most significantly, the review recommended that all public maternity services in the region come in under the Tasmanian Health Service. This will see inpatient and birthing services provided by the North West Regional Hospital, while ambulatory services will continue to be delivered through outpatient clinics at the Mersey Community Hospital and North West Regional Hospital, and through the home visiting service.

The review also noted past decisions made to develop and consolidate public maternity services were valid at the time and remain valid today.

Consolidation of maternity services in the North West by the Tasmanian Government in 2016 was a positive step in improving the quality of maternity services in the region and the move to all public maternity services coming in under the Tasmanian Health Service will be the next step in improving the service for the North West.

In May 2023, the Premier and former Health Minister Jeremy Rockliff announced the transition would take effect from 4 December of this year, bringing forward the transition of services from the North West Private Hospital to the Tasmanian Health Service from the initial date of November 2024.

Mr Speaker, transitioning to a fully public delivered maternity service in the North-West will deliver more connected statewide services, strengthen support for the workforce, and provide greater choice for mothers.

The new service model will ensure appropriate specialists are available to deliver high quality and safe birthing and inpatient services to mothers and babies who live in the North-West of Tasmania. Importantly, the new service will improve access to high quality care for pregnant women and their babies. The ability to ensure that midwives and critical support staff are retained within the maternity service in the North-West is crucial to the transition and success of this new service model.

Mr Speaker, at present, the North West Private Hospital employs midwifery and support staff within the birthing suite and maternity ward, and provides the space for maternity services in the North West Private Hospital. This service, of which there are 21 beds and five birthing suites, is for both public and private patients. To enable the transition to a public maternity service to occur, the Department of Health has agreed to negotiate a lease for the required space at the North West Private Hospital to deliver services within its current footprint, while the North West Hospitals Masterplan progresses. The current contract between the Government and the North West Private Hospital, which governs the operation of the public private partnership for maternity services, will cease on the commencement of the new service model.

Ensuring that the workforce that is currently engaged by the North West Private Hospital take up employment with the Tasmanian Health Service

will support the seamless transition to the public service model. By ensuring that the leave and other entitlements of this workforce can transfer concurrently with State Service employment further supports the ability of the Tasmanian Health Service to maintain a high level of service for mothers in the North-West of the State.

Mr Speaker, without these employees, the Tasmanian Health Service may not have sufficient midwives and other employees to sustain the required level of maternity services in the North-West. Currently, there are approximately 1 000 births at the North West Private Hospital each year.

The Department of Health will continue to work closely with the North West Private Hospital to ensure a smooth transition to the new arrangements and ensure that staff are supported and the needs of patients and their families are met.

Women and families in the North-West can be assured that the safety of maternity services in the region is a top priority of the Tasmanian Government and the new service, under an improved model of care and people strategy, will be well positioned to provide high quality and safe care to mothers and their babies across the region.

Mr Speaker, the Bill before the House today sets out the framework under which employees of the North West Private Hospital may elect to transfer their employment to the Department of Health and for the transfer of their entitlements. This framework includes provisions governing the consultation process that is to occur with employees and their nominated representatives.

The Bill will ensure that leave entitlements, including personal leave and long service leave, will carry across to the Tasmanian Health Service in order to ensure that those employees of the North West Private Hospital who elect to take up the opportunity of employment with Tasmanian Health Service are not financially disadvantaged.

Under the Bill, the Minister for Health, or delegate, will be able to issue a notice to any employee of the current operator of the North West Private Hospital. These employees are already being identified, through existing consultation processes with the current operator, as being eligible to transfer their employment to the State Service. These notices may specify the terms and conditions that may apply to the transfer of the eligible employee.

Mr Speaker, these terms and conditions are those that apply specifically to that particular employee and may provide for matters such as registration requirements, scope of practice, including any conditions that apply to the employees' practice such as continuing education requirements. Other conditions may include human resource matters, such as probation, performance management or supervision requirements.

An employee who has received their eligibility notice is then referred to as an eligible employee by the Bill. The eligible employee may then elect to transfer their employment to the Department of Health by advising the Minister in writing and within the timeframe specified in the notice from the Minister.

If an employee of the North West Private Hospital elects not to take up employment with the Department of Health, this does not affect that persons' employment with the North West Private Hospital. It also does not prevent the Minister from issuing a subsequent notice either prior to, or during, the transfer period, which is up to 31 May 2024.

Mr Speaker, the Bill sets out the consultation process that must then occur in respect to that employee. The employee may elect, at the consultation, to have a support person present, as well as a representative of a union or a legal practitioner.

The Bill provides that, following the consultation process, the employee is taken to be a State Service employee of the Department of Health on the commencement date, and on any terms and conditions, specified in the transfer notice given to the eligible employee. This provides legislative certainty to an eligible employee that the appointment processes in the *State Service Act 2000* will continue in these circumstances.

The Bill provides for the transfer of an eligible employee's leave, both personal leave and recreation leave, including long service leave, and other entitlements that are specified in the transfer notice for an eligible employee, on the commencement of their employment with the Department of Health.

In respect to long service leave, the Bill provides for the calculation of long service leave in the public sector recognising the differences between the rates at which long service leave accrues in the private sector under the *Long Service Leave Act 1976* and that under the *Long Service Leave (State Employees) Act 1994*.

Mr Speaker, the Bill provides that the period of continuous service that an employee has accrued with Health Care immediately prior to transferring to the Department of Health, is taken to be continuous service under the *State Service Act 2000*. From the date of employment with the Department of Health, entitlements such as maternity leave, paternity leave, adoption leave and any future redundancy calculations are to be made under the *State Service Act 2000*.

Accordingly, the Bill provides certainty that the *State Service Act 2000* applies to a transferred employee as at the transfer date applicable to that employee and that person becomes an employee of the Department of Health.

Mr Speaker, the Bill provides the Department of Health with the ability to obtain employee information, including employment and payroll records, from the North West Private Hospital in respect to employees who are eligible, or may be eligible, to transfer their employment to the State Service. By virtue of sharing information, neither an employee of the Department of Health nor the North West Private Hospital will be in breach of any Act, such as the *Personal Information Protection Act 1994*, where that person has acted in good faith.

To ensure a seamless service transition, North West Maternity Services will communicate with expectant mothers who are booked in at the North West Private Hospital to ensure that they, their family and general practitioner, understand how and where they will access birthing inpatient services from 4 December this year. Women who have planned to give birth in Burnie on or after 4 December will be provided with information throughout their regular clinic visits regarding access to birthing and inpatient maternity services.

North-West Maternity Services will continue to provide outpatient services at the Mersey Community Hospital, so women booking into the maternity service now will continue to go through the Mersey Community Hospital for their antenatal care.

The new integrated service model will also build on the established Midwifery Group Practice Model so that expectant mothers can receive continuity of care with a known midwife for the whole of their maternity care journey.

Mr Speaker, the new public maternity service in the North-West will deliver a fully integrated maternity service within the Tasmanian Health Service, with a model of care that is understood by all staff, and importantly the mothers utilising this service.

I commend the Bill to the House.