

**Thursday 23 May 2019**

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

## **TABLED PAPERS**

### **Answers to Questions on Notice**

[11.02 a.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council)(by leave) - Mr President, during the consideration and noting of the Department of Police, Fire and Emergency Management annual report 2017-18, I undertook to provide answers to questions for the members for Windermere, McIntyre and Launceston.

I now table those answers and request they be incorporated into *Hansard*.

**The following answers were incorporated -**

### **Department of Police, Fire and Emergency Management Annual Report 2017-18**

#### **Summary**

The member for Windermere, the Hon Ivan Dean MLC, tabled a notice of motion to note the 2017-18 Department of Police, Fire and Emergency Management annual report.

The member for Windermere provided a written list of initial questions regarding the annual report, four of which were answered at the time of tabling the notice of motion. The member for Windermere and the members for McIntyre and Launceston asked a number of subsequent questions following the tabling of the notice of motion.

A consolidated list of responses has been prepared. The responses have been grouped into high-level themes.

#### **CRIME**

*In response to the member for Windermere's question in relation to private place common assaults, I am advised that:*

The annual report detailed there have been 2988 reported assaults in 2017-18, 816 were public place assaults, leaving the remaining 2182 in private places.

*The member for Windermere sought advice on the scope and success of the dog squad.*

Tasmania Police has six police dogs which are specifically trained to target explosives, including ammunition, or drugs.

Police dogs provide significant benefit to Tasmania Police and the community as a whole. The dogs regularly target areas to aid in the detection and disruption of illegal activities.

One of the major benefits of the use of detector dogs is increased efficiency of searches, particularly in large, messy, or cluttered areas. Drug detection dogs attend every Drug Investigation Services warrant search and there were 372 such searches in the 2017-18 financial year where drugs were located by the dogs.

***The member for McIntyre requested clarification on what is included in the reported figures for offences against property.***

As noted on page 44 of the annual report, there were 20 430 offences against property recorded in 2017-18. These exclude fraud offences, but include the following:

- burglary
- stealing
- offences relating to property damage
- trespass
- arson and other offences involving unlawful fire damage
- unlawful receiving or possessing stolen property, and
- unlawful use of property.

The *Department of Police, Fire and Emergency Management 2017-18 Crime Statistics Supplement*, available on the Tasmania Police website, provides further details on the recorded offences against property.

***The member for McIntyre noted that interferences with poppy crops are more prevalent despite there being fewer poppy crops, and asked whether more people are interfering with poppy crops.***

In recent years, the number of poppy hectares sown has decreased. Over the past five years, the number of hectares has decreased from 25 661 in 2013-14 to 12 718 in 2017-18.

Analysis of the number of poppy crop interferences does not indicate an increase, with the numbers fluctuating from year to year. The number of poppy crop interferences reduced from 28 in 2016-17 to 14 in 2017-18. There has also been a significant decrease in poppy capsules stolen, from 12 239 in 2016-17 to 1430 in 2017-18.

***The member for Windermere noted that he has previously raised the need to retain statistics on gambling and its association with crime, and asked whether it is possible to collect statistics on the amount of gambling crime in Tasmania.***

Tasmania's laws regarding gambling are contained within the *Gaming Control Act 1993*. This act is administered by the Department of Treasury and Finance, and gaming regulation is overseen by the Tasmanian Liquor and Gaming Commission and the Liquor and Gaming Branch of the department.

The motivation for offending is not always apparent, and although there are instances where gambling will be a factor, Tasmania Police has seen no evidence of that being a systemic cause.

Tasmania Police is not currently able to report on the proportion of crime where gambling is an associated factor as this motivation may be unknown unless volunteered by an offender.

***The member for McIntyre requested advice on what areas in the marine industry are being targeted by offenders, and whether there is some other policy that Government might be considering in relation to fisheries security.***

Abalone and rock lobster are the predominant target for offenders, and remain the highest focus areas for marine policing. Scallop fishery and scalefish industry enforcement occurs to a lesser extent.

The Government is not currently considering any additional policy in relation to fisheries security.

## **FIREARMS**

***The member for Windermere noted that there were 5401 firearm inspections in 2017-18, and requested advice on the outcome of those inspections, including how many offences included improper storage facilities.***

Firearms inspections numbers for 2017-18 have been re-run to provide the outcome details requested. There were 5420 total firearms inspections. The licensee holder was compliant in 5248 (97 per cent) of the inspections, noncompliant in 138 (3 per cent) inspections, with 34 (<1 per cent) inspections having an unknown outcome.

Resulting from the inspections, there were 50 charges in relation to firearms storage, and 27 charges in relation to ammunition storage.

The number of charges does not equal the number of noncompliance firearm owners. There is a high level of education applied to firearm storage inspections. In many instances where noncompliance is found, the inspecting officer will provide the person with an understanding of what is required and a reinspection for subsequent compliance is completed within a set time frame. For example, if a person was found to have a noncompliant safe or a safe that has not been installed in accordance with the regulations, the person will be given a period of time to rectify this.

Tasmania Police is committed to reducing firearm crime. Ensuring that firearms are hard to steal from licensed people is a key element of this commitment.

***The member for Windermere noted that there were 73 incidents involving firearms in 2017-18, but no breakdown of the incidents.***

The 73 firearms-related incidents referenced in the 2017-18 annual report only include incidents where a firearm was used as a weapon or where a firearm was discharged.

The majority of offences involving firearms in 2017-18 were aggravated assault or breach of a family violence order.

***The member for Windermere requested advice on the implications for police and their handling of the firearm if Mr Morton technically breached the Firearms Act.***

It is accepted by Tasmania Police that Mr Morton has not sought to act in contravention of the law throughout the process outlined by the honourable member. Unfortunately the initial classification of the firearm was incorrect, and when this became apparent steps were taken to correct the error.

## **FAMILY VIOLENCE**

*The members for Windermere and Launceston noted Tasmania Police's advice that the increase in family violence offences may relate to an increase in reporting, not an increase in family violence offences. The member for Windermere also asked whether the Government's family violence reforms are working.*

Responding to family violence is a complex issue which requires a coordinated response across multiple sectors. The Tasmanian Government's response to family violence is led by Safe at Home and the Safe Families Coordination Unit, which provides a collaborative multi-agency response to ensure that victims of high-risk family violence are identified and supported as early as possible, and that family violence perpetrators are held to account.

Although there has been an increase in the number of matters reported, the sustained level of reporting continues to suggest a reduced level of tolerance by the community and victims around incidents of family violence, and greater community and victim awareness and confidence in government family violence responses and services.

It is notable that in the period from 2015 to 2019, there has been a continued reduction in the number of family violence offences assessed as high-risk. In 2017-18 the number of high-risk family violence incidents was 303, down from 344 in 2016-17 and 379 in 2015-16. This highlights the work of the Safe Families Coordination Unit, and the Tasmania Police Family Violence Units, in addressing the harm being caused by a small number of serious high-risk recidivist family violence offenders.

The Safe Families Coordination Unit has employed a data analyst to ensure that the response to family violence is continually monitored and evaluated.

## **PUBLIC SAFETY**

*The member for McIntyre asked how the community can be made to feel safer, including whether there is an education program and an understanding of how to contact police.*

Police officers across the state work in partnership with community members on a range of crime prevention strategies and programs, and participate in a diverse range of community events and activities.

Key strategies and programs include:

- supporting the Officer Next Door Program, the Rotary Youth Driver Awareness Program, Adopt-A-Cop, Crime Stoppers, Neighbourhood Watch and Bush Watch
- providing mentoring support to Department of Education schools and colleges
- conducting police station tours for schools and community groups including Rotary, Lions Club and seniors' clubs

- delivering crime prevention, social media awareness, personal safety, road safety, and legislation presentations to community groups, schools, businesses and other vulnerable groups
- providing ThinkUKnow Program presentations to school and community groups, parents and sporting groups relating to safe, ethical and responsible cyber use
- participating and attending humanitarian entrant activities, including orientation support for new arrivals and liaison with the migrant resource centres and regular liaisons with Max Solutions/TAFE.

Tasmania Police also provides regular updates and engages with the community via social media, including regularly posting police contact details.

***The member for McIntyre asked for information on the reasons behind the search and rescue incidents reported in the annual report.***

The Department has advised that significant analysis would be required to provide a breakdown of the reasons behind rescue figures. However, the department has provided advice on high-level themes noted in relation to search and rescue incidents:

- There has been a rise in average helicopter flying hours for year to date (average of 75.4 per month as opposed to 60 in the previous financial year)
- Rescue missions do not appear to have increased. However, the recorded number of bushwalkers being retrieved has increased (91 for the year to date as opposed to 60 in the previous financial year)
- The increased retrieval of bushwalkers may be attributed to increased visitor numbers to Tasmania; and
- With the advent of personal emergency beacons, and increases in mobile phone coverage, remote areas of Tasmania are potentially viewed as less daunting or inaccessible as they once were.

## **TRAFFIC**

***The member for Windermere requested detail on the number of offences for fixed speed cameras in each location, and whether Tasmania Police is considering point-to-point speed cameras.***

### **Table document**

A table has been provided giving a breakdown of speed camera infringement notices by location. It should be noted that the total does not exactly match the figure reported in the 2017-18 annual report because the numbers have been recalculated.

The table shows that Brooker Highway, Rosetta, has the highest number of infringements at 3885, and the Southern Outlet, Kings Meadows, has the lowest at 33.

The reduction in offences from 2016-17 reflects that a number of speed cameras have been out of service for periods of time. The maintenance required for speed cameras involves significant time and resource investment.

Strategies employed by Tasmania Police with the aim of modifying driver behaviour include a mixture of marked and unmarked road safety activities and enforcement, including a recent unmarked motorcycle trial and public education, including in partnership with the Road Safety Advisory Council and utilising social media.

Tasmania Police continually monitors emerging and contemporary speed enforcement technologies. Presently, Tasmania Police is developing a road safety strategy which includes a speed enforcement pillar which will specifically consider what speed enforcement technologies should be deployed in the future. It is currently too early in the project to identify what these technologies will be.

To further enhance the fixed speed camera infrastructure, Tasmania Police utilise 253 handheld speed detection devices and mobile vehicle speed detection devices statewide.

Tasmania Police has also recently announced a new fleet of vehicles specifically designed for traffic law enforcement, including unmarked motorcycles, high visibility vehicles and side profile vehicles. This road patrol strategy seeks to reduce the frequency and severity of speeding through use of existing resources by influencing the following factors:

- increasing the rate of detection and enforcement, and
- increasing driver perception that they will be caught offending

***The member for Windermere noted that high-risk traffic offenders are increasing and requested an explanation.***

There was a 3 per cent decrease in high-risk traffic offenders detected in 2017-18. Over the past few years, high-risk traffic offenders proceeded against by police have experienced an upward trend, from 28 222 in 2014-15 to 31 282 in 2017-18.

Tasmania Police prioritises the detection and disruption of the most serious traffic offenders to reduce the number of serious and fatal crashes and make Tasmanian roads safer. The increased detection and prosecution of high-risk offenders demonstrates the increased efforts and activity by police in this area.

The type of high-risk traffic offending seeing the most significant increase in the last several years has been detections of drivers speeding 15 km/h or more over the speed limit.

***The member for McIntyre asked whether we are having more drug and alcohol testing on our roads.***

The statistics for drink and drug driving enforcement are on page 47 of the 2017-18 annual report. Tasmania Police conducted 478 219 random breath tests in 2017-18, a decrease from the 505 445 conducted in 2016-17. This decrease reflects an adjustment in the balance between high volume static testing, which is about creating a deterrent effect in the mind of road users, to targeted testing, which is about apprehending offenders and taking them off the road.

Tasmania Police conducts oral fluid testing to detect the presence of prescribed illicit drugs in drivers. In 2017-18, 3963 tests were conducted, an increase from 3726 the previous year.

The cost of the technologies used for testing is significantly different. For the foreseeable future it will not be possible to expand drug testing to the number of drivers tested for alcohol. However, police take the risk seriously and are continuing to enhance their drug testing capacity. Current drug testing is also employed in a targeted manner to ensure the best return on this resource.

***The member for Windermere asked whether Tasmania Police is looking at any changes to the legislation in relation to evading police.***

Tasmania Police continues to be concerned regarding offences involving the evasion of police and regularly reviews their response. Police actively target offenders, and employ a range of strategies including investigation, road spikes and clamping to deter people from evading police.

The relevant legislation was amended in 2017 and Tasmania Police will continue to monitor evade police offences to consider the need for future reform.

## **EMERGENCY MANAGEMENT**

***The member for Windermere questioned how much is known about the Emergency Alert system outside emergency services.***

Emergency Alert is a national system which provides Australian emergency service organisations the ability to send warning messages to landlines or mobile phones, based on their registered address or last known location.

Between 25 December 2018 and 11 April 2019, Emergency Alert was used in Tasmania 33 times to inform the public during bushfire emergencies.

Tasmania has utilised Emergency Alert since 2009, and many members of the public would have received messages since that time.

## **STAFFING**

***The member for Windermere wanted to clarify whether Northern District lost four police in 2017-18, and also whether the police establishment numbers for sworn members in Launceston would increase in 2018-19.***

The allocated numbers to Northern District have not changed. 'Actuals' can change week to week, but the allocated strength has not modified.

Tasmania Police is currently undertaking a capability review project, determining the current and future needs of its workforce.

The approach has been to undertake a two-stage project. Phase 1 focused on future long-term service requirements by identifying capability gaps within the context of existing and future operating environments.

Phase 2 involves the development of a police officer allocation model to provide an evidence-informed model to inform the optimal allocation of police to operational locations. It is envisaged that this model will take account of various factors, including population, government commitments, demographics, socio-economic and geographical considerations, disadvantage index, calls for service and offence rates.

Police establishment numbers in Launceston are being considered within the scope of the capability review project.

***The member for McIntyre noted that 58 constables had completed the trainee course and will fulfil operational frontline positions across the state, and asked where those 58 positions had been stationed.***

The initial posting breakdown of the 58 constables referred to in the annual report is:

- Hobart: 29
- Burnie: 9
- Devonport: 5
- Launceston: 15

***The member for McIntyre noted there were 32 separations in 2017-18, and requested information on the rationale for the separations.***

The table on page 76 of the annual report outlines the overall reasons for separation. Retirements are a significant factor, as are promotions where people take jobs in other agencies.

***The member for Windermere requested information on the progress of recruitment to meet the establishment numbers outlined in the Government's commitment.***

The Government has committed to fund an additional 125 police officers as part of the First-Class Next Generation Police Service election commitment. This will bring the establishment strength of Tasmania Police to 1358.

There are eight recruit courses scheduled for the next three-year period, and this will be reviewed annually to take into account natural attrition. Planning is in place to meet the establishment strength target within the current term of Government.

***The member for Windermere asked how many full-time drug officers there are.***

There are a total of 28 Drug Investigation Services officers statewide, located as follows:

- Southern - 2 sergeants, 10 constables



- Northern - 2 sergeants, 7 constables
- Western - 2 sergeants, 5 constables.

There is also a dedicated inspector at Southern Drug Investigation Services. In Northern and Western Districts, the drug investigation members are managed by the respective Criminal Investigation Branch inspector.

### **SICK LEAVE**

***The member for Windermere requested an explanation for the increase in sick leave in 2017-18, and advice on how this compares with other states and territories.***

An analysis of sick leave taken by sworn police personnel and State Service personnel shows that there is a fluctuating trend of sick leave rising and falling between years on a consistent basis.

For example, over the period from 2012-13 to 2017-18 sworn police sick leave has fluctuated between 42.76 hours and 52.03 hours per officer, per year. Over the same period State Service sick leave has fluctuated between 50 hours to 69.04 hours.

There is no clear explanation as to why there has been an increase in sick leave days per year for both police and State Service in 2017-18, based on the data that can be collated. There can often be seasonal factors such as viral loads within the community. However, there were no significant incidents from 2017-18 that explain the slight increase. Police sick leave hours have increased by 2.2 hours in comparison to the previous year and State Service sick leave has increased by 4.89 hours. Tasmania's increase is consistent with national trends and increases recorded in other jurisdictions where they have reported on sick leave hours for police members. For example, New South Wales police averaged 58 hours sick leave per member in 2017-18, which was a slight increase from 2016-17. In comparison, Tasmania Police has a lower average figure of 52 hours per member.

Historically there has been an increase in sick leave hours for both police and State Service employees over the past decade, which is reflected in national trends across police and public sector areas.

According to data released by the Australian Public Service Commission, the rate of unscheduled absences, which includes sick leave, carers leave and miscellaneous leave, has levelled out after rising to its peak in 2014-15. In that year, the rate hit 11.6 days on average per employee during the year, while in the years since the number dropped to 11.5 in 2015-16 and 11.4 in the two years since. State Service sick leave within the department sits at just under 10 days per year in comparison.

### **PROSECUTIONS**

***The member for Windermere asked whether charges prosecuted relate only to cases where the police have responsibility for charging, and how many individual persons were prosecuted.***

Charges prosecuted is an indicator relating to police activity in prosecuting offenders. It therefore only includes charges lodged by police officers.

Statistics on the number of unique offenders proceeded against by police are available in the *Recorded Crime - Offenders, 2017-18* statistical publication that was released by the Australian Bureau of Statistics on 15 March 2019.

The publication showed that Tasmania Police proceeded against 10 388 unique offenders in 2017-18, compared to 10 414 in the previous year. These results included all offenders proceeded against by court or non-court action, excluding traffic and breach of bail offences. The number of prosecutions is higher than the number of individuals prosecuted, as active offenders may be prosecuted on multiple occasions.

### **CHANGES TO FIGURES**

***The member for Windermere noted that in the 2016-17 annual report serious crimes were recorded as 550, but were subsequently recorded as 573 in the 2017-18 annual report, an increase of 23 serious crimes.***

Additional offences may come to light weeks or months after an initial report is made. Sometimes there are also delays in recording reports in extraordinary circumstances.

In every annual report, the previous year's crime statistics are revised, which usually results in small changes in the results.

***Following on from the query regarding serious crime statistics, the member for Windermere noted that the recorded crimes for violence against women and children in the 2016-17 annual report had been revised.***

On page 36 of the 2016-17 annual report statistics are provided on the numbers of women and children who were victims of assault and sexual assault for that year. The same indicators are provided on page 45 of the 2017-18 annual report. The two reports applied the same counting methodologies to these indicators and the results were reasonably consistent across the two years. The most notable changes for 2017-18 were a 10 per cent decrease in assaults against women and a 25 offence increase in sexual assaults against children.

***The member for Windermere requested clarification on why the 2016-17 charges prosecuted were revised from 50 680 to 50 524.***

As is the case for many indicators in the annual report, 'State charges prosecuted' has the previous year's data revised when a new annual report is produced. These revisions usually involve only small changes, either increases or decreases. The revised figure has improved accuracy due to the 12-month period that the data has had to settle. In this specific case, the revision for charges prosecuted in 2016-17 resulted in a 0.3 per cent decrease. Minor amendments were made to the data extraction process for this indicator during 2017-18, which have improved the accuracy of the published statistics. The amendments contributed to the very small decrease when this figure was revised.

### **PERFORMANCE**

***The member for McIntyre asked for additional detail on the table that contains key performance indicators in the crime chapter of the annual report.***

Crime is one of four output groups in the 2017-18 *Government Services Budget Paper No. 2 Volume 1*. The department primarily measures its performance against the performance measures including in this budget paper, which is intended to assess the extent to which the department has achieved the Tasmanian Government's policy objectives or outcomes. The department also includes additional key performance indicators in the Tasmania Police Business Priorities.

The summary of performance information in Table 4 reports on performance measures relating to crime detection and investigation. Additional commentary and context for the performance measures is contained within the crime chapter of the 2017-18 annual report, particularly on page 43.

## **OTHER**

***The member for Windermere asked what is the success of Project Conexus and was it launched in 2018?***

Project Conexus is the Department of Police, Fire and Emergency Management intranet redevelopment project.

In 2018, the launch of Conexus was delayed whilst additional measures were explored to ensure the security of information. The need for additional, robust security measures was highlighted particularly following recent security concerns relating to Australian Government information technology systems. The security of information belonging to the department, its members, employees and volunteers is of paramount importance. As such the department adjusted the Project Conexus time line, to ensure sufficient scope to implement higher levels of data security.

Conexus went live on 6 May 2019 for Tasmania Police and Business and Executive Services. The go live for the Tasmania Fire Service is expected mid-year.

***The member for Windermere noted that the Special Operations Group has access to forms of force other than a firearm, and asked how long would it take to access these weapons late at night.***

The Special Operations Group is a specially trained police tactical group that can be deployed in high-risk situations. The group can support statewide policing operations, beyond the capacity of general policing resources, practices or situation management. The SOG are based in both the south and north of the state and can be transported to incidents by various means, including use of helicopter in urgent situations. Their deployment can be rapid.

## **ADDITIONAL QUESTION**

***The member for Windermere asked an additional question which does not appear to be related to the 2017-18 annual report. The member's question was in relation to the crime figures reporting for individual police districts for the first five months of the 2018-19 financial year, and whether figures are available to show the number of prosecutions in each district.***

### **Table document**

The Department has provided a table of the breakdown of crime in the first five months of 2018-19 by district, including details of how many offences were cleared and how many of those were cleared by court proceedings i.e. prosecution charges.

The table shows that for that five month period:

- Northern District had 3720 offences recorded, with 1539 cleared by court proceedings
- Southern District had 4943 offences recorded, with 2085 cleared by court proceedings, and
- Western District had 2393 offences recorded, with 1128 cleared by court proceedings.

Note that the numbers do not align exactly with those published in the *November 2018 Tasmania Police Corporate Performance Report* because the numbers have been re-run.

#### Speed camera speeding notices in 2017-18 by camera locations

<b>Speed Camera Speeding Notices in 2017-18 by Camera Location</b>	
<b>Camera Location</b>	<b>No. of Speeding Notices</b>
- Bass Highway, East Devonport	823
- Bass Highway, Wivenhoe	525
- Brooker Highway, Cornelian Bay	411
- Brooker Highway, Rosetta	3885
- Midland Highway, Campbell Town	126
- Southern Outlet, Kings Meadows	33
- Southern Outlet, Tolmans Hill	1695
- Tasman Bridge - Eastern Side	687
- Tasman Bridge - Western Side	2284
- Tasman Highway, Cambridge - East Bound	941
<b>Total</b>	<b>11 410</b>

Source: Police Fines and Infringement Notices Database, 1 April 2019

#### Crime statistics for 1 July 2018 to 30 November 2018

<b>Crime Statistics for 1 July 2018 to 30 November 2018</b>			
<b>Offence District</b>	<b>Offences Recorded</b>	<b>Offences Cleared</b>	<b>Offences Cleared by Court Proceedings</b>
Northern	3720	1732	1539
Southern	4943	2383	2085
Western	2393	1348	1128
Unknown	17	2	2
<b>State-wide</b>	<b>11 073</b>	<b>5465</b>	<b>4754</b>

Source: Tasmania Police Offence Reporting System, 16 April 2019

Note that the numbers do not align exactly with those published in the *November 2018 Tasmania Police Corporate Performance Report* because the numbers have been re-run.

### **Answer to Question on Notice - Section 19 Return**

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council)(by leave) - Mr President, I undertook to provide an answer to a question asked by the member for Murchison.

I now table that answer and request it be incorporated into *Hansard*.

#### **The following answer was incorporated -**

There was no insurance claim on the malfunction of the audio equipment due to the fact that the equipment was over 10 years old and had been faulty for some time prior to the heavy rains in May 2018.

### **REGISTRATION TO WORK WITH VULNERABLE PEOPLE AMENDMENT BILL 2018 (No. 65)**

#### **First Reading**

Bill received from the House of Assembly and read the first time.

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

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

### **SHORT STAY ACCOMMODATION BILL 2018 (No. 66)**

#### **Third Reading**

**Bills read the third time.**

### **COMMUNITY, HEALTH, HUMAN SERVICES AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 58)**

### **BIOSECURITY BILL 2019 (No. 15)**

#### **First Reading**

Bills received from the House of Assembly and read the first time.

### **COMMUNITY, HEALTH, HUMAN SERVICES AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 58)**

#### **Second Reading**

[11.10 a.m.]

**Ms HOWLETT** (Prosser - Deputy Leader of the Government Business in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read the second time.

From time to time legislation requires amendment to ensure it remains up-to-date and to correct minor errors that may become apparent after legislation has been operational for some time.

A number of such minor amendments have been identified in legislation administered by the Community, Health and Human Services portfolios.

This bill makes minor and technical amendments to eight acts, being the Ambulance Service Act 1982, Disability Services Act 2011, Health Act 1997, Mental Health Act 2013, Pharmacy Control Act 2001, Poisons Act 1971, Right to Information Act 2009 and the Youth Justice Act 1997.

The amendments result from requests by various stakeholders to clarify or improve the operation of particular acts.

I will now briefly outline the reason behind each of the changes.

### **Ambulance Service Act 1982**

A minor amendment to the Ambulance Service Act 1982 is required to clarify the authorised officer and infringement notices provisions to reflect the two key statutory roles under the act.

Currently, these provisions only refer to the Commissioner of Ambulance Services and officers of the ambulance service. However, the act now provides for the secretary's responsibility for licensing of non-emergency patient transport.

That responsibility requires the ability for the secretary to appoint authorised officers, and for those officers to enforce the act with infringement notices as required. Sections 19 and 41B of the act are amended accordingly.

A further minor correction is required to substitute 'Commissioner of Ambulance Services' for 'Director of Ambulance Services' in the long title of the act.

### **Disability Services Act 2011**

The bill also provides for an amendment relating to the phase-in period for the National Disability Insurance Scheme - NDIS.

Powers of authorised officers under state and territory legislation are still required in respect of monitoring NDIS-funded services. These powers apply to 'funded providers', which the Disability Services Act 2011 currently defines as state-funded providers.

Therefore, an authorised officer could not monitor a non-state funded NDIS service to ensure that persons with disability are receiving appropriate care. The bill therefore allows the secretary to extend the definition of 'funded provider' so that it captures services provided with NDIS funding.

Further, a change is required to add a definition in the Disability Services Act 2011 for 'therapeutic purposes' in respect of restrictive interventions approved under the act by the Guardianship and Administration Board or secretary.

The act provides that a restrictive intervention is any action that restricts the rights or freedom of movement of a person with disability. The secretary can approve restrictions for up to 90 days that involve restrictions of a client's environment for behavioural control. The board can also approve those restrictions for a longer period, but has further powers to approve restrictions that involve restricting the client's liberty.

The act provides that restrictive interventions do not include actions taken for 'therapeutic purposes'. 'Therapeutic purposes' are intended to relate to the treatment of health conditions. For example, a client with a broken leg may have a leg cast fitted which restricts their movement, which would not require an approval as it serves a treatment purpose.

A recent judicial review of a client's circumstances indicated that a definition of 'therapeutic purposes' could be interpreted as having a broader scope than intended. For example, it could in fact be taken to include things done for preventing an injury to the disability client in the future.

That is obviously a necessary restriction in some cases, but it is also the kind of restriction that is intended to be approved by the secretary or board. The bill therefore inserts a definition to clarify the intended scope, based on national best practice, for restrictive interventions and therapeutic purposes.

The bill also amends the period for which a restrictive intervention may be approved by the board after a hearing. Currently the period is six months or a shorter period. The amendment retains the default period as six months, but allows for a shorter or longer period up to two years, where agreed to by the senior practitioner, who is appointed under the act. This is to prevent the burden on persons with a disability of having their long-term care arrangements subject to a full board hearing every six months.

## **Health Act 1997**

The Health Act 1997 requires amendment to correct the current reference to the Medicare principles and commitments. These principles and commitments are both defined by reference to Schedule 1 of the Tasmanian act, and section 26(2) of the Commonwealth Health Insurance Act 1973.

Section 26 of the Commonwealth Act was repealed in 2007, and correcting this definition is well overdue.

The principles and commitments remain defined as they currently are in Schedule 1 of the Tasmanian act.

A related amendment to section 5 of that act corrects the reference so that it refers specifically to the Federal Financial Relations Act 2009. That is now the act that provides for the funding agreements which provide for the manner in which the principles and commitments are met.

A further amendment is proposed in the bill in relation to the Hospitals and Ambulance Service Advisory Board - HASA board.

The HASA board is established under the Health Act 1997 as a statutory committee, but the HASA board has not had a membership since 2002 and the function is redundant as the secretary has the power under the Tasmanian Health Service Act 2018 to appoint advisory panels as required.

The bill repeals the relevant provisions concerning the HASA board.

### **Mental Health Act 2013**

Changes are proposed to correct terminology in the Mental Health Act 2013. These changes replace the incorrect term of 'continuing care order' with the correct term of 'treatment order'.

### **Pharmacy Control Act 2001**

Two technical issues have been identified with the Pharmacy Control Act 2001. The first relates to pharmacy depots, which was identified as a future amendment during earlier amendments to the act, and the second to family trusts.

Pharmacy depots are places such as a general retail shop in geographic areas without a pharmacy, where prescriptions - other than for narcotic substances - can be deposited and sent to a pharmacist, who dispenses and returns the medications to be collected.

Pharmacy depots were previously regulated in Tasmania's legislation through the Pharmacy Code made under the act. Amendments made through the introduction of the Pharmacy Control Act 2001 in 2010 meant a code was considered unnecessary at the time, and the provision was repealed.

The bill provides a head of power under the act for regulations to be developed to regulate pharmacy depots as appropriate in future, subject to the usual regulatory impact assessment process. This would be to ensure that any growth in pharmacy depot arrangements is done in an appropriately safe manner for consumers. For example, there may be powers prescribed to inspect depots to ensure the storage and supply of dispensed medicines is done properly, securely and safely.

There is also an issue with the treatment of family trusts under the Pharmacy Control Act 2001. Recent changes to the act addressed this issue in most circumstances but Crown Law advises there is a further situation where a pharmacist shareholder of a company is holding those shares as a trustee of a family trust, unit trust or other body corporate.

Such a person is then exempt from needing to hold an 'eligibility certificate', as the certificate is held by the body corporate and the requirement for a trust to comply with the limitations relating to beneficiaries does not apply.

At present, in a situation where a company applies to the authority for an eligibility certificate to hold an interest in a pharmacy business and a pharmacist holds shares in that company on trust for other persons - that is, beneficiaries - the authority cannot refuse to issue an eligibility certificate solely on the basis that one or more of those beneficiaries are not pharmacists or close relatives of pharmacists.

The bill includes amendments to ensure that both the legal interest and the beneficial interest in each share in an applicant company is held by a pharmacist or a close relative of a pharmacist.

### **Poisons Act 1971**

The bill includes a minor amendment in respect of a poppy grower's licence conditions under the Poisons Act 1971 to reflect the current administrative requirements.



Under section 54E, it is currently a condition of a poppy grower's licence that they must have a valid contract with a manufacturing chemist before growing can commence.

Amendment is required to extend this condition to require the poppy grower to also have a 'notice to grow' - in respect of paddock location, and size for each season - issued by the Poppy Advisory and Control Board. This assists with adequate compliance activity to be undertaken under the new five-year licensing regime. This amendment was not included in the previous amending legislation as the final requirements for the proposed notice to grow were not finalised at that time.

A further change is made to section 47(10)(a) of the act to insert cross references to new sections of the act that were not included in the initial drafting of these amendments.

### **Right to Information Act 2009**

The bill adds the statutory position of Commissioner for Children and Young People to the list of statutory offices generally excluded from the Right to Information Act 2009. This is consistent with exclusions for other similar statutory positions such as the Ombudsman, the Health Complaints Commissioner and the Anti-Discrimination Commissioner.

This amendment was not progressed when the Commissioner for Children and Young People Act was developed, as the office of commissioner was not considered a 'public authority' of the kind captured by the RTI act. This amendment gives certainty to that position.

Like other statutory offices generally excluded from right to information, people can still make right to information requests of the commissioner if the information relates to the administration of that office. In other words, administrative information about how the office functions can be sought under right to information, but not the sensitive information gathered by the commissioner pursuant to that office's functions.

The Commissioner for Children and Young People often holds information supplied by other government agencies. Right to information requests may still be made to these agencies for the source information.

### **Youth Justice Act 1997**

The Youth Justice Act provides for the statutory role of 'detention centre manager'.

The act defines 'detention centre manager' to mean the person in charge of a detention centre. It does not, however, contain any supporting appointment provisions.

The detention centre manager's powers and functions under the act are significant. This makes it appropriate to identify who holds the detention centre manager role with a greater degree of certainty.

The detention centre manager's functions are performed in practice by a senior State Service officer. The performance and exercise of the powers, functions and obligations of the detention centre manager under the act are included in that officer's statement of duties.

The amendments provide for the formal statutory appointment of the officer as detention centre manager. The inclusion of standalone appointment provisions for the detention centre manager's

appointment reinforce the statutory powers of the role, and enable the incumbent to the role to be clearly identified. There is no additional remuneration for the officer arising from this amendment.

Another amendment clarifies the delegation provisions for this officer. The detention centre manager's current power to delegate is limited as the detention centre manager can only delegate his or her functions or powers to either the Director of Corrective Services, or a person nominated by that director.

This was a legacy of the act's original operation when it was thought that the manager would only wish to delegate to staff of the adult prison.

In modern practice, the detention centre manager requires the ability to delegate powers to the manager's senior staff, to provide for the proper exercise of the manager's statutory functions when the manager is away or otherwise unavailable. The bill therefore provides for an amendment to remove the limitation on delegation.

Mr President, the bill contains a number of small but important amendments to clarify the operation of a number of acts within the Community, Health and Human Services legislative portfolios.

I commend the bill to the House.

[11.27 a.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I note and acknowledge that was the Deputy Leader's first bill in this House, so I wish her all the best, and we will see how we go.

This bill provides some important amendments that will clarify the operation of a number of acts within the Community, Health and Human Services portfolios. While I do not have any real issue with any of the amendments, I have a few questions in regard to some of them.

The legislation talks about pharmacy depots being places -

... such as a general retail shop in geographic areas without a pharmacy, where prescriptions (other than for narcotic substances) can be deposited and sent to a pharmacist who dispenses and returns the medications to be collected.

I understand that; the member for Murchison earlier indicated there was one down on the west coast -

**Ms Forrest** - Quite a few around.

**Ms RATTRAY** - Quite a few.

**Ms Forrest** - Yes, where there is no pharmacy.

**Ms RATTRAY** - I am not aware of so many. What sort of regulations or requirements will there be? Often these are often small general purpose stores that carry a bit of everything. It might be the newsagency or the milk bar.

**Ms Forrest** - The IGA as well.

**Ms RATTRAY** - It might be the IGA store or a bank agency. What might be intended? We have to be very careful not to put onerous requirements on small businesses if they are providing this service to their community. In this case, I expect they get very little out of it other than a visit by the family or the person coming in, and they might not necessarily cover any costs. It might just be part of their service to their community. What is planned? What will the requirements be in regard to that?

I would like family trusts to be clarified in relation to pharmacies under the legislation. The bill includes amendments to ensure both the legal interest and the beneficial interest in each share in an applicant company held by 'a pharmacist or a close relative of a pharmacist'. How does that work if you have a business partner and they are not a relative? You could have a business partner. It is big money to actually own a pharmacy. Some people own more than one pharmacy and might not necessarily have a pharmacist as a partner. How is that included in the arrangement? Do we not have any of those arrangements in Tasmania? Are they not able to fit under the ownership of the pharmacy?

You have to have a licensed pharmacist to operate a pharmacy. You cannot open the door, unless you have a licensed pharmacist on the premises. I am interested in that.

I note we received from the current Commissioner for Children and Young People a letter supporting the amendment. This goes back to Mr Mark Morrissey, who originally requested that the amendment exempt provision of information under the Right to Information Act. I understand some sensitive information should not be required to be put into the public arena. The current children's commissioner, Leanne McLean, supported Mr Morrissey's request.

David Clements, who was acting in the role for a time, also made the same request. It has been a long time coming when you look at the name of the original minister, the Honourable Matthew Groom. It has been a while now since he was in the parliament.

**Ms Forrest** - It moves slowly at times.

**Ms RATTRAY** - The change in technology terminology around Medibank - that was a hangover from 2007. It took a long time to address that and it was certainly long overdue.

The Poisons Act amendment in this act requires an extension of the condition to require poppy growers to have a notice to grow in respect of paddock location and size for each season, which is issued by the Poppy Advisory and Control Board.

If we are giving a five-year licence, how is a farmer going to know exactly the hectare size and the paddock they are going to grow poppies in, or whether they will actually get a contract?

We have had a few challenges with the poppy industry over the past few years, and there has been a pullback on the number of hectares grown, due to oversupply and the like. In some cases, people did not make enough money to take the risk to plant. It is an expensive crop to grow. I know one chap who had 45 hectares and a licence to grow 38 hectares; he had 45 hectares of poppies and he received a cheque for \$662, and the year before it was about \$39 000. You never know what your crop is going to be like because it is all about the -

**Mr Valentine** - The margins?

**Mrs Hiscutt** - Assay.

**Ms RATTRAY** - Assay, that is it, it is all about the assay - thank you to the farmer in the room. It can look like you have a fantastic crop, but it is all about the assay. If that does not come back in your favour, you can end up - I suppose if you got a cheque for \$662, you could quite easily have had a bill bigger than what you -

**Mr Valentine** - Might be a notional bill given the fact you probably employ a lot of people.

**Ms RATTRAY** - Yes, that is right, had an account.

I am interested in how a five-year licensing regime can control which paddock you are going to plant it. Sometimes you might get a disease in a paddock so you might not be able to replant there; it might have been in your cycle, but you had to take it out of your cycle.

**Mr Valentine** - It is probably for reasons of security and access to that poppy crop.

**Ms RATTRAY** - Yes, I understand exactly why, but I am not sure how under a five-year licensing regime you can actually provide all that information. Is the licence just an overarching licence that will do for five years, but each year you have to provide the hectares, the property ID and paddock ID? That is probably how it is, but it does not really say that - it just says you have to have a notice to grow issued by the Poppy Advisory and Control Board.

I would like that clarified because in agriculture you never know what is around the corner. You cannot always predict where you might put a crop in the future. I expect it is probably the latter, but it would be useful to have in this legislation. I support the bill into the Committee stage.

[11.30 a.m.]

**Mr WILLIE** (Elwick) - Mr President, I also note the Deputy Leader bringing her first bill to the House - congratulations on that. A wise man told me once that being a leader is a very difficult job, so I think sharing the workload might be good.

Mr President, this bill contains amendments relating to the Ambulance Service Act, Disability Services Act, Health Act, Mental Health Act, Pharmacy Control Act, Poisons Act, Right to Information Act and Youth Justice Act. I intend to cover only one of those amendments because most of the amendments appear to be common sense and straightforward.

In the other place my colleagues stated that the Labor Party believes that the Right to Information Act 2009 already provides extensive exemptions for personal information, including exemptions for a person's personal information, information relating to the investigation of a possible breach of the law or the fair trial of a person, or the impartial adjudication of a particular case of information obtained in confidence.

Several questions on this went unanswered, and I am keen to pursue those here. My colleague the member for Bass, Ms O'Byrne, asked the minister how many times private confidential information has been released through the children's commissioner under RTI. The minister, Mr Ferguson, refused to answer. Ms O'Byrne then said -

Then, minister, would you ask one of your advisers because that seems to be substantive to the reason that we need to do it to protect this information. I have

yet to see evidence that this has been an issue that has presented itself. Perhaps the advisers could give you that information.

Ms O'Byrne, being an experienced parliamentarian, then said -

Just for the note, you are refusing to answer the question. You are refusing to seek advice. *Hansard* cannot see the minister sitting down.

My question to the Deputy Leader is: how many times has private confidential information been released through the children's commissioner under RTI? I can say from experience that the RTI process has many protections to prevent such things occurring, as it should. I submitted an RTI to the Commissioner for Children and Young People in 2017 after prominent community members informed me of an allegation against a government minister's office and the way Mr Morrissey was being treated.

I am well aware of the history that has brought us to this debate. The former commissioner, Mr Morrissey, wrote to the then attorney-general, Mr Groom, on 14 July - over 16 months ago - and the interim children's commissioner, Mr Clements, wrote further on 7 December 2017 - well over a year ago now - to flag their belief for the need for exemption.

Until this point, no action has been taken. Now we are debating this bill in the wake of a Liberal political staffer being appointed to a statutory office, a staff member who has been a political operative of the current Government taking an independent position. The optics of that are not great.

Ministers in the other place moralised and lectured the Opposition and dismissed its concerns. Had it been the ALP in government that had done such a thing, the Liberals would have been on the attack, probably for a far more sustained period than a couple of questions in question time and a few press releases.

I put my thoughts on the record to make sure they are very clear. I do not question the ethics of the selection panel. Members of the panel are highly regarded and are people with integrity. All they did was carry out the process set by government. I am not sure what the current Commissioner for Children and Young People thought would happen in the political domain if she was appointed.

The current commissioner has worked in politics for a number of years and I am sure she would understand that any opposition of any colour across the country would scrutinise a similar set of circumstances. That said, I have met with Leanne McLean and despite my reflections on this starting point, I will work with her constructively in the best interests of children, and we have put that aside.

For the sake of Tasmanian children, I hope she develops a reputation for being fiercely independent and a commissioner for children and young people who is respected by all sides of politics, stakeholders and the community. On that note, I have been impressed with her advocacy so far and I wish her well. It is time to move on.

[11.43 p.m.]

**Ms FORREST** (Murchison) - Mr President, as occurs regularly throughout the year, we get a miscellaneous amendments bill to tidy up a few acts that, in the course of their operation, apparently are not working quite as intended or because other changes necessitate minor amendments here and

there. We do this all the time, it is not new, but we should always scrutinise what is being presented to us in spite of that. This is a case again of a fairly straightforward set of amendments to a number of acts.

I want to comment on a couple of areas. The member for McIntyre raised poppy licensing and notice to grow arrangements. It seems to me at first blush that we are moving away from a bit of red tape to bring in a bit of blue tape because we are now going to a five-year licence but an annual licence to grow. How is this streamlining it and making it simpler? You still have to apply for the licence every five years, but then you still have to apply annually as well for a notice to grow, which includes -

... have a notice, approved by the Board, containing details of the location and area (in hectares) to be planted with alkaloid poppies for the relevant growing period.

One assumes that is annually, which it seems to be. So why do you not just have a licence? Then you are licensed to grow.

As the member for McIntyre said in the previous briefing - I congratulate the Deputy Leader on bringing her first bill forward - if the current licence states the hectares that you are entitled to grow, why are we adding another step in the way?

You still must have your licence issued every five years for the right to grow. You must then have a notice saying you can grow it now - you have your licence, so you can grow the poppies. It is two steps. Every year you must apply for a notice and say that this is where you will grow your crop, assuming you get your contract. How much can be grown is managed internationally.

I read it as being that we are getting rid of some red tape, but are putting in more red tape and effectively creating another step.

I note the member for Elwick's comments on changes to the Right to Information Act providing a clear exemption for the Commissioner for Children and Young People. I hear what he is saying about the process, but this matter has been ongoing from previous commissioners. I think it is really important that it is clarified.

The commissioner for children has the best interests of children at heart and is the advocate for them and their welfare, and for policy decisions and whatever else relates to children. I have found Ms McLean very approachable on a range of issues on which I have contacted her. I have a parliamentary intern working on the engagement of families with early education. I said, 'Go to the commissioner for children. She has a very deep interest in this topic, and also has a background of being involved in the review of the Education Act, with all of its challenges'.

I brought forward the amendment to require a play-based learning environment up until grade 2 following negotiations with Ms McLean in particular. It is helpful to have someone in the position who has explored the interests of children from a variety of angles.

Because of the information that the commissioner and her office deal with, I think it is appropriate they be exempt. Children are vulnerable, particularly those on whose behalf the commissioner is advocating.

**Mr Willie** - The Children and Young Persons and Their Families Act already has protections on that information.

**Ms FORREST** - Even though there are provisions, we saw the Right to Information Act being used inappropriately by ministers who refused to produce documents, so let us make it clear what it applies to, and to whom. I hear what you are saying. Maybe you could argue it is unnecessary but in terms of the vulnerability of children, having it clear in one piece of legislation is not inappropriate. We can differ on that.

**Mr Willie** - Legislation is often trying to address a problem. My question to the Deputy Leader was: what sort of problem has this been?

**Ms FORREST** - Yes, what is the problem? That is a good question to ask. I hope she can address that question for you.

The member for McIntyre raised a couple of questions about pharmacy depots. We are dealing with Schedule 8 drugs, drugs of addiction, so I think it is important they are properly managed. We see many people in our community relying on Schedule 8 medications to deal with their pain, which is often chronic pain. Often people in regional areas where there are no pharmacies cannot access pain specialists because there are none. They have to go to Hobart but they do not go to Hobart. They cannot bear the car trip of five to six hours and then back again to access the advice of a pain specialist. They end up relying on drugs of addiction, often Schedule 8 drugs, to manage their pain. They live in remote communities and are in situations where they need access to these medications. Unfortunately, they are not often offered the services of a pain specialist to give them a broader range of options for their pain management. They rely on their local shop or other outlet because there are no pharmacies in some of our small communities.

It is important that it is regulated properly -

**Ms Rattray** - But not too onerously.

**Ms FORREST** - Not too onerously, but there needs to be a process to ensure they are not misused and that access to those medications is appropriate.

It is a sensible amendment. I will not comment on the others because they are straightforward amendments to laws identified as needing a tweak.

[11.51 a.m.]

**Mr VALENTINE** (Hobart) - Mr President, I too want to congratulate the member for Prosser on her baptism of fire. We all have new experiences in life and she is about to have one. I am sure we will all be respectful, so good on her for doing that.

Quite clearly, this bill cleans up a number of issues associated with various areas that need treatment over time. I have read it through quite carefully and agree with all the amendments being put forward. I do not see too many issues with them. I understand the strictures about dealing with drugs and also the concern expressed by the member for McIntyre about how onerous the workload might be for smaller shopkeepers who might have the duty of collecting drugs.

There is a need to control the drugs carefully through small business depots in the community. I am sure you understand that.

**Ms Rattray** - I don't disagree. I am always mindful that small business is a tough gig.

**Mr VALENTINE** - They have impositions on them over time, but it is important that we have that level of control -

... an authorised officer could not monitor a non-state funded NDIS service to ensure that persons with disability are receiving appropriate care.

It is important to address the holistic care of an individual and ensure that individuals in the NDIS system have the opportunity of good care. I don't think I have that wrong -

On page 2 it says -

The bill therefore inserts a definition to clarify the intended scope, based on national best practice, for restrictive interventions and therapeutic purposes.

I want to clarify that the statements in the bill are consistent with legislation in other states. I assume they would be. Nationally consistent legislation is important. This happens to be a state bill and I want to ensure there will be no problems further down the track because the bills are inconsistent in various ways.

Looking at the Health Act amendments, the last paragraph of the second reading speech reads -

The HASA board is established under the Health Act 1997 as a statutory committee, but the HASA board has not had a membership since 2002 and the function is redundant as the secretary has the power under the Tasmanian Health Service Act 2018 to appoint advisory panels as required.

Why has it not had a membership since 2002? What did the board do for the five years it existed and what was it supposed to be doing? If it does not have a membership, why was it created in the first place

**Ms Forrest** - And how much were they being paid?

**Mr VALENTINE** - That could be a question to be asked. Why establish a board in 1997? It must have intended that the board would be doing something significant.

Page 4 of the second reading speech says -

There is also an issue with the treatment of family trusts under the Pharmacy Control Act 2001. Recent changes to the act addressed this issue in most circumstances but Crown Law advises there is a further situation where a pharmacist shareholder of a company is holding those shares as a trustee of a family trust, unit trust or other body corporate.

Yet another amendment for an act because they have discovered something was missed out.

It was not that long ago we had a certain bill through this House regarding birth certificates. Everyone said we did not yet know what could be wrong with that bill. This is what happens. From



time to time acts are amended because issues are discovered with them and that is exactly what is happening here. The member for Windermere is just exiting the Chamber -

**Ms Forrest** - Remind him again when he comes back

**Mr VALENTINE** - My point is that this is what this place is here for - to review legislation. We do that and find problems and issues; we made quite a significant number of changes to that particular act. I have gone off track, Mr President, and apologise, but it was a point needed to be made.

**Ms Rattray** - Some might argue otherwise.

**Mr VALENTINE** - As for the Poisons Act and the issue of poppies, when I was working for the agriculture department in the early 1970s, you could not grow poppies outside a 50-mile radius of Richmond or Devonport.

Things have changed. People across the state can grow poppies now, but there needs to be significant control, because we know the poppies of today are not the poppies of yesterday.

The variety of poppies grown now, with strength of the drugs within their capsules, really is very dangerous. People who might think they can capture one or two heads and take them home to get a high out of it can kill themselves. That happened to somebody who stole poppy heads from the Oatlands area.

Obviously we need significant control over poppies due to the danger of the drug they contain. Knowing where they are to be grown is important, but I fully understand poppy growers might be unable to forecast five years in advance where they are actually going to grow the poppies.

It is a tough call, but we are dealing with a dangerous drug.

**Ms Rattray** - My information tells me we grow thebaine and morphine.

**Mr VALENTINE** - That is right. The dangerous one is thebaine.

**Ms Rattray** - Morphine is pretty dangerous too.

**Mr VALENTINE** - It is. I am not a pharmacist, so I am not going to comment any further.

The Right to Information Act. I certainly understand the situation with regard to the commissioner of children. I take on board the observations made by the member for Elwick that the person employed as the commissioner comes from a government background. The way she has performed since being appointed leaves no doubt she is independent.

**Mr Willie** - I have acknowledged her advocacy; I am saying that is the starting point.

**Mr VALENTINE** - It is an interesting point, but then there is a merit principle. I can understand you probably have questions over that because of her previous position.

**Mr Willie** - The Deputy Premier had to exclude himself from the decision. It shows the conflict.

**Mr VALENTINE** - Yes, but it also shows a good process because the Deputy Premier had to do that. It shows they are applying stricture to themselves and making sure there is interest there.

**Mr Willie** - In that role you would be working with other ministers.

**Mr VALENTINE** - Like you, I have every confidence in the incumbent and I am sure you do because you said so. I look forward to continuing to work with her in that regard, but I can understand the need for information collected through that office to be closely guarded simply because of the way it could impact on individuals and families.

It does not preclude matters associated with the administration of the office, which is an important point to make. It is not saying it cannot be applied for with RTI; it is only the administrative aspects of that office that are. Let us understand that it is important.

I support the bill and look forward to it progressing.

[12.03 p.m.]

**Ms HOWLETT** (Prosser - Deputy Leader of Government Business in the Legislative Council) - Mr President, I thank all members for their contribution to this bill.

To the member for McIntyre, to recap - the Tasmanian Pharmacy Authority has raised concerns that the Pharmacy Control Act 2001 needs amendments to provide powers to regulate pharmacy depots. Pharmacy depots are places such as general retail shops in geographic areas without a pharmacy, where prescriptions - other than for narcotic substances - can be deposited and sent to a pharmacist who dispenses and returns the medications to be collected.

In the interim, there are currently few depot arrangements in operation in Tasmania on a regular basis. The bill provides a head of power under the act for regulations to be developed to regulate pharmacy depots as appropriate in future, subject to the usual regulatory impact assessment process. This is to ensure that any growth in pharmacy depot arrangements is done in an appropriate, safe manner for consumers. Regulations will be developed in consultation with pharmacies and depots. For example, there may be powers prescribed to inspect depots to ensure that storage and supply of dispensed medicines is done properly, securely and safely.

The responsibility for depot services will be largely placed in the supplying pharmacy. This will include requirements to provide drug information to the patient and to ensure that the depot manager is a fit and proper person for safety reasons.

In relation to the member for Murchison's and the member for McIntyre's questions, the chair of the Poppy Advisory and Control Board generally attends a commission on narcotic drugs as part of the Australian delegation. Following the meeting of the commission, the PACB writes to processing companies requesting they provide their estimates for the upcoming growing season. Once estimates are received, the PACB convenes to discuss and approve the next season's crop estimates and approved hectares. Once the crop estimates have been approved by the board, correspondence approving the estimate is sent to the processing companies and the companies then go out and negotiate contracts with the growers in accordance with the appropriate estimates. The companies then submit a licence application, where applicable, required every five years, and notice to grow applications to the PACB for approval. The customer contract is also provided to support the application. The PACB assesses the notice to grow application to confirm that contracted

hectares align with the application and the customer contracts do not exceed the approved crop estimates.

If hectares were sown above the approved crop estimates, they would be destroyed. Surplus yield is addressed in the Estimates for the following year. The five-year - as it is - licence does not specify the hectares as the annual notice to grow serves this purpose. The notice to grow is a minor annual process compared the old annual licencing system.

**Ms Forrest** - You still have to have both - that is the point.

**Ms HOWLETT** - We have the annual notice to grow and the five-year system.

**Ms Forrest** - You still have to have a licence and now a notice to grow as well.

**Ms HOWLETT** - That is right, we are having both.

**Ms Forrest** - A bit of blue tape.

**Ms HOWLETT** - To address the member for Elwick's question: the past two commissioners for children and young people, Mr Morrissey and Mr Clements, both requested this exemption in recognition of the changed role of the commissioner as a result of the Commissioner for Children and Young People Act 2016, which provided for expansion of information-gathering powers, expanded investigation powers, and a monitoring and review function. The commissioner holds extensive information under these roles, as well as in the commissioner's role as advocate for youth justice detainees. Much of this information is sensitive in nature and protected by confidentiality provisions under the Children, Young Persons and their Families Act or the Youth Justice Act.

This is proposed because the Commissioner for Children and Young People should have the same exemption as similar statutory positions with wide-ranging information-gathering, investigation and monitoring powers, such as the Health Complaints Commissioner, the Ombudsman, the Custodial Inspector, the Auditor-General, the Anti-Discrimination Commissioner and the Public Guardian.

As the Commissioner for Children and Young People generally holds information supplied by other government agencies, right to information requests may still be made to these agencies for the source information. These originating agencies are also more familiar with any statutory protections in relation to legislation in their direct portfolio areas and are thus better placed to process right to information requests in relation to sensitive information that may be protected by statutory confidentiality provisions.

**Mr Willie** - You are not answering my question. My question was: how many times has private and confidential information been released through the children's commissioner act under RTI?

**Ms HOWLETT** - Currently, the answer to your question is zero.

**Bill read the second time.**

**COMMUNITY, HEALTH, HUMAN SERVICES AND RELATED LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 58)**

**In Committee**

**Clauses 1 to 4 agreed to.**

**Schedule 1 -**

Consequential Amendments

**Ms RATTRAY** - Madam Chair, I appreciated the Deputy Leader's responses to my questions. I would like some further clarification of the pharmacy control. Section 80(2) of the Pharmacy Control Act 2001 will be amended by inserting -

the establishment, operation and regulation of pharmacy depots at which prescriptions may be left or dispensed prescriptions may be collected;

From my experience, in the north-east of the state there is a service called the Redline bus that would collect parcels and send them to places to what we call 'up the coast' - places such as Ringarooma, Winnaleah or Derby. They often went to the local stores like the IGA, or milk bars or somewhere that was open when the bus came through of a night, for you to be able to collect your medicines. Not everyone has the capacity or were in well enough health to go driving to collect prescriptions. In some cases, the prescription was not available and you had to wait for them to come from one bus from Launceston and then be repacked, dispensed and put on the bus to other parts.

What will be entailed in the establishment, operation and regulation of pharmacy depots? It is already not easy in small communities to have places open. Does 'secure places' entail you having to have a safe and two people having a key? What will the mechanics of this mean? I will leave you to take some advice because there is quite a bit going on, and I will come back.

**Ms HOWLETT** - We are not about to regulate the delivery service of pharmaceutical goods. It is about clarifying where it is safe for pharmacies to dispense, and the detail would be developed in public consultation. The regulations will be scrutinised by parliament.

**Ms RATTRAY** - Thank you for the response. So it is only about dispensing pharmacy items at a depot? What about the situation I just shared with the members - how medications are delivered from a pharmacy and dispensed exactly by a pharmacist in a pharmacy and packaged, usually with urgent medicine ticket on them, and then sent by bus or carrier?

They are actually a pharmacy depot, so how will this actually work once we insert this into the legislation when it is already there in the Pharmacy Control Act? Are we are talking about the same thing? I understand the pharmacy dispensing, but this is a depot where there is no dispensing, only a parcel with your medication. You do not know if it is a bottle of cough mixture or a Schedule 8 drug.

**Ms HOWLETT** - That is a great example of why we need these regulations so they can be dispensed in a safe environment, and that is why we are not allowing narcotics to be dispensed.

**Ms RATTRAY** - What I am hearing - and please correct me if I am wrong and I am going to struggle because I am on my third call - is potentially, when the regulations are put in place, you will not be able to have an S8 drug sent to a depot? Is that what we are saying here?

I really need to understand what is proposed. It is not clear. Plenty of communities in this state do not have a pharmacy on their doorstep. They have current arrangements where they may receive medications by a bus or carrier service of some sort and go to a depot. They do not get dropped off individually to houses; they go to a depot. It might be the local IGA store.

In Winnaleah, it used to be the local supermarket. The opening hours were when you could collect your parcel, and very rarely after hours. If someone were in the desperate need of their medication, I would go back to my store and let them pick up their medication if they had not been there on time. I used to shut at 5.30 p.m. If they were running late and came to the house and said, 'I've missed you, but can I have my medication?', I would open my store and let them have the medication because I knew that they would be waiting on it.

I am concerned this amendment will stop that process being able to happen.

**Mr Armstrong** - It happens in lots of rural areas.

**Ms RATTRAY** - Yes. If that is the case, I cannot support this because my more isolated communities would be disadvantaged.

If there are some examples of where medication has gone foul of where it was to be delivered, tell me about it now and we can discuss why we need this. Never in my time representing my communities have I ever had anyone come to me and say they went to collect their medication and it had been stolen or wrongly picked up. It could have happened, but I am sure it went back and was sorted out.

I need to understand clearly that the aim here is that pharmacy depots will not be allowed to have S8 medication. We do not know what is in people's medication parcels - as the member for Murchison said, some people cannot sit in a car for an hour to collect medication.

Many doctors do not have samples these days. In the past they might give you a two-pack of antibiotics to get you through until the next day, but I do not think that happens quite as much now. Medical representatives do not have sample packs as they used to.

**Madam CHAIR** - They are not allowed to any more.

**Ms RATTRAY** - Okay, they are not allowed to. If it is an antibiotic for a child, you do not want to cart your child to Scottsdale or if you live out the back of Lilydale into the Lilydale Pharmacy to get medication. I am concerned we do not really know what is intended in this amendment when we are talking about the establishment, operation and regulation of pharmacy depots at which prescriptions may be left.

I understand the dispense part because there are not going to be many pop-up pharmacies around the place as in the major centres. I am hesitant to sit down on this issue of medications delivery and depots, but I certainly will because I might be able to do an exchange somewhere.

**Ms HOWLETT** - I thank the member for her question. Narcotics sent by bus are probably already breaking the law; this amendment only creates regulatory-making power to be developed with public consultation. Departmental officers can provide more of a briefing for you, if you would like, outside this Chamber. We already have had a briefing on this.

**Ms FORREST** - Madam Deputy Chair, I thought this was intended to facilitate access to medications for people living in regional areas. I do not know how often other honourable members of this Chamber have travelled the road from Strahan to Queenstown feeling as crook as a dog with a chronic and unrelievable pain. Unfortunately for many people, the only medication that provides any relief is a narcotic - a Schedule 8 medication. What I am hearing from the Deputy Leader is that no longer will my constituents in Strahan have access to Schedule 8 drugs unless they go to Queenstown, Burnie, Rosebery or somewhere else - when the pharmacy is open, which is not often - to get pain relief. Is that what we are being told here?

I thank the member for McIntyre for taking up this cause. I had a different understanding about what this was seeking to achieve. As far as I am aware, and I will stand corrected if I am wrong, patients have been able to access Schedule 8 medications in this way. If they have not, I must have missed something. Maybe I have. Access to Schedule 8 medication, predominantly for analgesic purposes, has not been raised with me recently. Normally these are the sort of things I hear about.

I use Strahan as an example as there is a depot there, but there are others around the state. The reason there is a pharmacy depot in Strahan is because it is a long way to a pharmacy. In Strahan there is a medical centre. It is staffed, although not all the time. It is a reasonable service, as in Zeehan and other places.

The whole argument I have had around access to health care in our communities, particularly chronic conditions, is that a pain management service should be provided closer to home. If you cannot even get your medication close to your home, we are going backwards.

I need the Deputy Leader to clearly outline what has been the process, what will be the new process and how will patients access Schedule 8 medications in regions where there are no pharmacies. Anyone who has regional areas in their electorates will have a similar challenge. The member for Huon probably has no pharmacies in some of the townships in his electorate.

**Mr Armstrong** - When you go far south.

**Ms FORREST** - Geeveston has a pharmacy. I do not know that area well but you would.

The member for McIntyre and I probably have the most rural and regional areas where this is a real challenge. It is something we need. If we are to have equity of access for patients to medication they rely on and they cannot get to a pain specialist, at least they can get to their medication.

**Ms HOWLETT** - To answer the member's question, I believe we are going to public consultation on this. Currently the act remains the same and the depots will not change. We are seeking public consultation on narcotics and other medications relating to the safety of depots and the dispensing of them.

**Ms FORREST** - Are we bringing in legislation that has had no consultation? Are we going to consult after we pass this amendment? The proposed amendment reads -

Section 80(2) is amended by inserting after paragraph (a) the following paragraph:

- (b) the establishment, operation and regulation of pharmacy depots at which prescriptions may be left or dispensed prescriptions may be collected;

In the interim, before regulations are made and public consultation occurs with regard to the regulations, what is the situation? If the intent of a regulation is that you cannot access S8 drugs at a depot, we need to know about it now. The consultation would be with the pharmacists, medical practitioners and perhaps even a few end users. If we approve this and give the regulation-making power to make that change, that makes it very difficult for them and by then the horse is already halfway down the road.

Why are we doing this now? Why are we including this without knowledge of what the intent is if we are not consulting on it until after it is in?

**Ms HOWLETT** - The Pharmacy Authority and the Pharmacy Guild both support a power to develop regulations. Nothing changes until the regulations are made. The current law on narcotics can be subject to further briefings afterwards.

**Ms FORREST** - I understand and accept that the Pharmacy Guild and others want regulations around this. My questions, to which I did not get answers, were: What are the current arrangements? How does it work now? Will that continue until new regulations are made? How can we be sure we are not going to provide a power that then sees some of our regional communities - away from the major centres and away from pharmacies - worse off? That is the question. What is the current arrangement? How do patients access those medications now in our regional communities through the depots? During the period of consultation I assume that will stay the same. How can we be sure we are not going to see an undermining of access to vital medications for patients in our regional areas? If we do not get an answer, I hope someone else will take this up.

**Ms HOWLETT** - To clarify, I will read the minister's comments -

I am advised that we need to have the head of power in the Pharmacy Control Act to ensure there is a head of power there to regulate in this area. Currently, the absence of the head of power means that the arrangements between pharmacies and regional communities where, for example, a general store or perhaps a newsagent, in an area where there is no access to a pharmacy, are quite casual. This is about firming up the arrangements and ensuring that there is a head of power to allow future regulations to regulate in this area. I have given one example; I will not name it if you do not mind, but there are places in Tasmania without close access to a pharmacy. There is a desire by local people to be able to drop off their non-narcotic prescriptions at that depot, perhaps with a signature I would imagine, to authorise the script being filled by the third-party pharmacist who would then ensure that the delivery is made back to the depot. That person in the community can receive their prescription or their repeat prescription with a greater convenience, without having to transit to a distant pharmacy. The intention is to provide with the head of power. We already have pharmacy depots in Tasmania; the issue at hand is that it is not regulated and we seek to have that head of power in the act.

**Ms Forrest** - Before you sit down, I have used my third call. It does not say what the intention is. I do not disagree we need a regulation head of power here, but what is the intention?

**Ms HOWLETT** - The intention is to discuss with pharmacies, depots and communities in order to strike the right balance.

**Ms Forrest** - And ensure access to those sorts of medications?

**Ms HOWLETT** - Safe access for both the business and the consumer.

**Mr GAFFNEY** - Madam Deputy Chair, in this instance I still feel as though some of the questions have not been fully answered because of the situation we are in across the Table. I suggest we might best have a briefing on this so that it is clear to all parties before we make a decision. I sense there is still some concern over the intent of this amendment and where it might lead. We are reticent to pass something that might have negative or indirect consequences later. We should seek leave to report progress and meet again at a later date so the briefing can be held to progress this bill or to iron out some difficulties.

**Ms HOWLETT** - Madam Deputy Chair, I seek leave to report progress and sit again.

**Progress reported; Committee to sit again.**

## **SUSPENSION OF SITTING**

[12.42 p.m.]

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

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

This is for the purpose of a briefing.

**Sitting suspended from 12.42 p.m. to 2.30 p.m.**

## **QUESTIONS**

### **Education Facility Attendant Positions**

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

[2.33 p.m.]

Can the Government provide the following information relating to education facility attendant positions below -

- (1) Broken down by year, the cost of advertising and selection processes for appointed permanent part-time - PPT - education facility attendants for years 2015, 2016, 2017, 2018 and 2019?



- (2) Broken down by year, the total number of appointments for PPT education facility attendants for years 2015, 2016, 2017, 2018 and 2019?
- (3) Broken by year, the full-time equivalent - FTE - of appointments for PPT education facility attendants for 2015, 2016, 2017, 2018 and 2019?
- (4) The total number of education facility attendant positions currently held by casual and fixed-term employees?
- (5) The total number of education facility attendant positions currently held by part-time employees?
- (6) The total number of education facility attendant positions currently held by full-time employees?

**ANSWER**

Mr President, I thank the member for Elwick for his question, the answer to which is as follows -

- (1) 2015 - \$818.26  
 2016 - \$1135.94  
 2017 - \$1150.46  
 2018 - \$885.16  
 2019 - \$400.00

I note the 2019 figure includes data up to May only. The total cost of advertising includes printed *Gazette* advertisements (2015 to April 2016), jobs.tas.gov website ads (May 2016 - current), and printed media (newspapers). Costs associated with actual selection processes - i.e. the composition of a panel and related matters - is not monitored and is a standard requirement with recruitment.

- (2) The total number of appointments for PPT educational facility attendants for the specified years was -  
  
 2015 - 40  
 2016 - 36  
 2017 - 29  
 2018 - 39  
 2019 - 14

Please note that the figure for 2019 only includes data up to May.

- (3) Full-time equivalent appointments for PPT educational facility attendants for the specified years was -  
  
 2015 - 20.90  
 2016 - 18.98  
 2017 - 15.13  
 2018 - 18.06

2019 - 8.43

Please note that data in 2019 is only collected up until May.

- (4) As at March 2019, there was a total - paid headcount - of 128 fixed-term education facility attendants and 117 casual education facility attendants. Casual employees were engaged on an irregular basis as and when required and the actual number would vary from pay to pay.
- (5) As at March 2019, there was a total - paid headcount - of 456 part-time education facility attendants.
- (6) As at March 2019, there was a total - paid headcount - of 436 full-time education facility attendants.

### **RHH Emergency Department Registrars - Concerns - Working Conditions**

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

[2.36 p.m.]

With recent concerns raised by the Royal Hobart Hospital Emergency Department registrars in a letter dated 18 April 2019 to the Tasmanian Health Service Executive regarding increased medico-legal risks associated with current working conditions, including access block, ambulance ramping, overcrowding and prolonged patient stays in the ED and the associated increased risks of adverse patient outcomes -

- (1) What specific requests/requirements identified in the letter will or have been provided for or implemented at the Royal Hobart Hospital? Please provide details as to what measures have been adopted and those that have not, including reasons for non-implementation.
- (2) What direct actions or measures have been taken in addition to the critical incident severity Assessment Code 1 and 2 reporting, to measure and respond to the impact of these conditions, including access block, ambulance ramping, overcrowding and prolonged patient stays in the ED that negatively impact on patient outcomes and staff wellbeing?
- (3) Does the Minister for Health accept the concerns raised by the ED registrars in this letter as legitimate and requiring urgent action?

#### **ANSWER**

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

- (1) The Tasmanian Health Service continues to work on a number of strategies to address concerns raised by Emergency Department registrars in a recent letter to local hospital management. It is important to understand the letter itself was not intended for public release by the writers, who had written to the management and were distressed to see its contents aired via the media and for political means.

On this basis, the Government does not feel it is appropriate to canvas their detailed contents; however, with respect to some initiatives and requests that have been publicly canvassed, I can advise -

- The Over Capacity Protocol was implemented as of earlier this month.
- Approval has been granted for recruitment of additional night Emergency Department coverage.
- Recruitment of Emergency Department consultants to roster an additional consultant on evenings is ongoing, with the majority of shifts for June and July receiving additional cover so far.

Reassurance has been provided to the registrars that level 4 escalations can be activated at any time of the day or night.

- (2) Current actions being undertaken by the Tasmanian Health Service include -
- Implementation of daily - weekday - safety huddles, involving senior hospital staff, to promote a culture of safety, demonstrate leadership and support of staff, and manage any risks proactively.
  - Continued efforts to ensure staff wellbeing strategies are being utilised and promoted.
  - Implementation of the Over Capacity Protocol to assist with safely managing demand peaks.
- (3) The Government absolutely takes the concerns of Emergency Department registrars, and any staff for that matter, seriously.

There has been prompt action to support local hospital management to take whatever decisions they feel are necessary, as well as convening an access solutions meeting in conjunction with the Australasian College for Emergency Medicine in June 2019. This meeting will discuss solutions for bed access and broader health system challenges in an informed and focused forum with key stakeholders.

### **North Melbourne Football Club - TT-Line Sponsorship**

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

[2.40 p.m.]

Would the Leader please advise -

- (1) What is the total value of TT-Line's sponsorship of the North Melbourne Football Club as a so-called 'Platinum Partner' of the team, including actual financing, estimated value of non-tangibles and contra?

- (2) Can you please explain exactly what TT-Line's 'function, service or concession' is, as defined under the Government Business Enterprises Act, and has it demonstrated adequate value for Tasmania?

I am going to add a bit which you may or may not be able to answer: if your answer to (2) is 'Yes, that it has been of adequate value', can you please advise how?

## **ANSWER**

Mr President, I thank the member for Launceston for her question. I am not sure I will be able to answer that bit if it is not already here. I will see how we go.

It had to come from two different departments. The answer for question (1) is from the Minister for Infrastructure.

- (1) This information is commercial-in-confidence -

**Ms Forrest** - As we have been told every other time we have asked it.

**Ms Armitage** - It is worth asking.

**Mrs HISCUTT** - Please note the chairman and the chief executive officer of TT-Line provided an update on the North Melbourne Football Club agreement in an in camera session to the Legislative Council Government Administrative Committee A at the Legislative Council's request on 21 September 2016.

I have that letter from the committee to Mr Dwyer here if you would like me to read it in.

**Ms Armitage** - Does it give me any information?

**Mrs HISCUTT** - I will read it and you can decide.

This came from the honourable Craig Farrell, who was Chair of the committee at the time to Mr Bernard Dwyer -

Dear Mr Dwyer

Legislative Council Government Administration Committee A would like to thank you and Mr Mike Grainger for attending a fully constituted meeting of the Committee this morning in order to provide details regarding the North Melbourne sponsorship deal.

The Committee would also like to confirm that the information provided by yourself and Mr Grainger was provided in private session, and that pursuant to Sessional Orders 13(3) and 13(4), the evidence received will not be disclosed or published except by leave of the Council or the Committee or with the consent of the witness.

The Committee would also like to inform you that the Committee will not be investigating this matter any further.

It probably does not help you much.

**Ms Armitage** - What a shame, given Hawthorn's deal is common knowledge.

**Mrs HISCUTT** - The answer to the second question comes from the Treasurer.

- (2) TT-Line's Members' Statement of Expectations was updated in July 2016 to recognise the provision of sponsorship funding for the North Melbourne Football Club of \$890 000 per annum by TT-Line, from 2016-17 to 2020-21 as a non-commercial activity.

An independent report was commissioned by the Hobart City Council to consider the socio-economic value of the AFL games in Hobart in 2015. The report conservatively estimates the socio-economic value of three North Melbourne AFL games and related activities in Greater Hobart to be \$43.7 million.

**Ms Armitage** - And they do not even have our name on their guernseys.

### **Electric Vehicles - Registrations and Battery-Charging Installations**

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

[2.44 p.m.]

The Leader provided part of the answer to this question yesterday and will provide the remainder today.

Can the Government provide an update on -

- (1) The number of plug-in electric vehicles, including plug-in hybrids, currently registered in the state?
- (2) The number of hybrid non-plug in electric vehicles currently registered in the state?
- (3) The rate of growth in registration of these vehicle types over the past four years?

### **ANSWER**

Mr President, I thank the member for Hobart for his question and for taking the response in two sessions.

- (1) As at 20 May 2019, 72 known plug-in electric vehicles were registered in the state.

The Department of State Growth is unable to report on the number of plug-in hybrid vehicles registered in the state at this time.

To more accurately report on plug-in electric and hybrid vehicles, the department has identified a 'vehicle manufacturer data' project, which will allow identification of plug-in electric and hybrid vehicle registrations based on fixed data such as the vehicle identification number. This is a high-priority project and as such should be completed in the next 12 months, if not sooner.

- (2) The department is unable to report on the number of hybrid non-plug in vehicles registered in the state at this time. The ability to report on this information will be addressed under the vehicle manufacturer data project.
- (3) Regular capture of this information has not occurred; however, the data held indicates an increase of 21 known plug-in electric vehicle registrations, from 51 in May 2017 to 72 in May 2019. The ability to report on this information will be improved under the vehicle manufacturer data project.

### **Bridgewater Bridge - Replacement**

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

[2.46 p.m.]

I have read a lot in the media about the Bridgewater Bridge but my question to the Leader are -

- (1) Is all the funding in place for its replacement?
- (2) What stage is the Government now at regarding its replacement?
- (3) What is the commencement date and time for works to begin, if known?

### **ANSWER**

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

- (1) Yes. The Australian Government has committed \$461 million for the project, with the Tasmanian Government committing \$115 million, which represents the balance of the expected \$576 million construction cost.
- (2) With state and federal funding locked into the respective budgets, detailed preliminary work is underway and next steps include significant geotechnical analysis, environmental studies and survey work. The complex design, planning and approvals process is expected to be completed within three years, with a two-year construction phase to begin in 2022. We expect Tasmanians will be driving on the new four-lane Bridgewater Bridge in 2024.
- (3) Construction is expected to begin in 2022 and be completed by 2024.

### **Mersey Community Hospital - Staffing and Beds**

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

According to an article in *The Advocate* of Thursday, 16 May 2019, underfunding in the health sector has impacted on inpatient beds and staff recruitment at the Mersey Community Hospital.

Can the Leader advise -

- (1) Is there, or has there been, a directive capping the number of inpatient beds available at the Mersey Community Hospital? If so -
  - (a) When was this directive issued?
  - (b) How is the capping limit applied?
  - (c) How does this compare to previous years?
- (2) What medical nursing and allied health professional positions have been advertised for the Mersey Community Hospital since 1 January 2019? Further -
  - (a) How many advertised and yet unfilled positions are there?
  - (b) Have the commencement dates for the new staff been identified?
- (3) What other positions are expected to be advertised at the Mersey Community Hospital for the remainder of 2019?
- (4) Have concerns been raised by staff at the Mersey Community Hospital regarding extended waiting times in the Emergency Department?
- (5) What were the waiting time statistics in the Emergency Department at the Mersey Community Hospital between -
  - (a) 1 January 2017 to 30 June 2017
  - (b) 1 July 2017 to 31 December 2017
  - (c) 1 January 2018 to 30 June 2018
  - (d) 1 July 2018 to 31 December 2018
  - (e) 1 January 2019 to 20 May 2019?

## ANSWER

Mr President, I thank the member for Mersey for his questions. The answers are -

- (1) There has been no directive capping the number of inpatient beds at the Mersey Community Hospital.
- (2) The following positions have been advertised at the Mersey Community Hospital since 1 January 2019 - associate nurse unit manager, career medical officer, physiotherapy positions, registered nurse positions, senior physiotherapist and staff specialist positions. In addition -
  - (a) All the positions have been filled, with the exception of the positions currently live on the Tasmanian Government jobs website.
  - (b) Yes, all commencement dates have been identified for positions that have closed.
- (3) Remaining nursing, allied health and support staff for the new Rehabilitation Services Unit at the Mersey will be advertised over the next few weeks. Recruitment into some of these positions has already commenced.
- (4) As reported, one email was written by an individual staff member and circulated to senior emergency department staff. The concerns raised were clarified by local management for the staff member.

(5) Waiting times for the Mersey Community Hospital emergency department are as follows -

On the performance indicator of patients seen within time, the total presentations in time periods and total percentage of patients seen within time were -

- July-December 2017 - 14 242, 69.84 per cent
- January-June 2018 - 14 126, 83.50 per cent
- July-December 2018 - 14 849, 84.50 per cent
- January-20 May 2019 - 11 257, 84.24 per cent.

## **SUSPENSION OF SITTING**

[2.52 p.m.]

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

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

This is to enable honourable members to attend to the other place to hear the Treasurer deliver the Budget.

**Sitting suspended from 2.53 p.m. to 3.49 p.m.**

## **QUESTIONS**

### **Persistent Pain Clinic**

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

[3.51 p.m.]

Tasmania has only one public clinic dealing with chronic pain, the Persistent Pain Service in Hobart at the Royal Hobart Hospital. This clinic has long waiting lists both for the initial information session and for a multidisciplinary assessment appointment. The waiting times, distance to treatment and need for multiple appointments mean patients from the north of the state are severely disadvantaged regarding access to care.

Nineteen local pain educators are to be trained in Tasmania to deliver pain education to patients in their local community, using funds raised by the 2019 Pain Revolution tour. No funding is available to enable these educators to deliver their pain education seminars following their training.

- (1) Is the Government aware of any funding options to support these important pain management education sessions?
- (2) Will the Government consider providing funding to a centrally based persistent pain management service in the north/north-west, ideally at the Mersey Community Hospital, to provide equity of access to care and education for chronic pain sufferers?



These are particularly pertinent questions following our more recent debate, Mr President.

## **ANSWER**

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

- (1) The Government will release the first round of the Tasmanian Community Health Fund in the near future and the pain educators would be welcome to apply through this grants process.
- (2) Funding has been allocated and a clinician was committed to operating a THS service in the north and north-west, but unfortunately prior to commencement took up another position. The Tasmanian Health Service is currently designing a model of care for the north and the north-west pain service.

In the meantime, to ensure patients in the north and north-west are receiving public treatment options for persistent pain, the Tasmanian Health Service is now progressing telehealth options, including consulting with the Royal Flying Doctor Service on utilising the Victorian pain pathway.

Flying Doctor telehealth provides an appointment facilitator to book and join appointments for patients at their local health service. Patients with issues related to difficult chronic pain problems, those requiring opioid or non-opioid medication review and possible opioid misuse or dependence issues, are suitable for telehealth appointments. It is expected this service would be available within six weeks subject to negotiations.

### **State Growth Premises - Marine Terrace, Burnie - Specification**

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

[3.52 p.m.]

Before asking this question, which is my last one, there was another one I am still waiting on the last part of, in addition to this one. No, there is another one regarding Tasmanian Risk Management Fund; I am still waiting for that. It does not appear that one is here yet.

**Mrs Hiscutt** - I can inform the member that, no, we do not have it yet but we are persisting.

**Ms FORREST** - Like persistent pain really, isn't it?

This question is part of one to which I received a part answer yesterday. It is regarding the leasing of premises by state Government departments. The second part of the question I asked was about the State Growth north-west premises currently located at Marine Terrace in Burnie -

- (1) Were the specifications changed from those stated when expressions of interest opened late last year?
- (2) If so, why and will previous applicants be invited to resubmit an expression of interest?

## **ANSWER**

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

(1) and (2)

The specifications have not changed since the expression of interest was sent out in December 2018. The specifications included 'Driveway access area - suitable for heavy vehicles (trucks and semis). Drive through driveway is desirable'. This requirement was included for the delivery of material such as traffic signal poles and associated controllers, which are usually delivered by truck.

I offer the member an opportunity to have a briefing with State Growth officers on this issue, which I can arrange with your office if you deem that acceptable. Would you like a briefing arranged?

**Ms Forrest** - Yes, we can do that. The problem is you have just said it has changed because they have taken up the requirement for heavy vehicles.

**Mrs HISCUTT** - We will arrange a briefing.

**Ms FORREST** - Supplementary to this - and I do not expect an answer to this at the moment - I am informed the requirement for access by heavy vehicles and semis and desirable drive-through access has been removed from the expression of interest. This is according to my constituents who have been directly involved in this matter. In my mind that is a change of specification. Twice in this place recently I have received a completely incorrect answer, which has been corrected when I have pursued it with the minister's office.

I find that I am getting answers here but when I give those answers back to my constituents who raised these issues, they say that is not what is happening, that is not the case, or that information was incorrect. When I go back to the minister's office, I get a different answer. There is a problem here, and I would like that question reconsidered. I am happy to have the briefing, but I ask the Leader to request that this part of the question be reconsidered because that is not what I have been told.

**Mrs HISCUTT** - I would be very disappointed if that is happening, and I will look into that.

### **Part-time School Enrolment Numbers**

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

[3.57 p.m.]

On 4 April I requested information related to part-time enrolments as of end of March 2019.

(1) Can the Government please provide the primary school breakdown for the 15 part-time enrolled students?

- (2) Can the Government please provide the secondary school breakdown for the 56 part-time enrolled students?
- (3) Can the Government please provide a district school breakdown for the 39 part-time enrolled students?
- (4) Can the Government please provide the college (senior secondary school) breakdown for the 194 part-time enrolled students?
- (5) Can the Government please provide the support school breakdown for the seven part-time enrolled students?

## ANSWER

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

Due to the dynamic nature of the enrolment data, I am advised the Department of Education is unable to provide a breakdown of the figures provided to you in the previous response to your questions without notice.

The data in the table I am about to go through shows all students with a total FTE of less than 1.0 across all Tasmanian government schools in Tasmania as at 3 April 2019. This is the closest snapshot of the data provided previously that the department can provide.

Due to small numbers of part-time students at the school level, there is a risk that students could be identified; therefore the department has released the data by local government area.

The number of students with part-time enrolments as of 3 April 2019 by school type and local government area are:

- Primary - total 15: Glenorchy - 2, Hobart - 1, Meander Valley - 4, Northern Midlands - 3, Sorell - 1, Waratah-Wynyard - 2, West Tamar - 2.
- Secondary - total 56: Brighton - 5, Burnie - 1, Central Coast/Latrobe - 3, Circular Head - 7, Clarence - 12, Derwent Valley - 2, Devonport - 2, Dorset - 4, Glenorchy - 1, Hobart - 3, Huon Valley - 11, Launceston - 3, Meander Valley - 2.
- District schools - total 38: Break O'Day - 8, Clarence - 6, Kentish - 3, King Island - 2, Sorell - 10, Southern Midlands - 1, Tasman - 4, Waratah-Wynyard - 2, West Coast - 2.
- Colleges and senior secondary schools - total 195: Burnie - 16, Clarence - 38, Devonport - 25, Glenorchy - 17, Hobart - 62, Launceston - 37.
- Support/special schools - total 7; Burnie - 3, Clarence - 2, Launceston - 2.

I hope that helps.

## Project 2018 - School Bus Contracts

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

[4.00 p.m.]

Mr President, in asking these questions, I am conscious the Government has been trying to arrange a briefing for us in relation to Project 2018 - School Bus Contracts. On 8 February 2019, the responsible minister advised by way of questions from me, that while Project 2018 was still a work in progress, all bus operators would be provided with 12-month temporary contracts. I am advised it did not happen.

Will the Leader please advise -

- (1) Were any 12-month temporary contracts provided? If any, how many?
- (2) If 12-month temporary contracts were not provided, why not?
- (3) When is Project 2018 likely to be concluded and what has caused the blowout in time?
- (4) I am advised there is much frustration and angst among some of those operators involved with this process, for many reasons, including contract security, replacement buses and maintenance needs in particular. What is State Growth doing to ameliorate the situation?

### **ANSWER**

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

- (1) Yes, a total of 360 short-term school bus contracts were issued at the start of this year by the Department of State Growth, covering all school bus contracts except those where it had already been determined the service was no longer required or where the service was under some form of short-term review. These contracts were issued to 31 December 2019.
- (2) There were 26 school bus contracts where short-term contracts were not offered for 12 months. These consisted of -
  - Twenty contracts that had already been identified for rationalised or merger and where it made sense to proceed with these changes.
  - Six school contracts in the south of the state that were only extended to the end of term 1, 2019, as the services were planned to be rationalised at the beginning of term 2. Two of these services, in the Dover area, were subsequently extended to the end of the year, following the fires in the area. The other four contracts were rationalised into a single contract as at the end of term 1, as planned.

General access operators and their contracts were offered short-term contracts out to September 2018 to coincide with the rollout of the new network. As this has now been extended to allow for more consultation around Launceston, these are now also likely to be extended to end of 2019.

- (3) The remainder of the school and general access changes will now be rolled out in the first half of 2020, likely just before the start of the school year and then during the term 1 break. These are periods where school patronage is lowest and so least disruptive.

This decision to delay the rollout of contracts was made in December last year, after consultation with the Tasmanian Bus Association, to ensure operators had sufficient time to obtain legal and financial advice, and properly consider the new contract offers before signing them.

- (4) The Department of State Growth is aware of concern from some operators, mainly those looking at purchasing vehicles or wishing to exit the industry and sell their contracts. The department is progressing the issuing of new contracts as a priority. Over 90 per cent of operators have now received letters from the department outlining the basis of their contract offer, including the funding offer, for validation before the contracts are sent out.

The current versions of the contract documents and a spreadsheet calculator to assist operators examine their payments has been made available by the department on its website.

Combined, these two measures mean the vast majority of operators are in a strong position to evaluate their contract offer.

The department's bus review team certainly remains willing to work with operators over specific concerns and has done so for those operators who have contacted them.

I believe we have the bus briefing lined up for Thursday next week.

## **TABLED PAPERS**

### **Budget Papers 2019-20**

**Mrs Hiscutt** presented budget papers for 2019-20 titled Budget Speech; the Tasmanian Budget - Budget Paper No. 1; Government Services - Budget Paper No. 2, volumes 1 and 2; Appropriation Bill (No. 1) 2019, and Appropriation Bill (No. 2) 2019.

## **MOTIONS**

### **Government Business - Precedence**

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

That Government business have precedence on Tuesday, 28 May 2019 and Tuesday, 18 June 2019.

**Motion agreed to.**

## **Note Papers - Budget Papers 2019-20**

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

That the budget papers and the Appropriation Bills (Nos 1 and 2) 2019 be noted.

I will have more to say on the budget papers when we come back next week.

**Debate adjourned.**

## **SUSPENSION OF SITTING**

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

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

This is to continue a briefing on the Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Bill 2018.

**Sitting suspended from 4.07 p.m. to 4.54 p.m.**

## **COMMUNITY, HEALTH, HUMAN SERVICES AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2018 (No. 58)**

### **In Committee**

**Resumed from above.**

### **Schedule 1 - Consequential Amendments**

**Ms HOWLETT** - The Government's intention with the amendment is to provide an enabling framework for pharmacy depots. This restores the power to regulate depots that previously applied under the existing Pharmacy Code until 2010. The Government is keen to see increased pharmacy investment in depot services in rural and regional Tasmania under this framework. This would improve Tasmanians' ability to safely and conveniently access medication with appropriate accountability by pharmacists and depots for safe practices. This gives the community confidence their prescriptions and delivery of medications to depots are handled safely and securely, knowing that the medications they receive are the medications provided and prescribed by their healthcare professionals. A continued regulatory gap in this area could lead to adverse outcomes and potential failure of the current depot system.

The amendment head of power as drafted only applies to pharmacy depots, not courier services directly to members of the public. The Government's intention is to ensure rural and regional

communities are not disadvantaged but have better and safe access to medication which they need and has been prescribed.

**Ms Rattray** - While the Deputy Leader is on her feet, I would appreciate a commitment for members - not just myself - to see the draft regulations. I am hope that might be possible.

**Ms HOWLETT** - The answer is yes. When the draft regulations are ready, we can provide members with them.

**Ms Rattray** - Time frame?

**Ms HOWLETT** - Within the next eight weeks.

**Madam CHAIR** - We probably will not be sitting during this period so they may need to be emailed to members.

**Ms HOWLETT** - Yes, that is possible.

**Schedule 1 agreed to and bill taken through the remainder of the Committee stage.**

## MOTIONS

### Estimates Committees - Establishment

[4.59 p.m.]

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

That the Legislative Council establish two Estimates Committees and that Committee A shall consist of 6 members and Committee B shall consist of 7 members:

And that -

Mr Finch, Ms Forrest, Mr Gaffney, Ms Lovell, Mr Valentine and Ms Webb

be of Committee A

and

Mr Armstrong, Ms Armitage, Mr Dean, Ms Howlett, Ms Rattray, Ms Siejka and Mr Willie

be of Committee B.

That the Estimates Committees report upon the proposed expenditures contained in the Appropriation Bills (No. 1 and No. 2) and budget papers by no later than 14 June 2019.

And that the schedule emailed to members on 2 May 2019 be adopted as the Estimates Committees timetable.

**Motion agreed to.**

**Leave for Ministers to Appear Before Legislative Council Estimates Committees**

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

That the Legislative Council having appointed two Estimates Committees reflecting the distribution of the Government ministers' portfolio responsibilities requests that the House of Assembly give leave to all ministers to appear before and give evidence to the relevant Council Estimates committee in relation to the Budget Estimates and related documents.

**Motion agreed to.**

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

That a message be transmitted to the House of Assembly, acquainting that House accordingly.

**Motion agreed to.**

**COMMITTEE MEMBERSHIP - APPOINTMENTS**

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

**Committee of Privileges**

That Mr Farrell and the mover be appointed to the Committee of Privileges of this Council.

**Standing Orders Committee**

That Ms Rattray, Mr Valentine and the mover be appointed to the Standing Orders Committee and the member for Mersey be discharged.

**Joint House Committee**

That Mr Farrell and the mover be appointed to the Joint House Committee.

**Motion agreed to.**

**Government Administration Committee B and Legislative Council Select Committee on AFL - Reappointment of Member for Pembroke to Committees**

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



That Ms Siejka be appointed to Government Administration Committee B and the Legislative Council Select Committee on AFL in Tasmania.

**Mr DEAN** - I rise on a point of order. I am not saying no, Mr President, but I want the names of members who were on the AFL committee.

**Mrs HISCUTT** - It is putting the member for Pembroke back to where she was after the election.

**Mr Dean** - Okay.

**Mrs HISCUTT** - She will be appointed to Government Administration Committee B and the Legislative Council Select Committee on AFL.

**Motion agreed to.**

### **Legislative Council Select Committee on AFL in Tasmania**

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

That Mr Farrell be discharged from the Legislative Council Select Committee on AFL in Tasmania and Mr Armstrong be appointed in his place.

**Motion agreed to.**

### **Government Administration Committees A and B**

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

That Ms Webb be appointed to Government Administration Committee A.

That Mr Willie be appointed to Government Administration Committee B in place of Mr Farrell.

### **Special Report on Failure to Provide Documents**

That Mr Gaffney be discharged from Government Administration Committee A on the production of documents.

**Motion agreed to.**

### **ADJOURNMENT**

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

The Council at its rising adjourn until 11 a.m. on Tuesday, 28 May 2019.

**Motion agreed to.**

### **IT Unit, Parliament House**

[5.07 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, I had cause to go to the IT unit on Tuesday - I had to collect a tag for my pass - and I found a note saying - 'Moved further down'. I was informed space allocated to the IT unit was not fit for purpose. I was quite surprised about this. When I inquired, I found this had been going on for two years. The IT unit has made complaints about their space -

**Mr Dean** - They haven't been there two years.

**Ms RATTRAY** - Since the building was commissioned. Perhaps it is not quite two years, but almost since the building was commissioned and they moved into that space.

It is extraordinary - millions of dollars have been spent on this building. I expect we are paying significant lease payments and now we have IT people scattered all over the parliament. They are probably not working as efficiently as they would have in a space where they were all bouncing off each other. This needs to be brought to the attention of the House and the parliament.

I expect this will be followed up during the Estimates process, but if anyone in our place is not aware, that is the situation. The IT unit cannot use what was to be a fit-for-purpose office space. I find that very disappointing and I hope Treasury is getting onto that issue with the builders. There is a new owner; the SITA Group does not own it, but was certainly part of the construction process.

We need to know about these things. It is extraordinary that our IT people are not in a fit-for-purpose space.

**Mr PRESIDENT** - I thank the member for raising this issue. I am sure we will find a way to follow this up and get some information back to you.

**The Council adjourned at 5.08 p.m.**