

Thursday 8 August 2019

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

BIOSECURITY BILL 2019 (No. 15)

Third reading

Bill read the third time.

SUSPENSION OF SITTING

[11.03 a.m.]

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

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

This is for the continuation of the briefings.

Sitting suspended from 11.03 a.m. to 11.35 a.m.

**RIGHT TO INFORMATION AMENDMENT (APPLICATIONS
FOR REVIEW) BILL 2019 (No. 14)**

Second Reading

[11.36 a.m.]

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

That the bill be now read the second time.

This bill seeks to address a gap in the current rights of applicants and external parties to apply to the Ombudsman for a review of certain decisions relating to applications for assessed disclosure under the Right to Information Act 2009.

A recent decision of the Supreme Court in Tasmania has clarified that a decision made by a minister or a minister's delegate under the act in respect of whether or not to release information in the possession of the minister is not currently reviewable by the Ombudsman.

Following the Supreme Court decision in *Gun Control Australia Inc v Hodgman and Archer* on 8 February 2019, it is now understood that a decision in respect of an application to a minister for assessed disclosure does not give rise to the same right of external review to the Ombudsman as a decision in respect of whether to release information where the application was made to a public authority.

The Government remains committed to improving the openness, accountability and transparency of the operations of government in Tasmania. That is why we have acted quickly to address this matter.

Section 43 of the Right to Information - RTI - Act provides a right of internal review for an applicant who has applied to a public authority for information under section 13 of the act in relation to assessed disclosure, where a decision has been made by a delegated officer as to whether or not to provide the information under the act.

This section also provides a right of internal review to external parties who have been consulted under sections 36(3) or 37(3) as to whether the information is exempt information under the act, where a decision has been made by a delegated officer to release the information.

Specifically, section 43 provides a right of internal review to external parties where the delegated officer has made a decision to provide information relating to the personal affairs of a person referred to in section 36, or information that is likely to expose the external party to a competitive disadvantage under section 37.

Part 4 of the RTI Act also provides a right to external review by the Ombudsman of such decisions, either following an internal review where the original decision was made by a delegated officer, or where the decision was made by a minister or the principal officer of the public authority in the first instance and no right of internal review is available under the act.

An applicant for assessed disclosure may also seek a review by the Ombudsman under section 45 in relation to certain other administrative matters relating to decisions of a minister or a public authority, whether the decision was made by a minister, the principal officer of a public authority or a delegated officer.

This includes, for example, a decision that the information requested is not in the possession of the minister or public authority, or where, following a decision being made by a minister or public authority, the applicant believes, on reasonable grounds, that there is an insufficiency in the searching for the information by the minister or public authority.

The bill maintains these existing review rights for applicants.

This bill makes a number of changes to ensure that a right of external review by the Ombudsman is available for applicants for a decision on whether information will be released under assessed disclosure, regardless of whether the application is made to a minister or to a public authority, and of whether the original decision is made by a minister, a principal officer of a public authority or a delegated officer.

The proposed amendments also provide that an external party who is consulted under section 36 or section 37 in relation to whether the information is exempt information under the act will have a right to external review by the Ombudsman in relation to the circumstances I have just described, where a decision is made to release the information to the applicant.

As I mentioned earlier, Part 4 of the RTI Act provides that an external party may apply for an external review by the Ombudsman of a decision of a public authority to provide information relating to the personal affairs of that external party under section 36, or a decision to provide information that is likely to expose the external party to competitive disadvantage under section 37.

It appears this right to review by the Ombudsman for external parties may be limited to circumstances where the application was made to a public authority and the original decision was made by a delegated officer. Section 44 provides that the external party must have first applied for internal review and either been informed of the results of the review or 15 working days must have elapsed since the application was made, before the external party can apply to the Ombudsman for a review.

The bill inserts a new section 45(2A) to provide that a person who is an external party may apply to the Ombudsman for a review of a decision in relation to an application to a public authority where the decision was made by a minister or principal officer and therefore an application for external review cannot be made, and also where a decision is made in relation to an application to a minister.

Mr President, the Government remains committed to furthering transparency in government in Tasmania.

These changes will further the objectives of the RTI Act by ensuring that both applicants and external parties have a review to the Ombudsman in relation to decisions on whether or not information should be provided under the act, regardless of whether the application for that information is made to a minister or a public authority.

I commend the bill to the House.

[11.43 a.m.]

Mr VALENTINE (Hobart) - Mr President, I support the amendment of the Right to Information Act because it is important that people in business have an opportunity to review whether the release of information will impact their business.

This does not necessarily mean that in all cases people will be satisfied or that they will be satisfied with the outcome of their case, but it means that at least there is an important pause to have that review.

I support the changes to the existing legislation and the original intention to have this amendment. I congratulate the Government on filling that little gap.

[11.44 a.m.]

Ms RATTRAY (McIntyre) - Mr President, my offering will be fairly brief. I was pleased with the briefing yesterday, because it is not easy to understand what this legislation is actually trying to achieve by reading the second reading speech.

Yesterday's briefing made the proposed changes clearer for me, certainly the opportunity for external review for applicants to have an assessment done.

It is interesting that it took a challenge to the Supreme Court for the Government and the department to know this was the case. I agree with the member for Hobart. I feel sure it was always the legislative intention to have a review process but the Ombudsman, when the office was approached, said, 'It can't be done', hence the reason this amendment is before us.

I have no hesitation in supporting it; I have no problem in supporting anything that will contribute to an open and transparent process.

[11.45 a.m.]

Mr ARMSTRONG (Huon) - Mr President, I also thank the Leader for organising the briefing.

Ms Rattray - It was very helpful.

Mr ARMSTRONG - It was.

Mr President, while some may disagree, it appears to me that the Government is trying to be more open and transparent. This bill tends to support that observation. It fixes a loophole recently identified in the previous legislation, thereby improving it. I note that the bill received tripartisan support in the other place; there were a couple of minor amendments, agreed by all. I also note that funding to the Ombudsman Tasmania office increases by \$245 000, to better support the work of right to information staff. I see no reason not to support the bill.

[11.46 a.m.]

Ms FORREST (Murchison) - Mr President, I will make a few comments on this bill. Unfortunately, I could not attend the briefings yesterday, but the information is here and I spoke to the Leader this morning about the bill itself and what it is seeking to achieve.

This almost harks back to when the Right to Information Bill was brought in. At the time, there was so much pressure to water it down and not make it as robust as it should have been that we ended up with the gaps that are now appearing. As we know, often there are times when legislation fails to meet its intention, for whatever reason, and we end up coming back to deal with these things. Some take a High Court of Australia challenge, as the member for McIntyre referred to.

I firmly believe it was always the intention to ensure these rights of review were in the legislation. It was probably assumed they were, until it was tested. It is appropriate that these rights to review are there. I remember the former government talking about the push rather than pull approach when you are trying to get information out of government. That was the intention behind the original Right to Information Bill, which changed the system from the Freedom of Information Act. There was a lot of unpicking and watering down that was probably ill-considered at the time.

I think a fair body of work is still to go into making this a much more robust process. I note the member for Huon's comments about the Government being more open and transparent. I think we still have a long way to go. This is fixing a loophole in legislation that was not brought in by the current Government; it was brought in by a previous government. Of course, we need to fix these problems once they are identified, particularly by the courts.

I look forward to proper and ongoing reviews of this sort of legislation. That is what this legislation is about. The extreme demands on the Ombudsman Tasmania office at the moment in regard to the right to information area has been mentioned previously and the Government has provided additional funding for two more positions. That is really welcomed and absolutely needed. But the Ombudsman's office is not just responsible for the right to information area. Other areas are also under extreme pressure in the Ombudsman's role, which is not a matter to be debated now.

The delays people have experienced in getting responses to requests for review have been extra. Hopefully we will see the backlog cleared pretty promptly under this new funding.

I just wanted to make those points. I support the intent of this legislation; I believe it was always the intent, but I hope to see more work being done on openness and transparency of government, whatever its colour.

Bill read the second time.

**RIGHT TO INFORMATION AMENDMENT (APPLICATIONS
FOR REVIEW) BILL 2019 (No. 14)**

In Committee

Clauses 1 to 7 agreed to.

New clause A -

Section 36 amended (Personal information of person)

New clause A presented by **Mrs Hiscutt** and read the first time.

Mrs HISCUTT - Madam Chair, I move -

That new clause A be read the second time.

Madam Chair, on the sheet members have, 'page 3, after clause 3' should be 'page 5, after clause 5'. This correction is being raced through the Office of Parliamentary Counsel - OPC - as we speak and will be to hand in a minute.

The OPC, in consultation with the Department of Justice, has identified a minor amendment required to the Government's RTI amendment bill. The amendment is an addition required for consistency with other sections of the act in relation to time frames contained within the act as opposed to an error within the bill.

The amendment is required because while the bill provides a new ability for a third party to seek external review of a decision by the Ombudsman, it does not include a specific prohibition on the release of the third party's information before the review period for the third party to seek the review is complete.

It is OPC that puts things in order.

Ms SIEJKA - My question also refers to the next amendment in some ways because it overlaps with this. Can the Leader explain how the proposed amendments will differ or alter the operations of the act? Section 47(1)(p) of the act already seems to achieve the aim of this amendment, which is that information cannot be released until 20 days after the Ombudsman's appeal decision. Can you explain how this amendment and the next one are different to the current provision?

Now the Ombudsman's decision has to be implemented within 20 days, but there is the discretion to do it sooner, whereas this would mean information could not be released until at least 20 days after the decision.

Mrs HISCUTT - It is a cross-reference and does not change any decision until the review is lodged, which stops the information being released until the person has seen the review.

Ms SIEJKA - A clarification: at the moment, the 20-day period is already for implementing the decision whereas this restricts it for that 20 days.

Mrs HISCUTT - It is simply a cross-reference to say it cannot be released before the 20 days. This puts in an amendment to say it cannot come before 20 days. It has to be 20 days before anything can happen.

New clause A agreed to.

New clause B -

Section 37 amended (Information relating to business affairs of third party)

New clause B presented by **Mrs Hiscutt** and read the first time.

Mrs HISCUTT - Madam Chair, I move -

That new clause B be read for the second time.

This new clause is mainly to reiterate the 20 days, so information cannot be released before the 20 days.

New clause B agreed to and bill taken through the remainder of the Committee stage.

SUSPENSION OF SITTING

[11.59 a.m.]

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

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

This is for a briefing on the Worker Rehabilitation and Compensation Amendment Bill 2019.

Sitting suspended from 12 p.m. to 2.30 p.m.

QUESTIONS

St Helens District Hospital - Property Transfer Process

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

[2.31 p.m.]

Given the high level of community interest in the future use of the former St Helens District Hospital -

- (1) Has the property transfer process to the Department of Communities Tasmania - DCT - been completed?
- (2) How did the DCT-engaged consultant undertake the public consultation process? I will be very interested in that.
- (3) What was the outcome of the public consultation process?
- (4) What was the name of the consultant and what was the consultancy fee cost?
- (5) What is the intended time frame around the future purpose of this valuable community asset?

ANSWER

Mr President, I thank the member for McIntyre for her question. She may want to have some follow-up questions to this answer.

- (1) The transfer of the former St Helens District Hospital site to the Department of Communities Tasmania is expected to be finalised in the near future.
- (2) to (5)

The Government welcomes community input, and both the Department of Health and Housing Tasmania have been in contact with the council as an appropriate first step in community engagement. The site offers an opportunity to develop much-needed affordable housing as well as offering potential opportunities for community use. However, a consultation process is still to be completed, and that will include local community groups interested in the future use of the site, such as the St Helens Carers and Friends Group.

Efficiency Measures - Reporting

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

[2.33 p.m.]

My question follows from a question I asked on Tuesday. On Wednesday, 17 July 2019, in an article titled 'Public sector job cuts loom; Budget savings could cost 2200 posts', the *Mercury* reported that the Treasurer is currently working with agencies to identify savings which could be further considered by government in coming weeks.

What reporting of the efficiency measures will be made?

ANSWER

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

Efficiency measures are being considered as part of the same process to identify savings. The Government has committed to providing an update on measures agreed with individual

agencies after the first quarter of the 2019-20 financial year and also in the 2019-20 Revised Estimates Report.

Brighton - New High School

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

[2.34 p.m.]

Brighton Council traffic engineers are already working on traffic and parking solutions for a new Brighton high school to be built on the current Jordan River Learning Federation School Farm site.

The council says there are no alternative sites for the new high school in Brighton. At the same time, the minister, Mr Rockliff, has ruled out building the new high school on the Jordan River Learning Federation School Farm site and the Department of Education is conducting a community consultation on three alternative sites. Two of these are owned by the Brighton Council and one is owned privately.

- (1) Does the \$30 million allocated to the project include funding for land acquisition?
- (2) If the \$30 million allocated to the project includes funding for land acquisition, what is the total amount for land acquisition?
- (3) Has the state Government assessed the cost to acquire each site, given the council is in opposition - and unlikely to gift land - and one is privately owned?
- (4) If the purchase of a school site is not funded, will the state Government compulsorily acquire the Brighton Council land or the private land required for the project?
- (5) Will the project be delayed because of the conflict between the Brighton Council and the state Government on the preferred site?

ANSWER

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

- (1) The Tasmanian Government has committed \$30 million to deliver a new high school for the Brighton community. The process for determining the preferred site and any associated costs is ongoing.
- (2) The total election commitment for the new high school is \$30 million.
- (3) The Government has committed to an open and transparent community consultation process on the high school's project brief and preferred site. Once a preferred site is identified, detailed site investigations will be undertaken. The Tasmanian Government is committed to working with the council and all stakeholders to deliver a state-of-the-art new high school for Brighton families.

- (4) The Tasmanian Government has committed to an open and transparent community consultation process and to working with all stakeholders to deliver a contemporary new high school. This is the approach to determining the preferred site and progressing the project. No other process is currently planned.
- (5) At this stage of the project there is no delay. Construction is expected to commence in 2022.

Storm Bay - Open Net-Pen Salmon Farming

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

[2.37 p.m.]

With regard to the expansion of open net-pen salmon farming into Storm Bay -

- (1) Have all the baseline surveys been completed? If not -
 - (a) which surveys have been completed
 - (b) at which sites have these surveys been completed
 - (c) when will all surveys be completed?
- (2) Has a biosecurity plan been finalised?
- (3) Have protocols been established regarding disease outbreaks and quarantine measures?
- (4) Has the biogeochemical model used to understand and set the nutrient carrying capacity and allowable biomass been completed?
- (5) Has the EPA's salmon standard, which sets consistent criteria for operations, monitoring and reporting, been completed? If not, have fish been or will fish be introduced into the pens before this work is completed?

ANSWER

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

- (1) Baseline surveys are ongoing.
 - (a) Larger-scale zone assessment surveys were completed during the marine farm planning process and a baseline survey for an individual lease within zones has been completed.
 - (b) A baseline environmental survey for MF281, east of Yellow Bluff, is completed and has been approved by the EPA.
 - (c) A baseline environmental survey for MF279, west of Wedge Island, is required to be completed and approved prior to the introduction of fish within the lease area. A marine farming lease has not been issued to Petuna in the Storm Bay North Marine Farming Development Plan. A completed baseline environmental survey will be required by the EPA prior to fish being permitted to be introduced in any lease area in this marine farming development plan.

- (2) An industry-wide biosecurity plan has been developed by industry. Work is underway to implement the plan under the new Biosecurity Act through a program and associated regulations, when it is in place. Management controls identified in relevant Storm Bay marine farming development plans currently require fish farm operators to supply biosecurity and farm health plans for approval by the Department of Primary Industries, Parks, Water and Environment Chief Veterinary Officer prior to the introduction of fish.
- (3) Protocols regarding disease outbreaks and quarantine procedures are part of the aforementioned industry-developed Biosecurity Plan. All currently licensed finfish marine farming operators in Storm Bay have provided, and have had approved by the DPIPWE Chief Veterinary Officer, a biosecurity and fish health plan.
- (4) The biogeochemical modelling for Storm Bay is ongoing. The FRDC 2017-215 Storm Bay modelling and information system project being undertaken by CSIRO commenced in October 2018 and is due for completion in October 2021.
- (5) The Environmental Protection Authority's environmental standard is being drafted and an issue paper will go out for industry and public consultation shortly. Once consultation has occurred and the standard is finalised, the standard will be released and industry will be required to comply.

Finfish were introduced into the new Storm Bay lease in July 2019. Until the new environmental standard is finalised and incorporated into environmental licences for leases, finfish farm operators statewide, including those in Storm Bay, are required to comply with the conditions contained within the existing environmental licence for each lease.

kunanyi/Mount Wellington Cable Car Project

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

[2.41 p.m.]

This is a restatement of a question I have asked earlier, but I believe the answer will be forthcoming. In relation to the Government's management of any conflicts of interest associated with the present kunanyi/Mount Wellington cable car project and in the interest of transparency -

- (1) Do any conflicts of interest currently exist, or have existed, between any individual or corporate party to the development and their involvement on relevant government bodies and/or boards, either dealing, or peripherally associated, with the project, such as the Wellington Park Management Trust, Tourism Board of Tasmania, Tasmanian Heritage Council, Tourism Tasmania, State Growth and so on?
- (2) If there are, or have been, such conflicts of interest, will the Government provide details of each event, together with the parties involved and the action taken to address each event?

ANSWER

Mr President, I thank the member for Hobart for his question. In addition to information provided by the Government to the member on 2 April 2019, the Government now provides the following information in response to the supplementary queries concerning the kunanyi/Mount Wellington cable car project conflict of interest management processes -

(1) and (2)

The Tasmanian Development Board, the Tasmanian Heritage Council and the Aboriginal Heritage Council have confirmed no perceived, potential or actual conflict of interest has been declared by any of its members during the course of the previous two years in relation to the project.

The Department of State Growth - including the Coordinator-General - has also confirmed that none of its employees involved in assessing the project as a project of state significance have declared a conflict of interest.

The Department of Primary Industries, Parks, Water and Environment (and the Environmental Protection Authority) have appropriate processes in place to ensure that employees and officers will take responsible steps to avoid any conflicts of interest in connection with their State Service employment.

The Wellington Park Management Trust and the Tourism Tasmania Board have provided the following further information about members who have declared a conflict of interest in relation to the project and the conflict of interest management strategies that were subsequently implemented -

Wellington Park Management Trust

On 26 June 2019, two Hobart City Council members present at a meeting of the Wellington Park Management Trust declared an interest in an agenda item that discussed the trust's response to a referral by the council of the development application for the project to it for comment. The members advised the trust that this matter was before the council and therefore they did not participate in the discussion of this item or the decision. These disclosures were declared in the minutes of the meeting, which will be published on the trust's website.

The composition of the Wellington Park Management Trust is defined by the Wellington Park Act 1993. The membership includes the Chief Executive Officer of Tourism Tasmania or a person nominated by him. The Tourism Tasmania representative provides a visitor economy perspective to discussions as or where relevant, bringing knowledge of the tourism brand, target segments and destination marketing.

Tourism Tasmania's representative was present at the trust's meeting referred to in one media report in January 2018. However, discussion at that meeting related to ensuring due process was followed within the park for an authority to enter land for exploratory work to be issued by the minister in accordance with the Cable Car (kunanyi/Mount Wellington) Facilitation Act 2017. The representative did not provide any views for or against the proposal or work, and the representative is at significant arm's length from the Tourism Tasmania Board.

Tourism Tasmania Board

Two directors on the Tourism Tasmania Board of Directors, Mr James Cretan and Mr Ian Rankine, have declared a pecuniary interest in the project, through the ownership of shares.

The board has appropriate governance procedures in place to manage the declaration of pecuniary interests and conflicts of interest, including the requirement that directors provide details as soon as practical after the relevant facts come to his or her knowledge and disclose the nature and extent of the interest to the affairs of Tourism Tasmania. The details are recorded in the minutes of meetings, and the director must not be present during any deliberations of the board in relation to the matter. In addition, details of all declarations of interest must be retained in the list of pecuniary interests.

As Tourism Tasmania has no involvement in the cable car proposal or advising government on the project, the board's position is that there is no actual conflict of interest between the directors' financial interest in the project and their roles on the board.

Notwithstanding this, Tourism Tasmania has advised that Mr Cretan and Mr Rankine absented themselves from the board's discussion on the public commentary on the matter of the board's potential conflicts of interest at its meeting on 31 May 2018, consistent with the board's charter.

Bass Highway - Sisters Hills - Repairs and Maintenance

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

[2.47 p.m.]

With regard to the section of the Bass Highway west of Boat Harbour to Smithton, and particularly the overtaking lanes through Sisters Hills -

- (1) Is the Government aware that this section of road, which has a high volume of heavy traffic, has become very dangerous, especially in wet weather? The road-marking lines are barely visible.
- (2) Are repairs and maintenance to the Sisters Hills section of the highway scheduled in the near future? If so, what is the time frame for these repairs?
- (3) Are other sections of the Bass Highway west of Wynyard scheduled for repairs or maintenance? If so, what is the works program/schedule?

ANSWER

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

- (1) Line-marking work has started on sections of the Bass Highway between Boat Harbour and Smithton, which will include the overtaking lanes through Sisters Hills. This work will be completed in early October 2019, depending on the weather.
- (2) Road surface maintenance is scheduled for the Bass Highway through Sisters Hills as part of the 2019-20 summer program of works.
- (3) Other sections and multiple smaller sites of the Bass Highway west of Wynyard have been identified and scheduled for repair works, including resurfacing.

A corridor strategy for improving the safety and efficiency of the Bass Highway between Wynyard and Marrawah is being developed by the Department of State Growth.

The department sought feedback from the community about its concerns and suggestions for this section of the Bass Highway. This feedback will inform the corridor strategy, together with the information about the current road condition and the growth in the agricultural, forestry and tourism industries using the road.

The strategy will help plan improvements and upgrades, and prioritise them for funding. The department will continue to consult with the community and key stakeholders throughout the project.

Education - Civics and Citizenship

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

[2.50 p.m.]

I spoke about the inadequacy of political education in Tasmanian schools in a special interest speech in May.

- (1) Have my arguments been taken on board by the Government?
- (2) Does it have any proposals to get more education about our political and democratic systems into curriculums?

I note the Victorian Government is to overhaul the teaching of civics and citizenship following a campaign by students who are concerned that young people are disengaged from politics.

ANSWER

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

(1) and (2)

The Tasmanian Government is committed to the teaching of civics and citizenship in Tasmanian schools. It is an expectation that all schools implement the Civics and Citizenship curriculum as a component of the *Australian Curriculum: Humanities and Social Sciences* as outlined by the Australian Curriculum Assessment and Reporting Authority.

Civics and Citizenship is a required element of the curriculum for students in years 3 to 8. The teaching of civics and citizenship within Tasmanian government schools is supported through professional learning that is available to teachers and leaders in all government schools.

The professional learning will be further supported by teaching and learning resources for all aspects of the humanities and social sciences, which are currently under development.

Colonoscopy and Endoscopy Waiting List

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

[2.51 p.m.]

Will the Leader please advise -

- (1) The current waiting list for colonoscopy and endoscopy categories 1, 2 and 3 at -
 - (a) North West Regional Hospital?
 - (b) Royal Hobart Hospital?
 - (c) Launceston General Hospital?
- (2) How many cases are over-boundary in each category across the state in the abovementioned hospitals?
- (3) What is the length of time they have been over-boundary?
- (4) Can the Leader please confirm that urgent category 1 cases should be seen within 30 days, category 2 cases within 90 days and category 3 cases within 365 days?
- (5) Can the Leader please advise the median wait times for category 1, 2 and 3 patients at the North West Regional Hospital, the Royal Hobart Hospital and the Launceston General Hospital?

ANSWER

Mr President, I thank the member for Launceston for her question, the answer to which includes a table.

It is only a small table so I will not table it.

(1) Hospital	Category 1	Category 2	Category 3
North West Regional Hospital	23	47	13
Royal Hobart Hospital	1506	925	799
Launceston General Hospital	1272	658	499
(2) North West Regional Hospital	5	15	2
Royal Hobart Hospital	1301	825	81
Launceston General Hospital	1101	486	48
(3) On average, patients waited 188 days over-boundary.			
(4) Your statement is correct.			
(5) North West Regional Hospital	22	73	192
Royal Hobart Hospital	115	391	180
Launceston General Hospital	115	216	153

Colonoscopy and Endoscopy Waiting List

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

[2.54 p.m.]

I can put this in writing if you like but for question (3), what is the length of time they have been over-boundary? I would prefer not to be given an average because I believe that category 1 might be a bit different to the others. Would you like me to put that in writing?

Mrs Hiscutt - I would like the member to clarify that in writing. Thank you.

Quad Bikes - Compulsory Operator Protection Devices

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

[2.54 p.m.]

With regard to the state Government's Quad Bike Safety Rebate Scheme, now available to Tasmanian farmers: given that two quad bike manufacturers, Honda and Yamaha, have threatened to pull out of the market if operator protection devices are made compulsory and a number of quad bike operators in my electorate have also expressed concern regarding this approach, particularly the design of the OPDs promoted -

- (1) Will the Government also consider changes to licensing requirements for quad bike riders, who at the moment require only a car licence to ride a quad bike?
- (2) Will the Government consider introducing more targeted rider education and training?

ANSWER

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

- (1) The 2019-20 Budget included a \$700 000 package of measures to improve quad bike safety, including a 12-month \$500 000 rebate scheme for the fitting of approved rollover or crush protection devices to farmers' quad bikes from 1 July 2019. This allows farmers to receive a rebate of up to 50 per cent of the purchase price - to a maximum of \$500 per device and \$1000 for each eligible farm workplace - for an approved rollover or crush protection device.

The device must have been designed and manufactured in accordance with approved engineering standards and independently tested to be eligible for the rebate. Currently two devices meet these criteria and are eligible for the rebate; they are the Quadbar™ and the ATV Lifeguard.

Any changes to quad bike licensing requirements need careful consideration and the Government is currently considering its position.

- (2) Quad bike training is currently offered through TasTAFE at each of its campuses. TasTAFE may also run the quad bike course on-farm, depending on numbers. This course provides the

skills and knowledge required to operate quad bikes safely. It is suitable for beginners through to more experienced riders.

All training is underpinned by workplace health and safety principles and legislative requirements. Participants learn about prestart checks and basic maintenance; how to turn, swerve and make an emergency stop; safe operation on a range of terrains, around obstacles and in different conditions; how to use four-wheel drive, low range and differential locks; and loading and securing practices for transporting.

In addition, the Government announced in the 2019-20 Budget a public awareness and education campaign. This campaign will be rolled out in the latter part of 2019 and will focus on increasing awareness within the community of the dangers associated with quad-bike use. The campaign will include television commercials, website material, social media, radio, press and flyers. The target audiences are rural employers and workers, riders of quad bikes and families of riders of quad bikes.

Further free farm safety sessions for farmers, their workers and anyone else who operates a quad bike were launched in Campbell Town on 8 July 2019. Sessions were also held in Smithton, Scottsdale, Huonville and Richmond in July 2019.

The interactive sessions are a joint initiative of WorkSafe Tasmania, the Tasmanian Farmers and Graziers Association and Safe Farming Tasmania. These sessions will be continuing throughout October during WorkSafe Month.

Presenters will include crush protection device manufacturers, who will explain their products and provide tips on installation and maintenance. TasTAFE teachers will also provide practical advice on how to operate these vehicles safely and highlight the importance of proper training.

Coronial Investigation - Reportable Deaths

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

[2.58 p.m.]

Given that state coroners throughout Australia have welcomed a proposal of the Human Rights Commission for a study to consider the collection of nationwide data on patterns in domestic violence homicides and as Tasmania is only state without a state coroner and a death review team, when will this Government correct the deficiency?

ANSWER

Mr President, I thank the member for Rosevears for his question. The Coronial Division of the Magistrates Court of Tasmania, established by the Coroners Act 1995, is responsible for investigating reportable deaths and headed by a full-time coroner. The Chief Coroner is the delegate of the Chief Magistrate for many aspects of the legislation and is joined by two other magistrate coroners.

The coroners in the course in investigating deaths may consider a range of factors, including the provision or failure of support services and the deceased's interactions with the services.

In a small jurisdiction such as Tasmania, with a small number of full-time magistrates serving as full-time coroners, it is easier for trends and patterns to be identified than in some other, larger jurisdictions.

The identification of patterns and trends is part of the purpose of a death review mechanism.

The Australian Domestic and Family Violence Death Review Network was established in 2011 as an initiative of state and territory death review processes and is endorsed by all state and territory coroners, and the Western Australian Ombudsman.

The network's goals include producing national data concerning domestic and family violence-related homicides in accordance with the National Plan to Reduce Violence against Women and their Children, 2010-2022.

The Coronial Division of the Magistrates Court is a member of the network. In that capacity, it contributed to the development of the first Australian Domestic and Family Violence Death Review Network Data Report, published in 2018.

With this work, Tasmania contributes to the formation of national evidence-based policy and decision-making in relation to domestic and family violence, enhancing opportunities for prevention and intervention, and contributing to the enhanced safety of women and their children across Australia.

Environmental Protection Agency - Sewage Spills - Tamar River

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

[3.01 p.m.]

There is a short preamble to this question because of how it relates to Estimates.

I refer to questions relating to the Environmental Protection Agency and answers provided during the discussion on the Appropriation Bill (No. 1) on 18 June 2019. In answer to my question about how long the EPA would tolerate the sewage spillages into the Tamar River, the Leader answered for the Director of the EPA -

Until someone provides \$200 million to fix it up, that is what it is. The EPA cannot say 'fix it today' because how is that going to be done without \$200 million or so? When that funding is there, it will be fixed.

Will the Leader please advise -

- (1) Is it the position that the EPA is determining sewage spills into the Tamar River and the correction of this environmental disaster based on cost?
- (2) If so, does this mean the EPA is determining environmental issues on cost alone?

- (3) Does this mean, when an environmental issue arises - that is, pollution is occurring - that if the cost to fix the problem is beyond the means of the polluter to fix it, it will be tolerated until the finance is available, if ever?
- (4) Is it right and acceptable the EPA should take into account the cost incurred in its decision-making process, in determining whether pollution is to stop and corrective action taken?
- (5) Should the EPA determine any environmental matter only on the pollution level and damage it is doing and not take into account the cost to rectify the cause?
- (6) Is raking of the Tamar River still occurring? If not, what is the reason for ceasing the raking?

ANSWER

Mr President, I thank the member for Launceston for her question. I have quite a lengthy couple of pages here.

- (1) No, it is not the position, and it will be referred to more in (4).

The EPA regulates seven level 2 wastewater treatment plants in the Greater Launceston area, with the latest at Ti-Tree Bend receiving stormwater from inner Launceston's combined sewerage and stormwater system.

The EPA focuses its regulatory efforts on ensuring TasWater optimises the performance of all seven plants and meets discharge to water limits for treated effluent while the Launceston Sewerage Improvement Project progresses.

The EPA requires TasWater to take corrective actions on significant spills or overflows of untreated effluent from each plant and associated reticulation during dry weather. It typically does not take action on wet weather spills from these plants, including spills from Ti-Tree Bend caused by the combined system.

- (2) The EPA's approach to making determinations on environmental issues has a legislative basis in the Environmental Management and Pollution Control Act 1994. In administering and enforcing the EMPCA, the EPA makes its best endeavours to ensure the objectives of the Environmental Management and Pollution Control System established by the EMPCA are furthered.

A specific objective concerns equitable allocation of costs of environmental protection and restoration, including in a manner that encourages responsible use of, and reduces harm to, the environment, with polluters bearing the appropriate share of costs that arise from their activities. This objective is one of 11 objectives for the system.

Hence, the EPA is obliged to give some consideration to certain costs when making environmental determinations, but it is not the sole consideration. Such decision-making is further complicated when significant legacy issues, such as those affecting Launceston's sewerage system, must also be considered.

It should also be highlighted that the Australian Government and the Tasmanian Government have committed to priority projects under the River Health Action Plan in the order of

\$84.6 million to undertake actions on Launceston's combined sewerage and stormwater system.

It is expected the recommended actions will result in a reduction of 70 per cent of the pathogen load entering zone 1 of the river from the combined system and a 20 per cent reduction in the pathogen load from the catchments.

- (3) If pollution is occurring at levels likely to cause environmental harm or nuisance, the EPA will regulate the polluter to reduce the discharge to acceptable levels and remediate damage in a reasonable time frame but otherwise as quickly as possible. If cost or other resourcing is an issue, the EPA typically works with the polluter to develop a practicable schedule of progressive improvements or interim measures that yield environmental benefit, and enforces this schedule.
- (4) For practical reasons, the EPA includes remediation costs as one consideration in its regulatory decision-making. However, its principal concern is ensuring sustainable and acceptable environmental outcomes.
- (5) The foundation of the EPA's decision-making is ecological sustainability through minimisation of environmental risk and remediation of environmental impact. In applying the polluter pays principle, the EPA makes best endeavours to ensure preventative or corrective actions required of polluters are reasonable and practical. This necessarily involves some appreciation of costs. The EPA works with polluters to identify cost-effective remedies and uses the regulatory tools at its disposal to facilitate implementation of those remedies, including audits and inspections, warnings, fines and court prosecutions.
- (6) Silt raking has ceased in the Tamar River. A condition of the grant of authority to undertake silt raking within the Tamar River requires the Launceston Flood Authority to provide a review of data collected under the Sediment Raking Monitoring Plan to the Department of Primary Industries, Parks, Water and Environment prior to the expiry to the authority in September. The outcomes of that review will inform future actions in respect of silt management in the Tamar River.

Ms Armitage - So the raking has stopped because the review has not been completed? Is that my understanding? One would have thought the review would have been completed before the raking had stopped, so it could be continued. Is there another reason the raking has stopped?

Mrs HISCUTT - Silt raking has ceased in the Tamar River. A condition of the grant of authority to undertake silt raking within the Tamar River requires the Launceston Flood Authority to provide a review of data collected under the Sediment Raking Monitoring Plan to DPIPW.

Ms Armitage - But they have they not provided it?

Mrs HISCUTT - Prior to the expiry of the authority in September. The outcomes of that review will inform future actions in respect to silt management.

**WORKERS REHABILITATION AND COMPENSATION
AMENDMENT BILL 2019 (No. 20)**

Second Reading

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

That the bill be now read the second time.

The purpose of the bill is to amend the Workers Rehabilitation and Compensation Act 1988 to remove wage step-down provisions applying to police officers who are incapacitated as a result of an operational-related injury.

Under the existing act, all workers who are incapacitated by a work injury have their pay reduced to 90 per cent after 26 weeks of incapacity, and further reduced to 80 per cent after 78 weeks of incapacity. Police officers who are injured while protecting our community should not be subject to these step-down provisions.

Policing is unique in that police officers, not only put themselves at risk for the public benefit, but they do so in circumstances where the injuries sustained are often a consequence of being attacked. I acknowledge there are other occupations whose members suffer injuries while providing services for the public; however, policing is the only occupation where we expect employees of the state to routinely attend situations of violence and where it is not uncommon for that violence to be redirected at them.

A police officer's duty requires them to put public safety ahead of their own. This duty is imposed by law and it is unconscionable that the state requires this commitment and not fully support police officers who are injured.

In this state we have had police officers who, while serving the community, have been shot, stabbed and otherwise assaulted. It is simply not reasonable we would expect our police officers to respond to such danger while knowing they will suffer a loss of income should they be injured.

As an example, there was a very public case in 2006 where a police sergeant who intercepted an erratic driver was shot in the face before being shot a further two times. He suffered life-threatening injuries and under the current legislation had his pay stepped down. This is not a situation we want to see repeated and the Government is moving this legislation to ensure this does not occur again.

The bill inserts a new subsection (2DA) into section 69B of the Workers Rehabilitation and Compensation Act 1988, which will ensure police officers who are incapacitated by an operational-related injury will continue to receive 100 per cent of their wage. The subsection provides that the existing step-down provisions do not apply to a police officer -

if, had the person not been a police officer, it is unlikely that the person would have been in the circumstances as a result of which the injury was suffered.

This wording is to make clear that the wage step-down is only removed in those circumstances that are unique to the policing role. For example, if a police officer is injured apprehending an

offender, they are covered as the circumstances in which the injury was suffered were a result of them being a police officer - the policing role being what required them to apprehend the offender. Similarly, a police officer injured undertaking search and rescue operations would also be covered, those operations being something undertaken in the policing role. However, a police officer injured by falling from a chair in an office would still be subject to the step-down provisions, as it is not unlikely the injured officer would have been in those circumstances if they had not been a police officer. This ties the removal of the wage step-down to where the incapacity is a result of an operationally-related injury.

The bill also introduces a new section 164BB into the act to make clear the removal of the step-down provisions only applies to new claims post the amendments becoming law. As much as the Government would like to provide for every police officer who has ever been injured, it is not possible to provide this compensation retrospectively. As a consequence, the date of claim will be the cut-off for when the removal applies, this being based on advice from WorkSafe as to what is most practical to implement.

Mr President, the bill will become law on the day on which it receives royal assent.

I commend the bill to the Legislative Council.

[3.15 p.m.]

Mr DEAN (Windermere) - Mr President, I support the bill. I can see very strong reasons as to why we need this bill. My view is that no person injured within their work organisation, if it is operationally related to the work, should never have to suffer step-down processes and procedures for workers compensation. Those people are vulnerable. Those people still have their mortgages to pay, their other bills to meet and their families to look after and care for. We should be looking at that.

Police are in a different category. I have often said this. I have referred to their oath of office. I do not know of any other worker in any work area - if there is, please tell me - who takes an oath to serve the people. The oath is for 24 hours a day for an entire lifetime, while ever they are in the police service. It is not an oath of office that only relates to when they are on duty. It goes much wider than that. It is an oath that requires them to keep the peace, to protect life, to protect property et cetera. I have gone through this many times.

A police officer never has the right to sidestep a life-threatening issue they might confront. If they did, they would be the subject of investigation. I think at the end of that, they would also be subject to some other actions that could occur as a result. I just want to make that clear.

I, with the member for Murchison, was there. I think the member for McIntyre was there the other night. She was there when we -

Ms Forrest - The Leader was there.

Mr DEAN - Yes, the Leader was there. I spoke to the Leader. I am not quite sure if other members were there. Listening and watching that movie brought a lot of things back to me. I cringed through it; I do not mind admitting that. My wife said, 'You are teary-eyed'; I said, 'Yes, I am'. I did not mind admitting that either. I was witnessing what some police go through and what happens at the end of the day. It was about post-traumatic stress disorder, and how it builds up; how it starts from one event, then the officer moves to another event and on to another one. The

police officer then starts to act irrationally and starts to do things they would not otherwise do. Their families suffer as well.

I raised the issue about the incident at New Norfolk with the two incinerated bodies in the car. As a very young copper I had to keep watch on them all night long. It was not a pleasant watch. I was in the CIB for a long time. I attended many murders; murders that were committed where bodies had been cut up. But if you said to me, 'What is the most distressing incident you came across as a police officer?', the event that impacted me most of all was the death of the journalist at Sassafras in a motor vehicle.

It happened just before 2000. The driver was not watching the road properly. He went off in the gravel on the side of the road and veered back across. It happened just below the Devonport side of the Big Spud. I was one of the first on the scene - with the two little children, it was just horrific. Just unbelievable. I just raise that issue as some of the things that can build up in a person.

A document was sent to us by the Police Association of Tasmania's President, Colin Riley. It reads -

I would just like to take this opportunity to raise with you the bill to be tabled in the Upper House in the coming days with regards removal of the Workers Compensation Step Down provisions for police officers.

This has been a long journey for the Police Association of Tasmania (PAT) and our members - in excess of 12 years - to get the bill to this point.

This has not just come about quickly. A great deal of work and research has been put into it -

Removal of the step down provisions for police will recognise the dangerous work police undertake, at times a thankless task. Currently, police who are assaulted at work in the line of duty and unable to return to work, are subject to step down whilst recovering. At any one time, there are between eight to twelve officers on step down - the worst case scenario is that they are on only 80% of their salary due to the assault. This has significant implications for the officer and their family. It also has wider morale implications for our members witnessing our injured members being treated so badly. Noting that they only incurred their injury due to an assault because they risked their own personal safety to make the community safer.

The step-down process adds more to the concerns the police officer, or any worker, is going through. Not only can they not work because of a work-related issue but they also cannot earn the salary they were previously on. That magnifies the problem and their family suffers tremendously. It is not what we need and not what we want. This bill will fix this to some degree.

Mr Riley continues -

We are sympathetic to the plight of other emergency service workers - our peers - however, police are unique for the following reasons. We take an oath of office to protect life and property. We will move towards danger and violence to remove it from our society. Other occupations call on us to deal with violence and danger in their workplace - we cannot avoid it or wait for it to pass. Policing

is the only occupation that the community sends to work with the knowledge there is a high probability of being assaulted during their shift. The frequency of assaults on police far exceeds those committed on other occupations. In 2017-2018 there were 273 assaults on Tasmania Police officers. Over the last five years, there is, on average 229 assaults on Tasmania Police officers per year. That equates to a Tasmania Police officer being assaulted every two days. These are concerning figures when you consider our workforce is currently only 1251.

I am not sure if that figure has changed since that time. I do not think it has -

We have members who have been shot, stabbed, subjected to cowardly 'one punch' assaults, beaten and bottled. Every police officer has their own individual history of being subject to violence and being assaulted. In my own 26 years with Tasmania Police, I have been punched, had blood exposures, been shot at and had a cross bow pointed at my chest with threats to kill - and the offender was only a few paces away. We all have unique stories to tell, but what they all have is one element in common, we have been assaulted in the line of duty. As a Detective Sergeant, I was involved in the investigation of a matter in which a police officer was shot in the face numerous times, left to die on the side of the road, after he attempted to conduct a random traffic stop, an event undertaken by police officers frequently every hour. The fragility of our wellbeing plays on my mind constantly.

The Police Minister when asked by the Police Association in early 2019, demonstrated strong leadership, took control of the bill development and it has since passed the lower house unanimously without any amendments.

The passing of this bill will ensure police officers injured in the line of duty and recovering from those injuries will receive 100% of their salary - this will aid in their recovery and their mental health wellbeing.

Every two days that the bill is not in operation, there is a police officer assaulted whose conditions may mean that they are subject to the loss of salary because they were injured in the line of duty.

If you have concerns for the conditions of other occupations, please do something about that as a separate activity. Please do not make amendments to this bill as it may well stall and every delay in passing the bill, has a strong likelihood of negatively impacting on a police officer and their family.

We trust that you will consider and pass this bill without amendment. This will recognise the unique role police have in our society.

If you have any questions or would like to discuss the bill, please make contact, as I am available at any stage to discuss what is proposed.

That is signed by the President of the Police Association of Tasmania, Colin Riley.

The issues referred to by the president are reasonably common - being shot at, having firearms pointed at you, being punched and kicked. For an operational police officer - I would say for a

longer-term operational police officer - I do not think there would be one who would be able to say that something like that had not happened to them. I would be very surprised.

I have related stories in this place about myself, and I do not want to harp too much on that. But I have spent time in hospital. I was hospitalised for a number of days because of a bashing I received at New Norfolk. I was the subject of a shooting at Scottsdale where characters took a shot at me.

Ms Rattray - Mr President, I hope they were not related to either you or me.

Mr PRESIDENT - No, I have lived in both places.

Mr DEAN - It is just a fairly common issue for policemen. There is nothing uncommon about it. That is what this bill is all about. That is what this bill is recognising at the end of the day.

I wanted to mention a couple of issues. I am not going to harp because the point has been made very clearly. The letter from the president really sums it up well. I urge all members to give full support to this bill; unanimous support is what we would be looking for, or the police would be looking for. We are going to address the other issues of other workers at a later time.

The issue of Les Cooper was mentioned this morning, and I was Les Cooper's boss for some time in the police service. A wonderful person, a wonderful family man. Even with the people that he locked up, I do not think he would even be their enemy - that was the type of character Les Cooper was. If you go through the step-down processes he had to go through, it is just not acceptable. I am not quite sure how he survived. That is what the medical profession said as well.

They talked about Darren Hopkins this morning as well. Let us look a little bit further at Darren Hopkins' career as well. I was Darren's boss at Devonport when he was also shot. He was shot in the back. He was attending a cannabis plantation, and on opening a gate, which was booby-trapped, the gun discharged and he was shot in the back. As a result, he was hospitalised for a long time. I think he might still carry some of that shot. I do not know if it was all removed. But he was shot, too. As Darren said in the paper the other day, 'I should not be here.' With the aircraft crash and getting shot in the back, it is just horrendous. Darren would have been subject to the step-down process here, too. He would have been off work for a long time after that shooting incident.

It is a pretty ordinary situation police are confronting. I talked about the police officer's oath. As the president of the association has said, police are not against in any way, and are in fact supportive, of other people operationally impacted by work injuries being supported in a similar way. They are not saying, 'It is just us'. We are saying, 'Please look at those other areas as well'. But we are unique. We stand out, because of our oath of office and because of the other areas where we cannot sidestep issues. We have to confront it. The police are called on by the public every day to sort out some violent situation somewhere. Many police do it several times in a shift, not just once.

Having said that, I strongly support this bill and I urge all other members to do so. They will understand the situation very well. I certainly support the bill.

[3.30 p.m.]

Ms FORREST (Murchison) - Mr President, I support the bill but want to comment on its provisions and the nature of the step-down provision.

I absolutely accept and acknowledge policing is unique. Police sign an oath that requires them to act. It has been said many times they run toward the problem or violence while most other people are running away. I am constantly amazed and pleasantly surprised at the speed and the skill with which they do that.

You only have to look at police across the world, not only in Tasmania but in the more unfortunate circumstances of terrorism. There was a recent event where police arrived within a minute of a shooting in the United States. They potentially saved a great number of lives, running into a situation where someone had an assault weapon and was shooting. It must be enormously frightening.

Policing is unique in that respect and some of the situations police face are unique and not many of us in our work roles would ever be threatened with a gun or a crossbow. It does not mean it does not happen, but it is certainly not to be expected. There are times in my role as a midwife when some partners can be aggressive and very threatening, not so much with a gun but certainly with physical violence. Thankfully, most of them punched the wall rather than the staff. It is quite frightening because you have the mother and baby you have to look after and often a fairly strong male person out of control. Waiting for security or police to come from quite a distance, because generally there are not any in a private hospital, can be very frightening.

Often, in those circumstances they do it out of fear, not as a deliberate action, but the police still have to come for all those events. The police officer's role is unique and the risks of having a physical injury as a result of violence are much more pronounced for a police officer than in most other professions. Ambulance officers come a close second in their role, particularly when they are going to situations where people have been injured in a brawl or as a result of a public disorder event.

I note the member for Windermere talked about this and it was particularly brought home to us in the screening of *Dark Blue*. I encourage all members who have not seen this film to make sure they do. It is confronting, but it shows how psychological or mental injury is a very real thing for people facing this sort of scene or experience all the time. The member for Windermere read the email we received from the President of the Police Association, Colin Riley, where he says 'the fragility of our wellbeing plays on my mind constantly'. That hypervigilance must be very taxing in itself; the rest of us do not have to deal with that - we do not need to be hypervigilant.

Police are hypervigilant as a part of their work. I can absolutely see the difference for police; however, the risk for psychological or mental injury is pronounced with ambulance officers and other first responders. They see the bodies torn apart. They see the pain and anguish of loved ones, as we saw in *Dark Blue*. The mother who saw her child under the train, who had to be restrained to avoid her going too close. The ambulance officers who get that child out - seeing those repeated events.

I remember, many years ago now, an ambulance was called to a serious car crash. The ambulance responded; they picked up the victims and brought them into the casualty department. It was not until the person in the crash was identified as the ambulance officer's son that he realised he had picked up his own son. Can you imagine that? I cannot. I cannot imagine how awful that would be.

The risk of psychological injury is very real. It happens in many professions where you are dealing with life and death.

It happens as a midwife, when there is a dead baby or a dead mother. Totally unexpected, in this day and age - a dead mother - but it happens. Very rarely, thankfully, but it still happens. A dead baby happens more often. It is really tragic, and really hard for the staff involved in the care of that mother and baby, and the father. That is where fathers can get really upset and do not know how to deal with their emotions.

I strongly believe this needs to be extended - not now; I am not suggesting now - but I suggest it needs to be looked at. A friend of mine who is a lawyer who works in this space has spoken to me time and time again about the step-down provisions and their inappropriateness and unfairness. If you are going to extend it to police, which I support doing for all the reasons we have mentioned, I believe we need to extend it to others.

One thing I learnt in the briefing today and which I was not aware of, is that the step-down provisions do not reset. Someone may have a workplace injury that requires the step-down provisions to kick in because of the extent of their injury, and then they end up, thankfully, being rehabilitated and able to return to work. This is particularly the case with psychological injury. It may be that you have recovered and you have been able to deal with the very real challenges. Then you go back to work and a year or two later you witness a similar event, or something that triggers you, and you are completely disabled again and unable to work. You are put back on the step-down provision where you left. That is just fundamentally wrong. It is fundamentally wrong here, which will be removed, and it is fundamentally wrong for any other worker who suffers in that way.

If this is about workers compensation rehabilitation, let us focus on that. I did not realise that, unless my lawyer friend missed telling me. I was too busy thinking about the other stuff. I do not know. It just seems so fundamentally wrong.

I really hope that the Government looks at that. It removed the step-down provisions for other workers in these sorts of circumstances. Maybe that would remove it. I just found that staggering.

I know this does not apply to many police officers at the moment. There are about eight or nine. I say 'only' - that is eight or nine people whose lives have been completely disrupted, whose families have suffered, and they will not be supported in this.

I understand the reasons for that, and retrospective legislation always comes with a number of challenges and risks. We should always scrutinise thoroughly anything retrospective. I absolutely understand that.

It would be really nice to think that maybe, in some way, people in these circumstances could be assisted. I know the Police Association does a lot of work to assist its officers. Members of the Police Association actually bank some of their leave to enable their fellow officers to be able to access that should they need to. That is a really benevolent and good thing to do, but ultimately, if people are off for such a long period, that is a very long period if they are a young person when they are injured.

While it is great to have that in place, I do not think it covers everything.

That is the majority of what I wanted to say. I agree this is long overdue. It has taken 12 years, Colin Riley said, for the work to progress, but finally we are here. It cannot stop here.

I hope the Leader addresses her mind to that when she replies - what the Government's plans are for that. It is fundamentally wrong, unfair and inequitable. The police have a different role, and I acknowledge that, but it makes it inequitable. You could have two workers working alongside each other - a police officer and an ambulance officer or a rescue officer - who attend the same scene. Both suffer an injury that results in their being put onto the step-down provisions. One person will get 100 per cent of their pay and the other person will not. How can that be fair?

[3.41 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the Leader for the briefings this morning from both the Police Association and the department, which cleared up any confusion or questions.

The Workers Compensation Rehabilitation Act is designed to get people back to work, but as we know, the environment the police work in is far more dangerous than most. It is not like any other industry or business.

The question has been raised: why are police officers different to other first responders or emergency workers? I acknowledge many similarities with other emergency workers, but I accept that it is impossible to mitigate all the risks other emergency services face. I accept, as mentioned by the member for Murchison and possibly the member for Windermere as well, that other first responders have similar occasions and occurrences, but today we are dealing with police. I have often heard it commented that the police go in when others are running out. Our police force is separated from other emergency services by occasions of violence. An example could be Ambulance Tasmania. We were told they regularly call Tasmania Police to incidents to make them safe for them.

We need to remember that when police go to work, they never know what they are going to face during a normal shift. The case was raised by the member for Windermere of Sergeant Les Cooper of Oatlands in 2006, who simply pulled over a person driving erratically and was shot twice in the back and once in the face. That was certainly nothing you would expect just driving on the highway.

We were further advised that in 2017-18 - I think I have these figures right, Leader, and you will tell me if they are not correct - there were 273 violent incidents with a five-year average of 229. That's more than four a week.

With a step-down provision, there is no reset. That was mentioned by the member for Murchison. We probably all think that when you go back to work that would be reset so if something recurs in the future, it would reset. It was surprising to realise there was no reset. This makes it very unfair. We were told eight to nine officers are affected at any one time.

We are told that step-down devastates the members of the police force when they are subjected to it, but often members of the force will not put in workers compensation claims to futureproof themselves for ongoing issues. Instead, they put in for sick leave rather than workers compensation.

This is a real issue because if they do have post-traumatic stress and something retriggers it, if they have never put a workers compensation claim in - I am assuming they would only have a certain amount in their sick leave bank - they are not covering themselves by not putting in a workers compensation claim.

Fortunately, as mentioned, there is a sick leave bank that members put into. I believe you can draw on it up to 180 days.

My understanding of step-down is that if a worker is incapacitated, it is 100 per cent initially, with step-down to 90 per cent after 26 weeks and then down to 80 per cent after 78 weeks. Effectively, this means that people at 80 per cent are losing 20 per cent of their wage, but their bills and responsibilities do not change. They certainly do not reduce by 20 per cent.

There is a question about the uniqueness of policing. There are many occupations where people get injured, but the difference is that police officers are often attacked. Police are the agency sent to violent incidents. They have no option not to attend these incidents and they know the violence could be redirected towards them. Police, as we know, are beaten, shot, spat on and abused, and the list goes on. We send these people to a job where there is a likelihood of injury and they could suffer a loss of income if injured. As said in today's briefings, if the police cannot fix the problem, no-one else can.

My understanding of the bill is that it needs to be likely that someone else would not be in that circumstance - that is, they are performing a particular duty that would not be performed by anyone else in another occupation. This step-down provision would be removed if someone is injured in a way that a normal person going about their duty could be injured. We were given the example of an officer falling down the stairs at work. Anyone could fall down the stairs. An officer arresting someone and getting attacked is a different scenario and it must be occupationally linked.

We were also advised that a step-down only comes into effect if the person is not able to do at least 50 per cent of their work. The question would then be asked whether there is an operational linkage as to whether the salary should be stepped down or not. Unfortunately for those currently on step-down, this bill will not be retrospective and it will date from when the bill passes. The cut-off date is when the bill passes but will relate to the date of the claim, not the date of the injury. Therefore, if someone is currently suffering post-traumatic stress but has not put in a claim as yet, if they put in a claim following the passage of this bill, my understanding is it would be covered.

It is accepted that, particularly with post-traumatic stress disorder, it is hard to determine when someone has the injury. That is my understanding of the bill and you might advise me if I am correct in your summing up, Leader.

Mrs Hiscutt - I can confirm now that that line of thinking is correct.

Ms ARMITAGE - In closing, the Workers Rehabilitation and Compensation Amendment Bill is significant legislation. I will be supporting this bill, which provides support and protection for our officers, who do a magnificent job daily.

[3.47 p.m.]

Mr ARMSTRONG (Huon) - Mr President, I will also support this bill. I believe that in the future we should also be looking to extend this legislation to include other frontline workers such as paramedics and nurses. I note from the debate on the issue in the other place that it is intended to review step-down provisions more broadly, and I certainly welcome that. I also thank the member for Windermere for reading a letter from PAT president Colin Riley into *Hansard*. I believe that said all that we need to know about this bill. I will be supporting the bill.

Ms LOVELL (Rumney) - Mr President, I will support the bill. Labor supported the bill in the other place and we intend to do so here as well. I acknowledge and thank the departmental advisers and the Police Association for the briefing we had today. I also acknowledge the Police Association's advocacy on this issue for a decade now. It has fought tirelessly to achieve this for its members and that should be recognised. I congratulate the association.

I certainly thank - as we all do - the serving officers of Tasmania Police for what they do for our community. It is the police we rely on who put themselves in these situations where they are often at risk. We rely on them to keep us, our loved ones and our community safe. I acknowledge those Tasmanians working in the force and thank them for their service.

I am not for a moment going to argue that police officers do not deserve the provisions that this bill will extend to them. Step-downs are inherently unfair. Life does not get any cheaper the longer you are injured and unable to work. In fact, you could argue that in many instances it gets more expensive because people are unable to drive, they might be relying on public transport and taxis; they might have childcare they need to increase; they may need help around the home. There are a number of expenses that, rather than getting cheaper, can get more expensive the longer you are suffering from an injury and unable to work.

As members know, my previous career was as a union official. I spent a great deal of my time working with injured workers, some of whom had been off work for very significant periods of time. Some were dealing with the adjustments they had to make as a result of the application of these step-down provisions being applied. I did not come across a single worker who was not desperate to be back at work. In fact, many of the workers I came across were working in low-paid industries. They were never earning much money. When they had step-downs applied and were down to 90 per cent or 80 per cent of their wage, they were not able to make ends meet. I came across workers who would settle their workers compensation claim so that they could get back to work in another job, despite the fact that they were still suffering from the effects of the injury that they had suffered at work.

I would like to see a review of step-down provisions for all workers. I understand that the Government has made a commitment to review the act in more detail, in particular these provisions. I would flag for members that I will be seeking to move an amendment and will circulate that as soon as possible. That is being worked on as we speak by the wonderful Office of Parliamentary Counsel, OPC.

A number of members have recognised that whilst police absolutely deserve this bill and the provisions that it extends, there are many other workers who deserve the same. In passing this bill, we are accepting that there is an inequity that will be enshrined in legislation.

I know, and I accept, that the situation for police is unique in that they swear an oath. They are obliged to perform their duties and put themselves at risk a lot of the time. That is unique to the position that they are in, and other workers are not in that same position because they are not required to swear an oath and make that same commitment. However, I would argue that there are a number of workers in Tasmania, a number of positions, where people do feel that same sense of obligation. Despite the fact that they have not sworn an oath, they do feel an obligation to put themselves in harm's way, to put themselves in a situation where they might be at risk because they are undertaking their role.

We have discussed this in the briefings, and other members have mentioned this - that there will be situations, or there could be situations as a result of this bill, where you may have two workers performing the same duty in the same environment who suffer the same injury, and yet one of those workers will have step-downs applied, and one will not.

The example we spoke about this morning was a search and rescue operation. Police may be required to attend a search and rescue operation. As a hypothetical, a police officer could fall down a cliff. That absolutely could happen. But, just as easily, an emergency services worker, an SES worker, could be at the same operation, could fall down the same cliff and suffer the same injury. Yet the police officer will not suffer from step-downs; the SES worker would, if that injury was long term.

Another example that comes to mind is a nurse in the emergency department. Nurses are often faced with situations where they are put at risk, where their physical safety is compromised. I would argue that while they have not sworn an oath, there would be many, many nurses whose first instinct would not be to remove themselves from that situation if that left somebody else at risk. By the nature of their job, they would be inclined to stay in that situation to protect other people. Again, you could have a situation -

Ms Forrest - Exactly what you do.

Ms LOVELL - Exactly. A situation in the emergency department where a patient is - or a member of the public is physically violent, for example. You might have police who are there to assist, a police officer is injured, a nurse is injured, the same injury, the same environment, the same situation. One worker potentially would suffer from step-down provisions, one would not.

As I said from the start, I am not for one moment arguing that police officers should be subject to step-down provision. What we are arguing is that other workers should not.

The amendment that I will moving - and I will speak in more detail to this once that has been circulated and we are in the Committee stage - is to enshrine in the legislation a cause for a review of step-down provisions to be conducted and for the outcomes of that review to be tabled in the parliament. This would include the cost implications of extending the provisions of this bill to all workers in Tasmania. As a number of us have recognised today, this bill, while we all strongly support it, leaves an inequity in our workplace legislation.

In conclusion, I am happy to support this bill. I acknowledge and thank the police officers of Tasmania for the work they do and congratulate them again for their advocacy on this issue and for achieving this outcome. I am happy to support the bill.

[3.55 p.m.]

Mr VALENTINE (Hobart) - Mr President, as members of this place, these are the difficulties we face when reviewing legislation. I thank the police who briefed us and the Leader for providing the opportunity for briefings. It was important to hear from those at the coalface and the Police Association, which is dealing with members frequently on matters related to this particular legislation.

The police said they understand they are not the only ones who face danger at the coalface. That is an important point to make. I do not think it has been said there are not others who face danger. Other members have brought to our attention that ambulance personnel can be confronted

with some very dangerous situations. Mental health workers can be confronted with significant violence on perhaps a more infrequent basis. Even hospital orderlies can be confronted with violence if they are dealing with ice addicts or whatnot, trying to get them from one point to another. There are all sorts of frontline workers who have traumatic experiences. Regardless of whether you are a police officer or another type of frontline worker, the impact can be just as traumatic.

The point about the police is that it is more consistent, they are being sent out into the face of violence as a part of their role. It is an expectation of their role as opposed to other frontline workers who may come across it on occasion. It does not matter to the individual worker, it may be just as traumatic - especially if you are not trained to deal with aspects of violence. Police officers are trained, but it does not make it any less traumatic. For those not trained, it is traumatic and may well have the same impact. We have to balance these sorts of things when we are dealing with this.

Is it the frequency, the expectation they are going into these violent situations? Whichever way, whatever the profession, the trauma can be just as severe. I attended a couple of sessions with a psychologist talking about how they dealt with members of the community who faced trauma because of the fire situation at Dunalley. You might say fire is not as traumatic a situation as someone pointing a gun at your head. The point I took from the information provided to us by the psychologist is that it takes years sometimes for these things to be dealt with individually.

Trauma can resurface and something will trigger it. For that reason, the reset being put forward is so important. The reset in relation to the step-down system is so important because it can happen years later. If you have the opportunity to find the PowerPoint display the psychologist showed which went through the various steps people go through in recovering and rehabilitating after a significant event, to see how long it takes, it will open your mind to the impact trauma has on people. That reset is so important.

I support this bill - it is a good start - but I do not think it will be the end of it. I think there will others who will look at this. I will support the amendment calling for a review. At the end of the day, it is very difficult for this Chamber to be setting one profession aside from another.

We know that trauma experienced can be the same even though the training and the expectations are different. What we are hearing in this place today is important, but today we are dealing with it in relation to police, so today I will support this bill in relation to police.

[4.01 p.m.]

Ms WEBB (Nelson) - Mr President, I appreciate the work the police do to keep all Tasmanians safe. Speakers before me in both Houses have been unanimous and eloquent in acknowledging the selfless and often dangerous work the police do. To this, I add my appreciation of all our public employees, whether they are nurses, doctors and those who look after us when we are ill; the firefighters who protect our lives and property in times of crisis; the educators who teach and inspire the next generation; or the civil servants who ensure the day-to-day services the state provides. These are just some of the many workers who do a fantastic job in serving the people of this state.

I am thankful to the Government for presenting us with the opportunity to discuss and debate step-down provisions in workers compensation claims. Here we have an opportunity to consider improving a system to the benefit of all employees and need not make a special category for any occupation. I support the removal of step-down positions for police unable to return to work due to the long-term impact of an injury. However, in my view this should be extended to all occupations.

While I support this bill, which delivers what I believe to be a fair outcome for one category of employees, I am dismayed that it leaves every other Tasmanian worker excluded from that fair outcome. In previous times in our state, and even in some other places, an injury at work could mean a total loss of income for that worker and family.

We are fortunate to live in a country where this is not the case due to the service WorkCover provides. Since WorkCover was established over 30 years ago, it has provided an absolutely essential service to this state. In the last financial year alone, over 7000 claims were made - that is, over 7000 Tasmanians and their families were given financial security after being injured at work. There is no doubt that WorkCover is an important service that has helped thousands of Tasmanians, yet like all services we should be looking for opportunities to improve it.

The debate that has occurred since this bill was presented to parliament has provided us with such an opportunity - an opportunity to map a way forward to ensure no employee must face financial stress as a result of an injury incurred at work. It is my hope this bill will be the first step in delivering this outcome.

In presenting this amendment to the other place, the case has been made that police should be considered a special category of occupation. The key aspect of that argument relates to the likelihood of encountering violence in the course of their work.

The minister, Mr Ferguson, stated that policing is the only occupation where we expect employees of the state to routinely attend situations of violence. The minister is right - it is certainly likely that members of our police force will be more frequently exposed to violence in the course of their work and there is an expectation that police officers will be a mitigating factor in the face of violence for the general public and for other occupations that may encounter violence in the course of their work. They are the last line of response to violence in our community. We all look to them to respond and protect in such circumstances.

Policing, however, is not the only occupation that encounters violence in the course of employees' work. While we may not expect other occupations to attend situations of violence, the fact is other occupations do. This is true of a number of occupations: our health workers, our child support workers, our correctional officers, our other first responders.

We can see in this the difficulty of making a cut-and-dried distinction relating to violence in this bill. However, while violence is a fact most readily used to make the argument that police are a special category, the bill itself does not turn on the involvement of violence for the police officer to be exempted from the step-down provisions.

As stated in the bill, the step-down does not come into play. I quote -

... if, had the person not been a police officer, it is unlikely that the person would have been in the circumstances as a result of which the injury was suffered.

The bill does not require that the circumstances that resulted in the injury are violence-related nor that they be unique to the occupation of police officer. For example, if a police officer attends an accident scene in the course of their duties, an accident scene that is also attended by other first responders such as ambulance officers and firefighters, and as a result that police officer suffers a PTSD injury, they would be covered by this bill. They would be exempt from the step-down provisions if still incapacitated after 6 or 12 months. However, an employee in one of those other

categories of first responders who attended the self-same accident scene and suffered a similar PTSD injury would be provided no such exemption.

This certainly appears to be an inconsistent and unfair way to treat our equally valued first responders. For me, this raises the question about step-down provisions more generally. These concerns have rightly been pointed out by several of my colleagues in speaking to this bill.

Currently, if an employee in this state is incapacitated through injury at work, they are eligible for weekly payments amounting to 100 per cent of their normal weekly earnings. This is the case for the first 26 weeks. After that, the earnings begin to be cut, first by 10 per cent and then, at 52 weeks, by 20 per cent.

I contend that if an employee cannot return to work after these extended periods, having met the criteria to warrant workers compensation support and they clearly remain seriously injured, there is no reasonable rationale to risk putting that employee and their family to financial stress by imposing on them a significant drop in household income. In fact, I would go so far as to say it is a punitive measure to do so.

When considering this issue, our first points of comparison to police officers have generally been other first responders. But when thinking more broadly about an equitable approach on this, I am put in mind of other Tasmanian workers such as our hardworking education facility attendants. These workers have an important job keeping our schools safe and healthy environments to learn and work. They are our schools' grounds people, kitchen assistants and cleaners. Their work is often physically demanding and can involve split shifts to accommodate school hours. Despite their important and physically demanding work, a full-time salary for an education facility attendant can be just \$43 000 per year.

I consider that, given their physically demanding work, an education facility attendant in my electorate, for example, or anywhere in Tasmania, may well be injured in the course of their work. Would it be fair to ask that an education facility attendant take a step-down in wages worth thousands of dollars a year from their meagre wage and potentially put them and their family under financial stress? I do not believe that is fair. I regard it as unacceptable that such step-down provisions exist. It is certainly unacceptable for valued first responders such as the police, but it remains unacceptable for other occupations.

At the end of the day, no worker asks to be injured, nor do they wish to place their families under stress through having their wages reduced when impact of their injury persists for an extended time. I suggest that we embrace the opportunity presented by supporting this amendment bill for police officers and have it be a prompt to review and remove the step-down provisions for all Tasmanian workers.

I would like to see a firm commitment in actioning that review and I hope ultimately that we remove financially punitive step-down provisions across the board.

[4.09 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank all members for their contributions and their concern for other people. I am sure that it will be considered and there is a promise of a review that we will discuss when we come to the Committee stage.

Many members are concerned about the inequity. The Government appreciates there is some inequity, but we need to move on police first because it is recognised police injuries are often the result of being attacked with knives, guns or fists, and we send police into these situations. The community sends the police into these situations. This is not particularly true of other workers. They are not the first ones to be sent in. Police are the first ones and have to deal with the violence.

Just bear that in mind, members. I thank you all very much for your contributions, but the police are the ones who have to go in and deal with the violence. They are the ones attacked. They are the ones shot. They are the ones that have to fight off the person with the knife in their hand. Thank you very much.

Bill read the second time.

**WORKERS REHABILITATION AND COMPENSATION
AMENDMENT BILL 2019 (No. 20)**

In Committee

Clauses 1 to 6 agreed to.

New clause A -

Section 69C - Review to be conducted of cost and effect of removing step-down payments

New clause A presented by **Ms Lovell** and read the first time.

Ms LOVELL - Madam Chair, I move -

That new clause A be read the second time.

The aim of this amendment is to provide some reassurance and some accountability in dealing with the issue many of us have spoken about today - the inherent unfairness of step-down provisions. The sentiment is that the provision we are extending to police officers today should be extended to all workers.

I understand the minister has committed to conducting a review. However, I am proceeding with this amendment because the commitment made by the minister is not as broad as the review we believe is necessary and would like to see conducted. The review committed to by the minister is to undertake appropriate analysis and consultation and make a recommendation on the operation of section 69B concerning the step-down provisions as applied to occupational groups within the public sector and whether the Workers Rehabilitation and Compensation Act 1988 ought to be amended in light of the board's recommendations and advice.

Those points are read from a letter from the former minister for building and construction, Ms Courtney, to the Chair of the WorkCover Board, Ms Kathrine Morgan-Wicks. That letter was tabled during the debate in the other place and is available online if members wish to review it.

I believe the amendment I am moving captures more fully concerns raised by members in this Chamber about extending these provisions to all workers, not just public sector workers.

It is calling on the minister for a review to be carried out by independent persons, for the review to be tabled in both Chambers of parliament and for it to encompass the cost and impact of extending these provisions to all workers. It does not bind the Government to anything in terms of policy decisions or any changes that might come about as a result of that review. It captures the full range of concerns raised in this Chamber.

I ask members to support the amendment.

Mrs HISCUTT - The Government will not support this amendment. The member for Rumney says it is to provide reassurance so I will provide members with the background of the reassurance the Government has already given. My opinion is this was sorted out in the other place but we will have another look at it here.

The proposed amendment is unnecessary. The Government has already committed to reviewing the application of the step-down provisions to other occupational groups within the public sector. The former minister for building and construction has already directed the WorkCover Board to conduct the review with the direction that it has been tabled in the other place. I have that letter here and will read it now. It is addressed to Ms Kathrine Morgan-Wicks and it is signed by Sarah Courtney MP -

Dear Ms Morgan-Wicks

Review of step-down provisions

In accordance with the *Workers Rehabilitation and Compensation Act 1988*, all workers who are incapacitated by a work injury have their pay reduced to 90 per cent after 26 weeks of incapacity, and further reduced to 80 per cent after 78 weeks of incapacity.

As you may be aware, the *Workers Rehabilitation and Compensation Amendment Bill 2019* has been introduced into Parliament seeking to remove the wage step-down for officers of Tasmania Police whose incapacity results from an operational-related injury. During the legislative process, Members of Parliament indicated that a broader review of step-down provisions is warranted.

Section 11A of the Act provides that I may, as the relevant Minister, give a direction to the WorkCover Tasmania Board with respect to its functions and the performance of its powers.

Accordingly, I direct the Board to -

1. undertake appropriate analysis and consultation, and make a recommendation to myself as Minister, on:
 - a. the operation of section 69B, concerning the step-down provisions, as applied to occupational groups within the public sector; and
 - b. whether or not the *Workers Rehabilitation and Compensation Act 1988* ought to be amended in light of the Board's recommendations and advice.

Your recommendations and advice on the above must be provided to me to allow for tabling no later than the last Parliamentary sitting day in 2020.

Thank you for your assistance with this matter. I look forward to receiving recommendations from the Board consistent with this direction.

...

Sarah Courtney MP
Minister for Building and Construction

Are we happy to table this again?

Madam CHAIR - You have read it in, I think it is fine.

Mrs HISCUTT - We now have a letter from WorkCover Tasmania addressed to Hon. Sarah Courtney MP. The letter is by email, it is signed by Kathrine Morgan-Wicks and is dated 20 June 2019; it says -

Thank you for your letter, which I note was tabled in Parliament on 21 May 2019, regarding a review of step down provisions set out in section 69B of the *Workers Rehabilitation Compensation Act 1988* (the Act).

The Tasmanian Workers Compensation Scheme supports workers who have been injured at work, with a focus on returning injured workers back to health, and back to work. Where an injured worker is not immediately able to return to work, they are supported financially under provisions of the Act.

I acknowledge the Government's commitment to removing step down provisions that apply to Police Officers, ensuring Police Officers continue to receive 100% of their pay while in receipt of weekly workers compensation payments.

The current step down provisions are the outcome of the Rutherford and Clayton reviews, which resulted in provisions adjusted to strike the appropriate balance between incentivising return to work and avoiding undue financial hardship on the worker. It is noted that these reviews were conducted in 2004 and 2007 respectively. I recognise that it is timely to review step down provisions in the Act to ensure that the provisions are fair, affordable, efficient and effective and reflect contemporary community expectations.

On behalf of the WorkCover Tasmanian Board, I confirm the Board will undertake the required work, in accordance with your direction, and look forward to progressing this matter with you further.

...

Kathrine Morgan-Wicks
Chair, WorkCover Tasmania Board

I will not table this letter because I have read it into *Hansard*.

The review has been ordered and has been accepted. The direction of the board was made under section 11A of the Workers Rehabilitation and Compensation Act 1988 and makes it a legislative requirement that the review be conducted.

The direction also makes clear that the review must be completed in time to allow the recommendations to be covered in parliament during 2020, and the Government has committed to table the recommendations. Therefore, the proposed amendment is unnecessary. All it will do is slow the progress of the bill and delay the protections to the police officers we are seeking to protect.

A review has been ordered and accepted. This amendment, well-intentioned, is already being implemented. There is no need to put this amendment into the bill because the work is already being undertaken.

I urge members not to delay this bill any further because we all know the process. It has to go downstairs and come back up here again.

I urge members to acknowledge the fact the review is being done and there is no need to add this amendment.

Ms LOVELL - It is not my intention to debate this for a long time today. I appreciate everything the Leader has said; I appreciate the letters written. A letter has been responded to, and a review has been accepted, but that does not address the fact that the direction given by the minister was to review the step-down provisions for public sector workers.

What members have talked about today in this Chamber is the concern around carving out groups of workers doing similar, or the same, roles, providing different provisions and entitlements for workers at the same level of risk, in the same job, and, simply by reason of who their employer is, being entitled to different provisions. That is why we are proceeding with this amendment.

In the examples we have spoken about today, the member for Nelson spoke about education facility attendants employed by the public sector; equally, you could be speaking about a cleaner or a groundskeeper at a private school or a cleaner who comes in to clean office buildings at night. We could be talking about a nurse employed by the Tasmania Health Service at the Royal Hobart Hospital or the Launceston General Hospital. We could equally be talking about a nurse working in one of the private hospitals in the state.

This amendment does not bind the Government to anything. I appreciate there is a desire to pass this legislation as soon as possible so we can extend these provisions to police. The police have been fighting for this for a decade. Other workers have been fighting for the same thing for more than a decade. This is an important amendment to ensure we capture all the concerns raised today. Again, it is not my intention to debate this for long this afternoon, but I ask members to support the amendment.

Mrs HISCUTT - I am not sure if I heard right. You said you wanted it extended to the rest of the public sector. That is part 1A of what?

Ms Lovell - No. All workers. We would like the review to be conducted into the cost and impact for all workers.

Mrs HISCUTT - Sorry, I misunderstood. This is the whole public sector.

Ms Lovell - Yes.

Mrs HISCUTT - I think there may be some more advice.

Mr GAFFNEY - I have some concerns, and put that out straightaway. A lot of time and work has gone into this amendment from the police sector. There are many unknowns in going too wide and too early putting into legislation that we are actually directing a pathway for that to occur when in good faith the Government has said it will be undertaking those studies and reviews to be able to see what unknowns might be in the public sector about different workplace environments and situations to what we have regarding the police force.

While the intent of the amendment is good, there are too many unknowns relating to what this might cover, and it would be a backward step. The review is going to be undertaken and I do not see the need for us to go down this path. I suggest if that review is not undertaken, many questions will be asked. On the one hand, I can see the reason behind the amendment from the member for Rumney, but on the other hand, we do not have enough information. We have not properly investigated some of the possible ramifications that could result once this legislation has been put through the wringer. It has been tested and looked at, so how can the police be identified as different to other public sector workers? I will not support this amendment on those grounds.

Mr VALENTINE - I said I would be happy to support the review and the amendment the member has put forward, but looking at this and listening to what the Leader said, I agree with the member for Mersey, in that a review is going to take place. I understand the distinction the member for Rumney is making in terms of all workers opposed to just the public sector. I hear that, but to vote for an amendment of that nature I would need more information and greater time to absorb exactly what it would mean. If we have the review that is already underway, there is nothing to prevent the member from bringing forward a motion on private members' day for this Chamber to support a further review, if that is needed. I think we should go with what the Government is putting forward - and no doubt the Government will be watched.

Mr GAFFNEY - We heard three times this morning in our briefing that it involves eight or nine people so the number of cases is finite. Because we have heard it is trackable, there can be some financial impost. The Government has to be aware of those things before it does it. It is not really an understanding of the numbers it might include, even though there is to be a review. As I have already said, I think that it will come back and say, 'These are the numbers now'. As a government and as a parliament, you need to know that if we go down this track for the whole public sector, it could be many people. Are we going to deal with them exactly the same? In a best-case scenario, yes, they would be, but perhaps that is not possible. I think we need to err on the side of caution when we put the Government into a situation when it has no room to make changes or be flexible in what it does.

The Government might want to come back to us at this place and look at the report - 'These are the options. This is what can happen in this sector and this sector. We have covered this group but we haven't been able to cover this group'. It is hard to do. There are many different scenarios I think we need to be careful about.

New clause A negated and bill taken through the remainder of the Committee stage.

**ELECTRICITY SUPPLY INDUSTRY RESTRUCTURING (SAVINGS AND
TRANSITIONAL PROVISIONS) AMENDMENT BILL 2018 (No. 64)**

Second Reading

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

That the bill be now read the second time.

The purpose of the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Amendment Bill 2018 is to clarify Hydro Tasmania's ongoing obligation to supply water to entitlement holders along the Lake and Ouse rivers under Division 2 of Part 4 of the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.

A legislative process to clearly define the water rights of riparian landowners on the Ouse and Lake rivers and determine Hydro Tasmania's associated water supply obligations came into effect on 6 July 2011 with amendments to the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995. Prior to 2011, section 16 of the act required Hydro Tasmania:

To make available to the owners of land to which this section applies water reasonably required for the irrigation of that land from the beds of the Lake River and the River Ouse and the channels of the Lawrenny Irrigation Works that have continued in existence since 1 November 1957 or earlier.

The amendments in 2011 were made to achieve two key outcomes. First, to provide relevant landowners with a contemporary, properly specified water access entitlement under the Water Management Act 1999 or Irrigation Clauses Act 1973, thus meeting the Government's obligations under the National Water Initiative and to provide those landowners with certainty regarding the statutory nature of their water entitlements.

Second, it defined the amount of water that Hydro Tasmania would be required to make available to relevant landowners, thus providing certainty to Hydro Tasmania, an important point, particularly as the water resources involved are its most valuable.

The process that came into effect in 2011 provided for the amount of water to be made available to relevant landowners to be determined by agreement, or by arbitrated award if agreement could not be reached.

Hydro Tasmania has negotiated agreements with all relevant landowners on the Ouse and Lake rivers to quantify the amount of water required. However, in determining the process for fixing the amount of water by order, a legislative drafting error became apparent. The current wording of the act means that the obligation on Hydro Tasmania to make water available to the 'entitlement holders' essentially continues until their death. In addition, the act currently provides that Hydro Tasmania's obligations to make water available to the original entitlement holder will continue to exist, even if such a person transfers their relevant water authorisation.

The bill I present today clarifies that Hydro Tasmania must make water available from the beds of the Lake River and River Ouse to every person who held riparian land in 2011 or persons to

whom land has been transferred or novated. In addition, this bill clarifies the period during which an agreement between an entitlement holder and Hydro Tasmania could be made.

Once this bill has been enacted, the Minister for Primary Industries and Water will then be able to approve orders under section 16D of the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995 to fix the amount of water Hydro Tasmania must make available to riparian landowners and the Lawrenny Water Trust.

The water entitlements under the order will be based on the agreements that have been made with Hydro Tasmania and will be formalised as either water access entitlements under the Irrigation Clauses Act 1973 or Water Management Act 1999. This will provide certainty to both entitlement holders and to Hydro Tasmania regarding water that is obliged to be made available from the Ouse and Lake rivers.

Entitlement holders will benefit by having fully tradeable entitlements that constitute a capital asset that does not presently exist. This contrasts to the present situation where, whilst Hydro Tasmania makes water available, it retains ownership of the access entitlement to that water.

Mr President, the Government fully supports the introduction of this bill. I commend the bill to the Council.

[4.44 p.m.]

Ms FORREST (Murchison) - Mr President, I will support this bill. It is interesting we again are faced with a legislative drafting error that has become apparent and needs to be corrected. Nothing new, nothing unusual - happens all the time.

Some months ago, I was offered a briefing from the minister on this, which I was really appreciative of. We understand a little bit more. One question - and I hope the Leader can confirm these figures for me - I was interested in the value of these agreements, because water is a really valuable asset. In Tasmania we get more water per percentage of our landmass than anywhere else in the country, and it is a highly tradeable commodity.

Mr Valentine - Twelve per cent of the nation's water.

Ms FORREST - Twelve per cent on 1 per cent of the landmass. We certainly punch above our weight in rainfall, which is evident around some parts of the state at the moment.

It is a valuable commodity. You only have to look at northern New South Wales to see how poor water management and perhaps rorting of the system can create a number of challenges. Thankfully, we are not seeing that sort of thing happening here, or it appears not to be.

I asked the departmental officers during the briefing about the agreements Hydro Tasmania has. I understand it has 56 agreements. Can the Leader clarify these figures for me? Fifty-six agreements for secure water entitlements constitutes 94 000 megalitres of water with a value of \$8 million - not insignificant, if that is right. I am sure the Leader will be able to confirm that.

Mrs Hiscutt - I confirm that is correct.

Ms FORREST - It is important we acknowledge the value of this asset and the necessity of making sure it is properly legislated. As we see from the second reading speech and from the bill,

it will provide fully tradeable entitlements that will constitute a capital asset not currently existing for these landowners. It will certainly add value to their properties and to the opportunities having reliable water presents.

I do not have a problem with the bill. It is tidying up an error detected in the drafting some time ago, but I want to acknowledge the value of these entitlements - they are not insignificant.

[4.47 p.m.]

Mr ARMSTRONG (Huon) - Mr President, I also support this bill because it tidies up a drafting error. I am pleased to see the bill giving water entitlement holders on the Ouse and Lake rivers security and the benefit of having entitlements being tradeable, therefore providing them with a capital asset.

I take this opportunity to congratulate the Government and former governments on the work on water development in this state, and this Government on the recently announced Rural Water Strategy, which will set the direction for legislative and policy reform in the rural water sector for the next few decades.

We all know how good land is without water - it is not much good at all, is it?

I support the bill.

[4.48 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I support this bill and I acknowledge the other situation was found to be lacking. This bill provides some security and surety to landowners with possibly on-selling their water rights. This has been one of the key features of water development across the state: if you purchase the water right, whether you are a landowner or an investor, you have a tradeable commodity. That has been able to drive the growth of water development. The federal government acknowledges this and that is why we have such a significant area under the water development scheme throughout this state. That is why they are still rolling them out. Very large pipes are being put down through Jetsonville as we speak - the greater Jetsonville area, as Brian Carlton would call it. Scottsdale is included in the greater Jetsonville area is how he sees it.

I mentioned this morning in the briefing where they have dug up to put down those massive pipes for the new Scottsdale Irrigation Scheme. They are really huge pipes. The soil is just rich and red. I said this morning to the gentleman who brought in the class 3 or 4 land from Huntingfield that could not match what I have at my backdoor.

Mrs Hiscutt - Mr President, I have to concur with the member for McIntyre.

Ms RATTRAY - It was a big difference in colour. But you will know well, Mr President, you will know well.

I acknowledge the work done in regard to water development. When I was thinking about this bill and my support for it, it prompted me to remember I am still waiting for the by-laws for the Winnaleah Irrigation Scheme. I have sent a couple of emails around. I am just about tearing my hair out because members of the Winnaleah Irrigation Scheme Board - it is not safe to go into Winnaleah at the moment, and that is a problem for me when it is my hometown. It is something I will be following up. Possibly somebody in this Chamber is onto it as we speak, possibly, the Leader.

I certainly understand the need for this, and I support the intent.

[4.51 p.m.]

Mr VALENTINE (Hobart) - Mr President, I support this bill. I had questions about the nature of the levels of organisations and the like which had claims on water coming out of rivers. It was for stock use, for town use, for environmental flows and the like, and they were satisfied, so I am prepared to support the bill.

[4.52 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thought the member for Murchison was asking two different questions there, but obviously she has the answer. The value of the entitlements: there are 56 agreements with 94 000 megalitres at a value of \$8 million. I thank members for their contributions on this.

Just one more snippet of information for the member for McIntyre, on the Winnaleah by-law: Tasmanian Irrigation advised that the Office of Parliamentary Counsel - OPC - is drafting the by-laws.

Ms Rattray - It is in good hands then.

Bill read the second time.

ELECTRICITY SUPPLY INDUSTRY RESTRUCTURING (SAVINGS AND TRANSITIONAL PROVISIONS) AMENDMENT BILL 2018 (No. 64)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 16A amended (Interpretation of Division)

Mr ARMSTRONG - To clarify, why does the legislation still refer to the HEC - Hydro-Electric Commission - instead of Hydro/TasNetworks?

Mrs HISCUTT - We presume it is originally from the 1957 legislation and that is the way the OPC does it; other than that, I cannot add more. If that is the way OPC presents it, it is probably linked back to the 1957 legislation. It is a very good question, though.

Clause 4 agreed to.

Clauses 5 to 8 agreed to and bill taken through the remainder of the Committee stage.

CIVIL LIABILITY AMENDMENT BILL 2019 (No. 30)

FRUIT AND NUT INDUSTRY (RESEARCH, DEVELOPMENT AND EXTENSION TRUST FUND) REPEAL BILL 2019 (No. 6)

First Reading

Bills read the first time.

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, 13 August 2019.

Motion agreed to.

The Council adjourned at 5 p.m.