



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 10 September 2024

REVISED EDITION

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Tuesday 10 September 2024

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

QUESTIONS ON NOTICE - ANSWERS

[11.05 a.m.]

The following answers to questions on notice were given:

No. 14 - Public School Levies

Ms O'CONNOR question to the MINISTER for EDUCATION, Ms PALMER

- (1) What were the levy amounts charged by each public school in Tasmania, for each grade, in 2023?
- (2) What was the total dollar amount collected in levies by each public school in Tasmania in 2023?
- (3) What was the total number of students enrolled at each public school in Tasmania in 2023? (e.g. Blackmans Bay Primary School – 240 students)
- (4) What was the total number of students at each public school in Tasmania who were exempt from paying levies in 2023?

ANSWER

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, this is the answer to question 13 on the notice paper for the member for Hobart via the Minister for Education, who has just raced up from the other place, so I will do that for her.

- (1) Levy amounts charged to families are set at the school level through consultation with the school association, in line with secretary's instructions 9 for school levies and charges, and considering community expectations and family financial constraints. Where appropriate, payment plans can be made between the school and the family. Levy amounts are reviewed and adjusted annually.

The rest of it is - please refer to attachment 1. There are quite a few attachments here so I will do them all at the end, if that is okay.

- (2) What are the dollar amounts collected in levies? Refer to attachment 2.
- (3) The next question, refer to attachment 3. The numbers provided are based on the first census held for schools in 2023.

- (4) Attachment 4. The total number of students at each public school in Tasmania who were exempt from paying levies in 2023 was 22,103. Where a student has a dual enrolment, the student had been counted in all schools they are enrolled in. The data provided is for the 2023 school year. Census 2 data as at 4 August 2023 and any new applications received between 5 August 2023 and 31 December 2023.

I have four attachments here. I seek leave to have them tabled and incorporated into *Hansard*.

Leave granted.

See Appendix 1 for Attachment 1 on 4 page 116.

See Appendix 2 for Attachment 2 on 4 page 153.

See Appendix 3 for Attachment 3 on 4 page 157.

See Appendix 4 for Attachment 4 on 4 page 165.

TABLED PAPERS

Parliamentary Standing Committee of Public Accounts - Report of Inquiry into Election Funding

[11.07 a.m.]

Ms FORREST (Murchison) - Mr President, I have the honour to present the report of the Parliamentary Standing Committee of Public Accounts No. 16 of 2024: Short Inquiry into the Tasmanian Government's Use of the Provisions of the *Financial Management Act 2016* to Fund Election Commitments in 2021.

I move -

That the report be received.

Report received.

Ms FORREST - I move -

That the report be printed.

Report printed.

Ms FORREST - I move -

That the consideration of the report and its noting be made an order of the day.

Motion agreed to.

**Parliamentary Standing Committee of Public Accounts -
Auditor-General – Report of Statement of Understanding**

[11.08 a.m.]

Ms FORREST (Murchison) - Mr President, I am honoured to present the report of the Parliamentary Standing Committee of Public Accounts No. 18 of 2024: Statement of Understanding - Parliamentary Standing Committee of Public Accounts and Auditor-General of Tasmania.

I move -

That the report be received.

Report received.

Ms FORREST - I move -

That the report be printed.

Report printed.

Ms FORREST - I move -

That the consideration of the report and its noting be made an order of the day.

Motion agreed to.

MESSAGE FROM THE GOVERNOR

Assent to Bills

Mr PRESIDENT - Honourable members, I have messages from Government House advising of Royal Assent to the following bills:

State Litigator (Consequential Amendments) Bill 2024 (No. 8)
Sentencing Amendment (Alcohol Treatment Order) Bill 2024 (No. 7)
Taxation Legislation (Affordable Housing And Employment Support) Bill 2024 (No. 13)
Police Offences Amendment (Begging Repeal) Bill 2024 (No. 16)
Human Tissue Amendment Bill 2024 (No. 18)
Asbestos-Related Diseases (Occupational Exposure) Compensation Amendment Bill 2024 (No. 21)
Racing Regulation And Integrity (Consequential Amendments) Bill 2024 (No. 11)

MOTIONS

Government Administration Committees - Portfolio Changes

[11.11 a.m.]

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

That the following revised list of ministerial portfolios be allocated to the Legislative Council Government Administration Committees A and B, as a result of the ministerial portfolio changes:

Committee A:

- (1) Deputy Premier,
- (2) Treasurer,
- (3) Minister for Small Business and Consumer Affairs,
- (4) Minister for Energy and Renewables,
- (5) Minister for Parks and Environment,
- (6) Minister for Children and Youth,
- (7) Minister for Community Services,
- (8) Minister for Aboriginal Affairs,
- (9) Minister for Finance,
- (10) Minister for Local Government,
- (11) Minister for Sport and Events,
- (12) Minister for Business, Industry and Resources,
- (13) Minister for Transport,
- (14) Minister for Education, and
- (15) Minister for Disability Services.

Committee B:

- (1) Premier,
- (2) Minister for Tourism and Hospitality,
- (3) Minister for Trade and Major Investment,
- (4) Minister for Infrastructure,
- (5) Minister for Primary Industries and Water,
- (6) Minister for Racing,
- (7) Minister for Housing and Planning,
- (8) Minister for Police, Fire and Emergency Management,
- (9) Minister for Skills and Training,
- (10) Minister for Corrections and Rehabilitation,
- (11) Minister for the Arts,
- (12) Minister for Women and the Prevention of Family Violence,
- (13) Minister for Science and Technology,
- (14) Attorney-General,
- (15) Minister for Justice,
- (16) Minister for Health, Mental Health and Wellbeing, and
- (17) Minister for Veterans Affairs.

Motion agreed to.

Estimates Committees A and B - Establishment

[11.12 a.m.]

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

That the Legislative Council establish two Estimates Committees and that Committee A shall consist of 5 members and that Committee B shall consist of 6 members.

And that -

Ms Forrest, Mr Harriss, Ms Lovell, Ms Thomas and Mr Vincent
be of Committee A

and

Ms Armitage, Mr Edmunds, Mr Gaffney, Ms O'Connor, Ms Rattray and
Ms Webb be of Committee B

That the Estimates Committees report upon the proposed expenditures contained in the Appropriation Bills (No. 1 and No. 2) and budget papers by no later than Friday 11 October 2024.

And that the scheduled emailed to Members on Monday 9 September 2024 be adopted as the Estimates Committees timetable.

Motion agreed to.

Request for Ministers to Appear Before Estimates Committees

[11.13 a.m.]

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

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

Motion agreed to.

Message to the House of Assembly – Estimates Committees

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

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

Motion agreed to.

RECOGNITION OF VISITORS

Mr PRESIDENT - That is quite a bit of business we had this morning. Before I move on, we have quite a full Chamber this morning. I welcome, sitting in the Gallery at the back of the Chamber, the year 11-12 Legal Studies students from St Patrick's College, Launceston.

Normally, our opening bits and pieces do not take that much time. However, because it is budget week we had to form committees and do all sorts of business. We do that in our formal piece before we move on to orders of the day. It is good that you are including your tour of the parliament to complement your legal studies course, because, as you can see from what we have done this morning, it is quite a process to put laws in place right up to the Governor's assent for the bills that were passed in this Chamber. You have more or less in the brief part of the day seen what the parliament does on a daily basis.

Who is the member for St Patrick's College? Is it the member for Launceston, or that is a shared one? It is always important because we all represent different electorates; there could be a slim chance someone is a member for the Derwent electorate that goes to St Patrick's too.

On behalf of all members, welcome to the Legislative Council. We hope you enjoy your time at the parliament.

Members - Hear, hear.

STATEMENTS BY PRESIDENT

Suzanne Schulz - New Member of Staff

[11.16 a.m.]

Mr PRESIDENT - Thank you for the hear, hears. Members, I have a lot of paperwork here this morning and I have been getting a bit lost. We have not sat for a while. Anyway, enough of my excuses.

Before we move any further, I welcome a new staff member to the Legislative Council, Ms Suzanne Schulz, who is joining the Chamber today. Suzanne commenced in the role of electorate officer to the member for Hobart on 9 September 2024 - so, very fresh. Suzanne has extensive experience in community engagement through her work with Clarence City Council and Neighbourhood Houses Tasmania - and her passion for making positive contributions to the community. Her relationship-building skills and understanding of people will be a wonderful asset to the member for Hobart's office and for the broader community. She adds to the great collection of staff we have working in the Legislative Council.

On behalf of all members, and particularly the member for Hobart, I extend a very warm welcome to you, Suzanne.

Members - Hear, hear.

Aleira Chalker - 2024 School-Based Apprentice of the Year

[11.17 a.m.]

Mr PRESIDENT - Honourable members, I know we are waiting for Special Interest Matters. However, before we go further, I will share with you some very pleasing news.

I congratulate the 2024 School-Based Apprentice of the Year, Aleira Chalker. We are not allowed to have props, of course, but Aleira was presented with the award on Friday 6 September in Launceston.

She won it for her excellent demonstration of leadership and advocacy for the Big Picture program and alternative education pathways. Aleira has been a school-based trainee with the Legislative Council in the Parliament of Tasmania since 2022 and has become a familiar face to us all in this time. She has been supported in completing her Certificate II in Workplace Skills and Certificate III in Business within 12 months and is currently working through her Certificate IV in Business. This is a notable achievement.

She commenced her traineeship with the Legislative Council after impressing us with the support she provided to the former member for Elwick, Josh Willie - some of you in the room may remember the former member for Elwick - during her work experience in his electorate office. It was certainly very good of Josh and Ellie Coleman at the time to push that project forward. Since that time it had great support from our Clerk and our Corporate Services Manager, Nicole Muller.

Over Aleira's time with the Council, we have watched her confidence, skills and self-awareness blossom. Aleira has developed a great knowledge of the operation of the parliament and the role it plays in our democracy. She has shown a talent for communicating with a wide range of audiences including members, senior officials, other stakeholders and the general public.

Aleira always provides excellent administrative service to members of the Legislative Council, her colleagues, electorate officers and her community representatives alike. Aleira has taken on a wide variety of tasks requiring attention to detail, organisational and personal responsibility for her work. Aleira's traineeship comes to an end as she finishes her schooling this year. I am sure all members will join me in wishing her all the very best for her future endeavours.

Members - Hear, hear.

RECOGNITION OF VISITORS

[11.20 a.m.]

Mr PRESIDENT - Prior to moving on to our Special Interest Matter, I welcome to our Chamber today Marion Ramsey, Pene Thornton, Phil Anstie, Rodney Mann, Rudi Jansen and Ross Mackenzie, who are all from the Tranmere and Clarence Plains Land and Coast Care group. They are the subject of the member for Pembroke's special interest speech today.

I also welcome to the gallery Mieke Matimba, who is from the Hobart Community Legal Service. She is here to familiarise herself with the parliament. I met Mieke at a leadership program, and Mieke expressed an interest in visiting the parliament, which I was only too pleased to organise. I hope that more people express a similar interest.

SPECIAL INTEREST MATTER

Tranmere and Clarence Plains Land and Coast Care

[11.21 am]

Mr PRESIDENT - We reached Special Interest Matters at 11.20 a.m. Normally we have allotted space for six members, but today we have one, so it has to be extra special. That does not mean that the member for Pembroke can go for 35 minutes. However, we will allow a little bit of latitude.

Mr EDMUNDS (Pembroke) - Mr President, thank you. Welcome to our students from St Patrick's, and thank you for making the trip down from Launceston. Sorry, I am standing with my back to you - no choice, unfortunately. Also welcome to Suzanne, who I am familiar with from my time at Clarence City Council. I congratulate the member for Hobart for her recruiting efforts. You will do well. Congratulations to Aleira. That is fantastic.

Mr President, today I celebrate a wonderful local group from my electorate of Pembroke, from which I am pleased to welcome six representatives into the Chamber today. Tranmere and Clarence Plains Land and Coast Care Inc., or TACPLACI, which I will refer to them from hereon in, is a not-for-profit community organisation based in Tranmere and Clarence Plains. This is an active group of dedicated, environmentally and community-minded volunteers which not only promotes land care and coast care activities but also promotes the historic heritage of our local area.

TACPLACI has been operating for almost - 30 years? We will round it up. It currently has 24 members - although I heard there was another one who joined overnight - from their early twenties into their early nineties. TACPLACI manages a total of 20 sites across Tranmere and Clarence Plains, including along the Tranmere Coastal Reserve, alongside the Derwent Estuary from Howrah to Tranmere, as well as gullies and greenways rising from the foreshore to Rokeby Hills along this beautiful part of greater Hobart.

In fact, it was through their keen eyes and understanding of the local environment that a possible water leak in Howrah was brought to my attention, which thankfully, with the help of TasWater, we were able to solve. I am delighted to be informed that that particular gully is showing promising signs of recovery after dealing with persistent excess water for quite some time. This highlights the value of a group such as TACPLACI in managing and conserving local natural assets.

From weeding and planting of native grasses, shrubs and trees, to maintenance, to installing bird's nest boxes made by another fantastic Pembroke organisation, the Howrah Men's Shed, TACPLACI completes a lot of works in these green spaces. Mr President, next time you are visiting my EO and you see a rosella, take your hat off to this group, which has delivered homes to as many as 20 of those native birds, whilst also caring for the local environment for all to enjoy.

Further, I have been impressed by the organisation of TACPLACI. They prepare an annual works plan for Clarence City Council, where they receive essential funding for equipment and plantings. They produce newsletters and even hold barbecues at some of the sites open to the local community. This is the kind of community group we love to see and recognise with these speeches. TACPLACI does more than land care and coast care. Through the tireless efforts of two of their late founding members, Bruce and Wendy Andrew, TACPLACI has also maintained a role in promoting awareness of local history.

Some projects in this space include the development of the Rokeby Historical Trail and the documentation of the Clarence Plains area in the book *Footprints - The People and Places of Early Clarence Plains and Rokeby*.

In May last year, the Tasmanian Community Fund supported the development of the naniyilipata/Clarence Plains Historic Trail, which starts at St Matthew's Church and takes a route through historically significant landmarks.

In July this year, as part of the National Tree Day celebrations, TACPLACI worked with local students and teachers to plant native shrubs and grasses around this new trail, dedicated to the mumirimina people - one of 10 bands in the Oyster Bay tribe who wandered this area for hunting and harvesting. It is at these junctions between our history and natural environment where I personally feel the value of the great work of TACPLACI is most apparent. TACPLACI has developed education materials for local teachers to use to help students gain a deeper understanding of their local history. They also conduct tours of the trail.

Considering there are just 24 - or 25 - current members of this group, it is clear they work hard for the community. I close with my appreciation of their tireless work and advocacy and the dedication those volunteers have continued to showcase. To Marion Ramsey, Pene Thornton, Phil Anstie, Rodney Mann, Rudi Jansen and Ross Mackenzie, who are present today, and all those who commit their time to Tranmere and Clarence Plains Land and Coast Care, thank you. Pembroke and our state are all the better for your efforts.

Members - Hear, hear.

MOTIONS

Disclosure of Ministerial and Cabinet Secretary Diaries

[11.27 a.m.]

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

- (1) That the Legislative Council notes the resolution of this House on 28 March 2023 requesting the Tasmanian Government undertakes to introduce mandated requirements for the regular and routine disclosure of all Ministerial and Cabinet Secretary official diaries, detailing scheduled meetings, and their purpose, with stakeholders and organisations, including third parties and lobbyists; and when developing this disclosure regime to also:

- (a) ensure the process is informed by best practice examples of mandatory disclosure of Ministerial diary requirements established in other jurisdictions, including examples of oversight and compliance requirements; and
 - (b) develop and publicly consult on a proposed Tasmanian mandatory disclosure of Ministerial diaries scheme.
- (2) That the Legislative Council further notes that:
 - (a) public consultation on a proposed Tasmanian mandatory disclosure of Ministerial diaries scheme did not occur;
 - (b) the Tasmanian Government introduced quarterly routine disclosure of Ministerial diaries commencing with the January/March 2023 quarter; and
 - (c) the current routine disclosures of Ministerial diaries system is not mandatory under statute; does not occur in a reliable and timely manner; and the format and details disclosed remain deficient.
- (3) And that the Legislative Council calls on the Tasmanian government to:
 - (a) undertake comprehensive and public consultation on a best practice mandatory disclosure of Ministerial diaries model, and that process is to provide for input into the design, disclosure details, timeliness, application, and any other related matter; and
 - (b) report back to the Legislative Council by 28 November 2024 in relation to the above.

I rise to speak to motion No. 6 on the notice paper in my name. I am conscious that the Chamber has a number of important items to be debated today, so I will be endeavouring to keep my contributions in support of this motion as concise as possible.

As members will note, my motion is in three main sections. Parts 1 and 2 provide the context for and detail the recent processes surrounding the current discretionary ministerial diaries disclosure system, which is in place, as well as summarising the shortcomings of the current scheme. Part 3 straightforwardly details a specific proposal by which to develop a more rigorous, comprehensive and timely disclosure system for ministerial diaries to deliver on the intent of having such a scheme in the first place.

Mr President, for the benefit of members who were elected to this place since the last time this matter was raised in this Chamber, it is only fair and appropriate to provide some small amount of context.

As stated in part 1 of the motion before us, on Tuesday, 28 March last year, this Chamber resolved to support the proposal that the state government be requested to, and I quote:

Develop and publicly consult on a proposed Tasmanian mandatory disclosure of ministerial diaries scheme.

This resolution on 28 March 2023 was subsequently conveyed formally to the Premier on that same date. However, instead of the requested consultation process to help inform the most effective disclosure model, the government introduced the current 'quarterly in arrears' system, which is administered by the Department of Premier and Cabinet.

This leads us to the question: what is the problem? Why is the current disclosure scheme not delivering on community expectations? To be frank, the current system is so minimalist, it could qualify as demonstrating a more extreme, frugal-with-facts school of minimalisation quite well.

Currently, the so-called routine disclosures are released every quarter in arrears. For example, theoretically in late July is when the ministerial diaries for April, May and June are released. It will be some time in October before we see those equivalent disclosures for July, August and September. However, the disclosures on the DPAC website are not always released publicly in a reliable, timely manner. For example, both the last two routine disclosures were late to the extent that in both instances stakeholders raised with me the absent diary disclosures and frustration at the lack of timeliness. A lot can happen in three months. Legislation can be announced, tabled, debated and passed within a three-month period in this place, meaning there is a real likelihood that, under the current system, the parliament and public may not have access to important information and insights into meetings between government and lobbyists, for example, that relate to the legislation under debate. That does not inspire confidence in government decision-making, which we would all understand to be a key intent of a ministerial diary disclosure regimen.

Even once the diaries are disclosed, the details contained in the current system leave much to be desired. To take one example, the routine diary disclosure for the quarter of 1 October 2023 to 31 December 2023 for the Deputy Premier, Treasurer and, at that time, minister for Infrastructure and Transport, contains 120 entries across the three-month period. Those included meetings, attendance at events and media events. In a corresponding column which should contain the purpose of the meetings, 72 per cent of them solely used the phrase 'various matters' or 'various issues' to describe the purpose. This is farcical in terms of delivering on the intent of a ministerial diary disclosure regimen. It is offensive to note meetings and have a column that says 'Purpose', only to fill it with nonsensical phrases like 'various matters' rather than an accurate and brief description of the topic of those meetings.

In the context of a serious policy debate, for example, the saga of the new *Spirit* vessels and apparent tensions between two state-owned entities, TasPorts and TT-Line, imagine if the following entry in the then Infrastructure minister's diary disclosures had contained more meaningful information and been released in a more timely manner. An entry from 10 November 2023 notes a meeting with the then minister for Infrastructure and Transport with TasPorts and TT-Line. The purpose of that meeting was 'terminal infrastructure'. Perhaps more detailed entries there might have started to flag some things to be followed up on in the public interest, if they had been available at the time. Ten months later, that entry certainly has broader connotations.

Time constraints prevent me from going through the multiple examples of obfuscation, the significance of which has become apparent when cross-referenced with later developments and debates that come to light in the public domain. I will, however, mention another disturbing example of how these frugal-with-facts, delayed disclosures are used to further government obfuscation, instead of their intended outcome of transparency and accountability. Members may recall at least two recent examples where questions asked in this place regarding ministerial meetings concerning matters of public policy went unanswered. Instead, the questioner was told flippantly to look up the ministerial diary disclosures in answer to the question. In at least one instance, that requested information would be in diaries not scheduled for public release until at least the next quarter. It is an unacceptable approach, one that treats transparency measures and the Tasmanian electorate, on whose behalf these systems should operate, with arrogance and contempt.

That contempt and blatant perversion of the intent of this transparency and accountability mechanism, has reinforced for me that this Council got it right on the matter last March. The step skipped by government following the passage of the resolution here last year was the critical one of developing and publicly consulting on a proposed mandatory disclosure of ministerial diary scheme to ensure the model was best practice and provided oversight and compliance requirements. It is now clear that leapfrogging that step was at the expense of transparency, accountability and community confidence, all of which were essential outcomes of putting a scheme in place.

People are tired of the Orwellian gaslighting to which this government is increasingly addicted, and the self-congratulatory backslapping for being so very upfront and transparent following weeks or months of obstruction, and information being dragged out into the light of day bit by bit under extreme resistance. It should not take verbal calisthenics to obtain straight answers to questions.

It should not take months for factual information to be divulged. It should not take circular referrals from one supposed accountability mechanism of question time to inadequate diary disclosures and then back to question time again. Quite frankly, we have more of a ministerial diaries' dissimulation racket than a disclosure model. For most Tasmanians, the phrase 'right to information' is considered the punchline of a bad joke illustrated by thick black rectangles across an otherwise blank page.

Orwell's Mr Winston Smith would feel quite at home; a ministry of transparency in Tasmania could easily be Tasmania's contribution to 1984's Government of Oceania's Ministries of Peace, Love, Plenty and Truth.

To put it bluntly, this government has considerable ground to make up to re-earn Tasmanians trust and confidence, particularly when it comes to genuine transparency and accountability. This motion before us today presents a real and meaningful stepping stone towards rebuilding that community trust. This motion in effect says a year on from when the current quarterly ministerial diaries model was implemented, let's take a health check. It is considered standard and best practice in the community and private sectors to routinely undertake periodic reviews of the implementation of new initiatives. There is no shame for the government or the parliament to also do so; rather it is a professional and responsible approach to take. Further, it is also considered responsible and best practice to consult with affected stakeholders when undertaking such periodic reviews.

That is the crux of the third part of the motion before us today. It formally requests the government to provide the Tasmanian community and stakeholders the opportunity to have input into the design and application of a best practice and mandatory ministerial diary disclosure system compared to the current model.

What does the community need to see and within what time frame for the disclosure model to inform them usefully and in a timely fashion - and crucially to restore confidence in our system of government? That's the key question at the centre of such consultation.

To conclude, I reiterate what this motion seeks to secure today and I emphasise what this motion is not trying to do. This motion is not seeking to impose any particular ministerial diary disclosure model. Today's debate is not about any one individual or grouping of MPs declaring we know what a viable, mandatory, rigorous and best practice ministerial diary disclosure model should be and should look like - or seeking to impose such a model on the basis of a single majority vote in this Chamber. That is not the intent of this motion.

Yes, it seeks to establish the criteria by which any revised model should be assessed and consulted. However, it is not proposing or imposing any particular model, nor is this motion imposing a deadline for the requested public consultation to be completed - or by which any proposed reforms to the ministerial diaries model must be implemented.

To be very clear, so there is no room for misapprehension or misinterpretation, the motion's final paragraph, (3)(b), merely requires a formal update to be provided to this Council by this year's final parliamentary sitting day, 28 November.

The status of any imminent public consultation process, or those already perhaps underway, can be included in that update as works in progress - should that be the case. In order to comply with the intent and spirit of this paragraph, it does require that some action is underway that could be reported on by that date of 28 November. I contend it is an appropriate accountability and benchmarking mechanism that this Chamber has a right to exercise on behalf of the electorate, a report back on progress.

Finally, the main thing this motion is not, is contentious. It is a fact that routine disclosures of ministerial work diaries are recognised as standard - a standard piece of our transparency and good governance democratic architecture is evident by the fact that a system, albeit a currently flawed and inadequate system, but currently in place. It is safe to conclude the call for a ministerial diary disclosure scheme is not contentious in and of itself. That has been established. This transparency and accountability mechanism is well accepted. However, as discussed, whether and how the implementation of this transparency mechanism meets community expectations is a matter of contention. Hence, the formal request contained in paragraph (3)(a) for the public consultation process, which, I remind members was agreed to by this Chamber in 2023, when we first considered this matter to seek input into regarding how to improve the current model so it could meet public expectations, should be a well-accepted way forward. How could asking the Tasmanian community for their opinion, ideas and input possibly be conceived as contentious? A truly transparent and accountable government committed to the delivery of democratic good governance would not think twice about undertaking such a consultation. It certainly would not take being asked twice to do so.

To close, the question now before the Chamber is not whether Tasmanians should be able to exercise transparency and accountability via a ministerial diary disclosure system. Instead,

the question presented by this motion is whether Tasmanians should be asked if they consider the current discretionary model to be fit for purpose or whether there are potential improvements in design, disclosure, application and timeliness and the mandatory reporting requirements contained therein.

I commend this motion to the House.

[11.41 a.m.]

Ms O'CONNOR (Hobart) - Mr President, I thank the member for Nelson for bringing this matter back to the Council. It is a very concerning matter when the Council resolves something by way of motion - and we have here what Council resolved, that it asked the government to ensure there is a process for the disclosure of ministerial diaries that is informed by best practice, is mandatory and there be a public consultation process to develop that mandatory ministerial diary disclosure scheme.

This Council was very clear about its will. Unfortunately, executive government sometimes allows itself to forget that it is there at the will of the parliament. In a Westminster system, the parliament is always the boss. To have a government that is notoriously secretive and has a decade-long track record of being so - and it sees the resolution of the Council and decides to implement something - pardon my language, Mr President - that is completely half-arsed, arrogant and dismissive, is something that the Council should be concerned about.

Today we have an opportunity to reassert the will of the Council in order to deliver greater transparency, accountability and openness about the conduct of ministers of the Crown and how they spend their time. Ministers in this place will know that when you have the great honour bestowed on you of being a minister of the Crown, the Letters Patent say that you are: ... trusty and well-beloved That is a very powerful set of words and it places on a minister a serious set of obligations, responsibilities and public expectations. To be truly trusty and well-beloved as minister, you should not seek to hide or have agencies or a policy of government hide your activities as minister.

This reminded me when I was reading the member's motion of an incident. Everyone here will remember when Basslink failed in December 2015. It was catastrophic for the state. It cut us off from the mainland. We had to fire up the Tamar Valley Power Station. The government was importing gas and diesel at the time. We sought to understand subsequent to that why the government's response to that crisis was so sluggish. The minister for energy at the time was Mr Groom and we sought to get a copy of the minister's diary for that period after Basslink went down and it is quite Orwellian. At risk of flashing a prop around the place, there is no other way I can demonstrate to members how contemptuous the government was at the time to our right-to-information request other than to show a bodgied-up ministerial diary that took us some three months after the RTI request came in to come back to us. It made it very clear that Mr Groom had gone on holiday with his family after Basslink broke.

No-one begrudges our colleagues a break. Ministers do work very hard, but there are circumstances where you might just put your holiday plans on hold. In January 2013, every member of this place will remember the devastating Dunalley bushfires. When that happened the then premier, Lara Giddings, cut short her holiday in the UK and came straight back to Tasmania. My partner and I had booked a holiday which we immediately cancelled as cabinet ministers, because we and the premier at that time recognised that in times of crisis you are back here serving your community.

Apparently, a different set of standards was applied when Basslink broke. We had things in this bodgied-up diary which were deliberately intended to conceal the minister's activities. It goes back to some of the categories in the current discretionary disclosure framework. We have things here like 'internal meeting media', 'internal meeting', 'travel', 'media', 'internal meeting ministerial duties'. Well, you would hope so, wouldn't you?

We have here 'business meeting'. With whom? What we now know, as a result of our right to information activities back then, is it took the then minister for energy more than three weeks to sit down with the major industrials who were massively impacted by the failure of Basslink. Maybe, that was the business meeting that was not detailed in the diary at the time. It was very clear to us the attempt to stymie, stall, reframe our right-to-information request made in the public interest for the minister's diary was a deliberate effort to conceal what the minister's activities were at that time of crisis. Not good enough. I would argue not acting in a trusting and well-beloved way.

The Council has made its will very clear here. This should not be contentious. At some level, government has recognised there is a community expectation that there be transparency around ministers' diaries. What we have in part in response, I gather, to the Council's resolution is an inadequate discretionary regimen, which is at the discretion of a government notorious for not being open and transparent.

I will be supporting this motion and encourage all members to do the same. I will end with this: good governments have nothing to hide. Good, hard-working ministers have nothing to hide. I would argue if there was a more routine and open disclosure of ministerial diaries, there could be a greater public understanding of how hard ministers of the Crown work. Well, most of them, anyway. I will be glad to support this motion before the House.

[11.49 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the Tasmanian government is committed to the highest standards of public disclosure, transparency and accountability. Since initiating the transparency agenda in 2014, we have been delivering on our commitments to improve openness and accountability of government decision making.

As has been routinely discussed in this place, particularly in response to repeated motions and questions by the member for Nelson in relation to ministerial diary disclosures, the government has been continually improving the openness and accountability of government decision making through increased access to and the proactive publication of government information. In continuing our strong record of openness and transparency we have introduced for the first time in Tasmania a regular and routine release of information on ministers and meetings and events on a quarterly basis.

Our government was the first in Tasmania to introduce such a disclosure scheme of ministerial diaries and we did so voluntarily. From April 2023, we have been releasing ministerial diaries on a quarterly basis as part of the routine disclosure scheme we enacted through our transparency agenda policies. The information is made public on the Department of Premier and Cabinet Ministerial and Parliamentary Support Routine Disclosure website, with the details of ministerial portfolios, visits, events attended and media commitments, but not personal or electorate meetings or internal government meetings with ministers or staff or

government officials. It is all released for public consumption. The seventh quarterly release is due as soon as practicable at the end of this month being the July to September 2024 quarter.

It is the government's position that the disclosure scheme we have put in place is being adhered to and is appropriately providing the Tasmanian community all relevant information in relation to ministerial diaries that is in the public interest and is in line with the existing ministerial diary disclosure requirements across Australian jurisdictions.

Further, it is important to note we routinely disclose other important information at six monthly intervals, usually in October and April of each year on the DPAC website. This includes information about ministerial and parliamentary support in addition to information about DPAC. The release of this information is simply the next element of our government's openness and transparency agenda. We have been progressing system changes since early January to enable the easy compilation of this information and despite the member for Nelson's comments to the contrary, this information is being released routinely.

A review of information released from ministers' diaries in other jurisdictions has occurred in the development of this reform. I will not repeat or go back over the very lengthy and detailed contribution the member for Nelson made last year when the original motion was debated, listing the various jurisdictional comparisons on what levels of disclosure are carried out elsewhere, but I will highlight a few of them.

Under Queensland's disclosure scheme, ministers are required to publish their diaries on a monthly basis, including details of meetings with lobbyists and external stakeholders. The ACT also has a thorough disclosure scheme that sets out all meetings, events and functions attended by ministers that relate to the ministers' portfolios. Personal events or meetings are not included.

New South Wales follows a similar quarterly disclosure system where ministers publish their meetings, but with fairly broad exemptions and an overriding principle that disclosure is to be in the public interest.

The Victorian government also mandates the release of ministerial diaries, but only for specific portfolios, such as the Premier and Minister for Public Transport and major projects.

South Australia, Western Australia and Northern Territory do not have mandatory disclosure requirements for ministerial diaries.

The Commonwealth: at a federal level, the Australian Government does not mandate ministerial diary disclosures either. Although, some transparency initiatives are in place, such as the Australian Lobbying Code of Conduct, there is no consistent requirement for ministers to proactively disclose their meetings.

The purpose of highlighting this summary is there is a vast range of disclosure models. However, in practicality those jurisdictions routinely disclosing information on ministerial diaries have relative similar requirements across the country. It should be noted there has not been any large movement by any jurisdiction in terms of the approach that they have adopted in almost 18 months since we launched our disclosure scheme - so it is not readily apparent what improvements or best practice approach is available.

In fact, the variation in practices - from detailed quarterly disclosures to no mandatory disclosures at all - highlights that there is no universally accepted standard across Australia. It also does not indicate there are deficiencies with the current approach in Tasmania. As the member would be aware, the government has committed to working with the JLN and new independents of the House to progress a body of work to review the right-to-information legislative framework.

While the terms of reference for the review are yet to be finalised with the MPs, it is anticipated that this work will have a broad scope and include the ability for community feedback. Importantly, the Premier has repeatedly stated that this body of work will take into account all relevant commission of inquiry recommendations, which we would all be aware include routine disclosure recommendations. While the commission's report references specific information, the government is ensuring that all areas of routine disclosure are appropriately reported upon, published and updated at regular intervals. However, we will act to improve all identified areas as part of this work, as we have repeatedly committed to doing. Accordingly, we will not be supporting this motion.

As the member for Nelson has acknowledged, there is a scheme already in place which the government is adhering to. We are delivering public access to ministerial diaries, and consider the request for a public consultation process to be an unnecessary and duplicative step that will detract from the further work already underway across the State Service to continue to improve and increase the amount of information disclosed.

There is one proposal the government is supportive of exploring, however, following on from a suggestion made last year, possibly by the member for Mersey, about broadening the disclosure requirement to opposition shadow members. The government is interested in exploring a proposal for a routine disclosure scheme to apply equally across all Tasmanian state MPs, not only those in the ministry. There is nothing in the revised motion about exploring this option further. That is a shame, as there is arguably more cause for ensuring every elected representative of parliament, who may all equally be lobbied by external influences, to be transparent and accountable to their constituents in terms of who and when they are meeting.

In the current parliament's makeup there is just as much, if not more, influence by independent members in terms of the development of government policy. Our government considers it would be beneficial for all MPs to proactively disclose their diaries, and for the Tasmanian community to be able to access the information in them. Such a scheme would provide the best opportunity to lead the nation in accountability and provide the people of Tasmania with the transparency they deserve from all of their elected representatives. This would be an equal, fair and transparent proposal the Tasmanian government would support. We look forward to discussing the idea in more detail in the future.

[11.58 a.m.]

Ms WEBB (Nelson) - Mr President, I thank the member for Hobart for her contribution and support of the motion, and the government for its comments. I will pick up on a couple of things there because I thought it was quite extraordinary. I will start at the end. It was not clear to me where the government was proposing to consider this broader scheme of all MPs disclosing their diaries in some format. The Leader of the government posited it but did not actually speak about a mechanism to explore the introduction of such a scheme.

I welcome the introduction of a scheme like that. In fact, the government has had a lobbyist framework, developed through a rigorous process by the Integrity Commission, sitting there waiting to be legislated for over 12 months. The government has made no effort that I am aware of to progress that scheme for better disclosure across all MPs and across the parliament. If the government wants to shoot across the bow at the opposition, independent MPs and the like by talking about that, then put up or shut up. Step up and do it. You have a lobbyist framework sitting there ready to go, developed by your Integrity Commission. Legislate the damned thing. Just do it. I think we are all prepared to participate in transparent disclosure.

Ms Rattray - I might need another executive assistant, though.

Ms WEBB - Indeed. Perhaps the government could make sure we do not get excluded from administrative funding for doing this, as we were in the donations bill. If they are going to progress such a thing, perhaps they can make sure it is fair across both Chambers of this parliament.

My message on this is clear: put up or shut up. You have a lobbyist framework ready to legislate. Do it. It annoys me when the government gets up here in response to a very reasonable motion like this and pretends it has an interest in progressing something meaningful when it comes to greater transparency on its part. Instead, it tries to intimidate other members and the opposition. This is rubbish. For a start, the current discretionary disclosure being undertaken by the government is not the first time it has happened in this state, as I spoke about in my contribution last year. In 2010, then premier David Bartlett began disclosing his diary. That was the first time it happened in this state. It was part of a suite of integrity measures that premier was pursuing during his time in the role. This is nothing new, and just because the government has this discretionary scheme, it does not mean it is doing it well and in a way we should be able to expect.

The intent of such a scheme is confidence in government decision-making and confidence that the allocation of public resources is being done appropriately, not being influenced inappropriately through secret meetings and influence. The scheme we currently have fails on that front.

It is not timely. In fact, twice in the year-and-a-half the scheme has been in place, I have had to issue media releases asking, 'where is the issue disclosure?', when it has been more than a month past the end of the quarter and no sign of it. I heard the Leader of Government Business talk about the July-September quarter being due to be released by the end of this month. Let us see if it is, because past experience suggests it will not be released until the end of October, if we are lucky. Let us see if it happens, or whether I will have to issue another media release calling for it. If it is released at the end of September on the dot, that would be, at least, the best iteration of the current flawed system.

There is a range of models in the other states and I am glad the Leader brought that up. In the interest of trying to be brief in my contribution, I did not go back and rehash that material. I will not do it to a great extent now other than to pick up on two matters that the Leader raised when she spoke about the various models. Ours is definitely not the best model. We can talk about best practice and look across the jurisdictions to identify the elements of best practice. No jurisdiction is embodying all those elements, but we are one of the furthest from it of those that have a system in place. We could emulate the best practice demonstrated by Queensland, for example, by having monthly disclosures. That is clearly better practice than quarterly.

We could also do what New South Wales did, which was undertake a 12-month review after a year of their mandated ministerial diary disclosure scheme being in place. Best practice is to undertake a review, which is just what my motion is calling for. Here we are 18 months later: time to review. New South Wales did that 12-month review and it recommended a range of improvements. Other jurisdictions accept that you can put a system in place and then, a little bit down the track, ask how it is working and how it can be done better. Nothing controversial and everything positive about doing that. Let us be sensible, look to other jurisdictions and consult with our community about what suits best here, because nobody is saying we have to emulate another jurisdiction in its entirety. We need to figure out what will suit here in delivering the intent of this disclosure regimen.

The government spoke about the RTI review being undertaken as part of the JLN agreement and the like. That is just a red herring, as far as I am concerned. There is nothing to suggest that that review has anything to do with ministerial diary disclosure. The Leader certainly did not, from what I could hear, confirm in her contribution that the government was intending to include, in the review of the RTI act and the like, anything relating to ministerial diary disclosures. You can speak about the other disclosures that are occurring at the moment as a result of the commission of inquiry. Again, nothing to do with ministerial diary disclosure. I think that muddying the water by talking about unrelated matters is a shame.

This is an entirely uncontroversial motion. It follows up on the motion that this Chamber supported last year and asks for it to be delivered in its intent more genuinely. We now have 18 months under our belt of the current system that was put in place. It is timely to review it. As part of that, we expect there to be a process of community consultation. It is just plain good practice. If the government actually had a genuine interest in transparency and accountability, they would welcome this motion. We would be done and dusted with this discussion. They would welcome the motion and they would do it. We would move forward knowing that the Tasmanian public will be delivered a better opportunity to have confidence in government decision making and the allocation of public resources in this state. It is such a telling action from this government to resist this really straightforward and sensible call.

I hope members will support the motion. It is straightforward, it is uncontroversial, it is towards an end that delivers integrity to a greater measure in this state. I commend the motion to members.

Motion agreed to.

MOTION

Parliamentary Standing Committee of Public Accounts - Tasmanian Fire and Emergency Services Funding Model - Consideration and Noting

[12.07 p.m.]

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

That the Report of the Parliamentary Standing Committee of Public Accounts 'Tasmanian Fire and Emergency Services Funding Model' be considered and noted.

This will be a fairly brief contribution because it was a very brief report, mainly because the government, after we started this short inquiry into it, decided they were not going to proceed with a new fire levy.

To give members some context around this, members will recall that there was a proposal for a new fire levy to, allegedly, fully fund - or partly fund, as it might have turned out - our fire services in Tasmania. There was some concern raised about that. It followed on from a review that Mike Blake had done into the fire service, and there was concern and contention around what that meant.

On 1 November 2023, the House of Assembly passed a resolution that called on the Treasurer to table all the advice, financial modelling and any risk analysis received by him from the Department of Treasury and Finance between 8 April 2022 and 1 November 2023 regarding options for funding of the Tasmanian Fire and Emergency Services. He was required to table that by Wednesday, 15 November. The Treasurer tabled the documents in the House of Assembly on 14 and 15 November.

On 17 November, the then-Labor member for Franklin, Mr Winter, wrote to me as the chair of the Public Accounts Committee raising concerns about the information that had been provided. He noted that the documents included what, in his opinion, were several revelations, including that the modelling released by the government in relation to the proposed new taxation arrangements were not produced by the Department of Treasury and Finance and they did not fully fund the proposed new model. He also said that this proposed new tax had led to significant unease for local government, business groups and community members, who were concerned about the financial impacts of the changes. He asked the Public Accounts Committee to consider having a look at this.

The committee, through its own motion, did resolve to undertake an initial inquiry into this. We called a short inquiry process because we did not intend to go out for broader consultation at this point. We wrote to the relevant ministers, both the Treasurer and the Minister for Police, Fire and Emergency Management, and requested information regarding the methodology and modelling used by Treasury and/or any other third party the government had relied upon to inform itself of the proposed Tasmanian Fire and Emergency Services funding model, and also the details of any meetings and communications with lobbyists and the Tasmanian government with regard to the proposed funding model.

We did have - somewhat disappointingly - a bit of argy-bargy with the Treasurer about not wanting to provide fully unredacted documents and the like to the committee. We, of course, reminded him of the power of our committee and the fact that we have and continue to receive a large volume of confidential information. Our committee - and I speak for all of them - lower and upper House members who work really hard - take that responsibility very seriously. We manage our confidential documents very securely - all the confidential information we have regarding the stadium proposal and the current TT-Line matter. The committee has received extensive amounts of confidential information, none of which has leaked and will not, because I know how much the committee appreciates the importance of that.

So, it was frustrating we had to go through this dance to remind the Treasurer of the expectation of the committee. Should this have continued, we would have taken the appropriate steps. But, on 9 January 2024 the Treasurer again disagreed with the committee's assertion that

we provide an unredacted copy but then he did say - and I will read from the report here - he said:

I note that these documents relate to options prepared by the Government for the purposes of public consultation, and that Minister Ellis [the Minister for Police, Fire and Emergency Management] has since stated that **these options will no longer be progressed with and are therefore not Government policy.**

That being the case, since the government had - for whatever reason - seen that this was not politically astute to follow this path, there was a change of heart.

As members would be well aware, on 14 February this year, parliament was prorogued for the purpose of an early election and on that same day there was a media statement released by Mr Ellis that was titled 'No New Fire Levy.' Obviously, they realised it was a bit too hot to handle - literally - and have moved on from that. It was important to report the process that committee went through. The committee had every intention of pursuing that matter, but once that decision by the government was taken to no longer progress that particular approach, it became unnecessary for the committee to continue.

In reporting that, it is really a summary of the information - the answers provided by the government and the documents provided to the government. As a result the committee made no findings or recommendations. It is important to report the matters and the work we do in that committee, because otherwise people do not necessarily know what the committee is up to. It is a very busy committee.

[12.13 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I intend to only make a brief contribution on this report, which I have not read, but I listened very carefully to the member for Murchison's contribution, simply to observe that the planet is getting hotter. The fire seasons are becoming closer together and more intense. This summer, given we have just been through the hottest year in recorded history in Australia, is going to be extreme. We had places on the mainland with temperatures over 40 degrees Celsius two weeks ago before winter had ended.

As a parliament, as a community, we are going to need to get really serious about funding our emergency services. The extraordinary work that they do now is in a funding climate which is restricted, insufficient and limits the capacity to recruit, retain, train and have the necessary equipment to deal with what is coming. I understand that notions such as fire levies are politically hot. I get that, but at some level, sometime soon we are going to have to get serious about funding our emergency services. That is both the TFS and the SES, which is always there in times of trouble.

Ms Forrest - As we have seen in the last couple weeks.

Ms O'CONNOR - As we have seen in the last couple of weeks, with biblical floods and power out to thousands of homes. The SES can be counted on every time and so can our TFS, but we need to resource them properly.

We need to snap out of this complacency that says business as usual at a time of accelerating global heating is anywhere near good enough, because it is not. It is putting our

communities at risk. It is putting infrastructure at risk; properties and places like the Tasmanian Wilderness World Heritage Area and our parks and reserves.

We have relied too long on importing excellent firies from interstate when our state is burning. The question we need to ask ourselves - and the minister should be asking himself - is: what happens when they are burning at the same time? We are not going to be able to rely on interstate firefighters for very much longer.

It is regrettable there has not been the political courage to have a fire service levy in place or some other increased sustainable funding stream for our TFS, but also to support the SES and our parks firefighters. This is an issue we have to get real about and we have to do it quickly. We should be having this discussion. I am sure it will come up at Estimates.

In the lead-up to what is not going to be the kind of summer we all looked forward to when we were kids - and I hope I am wrong, and it may well be the coolest summer that we experience going forward - we have a responsibility to get serious about funding our emergency service.

[12.18 p.m.]

Ms RATTRAY (McIntyre) - Mr President, my contribution will also be relatively short and acknowledge the continued work of the Public Accounts Committee. It has often been said around this place they are the most all-powerful committee and it appears they continue to wear that tag. They gained some information, albeit it may not have been as extensive as the committee would have liked, but it certainly received the commitment of the government to provide information relevant to the inquiry.

To support a committee inquiry where there are no findings and no recommendations seems a tad odd, but it also acknowledges the work of the committee and the information that was received.

I find myself in support of the member for Hobart's contribution on sustainable funding to the emergency services we rely on so heavily. By interjection, the chair of the committee and the member for Murchison has indicated that in the past 11 days or so we have relied so heavily, particularly in the north of the state on SES services and fire services - and not to forget TasNetworks services. It has been exceptional work they have undertaken, particularly in trying conditions of wind speeds, rain, just the whole event. I have not seen it quite like that in my time - a very short time on this planet - but it has been exceptional to see the damage. Driving over the Sideling and through Lilydale, there are trees down everywhere. It is not surprising that they fell over significant infrastructure and, hence, we still have around 1000 homes without power. Some have been without power for between nine and 10 days - that is almost unheard of. We need sustainable funding for emergency services. How that unfolds is a large task for the government of the day.

I note the report says that the government will continue to engage constructively with peak stakeholder groups to identify potential options for a fair and sustainable funding model to support an integrated Tasmania Fire and Emergency Service to protect Tasmanian lives and property. That is encouraging in itself, and I am interested to know if the government has any update on those constructive discussions with peak stakeholders.

It also says in the report that we will not be changing the fire service levy model without agreement. I am not sure how you get agreement when you are putting extra onus onto communities around a levy, and this government has a policy of no new taxes and no new levies. I am not sure how they marry up. I will be interested to have a deeper understanding of how that will occur, or if it will occur. As has been pointed out by the member for Hobart in her contribution to the noting of this report, we will have an opportunity to drill down further into those operations through the Budget Estimates process, which will be undertaken in a couple of weeks.

I again acknowledge the work of the committee - they get things done. I look forward to any responses and any updated information that the government might be able to share with the House in regard to what is being done to support those vital services, and particularly around supporting volunteers. They are the ones, often the SES, who cut the trees off the road. The contract for looking after the road verges - I have said it before and I will say it again - is inadequate when we have such an event. Many of those trees should have been cut back by the maintenance groups prior to this. The Premier can be assured that I will be talking and asking about that when we meet for Budget Estimates. I support the report.

[12.24 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, first, I echo the comments made by the member for McIntyre regarding our emergency services. I know that in my little town of Ulverstone, when I went past the SES facility I noticed they were there, did a U-turn, went back and said, 'Thank you very much for what you have done.'

It was very disappointing that I had a couple of people complain to me about not being put back on quickly enough, not realising there are thousands and thousands of people without power. Anyway, thank you very much.

Ms Rattray - Mr President, I fielded a lot of calls as well, but I cannot do that. You cannot do that, and you can only hope that the people who are doing it are doing it in an as timely a manner as they can.

Mrs HISCUTT - Our emergency services were working flat out and we thank them for that.

Tasmania is experiencing bushfires, floods and storms at increasing intensity and frequency. The Tasmanian government recognises that decisive action is necessary to protect Tasmanian lives and property as the climate becomes more extreme and our populations grow. Multiple independent reviews have found that Tasmania needs to reform our fire and emergency services so they can meet the challenges of the future. The government will deliver on our commitment to unite the TFS and the SES, and this will be overseen by the inaugural TFES commissioner, Jeremy Smith.

This is the largest reform proposal of our fire and emergency services since 1970, when our rural and urban fire brigades were merged. The reform is fundamentally about setting up Tasmanian emergency services to continue to keep Tasmanians safe. The government is committed to ensuring our emergency services are well-resourced as they face a future of increasing frequency and severity of fire, floods and other emergencies.

For example, the cost of bushfires and floods in Tasmania over the past decade has been significant. The 2013 Dunalley bushfire is estimated to have cost \$89 million in insurances - more than the cost of the entire fire service the same year. Businesses, farmers and communities were devastated for years. The recovery efforts following the 2016 floods that tragically resulted in three deaths, and impacted 20 out of our 29 local councils, was estimated at \$180 million. The total damage bill for the severe weather event in Hobart in May 2018 was \$137 million. For the city of Hobart alone, it was \$20 million. The Fingal fires of 2019 burnt 22,000 hectares of plantation forest worth \$70 million. The 2019 fires of the Huon Valley devastated communities, key tourism adventures, wineries, houses and forestry land.

Ms O'Connor - And the TWWAH.

Mrs HISCUTT - I haven't got there yet - just hold the boat. It cost \$60 million to put out those fires, including the devastating fires in the TWWAH that burnt over 200 hectares. The severe weather events of October 2022 caused record-breaking floods that affected 18 local government areas across the state. Insurance data estimated damage in excess of \$16 million.

Late last year, the Minister for Police, Fire and Emergency Management, Felix Ellis, invited leaders of the business, industry, community and emergency management sector to a number of working group meetings to hear their views on the most suitable model for our emergency services. The working group was paused in February 2024, and the government committed at that time that no changes will be made to the funding model without agreement. The government remains committed to progressing the important governance and structural changes to our fire and emergency services and will not be changing the fire service levy model without agreement. For context to the government's previous policy, it is important to note that previous independent reviews have recommended reforms to the funding model, because the current model is highly complex and is applied unfairly across our communities. Under the current arrangements, for example, there is an entire levy on businesses - the insurance fire levy - which effectively taxes local businesses which take out insurance, including farmers. The government's commitment remains to not progress with the previously proposed changes, due to there being no agreement.

We thank the PAC for their ongoing commitment to its works, and we acknowledge the strong interest in the community for ensuring strong fire and emergency services. I echo the comments the member for Murchison made about PAC, about the important work that they do on the powers that they have, and well done to that.

One last comment - I thank the member for Hobart for her words and support. Do not fall over. The government echoes your comments regarding the significant climate and environmental pressures that our community and emergency responders will be facing. I also recognise our emergency services, as I have done earlier, as they do a 'flaming' good job.

[12.30 p.m.]

Ms FORREST (Murchison) - Mr President, it is a brief report, but it is an opportunity for members to reflect broadly on the issue. I do not disagree that we are facing certainty of more fires, more floods, and more storms. It is quite frightening. I know our house in Wynyard was without power for over five days because of number of powerlines down: one was because a tree went down, and one because a car crashed a bit farther up the road. The line I am on is a single line that always goes out first. It takes in all of Boat Harbour and Sisters Beach and all

that line. The Wynyard township is on, so I can go to the office. That is fine, but home is no good.

Many of my constituents were severely impacted as were those of other members in this place. There was some angst, I acknowledge. I did share a Facebook post written by a TasNetworks person - I assume a lines person - who explained in a long, detailed contribution about the complexities of restoring power after significant storm damage such as that. That was helpful to many of my constituents and others who would have seen it. It was shared broadly. I thank that TasNetworks person called Aaron for sharing the lived reality. I would not go out when they do. It is extraordinary work they do and I thank them for that. They are paid to do a job, yes. Were they paid enough? Another matter. I will not go there right at the minute.

Backed up by the SES and our other emergency services, including our local government emergency services, they have a really important role to play here. Some probably acted a little bit quicker than others in opening up facilities where people could get food, hot showers or charge their mobile devices, because we do rely so much now on our mobile devices to be alerted to things. With so many powerlines down and the risk of them being live, you do not know - and you do not want to try to find out either - quite frankly, but that is a real issue. I acknowledge that and thank them all for the extremely difficult and dangerous work they do.

I saw a photo on social media yesterday of a tree that blew down and there is a 6-foot-6 man standing in front of the root base where it had blown over - and it was about six times higher than him. Just the root base. It was an extraordinarily large tree that had come down after standing for a very long time.

We need to take this very seriously. We are not in the fire season yet, but they are getting earlier and earlier and they can be truly terrifying as the people of Dunalley and Victoria know. I hope we do not see too many people in Tasmania discovering that this season, but we need to ensure our emergency services are adequately resourced across SES and Tasmania Fire Service. During budget Estimates, I am sure that Committee A will be delving into this more fully with the minister when he appears. In case he is watching and wants to know what he is going to be asked about, he now knows one thing at least.

Thanks to members for their support of the motion.

Report considered and noted.

WORK HEALTH AND SAFETY AMENDMENT (SAFER WORKPLACES) BILL 2024 (No. 24)

Second Reading

[12.34 p.m.]

Ms LOVELL (Rumney) - Mr President, I acknowledge and explain why I have come to stand on this side of the Chamber.

Ms Forrest - So you can be a prank to the government?

Ms LOVELL - I am not trying to be an impostor for the government, but we do have some people who are here to watch and hear the debate, who have spent a very long time lobbying for these changes. One of the people in the gallery is a little hard of hearing and finds it easier to hear when I am able to stand and face towards the gallery. That is why I have come to stand on this side of the Chamber.

Before I move the bill, I acknowledge Sue Schulz in the Chamber and congratulate her on her appointment as electorate officer for the member for Hobart. Like the member for Pembroke, my office and I know Suze quite well from her previous role. She is an outstanding appointment and I wish her well for hopefully a long career. Good pick-up, member for Hobart. We wish her well for her time as part of the Legislative Council team.

I know she is not in the Chamber at the moment, but I add my congratulations to those offered already for Aleira, who has been a fantastic addition to the team in the Chamber and outside of it. She is always so helpful and cheerful. I have no doubt she will go a very long way in whatever it is she chooses to do beyond this.

Mr President, I move -

That the bill be now read a second time.

We have some people in the Chamber with us today to watch this debate. Most people know Jess Munday from Unions Tasmania and Thirza White, secretary of the Community and Public Sector Union (CPSU) and many members will also know Guy Hudson. I will speak a little more about Guy and his family, and their lived experience, a little later in my contribution.

Updated copies of my second reading speech are being circulated in the Chamber with the bill, so members will have that to refer to. I apologise for the short notice but, as I am sure members understand, we have been trying hard to address things that have been coming up in the last hours and days to make sure we can have that for people to refer to.

Labor stands for safe, secure, well-paid jobs. On behalf of the Tasmanian Labor Party, I am extremely proud to bring this bill to the Council. The bill introduces a new offence of industrial manslaughter into the *Work Health and Safety Act 2012*. This is a long overdue safety reform. It has taken a Labor opposition bill to progress this important matter and we are the last jurisdiction in Australia to do so.

The government has made empty promises for far too long to families who have lost loved ones and to safety advocates. For Tasmanian workers, there is no more time to wait. In the last decade, Tasmania has experienced the tragic loss of 85 lives through work-related fatalities - 85 loved ones who will never return home. We are legislators and we should do what we can to prevent further deaths and serious injuries. Experts say that industrial manslaughter laws are needed to achieve this. Tasmanian Labor, as the party of workers and unions, fundamentally understands the importance of these laws. We have had this as part of our election commitment for the last three elections.

At the May Day march on 11 May this year, Labor leader Dean Winter announced that Labor would commit to bringing an industrial manslaughter bill to the parliament. In the following five weeks, Labor invited consultation with over 30 organisations, unions, industry

representatives, families with lived experience and legal bodies. This included the Tasmanian Chamber of Commerce and Industry (TCCI), Housing Industry Association (HIA) Tasmania, Master Builders Tasmania, Tasmanian Minerals, Manufacturing and Energy Council (TMEC), National Electrical and Communications Association (NECA), Tasmanian Small Business Council, the Tasmanian Transport Association, TasFarmers, Primary Employers Tasmania and Community Legal Centres of Tasmania.

It also included the Australian Education Union (AEU), the Australian Medical Association (AMA), the Australian Manufacturing Workers Union (AMWU), the Australian Nursing and Midwifery Federation (ANMF), Australian Services Union (ASU), Australian Workers' Union (AWU), the Communications Electrical & Plumbing Union (CEPU), the CPSU federal and the CPSU state, the Construction Forestry and Maritime Employees Union (CFMEU), Maritime Union of Australia (MUA), Finance Sector Union (FSU), Health and Community Services Union (HACSU), National Tertiary Education Union (NTEU), Professionals Australia, the Rail, Tram and Bus Union (RTBU), the Shop, Distributive and Allied Employees Association (SDA), the Transport Workers Union (TWU), the United Firefighters Union (UFU), United Workers Union (UWU) and Unions Tasmania, through whom we consulted with family members with lived experience.

Feedback was received through written submissions, briefings and roundtable discussions, and this bill is all the better for the inclusion of feedback received through that consultation. We continue to engage and invite feedback from interested parties in the 12 weeks since this bill passed the lower House on 19 June. I note for context that many organisations participated by sending copies of submissions they had sent to the government in January this year in a consultation process for the consideration of an industrial manslaughter offence.

Submissions closed in February but there has been no progress or even communication since, with the prorogation of parliament. A state election followed on 23 March and the regard that the government has for worker safety was on full display when the ministry for Workplace Safety was dropped completely in the announcement of the new ministry. In the weeks that have followed we have not heard anything more from the government on progressing industrial manslaughter or many of the other amendments required to remain model law-compliant. In the void of the government, Labor has stepped up for workers' safety. We have been encouraged by the strong support shown from our parliamentary colleagues from the crossbench in both Houses. We have waited for many years. Workers, their families, unions and other advocates have been very patient, but we cannot wait any longer.

In drafting this bill, Labor has diligently considered and been informed by multiple reviews of industrial manslaughter law, including:

- The 2018 review of model health and safety laws by Safe Work Australia, commonly known as the Boland Review
- The Commonwealth Senate inquiry into the prevention, investigation and prosecution of industrial deaths in 2018
- The Queensland Director of Public Prosecutions (DPP) review of industrial manslaughter from 2024
- The Queensland independent review of the *Work Health and Safety Act 2011*, undertaken in 2022

- Queensland best practice review of workplace health and safety laws, known as the Lyons Review, from 2017
- The New South Wales parliament Research Paper 2: Industrial Manslaughter Laws, also from 2024.

Labor also considered the submissions, materials and parliamentary debates of all eight other parliaments that have passed these laws, and the three industrial manslaughter published decisions. This has ensured that the bill has not gone any further than is required to implement these protections, that the elements are well understood and well tested and that there are not any unintended consequences. It is possibly the only benefit of being the final jurisdiction to pass these laws.

With the passing of this bill, there will be a real and effective deterrent for serious breaches of work health and safety duties. There are penalties of up to 21 years' imprisonment for an individual or, for a body corporate, \$18 million in fines.

These laws will result in a system that is more just to the victims, easier to understand for the community and fairer to businesses that do the right thing and meet their responsibilities and obligations under the *Work Health and Safety Act*.

I want to make it very clear that there are no new health and safety duties imposed with this bill, and those who are already complying with their duties will be unaffected. Instead, it makes it clear that where safety duties are breached and a person dies, that the penalty reflects the severity of the crime.

We know the vast majority of employers are doing the right thing because they care deeply about their workers. This bill is aimed, instead, as a deterrent for employers who have such disregard for worker safety that there is the risk of death. I refer to a submission in support of this bill from Thirza White, general secretary of the CPSU, the union representing public sector employees and inspectors in WorkSafe. The submission says:

These changes are crucial to improving workplace safety and ensuring that those responsible for serious negligence leading to worker fatalities are held accountable. Most importantly, industrial manslaughter legislation will serve as a powerful deterrent, encouraging employers to prioritise the health and safety of their workers. Our support for this legislation is reinforced by the support amongst WorkSafe inspectors for the amendments. Inspectors are at the forefront of enforcing work health and safety laws and regulations, and understand the importance of robust legal frameworks in preventing workplace incidents. Their backing highlights the necessity and urgency of implementing these amendments to safeguard workers across all industries and bring Tasmania into line with all other jurisdictions.

I will clarify for members who will have seen an email from Ms White - that was in reference to the amendments contained in our bill.

The need for an industrial manslaughter offence to be consistent with other jurisdictions originates from the model law review. At the request of work health and safety ministers, workplace safety expert Marie Boland was engaged to review the model work health and safety

laws in 2018. The review recommended that industrial manslaughter laws be included in the model work health and safety legislation. The report states:

I am recommending a new offence of industrial manslaughter be included in the model WHS laws. The growing public debate about including an offence of industrial manslaughter in the model WHS laws was reflected in consultations for this Review. I consider that this new offence is required to address increasing community concerns that there should be a separate industrial manslaughter offence where there is a gross deviation from a reasonable standard of care that leads to a workplace death. It is also required to address the limitations of the criminal law when dealing with breaches of WHS duties. More broadly, the ACT and Queensland have already introduced industrial manslaughter provisions, with other jurisdictions considering it, and so this new offence also aims to enhance and maintain harmonisation of the WHS laws.

During consultations, Ms Boland found there was a clear community expectation that there should be an outcome-based offence in the model work health and safety laws and for it to be possible to prosecute for the death of a person under an industrial manslaughter offence.

Consequently, it was recommended to introduce the offence in each jurisdiction, with Tasmania today being the final jurisdiction to do so.

I will now address some of the specifics of the bill. In relation to the specific provisions, the bill creates a new division of the *Work Health and Safety Act* with the Objects of the division at proposed new section 29A being to prevent workplace deaths; to deter people from breaching health and safety duties; and to reflect the severity of conduct that places lives at risk in the workplace. Given the seriousness of the offence, Objects are included to give full context to PCBUs, officers, WorkSafe, the police, the DPP, a judge and a jury on the aim of this offence.

Proposed new section 29B provides sections of interpretation for the new division. Proposed new section 29B(1)(a) covers a situation where a death occurs after the commencement of this bill, but a health and safety obligation existed before commencement and still had not been met after commencement. An example of this would be if a person had a duty to maintain equipment before the amendments commenced. The fact that the person still has not maintained the equipment after the commencement means that failure counts as engaging in conduct. In that example, if there is a workplace death after the amendment has commenced due to the failure to maintain the equipment, the person would be liable even though the obligation to perform the maintenance occurred before the amendments commenced. However, the new offence does not apply to a death that occurs before the commencement of the bill.

The standard of negligence is defined in Proposed new section 29B(1)(b) being the standard of criminal negligence from the common law. This provides certainty around the criminal threshold required and is not intended to impose a higher criminal threshold than the common law. It means conduct is negligent if it involves 'a great falling short of the standard of care that would have been taken by a reasonable person in the circumstances' and must involve such a 'high risk' that 'death, serious injury or serious illness' would follow. An organisation with robust practices and procedures which comply with the *Work Health and Safety Act* would not be guilty of these offences.

The model *Work Health and Safety Act* does not provide a model clause for an industrial manslaughter offence or fault element. Instead, it notes each jurisdiction may insert local provisions to create an offence of industrial manslaughter. The offence of industrial manslaughter would be in addition to the existing offence under section 31 and address conduct by a person that represents a gross deviation from the reasonable standard of care resulting in a work-related fatality.

Section 31, referring to a Category 1 offence, uses the term gross negligence. However, in the explanatory memorandum it states:

This item inserts a jurisdictional note in the appendix which allows each jurisdiction to replace the term gross negligence with another term consistent with the law of that jurisdiction.

This bill adopts a standard of negligence that is endorsed for the Tasmanian jurisdiction by Community Legal Centres Tasmania and Unions Tasmania through their legal advice. In considering their advice and referring to the multitude of reviews that have been conducted on industrial manslaughter, Labor determined that this was the appropriate standard for this jurisdiction.

In February, when providing a submission to government consultation on industrial manslaughter, Ben Bartl, principal policy officer of Community Legal Centres Tasmania, wrote:

We strongly believe that the applicable test should be negligence rather than gross negligence. In Queensland prior to its industrial manslaughter legislation being introduced, a review of workplace health and safety legislation found:

In terms of terminology, it is the view of the Review that the offence should be that of 'negligence' causing death, as opposed to 'gross negligence' causing death. The rationale for this view is that gross negligence has a particular legal meaning that requires more than negligence. The consequence of this is that it may make prosecutions more difficult to pursue and may be the reason minimal prosecutions have been pursued in jurisdictions who have industrial manslaughter provisions. Subsequently, proving negligence to the criminal standard of proof is considered to be the appropriate framing for the new offence.

The submission went on to say that if Tasmania does adopt the negligence standard, as the majority of Australian jurisdictions have done, the fault element should be defined and clarified. A model that should be considered is section 39E of the Occupational Health and Safety Act 2004(Vic).

Community Legal Centres Tasmania also circulated a letter to members on consideration of our bill this week. Referring to their earlier submission and restating that they strongly support the applicable test being one of negligence rather than gross or culpable negligence. They said:

Requiring an industrial manslaughter offence to meet the *Criminal Code Act 1924 Tasmania* definition of culpable negligence will mean that only those acts intended to cause death or serious harm or commonly known to be likely to cause death or serious harm will meet the requisite standard. The evidence from other jurisdictions is that this standard is difficult to meet and results in a failure to prosecute.

That fault element has been incorporated into this bill before the Chamber.

Similarly, Unions Tasmania circulated advice to members prior to today. Jessica Munday, Secretary of Unions Tasmania, rejected the concept of culpable negligence based on legal advice obtained. It is worth noting, for the purpose of *Hansard*, the full comments related to that point:

Section 156 of the Criminal Code does not define what culpable negligence means, which means it relies on its common law definition. Relying on a test of culpable negligence will create uncertainty about what acts or emissions do or do not fall within that term. This is so because what does or does not fall within the definition can only be decided by a jury instructed that it is a question of fact for them to decide.

That is from the Criminal Code section 156(3). These new laws will be read, considered and discussed by many different stakeholders, but particularly employers, workers and unions. While large businesses may have in-house legal counsel and work health and safety teams or consultants, small and medium sized enterprises most often do not have the resources to seek legal advice until after problems arise. The concept of culpable negligence is likely to be totally foreign, impossible to understand without legal assistance and very difficult to apply in practical day-to-day operations. Industrial manslaughter legislation is more likely to prevent workplace deaths and deter breaches of safety duties when the law is easy to understand and apply and when persons conducting a business or undertaking (PCBUs) are successfully prosecuted, resulting in a general deterrent effect. Coupled with properly drafted educational material developed by experts, such as the safety regulator and trade unions, the use of an objective, reasonable person test is almost certain to lead to laws that are easy to understand and apply. A reasonable person test, as proposed by Labor, is easy to understand and apply over the long term and in the spur of the moment. It is for these reasons that Unions Tasmania prefers Labor's construction.

This standard of negligence as the fault element is also used by the majority of other jurisdictions; Commonwealth, Queensland, the Australian Capital Territory, Victoria and the Northern Territory all use negligence. By using negligence and by providing a definition within the division, the bill is clear on the intent and requisite criminal standard for those who will need to interpret and apply this provision. While proposed new sections 29B(2) and (3) provide what is considered negligence in relation to a body corporate, the standard of care to be applied is the standard of care that would have been taken by a reasonable body corporate in the circumstances in which the conduct was engaged in.

The proposed new section 29C inserts the offence of industrial manslaughter in the *Work Health and Safety Act*. The bill outlines that a PCBU or an officer of a PCBU will commit the offence if they have engaged in conduct that causes the death of a worker or another individual to whom its health and safety duty is owed and that they were negligent or reckless about

causing death. This is in line with the harmonised legislation and has consistency with other jurisdictions, noting that no two jurisdictions are precisely the same. Consistent with other jurisdictions, the offence of industrial manslaughter will only have application to persons conducting a business or undertaking and officers. Both are already defined under the principal act in sections 5 and 4 respectively. These definitions capture individuals at the highest level of the organisation with the power and resources to improve safety, including directors and people who participate in making decisions that affect the whole, or a substantial part of the organisation's business, or who have the capacity to affect significantly the organisation's financial standing.

The offences will not apply to employees who are not officers. This is consistent with the Objects of the bill, which is to hold to account those with the power and the resources to improve safety. An employee who is criminally negligent and causes death can be prosecuted under existing criminal laws and, therefore, the bill does not need to address any difficulties or create an additional offence for conduct the law already covers.

The elements of industrial manslaughter ensure the effectiveness and appropriateness of the offence. It will hold responsible those whose behaviour or decisions govern workplace safety and who have failed in their paramount duty to keep workers safe. Under subsection (1)(b) and (c), the person is required to owe a health and safety duty to the individual, which can include a worker or a bystander at the workplace. This is important because of the 85 workplace fatalities in Tasmania in the last 10 years, 60 were workers and 25 were bystanders.

In other jurisdictions that have adopted the harmonised work health and safety laws, there has been a consistent approach to permit consideration of charging a PCBU or officer for an industrial manslaughter offence arising out of the fatality of a bystander or individual to whom a health and safety duty is owed. This was also supported in the Boland Review findings, which stated an industrial manslaughter offence must include the death of other persons at the workplace as well as workers. The death of an individual is tied to a health and safety duty owed to that person, placing the death within the context of the work health and safety legislative scheme and consistent with the harmonised laws objectives.

There is provision at proposed new section 29C(1)(b) where an individual dies, or is injured and later dies in line with general principles of causation. This is intended to include deaths due to injuries or illnesses which are caused cumulatively, such as exposure to hazardous chemicals or injuries which arise over an extended period of time, such as dust diseases like asbestosis or silicosis.

Proposed new subsection (1)(d) provides for negligent and reckless conduct as the fault elements of the jurisdiction. As already stated, there is a statutory definition of 'negligent' at proposed new section 29B(1)(b) being the standard of criminal negligence.

Under the act, every element of the offence must be proven. These elements require a high threshold to be met before a PCBU or officer is found individually liable. This includes that the officer's conduct amounted to criminal negligence or recklessness and caused the death, with the burden of proof remaining with the prosecutor to prove beyond reasonable doubt, and sentences to be imposed after conviction by an independent court after a fair hearing.

An industrial manslaughter offence will incur a penalty of up to 21 years' imprisonment for a person and a financial penalty of up to \$18 million for an offence committed by a body corporate. The financial penalty is set at the recommended amount from the model laws. The maximum 21-year term of imprisonment is consistent with indictable offences, including manslaughter, in the *Criminal Code* in Tasmania. The penalties for the new offence ensure the most serious health and safety breaches carry a penalty which sends a clear message that people who place workers' lives at risk will be held to account. These penalties also recognise the significant loss suffered by the families who have lost a loved one in the course of a preventable workplace incident.

The bill amends section 216(2) of the act to clarify that a work health and safety undertaking, also known as an enforceable undertaking, cannot be accepted by the regulator for contravention of an alleged industrial manslaughter offence as an alternative to prosecution. This is in line with the seriousness of the offence and the current approach taken to a Category 1 offence under the act.

Proposed new subsection (2) clarifies that conduct is taken to cause the death of an individual if it substantially contributes to the death. This provision reflects the common law of causation and makes clear that conduct contributing to a death alone is insufficient. That is, the conduct must be such that an ordinary person would hold it as a matter of common sense to be a cause of the death. The mere fact that an organisation or officer's conduct contributed causally to the death -

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

QUESTIONS

AFL High Performance Centre - Development Application

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

[2.31 p.m.]

With regards to AFL High Performance Centre (HPC), the deal with the AFL clearly states that the HPC, wherever it is built, needs to be approved by the end of 2024. Considering the processes any council must follow to assess a development application for the HPC, can the Leader provide the Legislative Council with an update on when the Government expects to lodge the development application?

ANSWER

Mr President, a high-performance training administration facility has been identified as a key requirement to support the Tasmanian AFL licence and to underpin future player retention, and is part of the government's deal with the AFL. It will be the home of the Tasmanian AFL team to provide state-of-the-art facilities for Tasmania's AFL, AFLW, VFL and VFLW players, along with the youth and academy programs. The facility will include external and internal training facilities, as well as office spaces and facilities for football and administrative staff.

Through an expression of interest process, the Rosny Parklands were identified as the preferred location for the high-performance centre and was the unanimous choice of the steering committee charged with evaluating proposals, which comprised representatives of the government, the AFL and the Tasmania Devils football team.

While the Rosny Parklands was identified as the preferred location, Kingborough continues to remain an option, with further geotechnic works undertaken on both sites. The next step is to develop concepts and master planning for the sites in conjunction with the relevant local government and broader stakeholder groups, the planning pathways being resolved in consultation with the project's consultants.

The Tasmanian government is progressing with our commitment to giving Tasmanians a chance to have their own AFL team. The process being conducted is one to determine a suitable location that delivers the best outcomes for Tasmanians.

Emissions Reduction and Resilience Plans

Ms WEBB question to MINISTER for ENERGY and RENEWABLES, Mr DUIGAN

[2.33 p.m.]

Section 5C of the *Climate Change (State Action) Act* requires the minister to develop sector-based emissions reduction and resilience plans, and further provided that such a plan for the transport sector is to be provided within 12 months of Royal Assent to the amending act which introduced the requirement for the development of such plans. My questions are:

- (a) on what date did the amending act containing the requirement for the development of the emissions reduction and resilience plans receive the Royal Assent?
- (b) as the minister, are you therefore out of compliance with the act you are sworn to administer with respect to completing and tabling an emissions reduction and resilience plan for the transport sector?
- (c) when do you expect the other five emissions reduction and resilience plans specified in section 5C(1) of the act to be completed; and
- (d) section 5C(1)(g) provides for the development of an emissions reduction and resilience plan for 'any other sector or sub-sector determined by the Minister'. Did the minister's predecessor determine to prepare an emissions reduction and resilience plan for government operations? If so, when does the minister expect to complete and table that plan?

ANSWER

Mr President, I thank the member for the question.

The *Climate Change (State Action) Amendment Act 2022* received Royal Assent and commenced on 30 November 2022. The Transport Emissions Reduction and Resilience Plan

was due to be prepared by 30 November 2023. Because climate change is an integrated issue, it is critical that our sectoral plans for emissions reduction are prepared together. The plans are developed in three parts: targeted consultation with government and industry, followed by public consultation on a draft plan, and then the development of the final published plan for each sector. The finalisation of the transport plan was deferred to enable better integration of key issues and risks raised during targeted consultation for other sectoral plans.

Targeted consultation for remaining plans has recently been completed. Draft plans are now open for public consultation. This includes energy, industrial processes and product use, agriculture, and land use, land use change and forestry. Having a comprehensive understanding of all sectors is important to ensure more efficient, cost-effective, and coordinated action on climate change.

This information has enabled my department, ReCFIT, to analyse and identify issues that cut across all sectors and develop strategic overarching initiatives. This enables consideration of gaps and barriers not addressed through other transport policies and programs.

Other relevant transport strategies considered while under development included Keeping Hobart Moving, and the River Derwent Ferry Service Masterplan. Both plans were open for public consultation in late 2023 to early 2024. The transport plan is currently being finalised and is expected to be released in coming weeks.

The remaining five emissions reduction and resilience plans - waste, energy, industrial process and product use, agriculture and land use, and land use change and forestry - will be completed by November 2024. This is in line with the 24-month time frame as specified in section 5C(3) of the act. The final plans will be released together with a whole-of-economy report outlining the links and cross-cutting issues between all six sectoral plans.

In October 2021, the former minister committed to developing an emissions reduction and resilience plan for government operations. This will be delivered in 2025. The plan is being developed with the input of agencies and includes a survey of current climate change actions by departments, workshops with senior departmental representatives, baseline emissions inventory for Tasmanian government operations to support a net zero target and future emissions reductions, a review of whole-of-government energy use and emissions monitoring and reporting needs, and software requirement. Public consultation will be undertaken on the draft government operations plan consistent with the requirements of the act.

Dr Peter Renshaw - Investigation into Conduct by Tasmania Police

Ms O'CONNOR question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.39 p.m.]

We understand that earlier this year, concerned health staff made complaints to Tasmania Police about the conduct of former LGH manager, Dr Peter Renshaw, including allegations he breached the *Coroners Act 1995*. Police responded to these complaints by declining to investigate because of the Department of Health review that was already underway. The review is now complete. It made extremely serious findings about Dr Renshaw's conduct. These findings were provided to police. My questions are: what action, if any, has Tasmania Police

taken since receiving this report from the Health Department? Are they currently investigating the matters raised? If they are not, why not?

ANSWER

Mr President, to question one, Tasmania Police has received the report of the conduct of Dr Renshaw from the Department of Health. This report has been provided to the Crime and Intelligence Command for review. To question two, members of the Crime and Intelligence Command are currently reviewing the material to determine if any breaches of the law have occurred in relation to the reporting of the deaths.

Supplementary Question

Ms O'CONNOR - I appreciate that this is slightly out of order, but do you want me to write another question on notice to ask for a time frame on when there may be a decision? That answer is quite open-ended.

Mrs HISCUTT - Through you, Mr President, a more precise question might be better.

Ms O'CONNOR - Okay. I thought that was pretty precise, Leader of Government Business, that is okay.

Salmon Industry - Use of Explosives

Ms O'CONNOR question to MINISTER for PARKS and ENVIRONMENT, Mr DUIGAN

[2.40 p.m.]

According to data from NRET, there is an ongoing, very high-level use of crackers or explosives in the salmon industry. NRET data shows that 1800 of these explosives were used by multinational foreign corporations in Tasmanian waters in the first six months of this year for an industry that your government calls best practice. These explosives kill and maim seals that are protected against every threat except the industries. Brazilian multinational corporation, JBS, which now owns Huon, is the biggest user of these explosives.

- (1) why is this still happening?
- (2) what actions, if any, is Parks and Wildlife or the Environment Protection Authority (EPA) undertaking to control or limit the use of these explosives?
- (3) as minister, do you regard the use of these crackers or explosives as world's best practice?

ANSWER

Mr President, I thank the member for the question. It is an issue that is managed by Marine Resources and, in that circumstance, is a question for another minister, Mr Abetz, I believe. It is not part of my portfolio responsibility.

Supplementary Question

Ms O'CONNOR - It was not that long ago the Parks and Wildlife took responsibility for the rehabilitation and recovery of seals that were impacted by the industry. Can I confirm with you, as minister for Parks, and therefore threatened and endangered species, and for the Environment Protection Authority, you have no responsibility or no capacity to affect or change the use of explosives on protected fur seals in Tasmanian waters?

Mr DUIGAN - Yes, I am happy to confirm that that is managed by Marine Resources.

Ms O'CONNOR - So, who is the minister?

Mr DUIGAN - I believe that is Mr Abetz.

Commission of Inquiry - Website Changes

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

[2.42 p.m.]

This relates to question 27 of 2024 and is a follow-up to answers provided already by the Leader of the government. It relates to a question I asked in light of the response provided by the Premier on 13 June 2024 on the matter of the website of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. There was a series of questions relating to apparent changes made. Question 4 of the list is the one that this follow-up relates to. That question was to clarify whether any other updates or changes to the website had occurred since 31 August 2023. I asked the follow-up question because it was not clear that there was an answer provided to question 4, clearly a yes or a no. I would like clarification on whether any other updates or changes have occurred to the website since 31 August 2023.

ANSWER

Mr President, on 8 August 2024, the Legislative Council was advised that no changes had been made to the content of the commission of inquiry's websites since 26 September 2023. I advised that the only change of the website that had occurred since that date was a software upgrade on 5 March 2024, when the system that hosts the commission's website was upgraded.

I understand that the member for Nelson has sought further clarification as to whether any changes have been made to the commission's website prior to 26 September 2023, specifically between 31 August 2023 and 26 September 2023. Is that what we are looking at?

I have been advised that four changes were made to the commission's website between 31 August 2023 and 26 September 2023. All four changes were requested and authorised by former staff members of the commission of inquiry.

On 31 August 2023, a 'Thank you' page was made live, where the commission thanked everyone who engaged with the commission. These changes were made on the following page: <http://commissionofinquiry.tas.gov.au/thank:you>

On 31 August 2023, an alert banner was removed from a message relating to the closing hearing of the commission. This is because the closing hearing occurred on 30 August 2023. This resulted in a change being made to the following URL: <http://commissionofinquiry.tas.gov.au/alerts/commission-of-inquiry-final-steps>, which changed to <https://commissionofinquiry.tas.gov.au/commission-of-inquiry-final-steps>.

On 4 September 2023, links to some PDF files were corrected as some website links were incorrectly linked to the same PDF file. These changes were made to the following web page: <https://commissionofinquiry.tas.gov.au/hearings>.

On 4 September 2023, contact information for the commission was removed following the conclusion of the commission. These changes were made to the following page: <https://commissionofinquiry.tas.gov.au/contact>.

Racing - North-West Harness and Greyhound Track

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

[2.47 p.m.]

My question is No. 51. With regards to the north-west harness and greyhound track, what engagement has the government had with participants in the lead-up to the announcement on 22 August that the government would not be building the proposed harness and greyhound racing track?

Ms O'Connor - Hear, hear. Good decision.

Mrs Hiscutt - Do you want Cassy to answer that?

Mr EDMUNDS - No thank you.

ANSWER

Mr President, on 8 May 2024, the government announced it had been advised by the Tasracing board of the decision by Tasracing not to proceed with the proposed north-west track project. Owing to significant project cost increases, the development proposed for land adjacent to the Devonport Airport was unaffordable and it would no longer proceed. Government accepted the advice, and the Minister for Racing said in a statement on 8 May 2024 that the Tasmanian government had asked Tasracing to provide advice on a solution that is focused on investment in facilities to suit the daily requirements of the north-west harness and greyhound trainers, and that Tasracing would start consultation with stakeholders straight away.

The Minister for Racing attended a forum on 23 May 2024 open to all harness and greyhound participants on the north-west coast, where the minister outlined Tasracing's advice to the Tasmanian government that it was not financially prudent to proceed with the north-west tracks project. This meeting included trainers, owners, breeders and committees of both codes.

At the forum, the minister also reiterated the advice that the government remains committed to working with Tasracing to support a solution that will meet the needs of

north-west harness and greyhound trainers, and to provide the appropriate funding support for this solution once government had considered the detailed business case at the appropriate time consistent with both the 8 May announcement and the 2024 Liberal Party election policy.

The industry communication on 22 August 2024 was not made by government. It was made by Tasracing. The Tasracing communication was in line with the commitment to industry and participants on the north-west coast that any proposed solution for harness and greyhound facilities would be informed by executive consultation and open communication. The communication on 22 August formed part of this consultation.

Gaming - Pre-Commitment Card Rollout

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

[2.49 p.m.]

I have question 40 of 2024, which is an ongoing saga. I asked the Leader of the Government regarding my previous question, dated 4 July 2024, seeking specific information following confirmation of the delay of the rollout of the mandatory pre-commitment gaming cards for poker machines used in Tasmania. I resubmit the following, which was submitted some weeks ago, subsequent to that first question being submitted and not answered. In light of the statements made by the Tasmanian Hospitality Association (THA) reported in the news media on 4 July 2024 that 'This proposed system has not been developed anywhere in the world and we have been trying to explain that to Mr Ferguson for a year-and-a-half', can the government:

- (1) detail the number, mode and locations of any interaction between any hospitality sector representatives, gaming industry representatives and Minister Michael Ferguson, or the Minister's office, which pertained to the mandatory pre-commitment gaming card reforms, and which occurred over the last 18 months.
- (2) detail the number, mode and locations of any interactions between any hospitality sector representatives, gaming industry representatives and Finance Minister Nic Street, or the Minister's office, which pertained to the mandatory pre-commitment gaming card reforms.

I note here, Mr President, different from the answer I received the first time which was 'look at the ministerial diary disclosure' that the scope of my question is well beyond the information provided in such disclosure. I am expecting a more fulsome answer this time.

ANSWER

Mr President, in line with the previous answer to this question, detail relating to interactions between Tasmanian government ministers and key portfolio stakeholders, including details such as the date and purpose of the meeting visits, attendance at events and media interviews, is made publicly available on a regular basis. The Department of Premier

and Cabinet website maintains ministerial diary information covering the 18-month period to 1 January 2023 to the most recent quarterly period ending on 30 June 2024.

Interactions between hospitality sector representatives, gaming industry representatives and ministers, Michael Ferguson MP and Nic Street MP, which occurred over the last 18 months are included in this information. There are existing avenues available to the member to seek additional information should she be dissatisfied with the routine disclosure.

Ms WEBB - Mr President, may I clarify the purpose of Question Time? Should a member have to be redirected to the RTI system to obtain an answer to a straightforward question put in this Chamber? Is it not the purpose of Question Time to seek answers from the government and members not have to seek recourse to the RTI system for such details, because clearly the scope of what I have asked is beyond the ministerial disclosure regime, paltry though it is at the moment, because I have asked about the office of those ministers, not just the minister themselves.

AFL Stadium - Accessibility, Disability and Inclusion

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

[2.52 p.m.]

I will ask question No. 50 from the list. I ask the Leader of the Government with regards to the proposed AFL stadium in Hobart:

- (1) what consultations have the government had on accessibility, disability and inclusion; and
- (2) is the government looking to other jurisdictions to ensure that if the stadium is built, it will be a world-leader in access and inclusion and able to be enjoyed by all Tasmanians?

ANSWER

Mr President, accessibility is being considered as part of both the design of the stadium and the precinct more broadly. Prior to developing the concept designed for the multipurpose stadium at Macquarie Point, the Precinct Plan was developed to guide the urban renewal and redevelopment of Macquarie Point. The Precinct Plan sets out the key projects and activities to be delivered on the site and was informed by over 16 weeks of public consultation across two rounds which included both written submissions and surveys and meetings with local businesses, organisations and interested individuals. The consultation comprised local disability and accessibility organisations, including ParaQuad Tasmania, Council of the Ageing Tasmania, Autism Tasmania and the Association of Children with Disability Tasmania.

The Macquarie Point Development Corporation is currently engaging with user groups to inform the next stage of the design process. This will include an accessibility focus group which will be convened shortly. These organisations will be invited to work through the designs and provide feedback.

This local engagement is in addition to the specialist accessibility expertise that is included in the stadium design team and the requirements that are set out in the various sporting codes venue guidelines. Some of the accessible elements that already feature in the multi-purpose stadium concept design include:

- a single, 360-degree continuous internal concourse that services the entire stadium. This allows ease of movement without level changes across the entire facility;
- the use of lifts and escalators where there are multiple levels, such as to support access to the function rooms and commercial facilities;
- sensory-safe rooms within the stadium; and
- accessible seating with spacing that allows for a variety of seating patterns between wheelchair and accompanying fixed seating options.

Disability Royal Commission - Inclusive Housing

Ms WEBB question to MINISTER for DISABILITY SERVICES, Ms PALMER

[2.55 p.m.]

Question No. 47 of 2024. I ask the Minister for Disability Services, last month the government released Tasmania's response to the disability royal commission. My question is specifically in relation to part C: inclusive housing. Recommendation 7.33 prioritised people with disability in key national housing and homelessness approaches, which the Tasmanian government accepts in principle.

In light of the joint statement responding to this recommendation that the Australian government and state and territory governments recognise the additional barriers people with disability face in accessing appropriate housing, and the disproportionate risks and impacts of homelessness among people with disability:

- (1) are you aware that Tasmanians who receive a disability pension are deemed not to qualify for the Tasmanian government's MyHome shared equity housing access scheme unless they can provide the financial institution, Bank of Us, with evidence of a second income source?

Further, the state government's response to this Disability Royal Commission's recommendation on inclusive housing states, 'The Tasmanian Housing Strategy 2023-2043 and the Action Plan 2023-2027 recognise people with a disability as a priority cohort'. As a recognised 'priority cohort':

- (2) can you confirm whether accessibility for Tasmanians with a disability to access the MyHome scheme was considered and evaluated during the development of that scheme?

- (3) will you commit to investigating and evaluating the MyHome shared equity housing scheme for compliance against national and international inclusivity obligations for Tasmanians with disability to access housing?

ANSWER

Mr President, I thank the member for the question.

In response to question (1), our government is committed to delivering housing for Tasmanians living with disability while ensuring that choice and control remains paramount so people with disability can make their own decisions on how or where they choose to live.

In regard to the Tasmanian government's MyHome shared equity scheme, I am advised that the MyHome program requires participants to meet the lending requirements from the lender which is regulated under the *National Consumer Credit Protection Act 2009*. One key requirement of the responsible lending obligations under the act is that the repayment of the loan not place the participant in financial hardship as assessed against the participant's financial position, including all income sources. The MyHome program is not designed to offer assistance to people who do not meet these requirements.

Question (2): the questions on the development of the scheme are a matter for the Minister for Housing. Any Tasmanian, irrespective of whether they may be a person with disability who fits the eligibility criteria as outlined in the attached document, may apply for consideration of the MyHome program. That is at <https://bankofus.com.au/source-assets/images/Personal> - I might table, it is quite a long URL.

Question (3) - As Minister for Disability Services, it is not within my remit to investigate and evaluate a program that sits with another minister's portfolio. However, I am advocating every day for greater inclusion for Tasmanians living with disability, as evidenced in the Disability Inclusion and Safeguarding Bill currently before the upper House. Under this legislation, there is a requirement for defined entities to establish a disability inclusion action plan. Specifically, clause 17(1) of the bill states that a defined entity 'will need to consult with people when developing or reviewing any policy of, or program or service provided by, the entity that has a direct and significant impact on the public.'

Furthermore, clause 17(2)(b) outlines that the defined entity is to consider 'how the policy, program or service may be developed or varied in order to ensure accessibility; promote universal design; and reduce, remove and prevent barriers to disability inclusion; and promote disability inclusion.'

Mr PRESIDENT - Minister, before you return, did you wish to table or seek leave to table the document?

Ms PALMER - Mr President, I seek leave to table the answer and have it incorporated into *Hansard*.

Leave granted.

See Appendix 5 on page 170.

Short-Stay Accommodation - Levy

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

[3.00 p.m.]

Mr President, I ask this question because when we had a debate on some of the finance portfolio, we received a different answer to this from the one we received from the Housing minister. The beauty, I guess, of the Legislative Council, is that I can put it through the Leader and hopefully get an answer.

I am asking question No. 52: can the Leader provide an update on progress of the promise to introduce a 5 per cent levy on all short-stay accommodation in the state to be paid by the visitor, not the owner, announced by the former housing minister on 18 February?

ANSWER

Mr President, I hope the member for Murchison is listening. The Tasmanian Liberal Government is progressing the introduction of a 5 per cent levy on short-stay rental accommodation as part of our 2030 Strong Plan for Tasmania's Future. Consultation has commenced. The major platform providers have been invited to work with the government as part of the development of the short-stay levy. Victoria has announced that they will introduce a 7.5 per cent levy on short-stay accommodation from January 2025. We will review the implementation in Victoria and engage closely with our stakeholders ahead of any levy coming into effect in Tasmania.

The levy will not apply to traditional accommodation providers, such as hotels, pubs, bed and breakfasts and caravan parks. The short-stay levy will be paid by those using short-stay accommodation, not the property owners. This means the levy will be paid overwhelmingly by interstate and overseas travelers, with 83 per cent of short-stays used by interstate and overseas travelers. The short-stay levy is complex in its development and implementation.

We will be keeping a close eye on similar levies being introduced interstate to ensure the process is as smooth as possible here in Tasmania.

WORK HEALTH AND SAFETY AMENDMENT (SAFER WORKPLACES) BILL 2024 (No. 24)

Second Reading

Resumed from above (page 33).

[3.02 p.m.]

Ms LOVELL (Rumney) - Mr President, I will go back a couple of lines from where I was when we broke for lunch, so that people can follow along without any confusion.

I was explaining that proposed new subsection (2) clarifies that conduct is taken to cause the death of an individual if it substantially contributes to the death. This provision reflects the common law of causation and makes clear that conduct contributing to death alone is

insufficient. That is, the conduct must be such that an ordinary person would hold it as a matter of common sense to be a cause of the death. The mere fact that an organisation's, or office's, conduct contributed causally to the death, or was a necessary cause of it is not sufficient. It must have contributed significantly to the death, or have been a substantial and operating cause.

Proposed new subsection (3) allows for alternative verdicts to be applied if the elements of industrial manslaughter are not established in court, but the elements of an alternative offence - a category 1, category 2, or category 3 offence - are established as part of those proceedings. This provides flexibility and efficiencies in the prosecutions of the most serious of work health and safety breaches. As with the industrial manslaughter offence, there will be no limitation period applicable when a category 1, 2, or 3 offence is an alternative charge to industrial manslaughter. This is to ensure that an alternative verdict can be returned in conjunction with an industrial manslaughter ruling without limiting the time that can be taken to investigate those matters. Through the new section 29D, the current exceptions relating to volunteers and unincorporated associations in section 34 of the act remain applicable to this division.

Section 231(1) is amended to include an industrial manslaughter offence and permits a person to make a written request to the regulator, being WorkSafe Tasmania, for a prosecution to be brought where there are reasonable grounds arising. This is in line with the treatment of category 1 and 2 offences under the act already. A new subsection (1A) is inserted to clarify that coronial reports and proceedings may form the basis of a written request to the regulator under this section.

Section 232 of the act is amended so that there is no limitation period for bringing prosecutions for an industrial manslaughter offence. This allows sufficient time for complex investigations and prosecutions related to a workplace fatality to proceed. This amendment also clarifies that dual prosecutions do not proceed under the Criminal Code for the same conduct.

We acknowledge the incredible diligence and knowledge of the Office of Parliamentary Counsel, who have reviewed this bill and provided detailed advice on a range of technical aspects. We very much appreciate this. I also acknowledge the work of Celeste Miller, who has put an enormous amount of work into this bill. She has worked closely with OPC and supported us in bringing the bill before parliament. I wanted to acknowledge her in the Chamber today to support me through this as well. Her work on this bill has been second to none.

I want to address correspondence received late yesterday from Michael Bailey, OAM, from the TCCI. I have had a number of conversations with members over a period of time about varying correspondence we have received from the TCCI. The Labor leader, Dean Winter, met with Mr Bailey shortly before the debate of this bill in the House of Assembly on 19 June 2024. Members will recall that the TCCI wrote to members some time ago, and that I facilitated a briefing for the TCCI with members to address the concerns they have raised. That briefing was held on Monday 5 August 2024, in advance of our intended debate on 13 August 2024.

Mr Bailey advised that he would provide further information for members' consideration, specifically for proposed amendments, before the debate on 13 August. I acknowledge that his preference was to have a further month for consideration and finalisation of those amendments. I emailed Mr Bailey on Thursday 8 August 2024 to follow up on those amendments and to

offer assistance in circulating any further comment to all members. I understood from his response that they were to be provided by the end of that week.

As members would be aware, due to illness I was unable to proceed with the debate as intended on 13 August 2024. Following this, Labor adviser, Celeste Miller, made further contact with Mr Bailey to advise him of the delay and again chase up the amendments he had flagged. This was done via email on Wednesday 21 August 2024, with Ms Miller emailing Mr Bailey to advise that we were hoping to proceed with the debate on 10 September 2024, and seeking advice from him about whether he had been able to progress consultation with his members, and if he had any amendments to propose or further comment to provide. We had no further contact from Mr Bailey until the email received by members yesterday at 4.51 p.m.

This bill is the culmination of a 20-year campaign, championed by Unions Tasmania alongside trade unions, injured workers, victims' families, and the community who have fought to save workers' lives, and make workplaces safer. I acknowledge the presence of two courageous advocates - not just advocates, but family members with lived experience - in the Chamber today, Guy and Karen Hudson, who lost their son, Matthew. I also acknowledge Wendy Masters, who cannot be here today, but who has also been a fierce advocate for workers.

Members may have heard Wendy tell her story at various events over the years. Wendy lost her son, Shane, when he passed away 12 years after suffering a brain injury while repairing airbags on a fully laden log truck. Shane was 28 at the time of the incident and a father of two young children himself. After being in a coma for 13 days, he did not remember that he had children or that his own father had died. Wendy cared for Shane full-time for a number of years until he tragically died from a seizure as a result of his brain injury. At the time of the workplace incident, there were no safety procedures for undertaking repairs in the workshop or appropriate safety equipment, but there were no findings made against the company. Wendy has bravely fought for accountability since then. I hope she can feel some comfort that accountability and justice will be there for others because of her advocacy, and in Shane's honour.

I share this hope for Guy and Karen Hudson who have advocated for over 20 years for better workplace safety laws for every Tasmanian worker. They have founded the Tasmanian Workers Commemorative Park in Launceston with union, state and federal government funding. They have done this in honour of the life of their son, Matthew. In 2004, Matthew was just 16 years of age and in his third week of work when he died at his workplace. Matthew died when the forklift he was driving tipped over. He was driving the forklift unsupervised, despite not being licensed to do so. The company was fined initially just \$25,000, rising to \$75,000 through a lengthy Supreme Court appeal.

Ever since, Guy and Karen have left no stone unturned over 20 years of their relentless and courageous advocacy. They had doors slammed in their faces, they had high-ranking officials tell them they were wasting their time, but they never gave up. They desperately wanted to ensure Matthew's death was not in vain and that other families would be saved from the same heartbreak.

With the passing of this bill, we may do just that. May I say how proud Matthew and Shane would be of all of you for it.

Tasmanian Labor applauds and acknowledges every person who has stood beside these courageous parents, who have committed to this fight and shown relentless determination to

remember the dead and fight like hell for the living. On behalf of the Labor Party, I recognise all those workers whose lives were tragically cut short while on the job and give our heartfelt condolences to their families who are left longing. Every Tasmanian worker deserves to arrive home safe from work.

Mr President, I commend the bill to the House.

[3.11 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I also acknowledge the challenges faced by those sitting in the public gallery and acknowledge those people in the gallery today. I particularly acknowledge the work of the member for Rumney. It is a challenging area. I congratulate the Labor Party on its proactive approach to this important aspect of the Work Health and Safety (Safer Workplaces) Amendment Bill and the amendments we have before us. I acknowledge the work undertaken and thank those groups that have presented and provided information.

I found this challenging because I support the intention of what has been put forward by the member for Rumney and the Labor Party. As she said in her second reading speech, we are legislators and we should do what we can to prevent further deaths and serious injuries. I agree. It goes on to say that experts say that industrial manslaughter laws are needed to achieve this.

I chose to rise early because when a member would propose to send a bill such as this to a committee, if you do not rise to your feet early and other members have the opportunity, they speak and then they do not have an opportunity if something is sent to a committee. That is why I chose to take the Floor early, so that people did not make a contribution and miss out on an opportunity if the bill receives that support. That is up to the will of the House. I did indicate to the member for Rumney this morning that following the briefings - and I will acknowledge that I did hear most of the briefing that we received this morning over the telephone as I travelled south. For particular reasons, I was not able to arrive yesterday, so I may well have missed something. Some people speak a lot softer than others and it was a bit challenging.

The reason why I am going to put forward that this bill be sent to Government Administration Committee A is the fact that I think it is a perfect candidate for that committee to do their work. I have checked and I believe it comes under Small Business and Consumer Affairs, which now sits with Committee A. I checked this morning and that is what I have been informed. I did wonder whether it belonged in Justice, which belongs to Government Administration B, but that is what I have been informed. If anyone has different information, please put that forward.

The reason why I believe that it is a Government Administration Committee inquiry candidate is that when you have very conflicting information, particularly around the legal references we have in this bill, a committee could really clarify that, not only for my observation and my decision down the track, but for other members. When we know that the introduction of an offence of industrial manslaughter, with a maximum penalty of 21 years' jail for an individual or up to \$18 million in fines for a body corporate, it is a serious offence. I know that members all received some advice that came around just before the lunch break and, obviously, we often do things on the run here. This is another area where this is clearly evident.

Yesterday, I received some information from Ben Bartl, who represents the Community Legal Centres, that he had read the government's proposed amendments. Certainly, I had read them too, but I do not have a law degree, so I am always reliant on those who do have that knowledge and information to clearly articulate to me the intention and the repercussions of this type of legislation. Then this afternoon we received some conflicting information that was provided by the DPP. To have this bill sent to a committee, I believe, would clear up those issues.

I know that the member for Rumney acknowledged that the TCCI had clearly given an undertaking to members to provide information in a timely manner, certainly prior to yesterday afternoon. I share the disappointment that members did not receive what had been promised. My intention to put forward the motion to send this to a committee is not around the TCCI. This is more about the legal terminology, and the comments that were raised by the DPP, in particular, this morning.

I acknowledge that there are some government amendments that have been put forward as well, and members may like to give some indication when they speak to this motion of moving this bill to a committee, whether they are accepting of these or whether they are going to stay with what has been proposed.

Mr President, I know that I probably have not given the Clerks as much time as they would have appreciated, but I also feel that members have not been provided with a lot of time to make a determination in regard to whether they want to support a committee or not, and some of the issues that have been raised.

Mr PRESIDENT - If you wish to make a referral to a committee, the first step you would have to do would be to adjourn the current debate, have that motion carried, and then move the second motion. The first motion you would have to put would be that the debate stand adjourned, and then members can get to speak to that motion.

Ms RATTRAY - Thank you. Before I do that, Mr President, I acknowledge the time and effort that has been put into this, and the fact we have people in the Chamber who desperately, I expect, want to see this bill progressed to the next stage. However, we have a role here, and I believe that this will be a much better outcome for those who would effectively use this, as sad as it is and distressing as it is. I do not want to take up any more time in regard to this, so I will move that the debate stand adjourned, and allow members an opportunity to be able to make comment regarding that and see if there is any merit and support for that.

I move - That the debate stand adjourned.

[3.20 p.m.]

Ms LOVELL (Rumney) - Mr President, I thank the member for McIntyre for her contribution and acknowledging the work that has gone into this and the people who have been advocating for this legislative change for a long time. I had this conversation with the member earlier this morning, so I do not think there are any surprises here for either of us. We will be opposing adjourning the debate.

I wanted to address one of the pieces of correspondence that we have received from Unions Tasmania yesterday, and again -

Mr PRESIDENT - We will just keep it to the debate standing adjourned. If we can keep it tight to that and if you can just give your reasons why.

Ms LOVELL - Yes. I just wanted to read a short passage from this letter about the urgency of progressing today.

Mr PRESIDENT - Fine.

Ms LOVELL - Just a passage from this correspondence:

We understand some in the business community have urged you to reject these laws outright.

Sorry, I will skip ahead:

Some have also urged for more time on an issue and a proposition that is law everywhere else and has been publicly debated for years in Tasmania.

That really sums up why I oppose the adjournment and would like this to proceed today. I understand there is a lot of information that members have been provided in a very short period of time. That is disappointing, because this has been on the agenda for quite some time. With an unexpected delay of a month, all the information that we have been provided with, in terms of amendments, should have been available a month ago. I appreciate that puts members in a difficult position. The question really is whether members want to support this bill - whether they want to support amendments provided by the government, or whether we do not progress with this today and leave the government to conduct their own consultation.

I do not think there is anything to be gained by adjourning the debate today and not having some kind of outcome that we can all move forward with. I oppose the adjournment and hope that members will support me in doing so.

[3.23 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I acknowledge the presence in the Chamber of Guy and Karen Hudson and Wendy Masters and acknowledge your profound, unending grief and your sense of justice not yet being served. I will not be supporting the referral of this bill to a committee or the suspension -

Mr PRESIDENT - This is to enable -

Ms O'CONNOR - Yes, I understand that, but the broader question here would be that this legislation, which has been argued by the Tasmania Law Reform Institute since 2007, is long overdue. We are the only jurisdiction in the country that does not have an industrial manslaughter framework in place. We have had comprehensive and persuasive arguments from Community Legal Centres Tasmania about why the bill in its current form and the current test for negligence should be supported. The risk here is that we delay this excellent legislation, which could save lives, and it goes off to a committee, then someone does not come home from work because of the negligence or the recklessness of their employer.

It is so important that nearly 20 years after the Tasmania Law Reform Institute brought down its report recommending an industrial manslaughter offence be inserted into our workplace health and safety laws, while every other jurisdiction in the country has moved or is moving fast down this path, including the Commonwealth. Why should we put up with being the last again and potentially, based on the government's amendments being supported, ending up with the poorest industrial manslaughter legislation in the country?

With respect, I ask members to have a look at who is lining up against this bill. It is moneyed interests. Who is lining up in support of this bill? Parents, grieving families, unions, and Community Legal Centres. We need to get on with the debate and pass this bill today.

[3.26 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, as Leader here, normally if any member requests me to take some form of action, I feel compelled to allow that to happen. At the minute, the member for Rumney is the leader with this bill, so I am surprised you would not permit it to be adjourned to go to the discussion. If the discussion happens and members decide not to send it off to a committee, that is fine. However, I think we should allow the discussion to take place.

[3.26 p.m.]

Ms FORREST (Murchison) - During the debate, I had no issue with referring the motion to a committee, but it seems we have gone much broader than the contributions made thus far.

That said, I do not support it going to a committee. I am happy not to oppose this motion because I think everyone has a right to prosecute another suggestion. It does not mean if we adjourn the debate and then have that debate, that the outcome will be any different.

Having made that clear, I note, as others have, there have been many reviews done on industrial manslaughter around the country and the provisions of that. I have consulted on this bill myself, particularly with those who are most likely to face additional pressure, acknowledging the never-ending grief of families who have lost a loved one who has not come home from work. That should never happen, but we know that it does, sadly, from time to time. You can never take that pain away - no matter what we do in this place.

What I hear around the community is that we are the only jurisdiction without this. It is time to move on and be consistent with other jurisdictions. Some of these big employers work across jurisdictions. Whether the provisions in the bill are right or wrong, that is to manage in a later stage, but I will not actively oppose this motion because I think the debate needs to be had a little later.

Not opposing the motion does not mean I support the next proposal that may or may not come.

[3.28 p.m.]

Ms WEBB (Nelson) - I will confine myself to the question of adjourning the debate. I would always support a member's right to move for consideration of a committee. It does not mean I will ultimately support that motion if we get to it. I support the motion to adjourn the debate, so the member has the opportunity to put that. It is respectful to allow that to occur for members in this place. On the question of adjourning the debate, I support that.

[3.29 p.m.]

Ms ARMITAGE (Launceston) - I also support a member's right to debate. I am very unlikely to support going to a committee. I believe we should be dealing with it today, as the member for Rumney said, but I believe the member has the right to debate it.

Debate adjourned.

MOTION

Work Health and Safety Amendment (Safer Workplaces) Bill 2024 - Referral to Government Administration Committee A - Consideration and Report - Motion Negatived

[3.30 p.m.]

Ms RATTRAY (McIntyre)(by leave) - Mr President, I move -

That the Work Health and Safety Amendment (Safer Workplaces) Bill 2024 be referred to Government Administration Committee A for consideration and report.

I have already indicated some of my thoughts behind that and appreciate this opportunity and acknowledge those members who have supported this. I also acknowledge by no means this motion will be supported at the other end.

Yes, there have been a number of reviews, but this is the legislation that Tasmania has before us and that is important. I acknowledge this has been a long time coming. It would have been very useful had the government of the day worked with the Labor Party to achieve the most sensible and best legislation we could have in this state to support every worker who goes to work on a daily basis.

In some respects it is disappointing that we have not had proactive cooperation. I acknowledge there are some amendments that have been put forward and I have already acknowledged the work of the member for Rumney and the Labor Party in bringing this here so at very least we can get on with what is important.

I also acknowledge that the committee process is not a long process when you are looking at the various legal interpretations. I expect that is something that could be done relatively quickly.

We have some conflicting information. One particular legal advice says this; the DPP says another. It is probably worthwhile because in the second reading speech the member for Rumney did refer to Mr Ben Bartl. On that and I will quote:

We strongly believe that the applicable test should be negligence rather than gross negligence. In Queensland, prior to its industrial manslaughter legislation being introduced, a review of workplace health and safety legislation found:

In terms of terminology, it is the view of the Review that the offence should be that of 'negligence' causing death as opposed to 'gross negligence' causing death.

I will not read it all again because it is in on page 7 of your second reading speech.

Then we received some information after I contacted Mr Ben Bartl of the Community Legal Centres yesterday and asked him had he read the government's proposed amendments. He said:

Requiring an industrial manslaughter offence to meet the *Criminal Code Act 1924* Tasmania definition of culpable negligence will mean that only those acts intended to cause death or serious harm or commonly known to be likely to cause death or serious harm will meet the requisite standard. The evidence from other Australian jurisdictions that this standard is difficult to meet and results in a failure to prosecute ...

and goes on to give a Queensland example.

Then we had some information from the DPP not only through the briefing this morning but this afternoon. It says:

The DPP advises that Mr Bartl is quoting from the wrong provisions of the Criminal Code.

(2) homicide is culpable when it is caused -

- (a) by an act intended to cause death or bodily harm, or which is commonly known to be likely to cause death or bodily harm, and which is not justified under the provisions of the Code.

This section is not referring to culpable negligence. The next subclause is the relevant one. It goes on to point out that:

- (b) by an omission amounting to culpable negligence to perform a duty tending to the preservation of human life, although there may be no intention to cause death or bodily harm;

Subsection (2)(a) focuses on an act carried out with intentions, and subclause (2)(b) focuses on an omission, not an act, which is culpable negligence and may not intend to cause death or bodily harm.

It goes on to say, as the DPP outlined in his briefings, the meaning of culpable negligence is similar to that set out in the bill. The term 'culpable negligence' is preferred for consistency in the prosecution of industrial manslaughter and manslaughter offences, as the meaning of culpable negligence defined in the *Criminal Code* and case law and negligence defined in the bill are similar. It should be understood that there will be no more prosecutions whichever terminology the parliament chooses to adopt.

I do not know if other members have a clear understanding of the conflicting advice that has been provided. If they do, it will be the will of the House that we proceed. I am happy to let other members provide their input into the motion. Thank you.

[3.36 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, first, I also extend my thoughts to those people in the Chamber. Sympathies all round.

The Tasmanian government is committed to keeping Tasmanian workplaces safe and making sure that our legislative framework is contemporary and fit for purpose. It has been our government's consistent position that an industrial manslaughter offence is not required in Tasmania's work health and safety laws. Such conduct is adequately and appropriately captured, and provided for, within our existing manslaughter offences under the *Criminal Code*. Tasmania is well served by existing criminal laws, including our broad crime of manslaughter in the *Criminal Code*. In the briefings today, you heard from experienced and independent Director of Public Prosecutions and his concerns with the bill.

There seems to be a perception that the existing manslaughter offence must be deficient because there have been no prosecutions for industrial manslaughter under our *Criminal Code*. That perception is wrong. The reality is that there are likely to be very few cases that might justify a charge of manslaughter because criminal, gross or culpable negligence, whatever name is given to it, has not been present in workplace fatalities to date.

I recognise that today we have a bill before us to consider. Despite the government's view that there is no need for a separate industrial manslaughter offence, it is our view that if the parliament decides to adopt such an offence, it must be fit for purpose. I think that is what the member for McIntyre is talking about. It has to be as consistent with the model work health and safety laws and Tasmania's criminal law as possible. There are provisions proposed in the bill that duplicate current provisions within the act, which will cause confusion in interpretation. They are unnecessary and more complex than required, and contradict the notion of having a harmonised approach, resulting in increased administrative load in government agencies.

It will not do anything to put the focus on safety because it deals with the outcome of an event, rather than existing laws that criminalise the exposure to risk. Businesses should be focusing on mitigating risk to workers.

Industry has told members that it is disappointed in how this bill has been consulted on. It has been done insufficiently by Labor. The bill has been drafted poorly and it is a cut-and-paste job. Labor has not been listening to industry. Therefore, the most appropriate place for this bill is for an inquiry by Government Administration Committee A so that the views of industry and the community can be heard.

We had the DPP in here earlier, and WorkSafe and others, and you could see the confusion there with the bill. If, for some reason, the bill goes through, which is okay, I hope members will seriously consider the amendments the government will propose that have been brought forward by WorkSafe and the DPP, not by the government.

Summing up, the government had been consulting on something similar and has lots of agencies behind it to help get legislation right. The response from the consultation is being assessed and if members would like, I can read out the three-and-a-half lists of people that have been consult - No? Okay. It takes a long time to get legislation correct and that obviously has not happened with the bill before us today, as stated by the member for McIntyre. There is an obligation on all members of parliament to progress good laws. I hope we can send this bill off to a committee to assess those concerns expressed to us. The government gives its strong support for the bill to be looked at further before we proceed with it any more today.

[3.41 p.m.]

Ms FORREST (Murchison) - Mr President, I find the Leader's comments insulting. If she stands by all of that and believes everything she said, I think it is demeaning to the people who have advocated for this for years and years, and the work that the unions have done to advocate on behalf of workers for years and years, and the work of the Labor Party. I am not a Labor Party apologist. I will fight with them at the best of times, as they know. However, to say some of those things and to suggest that there has not been consultation is an insult and is wrong.

When you think that the email that came only yesterday from Mr Bailey seeking this to be referred to a committee - I know that is not necessarily the reason the member for McIntyre has moved this, but then you read about the efforts that Celeste Miller went to engage with Mr Bailey in the period. If the member for Rumney had not been sick with the flu and unable to come to this place, Mr Bailey would not have had all that time available to consult with his members and come back with the amendments that were promised.

I find it an insult that you would suggest that the Labor Party and people working on their behalf have not endeavoured to consult. I have consulted with some of the major industry groups, particularly with the Tasmanian Minerals and Energy Council (TMEC), which oversees what is a fairly risky workplace. There are two others; there is the agricultural sector, where a lot of people die, and construction. Agriculture, forestry and then construction.

Whilst TMEC, for example, has expressed some concerns to me, the key concern it raised was around ensuring that whatever legislation is brought forward in no way discourages people from reporting sentinel events, that is, near misses, or to share incidents that have occurred in their workplace that other workplaces might learn from. I know that is what they do. They have shown me some of the information they have shared with each other to try to ensure all the other mines in the area, for example, are aware that, 'This happened at our workplace. It could have been catastrophic. It was not, thank God, but we want you to be aware of it and maybe you need to have a look at things in your workplace, too.' That is absolutely what we want them to do. I went back through the legislation. I talked to the member for Rumney about this, around these provisions in the legislation, to assure myself that it might encourage it. In fact I hope it does. It might encourage people to put their hand up and say, 'This happened in the workplace today. It could have been much worse'. We all know these things. Many times you think, 'That was lucky, was it not?' Rather than saying, 'That was lucky', and going onto the next thing, they say, 'That was lucky, what do we need to learn from this? How can we make sure that next time something like this happens, someone does not end up dead?' That is what this legislation is about - making sure, we would hope, that no one ever goes to work and dies there and does not go home to their family.

I come to the point I made briefly about whether to adjourn the debate or not. We are the last jurisdiction to bring this in. There has been legislation in place. One of the other things that TMEC raised was where the evidence is that this has reduced the fatalities. Some of this legislation is quite new in other jurisdictions too. Thankfully, there are not many people being killed every year in workplaces. If you look at some countries, that is not the case. We have fairly robust legislation in this country and this state. When you look at that, to see a demonstrable change over what is a relatively short period of time - it will take time to see this. It will take time. Hopefully we do not ever see this provision used. Hopefully it is enough of a deterrent to say, 'We have been looking at these, we are already meeting our obligations to avoid other offences that would see us in deep doo doo'.

This legislation also helps in situations where, for example, the mineral price has dropped in a mine. Money is tight. Times are hard. The powers that be, the company owner, cuts back on funding. Where do they cut it from? Not from digging the ore out of the earth, but from the safety measures that cost money to implement as well. We know this used to happen. I believe from my site visits, going underground and into open-cut mines here, that this is not the case these days. We do not want to allow that to happen, particularly when times are tight.

In terms of evidence, as the member for Rumney read out, we have seen that reviews have taken place, the so-called Boland Review, the Commonwealth Senate Inquiry into Prevention, Investigation, and Prosecution of Industrial Deaths in 2018, the Queensland DPP Review of industrial manslaughter this year in 2024, and another one in 2024, the New South Wales Research Paper 2: Industrial Manslaughter Laws. They are very new reviews. There was also a 2022 review by the Queensland Independent Review of the Workplace Health and Safety Act 2021, and the Queensland Best practice review of Workplace Health and Safety Queensland, the Lyons Review, in 2017.

There has been opportunity to refine change. I would be very happy to support the Leader's amendment to put a review clause in. The government could do it without us telling them to do it, quite frankly.

Mrs Hiscutt - Mr President, I will be moving them, but they came from the DPP.

Ms FORREST - With regard to the Leader's amendments that she is proposing, I will be really happy to see those included, even though the government can do it without needing to put it in the legislation. I am not reflecting on what is coming later, but in any event, whichever model is chosen, if it does need to be amended it can be. This is the purpose of the reviews.

I will go to the question of whether to refer it to Committee A. I was disappointed I was not made aware of that, being the chair of Committee A, before it was put to us. I find it extraordinary that this sits with Michael Ferguson. There you go; apparently it does. I do not know for how long, who knows. It might be Committee B next week.

To the member for McIntyre, with all due respect, to say that it can be done quickly, I do not know if she has looked in the diary recently, but if you look, we are now in the budget session. Government business takes priority. On Committee A, there is myself, the member for Rumney, the member for Elwick, the member for Huon and the member for Prosser, and these members are on a range of other committees. Most of them with me; they are just serial offenders, actually. And we have a lot of scheduled hearings and things coming up. I am not sure when we can fit in another serious and in-depth lot of hearings. If you are going to do this,

you have to do it properly. You cannot not hear from all the relevant stakeholders, hear from the families, the unions, the community legal services, from every industry group who has already been consulted. I am not sure that is reasonable.

I go back to the member for Hobart's comment when she rose earlier to say the risk is this takes a long time to resolve now. We are the last jurisdiction to do it. In the meantime, even though I feel confident the majority of businesses and industry and people conducting a business or undertaking are doing the right thing, the reason this has been brought forward and was being considered by the government, I might add, was because this is a gap. It is a gap we need to have addressed so that if anyone should suffer the horror that some of the families who are represented in this Chamber and others outside of here have, that there is a pathway to justice. I will not be supporting the referral.

[3.52 p.m.]

Ms LOVELL (Rumney) - Mr President, first of all, I want to start by apologising to the member for McIntyre. I was not intending to deprive you of the opportunity to put the arguments to refer to a committee. That was my misunderstanding of the process, given this is not something we often do. It has been a long time since someone attempted to refer a bill to a committee. It was not my intention at all and I want to put that on record.

The member for McIntyre said in putting her arguments that it would have been good to see the government work with Labor to achieve the best legislation. I could not agree more. In fact, the Leader knows I made a number of attempts more than a month ago to try to work with the government to get information about what their intended amendments were. I intended to debate this bill well in advance, to try to achieve exactly that because this is about getting a good outcome for Tasmanian workers. This is about getting an outcome that makes Tasmanian workers safer and closes the gap Tasmanian workers currently have that other workers in Australia do not.

It does not matter how we get to that outcome as long as it is the best legislation we can produce. I would be happy to work with anyone on that.

Mrs Hiscutt - Were you going to mention that we gave you a briefing on it?

Ms LOVELL - Yes, I am happy to mention to the Leader I had a briefing yesterday on it. I had a briefing with WorkSafe and with the DPP and with advisers from the government on the amendments they had proposed. I received those amendments at the same time as everyone else on Thursday afternoon.

Ms O'Connor - Did you have an explanation for why it has taken so long, given when the bill went through the House of Assembly?

Ms LOVELL - No, I did not. I had made a number of approaches through the Leader to try to get that information sooner, so that all members could have those conversations and consider that information. I briefed members on this bill early. I organised a briefing with the TCCI early, a week ahead of the date we intended to debate this bill. I had two separate briefings for members a week ahead of the debate so members could have time to consider this information. The government was ready to brief members the day before the original date we were to debate this bill. They cancelled that briefing because I was unwell and I appreciate that.

That could not be avoided, but they were ready to brief us then. Then they waited a month until the day before to brief me - and the day of to brief everyone else.

This brings me to the comments of the Leader about this government being committed to worker safety. They have no minister for workplace health and safety. They have not had one since the election. Since the election, the minister responsible for workplace safety has changed. It is only - what are we now the beginning of September? The election was at the end of March, four or five months, we have already had two different ministers. In the time that this bill has proceeded, not only through the entire parliament, but just in the time it has been with the Legislative Council, we have had two different ministers responsible for it.

We are now months behind harmonisation of workplace health and safety laws, which the government claimed to be committed to. We have missed two, maybe three - I have lost track - tranches of legislative updates to the work health and safety laws to bring all our safety laws into line. We are months behind. Nobody can stand here and tell me this government is committed to workplace safety. Not only that, the Leader has said today the government's position is this is not even necessary. They say this is not necessary, yet they were undergoing their own consultation. They were considering introducing this. It does not line up with statements made by the previous minister at all.

The question then is where was that ever going and why was that consultation ever being undertaken? I would hazard a guess it is because they knew we were working on this bill. We had flagged this amendment at the end of last year, when we were supposed to debate harmonising legislation two tranches ago. We had started consulting on it then; the government knew that. They were talking to people too and decided to undertake their own consultation. Yet here we are today, after this debate has been debated in the other place, hearing the government thinks it is not even necessary. I cannot believe it.

The Leader said she thought it was obvious from the briefing today that the DPP and WorkSafe were confused by this bill. There was certainly confusion in the room, but that confusion came from the amendments more than the bill. The bill is quite straightforward. It was obvious to me the DPP and WorkSafe understand our bill perfectly well. The confusion came from when they tried to explain why their amendments were better and how the different pieces of legislation would interact. That is exactly the problem I will come to later. We have gone above and beyond to make this bill as clear as possible for the people that it will affect every day.

The member for Murchison spoke about the reviews we have spoken about. I have listed those in my second reading speech. I will not go into that again now. As I said, the single benefit we have in being the last state to act on this is that we can learn from the other states and all the reviews they have already undertaken and committees they have already had. We do not need to do that again here.

Member for McIntyre, I know that in an ideal world it would be a quick process, but we are not living in an ideal world. I have recently sat in meetings where we have tried to find time for a committee to meet and it is nigh impossible. I have no confidence that any committee, let alone Committee A, would have any capacity to consider this before the end of the year considering where we are about to head into the budget, Estimates and the rest of the calendar year that is ahead of us in parliament.

I appreciate what the member for McIntyre is saying and I understand the position she is in, but I cannot support sending this to committee. We have been so patient with this. We even backed off when we thought the government was going to do this itself. To hear now it has no intention of it is all the more reason why we need to get it done today.

[3.59 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I have a couple of comments regarding sending this to committee. I thank the member for McIntyre for bringing it up. As others have highlighted, I do not think any legislation, however well it is written, will stop workplace incidents. However, it will ensure all industries will do everything they can to maintain a very safe workplace environment. I believe that is the intent of what we are intending to do. I agree Tasmania needs to have industrial manslaughter laws. I also believe any legislation must be steadfast, robust and as clear as possible, so that if something terrible does occur, the primary focus is on the incident, not how the legislation is written or how lawyers and judges deal with it in court.

True, a committee would give more clarity and time for me to be reassured -

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

MOTION

Work Health and Safety Amendment (Safer Workplaces) Bill 2024 - Referral to Government Administration Committee A - Consideration and Report - Motion Negatived

Resumed from above.

Mr GAFFNEY (Mersey) - Mr President, I appreciate this possibly going to a committee and that might give more clarity and me more assurance of that. However, I take on board the comments of the member for Murchison that given the time constraints, it would be improbable, or possibly impossible, to have that done this year. Are there other processes we could utilise to make my concerns a little bit more grounded, or clearer? I am not sure. I remember when I introduced the bill here a few years ago, the look of dismay on people's faces when it was introduced and thinking, we need more information. We had two or three weeks where we had lots of briefings. It was not sent to a committee, as such, but we received that information, and that was helpful.

The one thing I have found, with all due respect to members of political parties, there is not always goodwill to come up with the best legislation. It is like, this is what I believe and this is what we believe, and never the two would interact positively. That is a pity. In this one, with a little more work from the government's part in meeting with Labor and trying to work through these amendments, we would not have been put in the position this morning where we were looking at amendments that we had not even heard about or read about, and we heard different legal opinions. That concerns me because, in this place, I have to give my 'for or against' or amend legislation which is the law of the land. I am in this situation now where I am not quite certain how I will respond to the amendments because the ramifications of the amendments or of this bill are not clear in my mind.

Then, on the other hand, fortunately - and I mean no disrespect - but fortunately, the numbers of people who may seek to use this legislation is minimal, and hopefully it becomes absolutely zero. Therefore, if we pass this legislation, if the government then thought, 'Oh gosh, this has really created some concerns for us, we had better do something about it', they could always bring something back to this place to amend because they have found an issue or found something wrong with it. I am actually leaning towards that way.

My concern is, after I left the briefing this morning I was questioning which way I was going to vote on this or which way I would steer towards. I will listen to other people's debates. I cannot support it going to committee. I just do not think that is a good way of moving this forward. I am concerned that we will be debating it today as well, because I have not had a chance to go through some of the things I heard this morning and read more information that has come through. Part of me says that I am not quite ready for it either. The good thing about being in this place, is that there are other people around the area that do have, and have had, that conversation with the appropriate people. I am waiting to be convinced that I am going to be voting in a way that I have security in that knowledge of legal understanding. When you hear people this morning in the briefing - and thank you for the briefing, but I wish I had had it last week so I would have had more time to mull it over and think, then go and get more advice from other people.

At the moment, I go back to the the correspondence I have received, and that has been really good and I appreciate that. Then we get a piece of correspondence from somebody I have a high regard for, and then another piece of correspondence saying, 'Oh, he actually got part of that wrong'. It does not fill me with a lot of confidence in where I am going. I will listen to other members' contributions. I think we need the law, and we need it sooner than later.

I hope if we pass a law, it is the best law it can be. If it is not, the government - if they are doing their job - will come back and say we have a problem here and this is the problem, sit us down and talk us through that problem and then provide an amendment that would solve the problem.

Mrs Hiscutt - This is what the DPP was doing this morning.

Mr GAFFNEY - It was what the DPP was doing this morning, but -

Ms Forrest - Too late.

Mr GAFFNEY - Yes, not very convincingly actually. He does not present that well. I really respect his opinion, but I was not getting the flow and I am not sure how other people felt, so I will listen to other members.

[4.35 a.m.]

Ms O'CONNOR (Hobart) - Mr President, I will make this a brief contribution. It is very clear the Labor Party comprehensively and thoroughly consulted on this bill, multiple credible organisations, the example of other jurisdictions, including the Commonwealth. This is robust legislation. Obviously, I am not the DPP, but I found this morning's briefing unpersuasive and confusing. When I sought clarity about, 'if the collective of parliament passes this bill unamended, what does that mean for the DPP, what is the issue here?', I could not glean the answer.

Most of us are seasoned briefing attenders. Invariably, you will leave a briefing clearer in your mind about the bill you are to debate. I am less so. I am absolutely clear this bill needs to be supported today, but the problem the government has is that there has been this last-minute flurry from government, WorkSafe Tasmania, the Director of Public Prosecutions, that sort of landed on us when we are talking about legislation - which has been a very long time coming, far too long coming - legislation where the will of the House of Assembly has been expressed. We are debating it having passed the other place.

I cannot see the merit in sending it off to Committee A. I was quite interested in the member for Mersey's discussion on, potentially, extra briefings, but I still cannot be sure that would make us any the wiser. I will briefly go through it again.

We have the Tasmanian Law Reform Institute, which has made a compelling case for an industrial manslaughter offence to be included in the *Workplace Health and Safety Act 2012*. We have the example, particularly most recently of Queensland's thorough review and legislative development processes, the work of the Commonwealth inquiry, and other legislation to look at. One of the weakest arguments made this morning in the briefing that did not hold water was that we need to look for model consistent legislation. If we are looking for some consistency, we do not complicate negligence by requiring for there to be a culpability there because, as I understand it, other jurisdictions have taken a range of approaches, but the majority have settled on a simple negligence test.

We had a lack of clarity from the Director of Public Prosecutions this morning, an overly complex explanation from WorkSafe Tasmania, and on my e-mail at 3.05 this afternoon, more correspondence from the DPP.

Tasmania needs this legislation. People who go off to work, send people they love off to work, need this legislation. Employers need to have an understanding that parliament expects workplaces to be safe and I believe the deterrent effect of this legislation would be significant. It is unarguable that it has the capacity to prevent death and workplace injury.

Regarding the government's argument that there is no need for this offence, in the last century since the *Criminal Code Act* was enacted, how many employers have been convicted for culpable negligence, negligence causing death or injury in the workplace? I think it might be zero. Clearly there is a need for this legislation.

I understand and respect where the member for McIntyre is coming from. Obviously, concerns have been raised, particularly by the business sector. However, we get specious arguments like this one from the Tasmanian Automobile Chamber of Commerce, which talks about industrial manslaughter laws having no mandate because it was not a policy position that formed part of the 2024 election policy platform of either the Tasmanian Liberal Party or the Jacqui Lambie Network. Hello, parliament calling. Parliament makes the laws in Tasmania. The Labor Party has a mandate to deliver this legislation. Parliament has a mandate to do everything we can to make sure that our workplaces are safe, and that when people head off to work, send someone they love off to work, they know they will come home.

Mr President, I will not be supporting the referral to a committee.

[4.42 p.m.]

Ms THOMAS (Elwick) - Mr President, I am a bit loath to speak because we have almost done this enough. I appreciate the contributions of my fellow members and, in short, I want to say let us get on with it.

I thank the member for McIntyre for bringing this for our consideration. I was, in fact, minded to support sending this to committee following the briefing this morning. I was mulling it over as well, given the apparent confusion at the briefing, and the hurried and at times conflicting correspondence we have received over the last 24 hours, which some other members have referred to in their contributions. I also had correspondence from the Small Business Council which has urged that the bill go to committee to enable further consultation. I acknowledge that request and assure the small businesses of Tasmania and the Small Business Council that I have given it due consideration and the member for McIntyre has given us cause to, which I appreciate.

We could certainly gather more information via a committee to help our deliberations, to help satisfy us as legislators that we are making the best possible decisions and the best possible law. I would particularly like to see the submissions made during the government or WorkSafe consultation in February this year. If the government wanted to ensure the best laws were made here, they would have provided that information, both here and in the other place, to help ensure the best outcome. The fact that they undertook this consultation also contradicts the assertion made by the Leader that the current provisions are adequate. The fact that they were consulting on work health and safety laws and the idea of industrial manslaughter laws suggests that, in fact, they were considering introducing these laws. If the government wanted to ensure the best laws were made here, they would have provided that information. The information that WorkSafe has, the submissions people have made through a targeted consultation process, would really help our considerations. It should not need to rely on being requested by a committee.

As for the government claims that the current manslaughter provisions in the Criminal Code are sufficient and the reason employers have not been prosecuted under these laws is because the conduct leading to workplace deaths in the 85 cases - that is, 85 people, not cases, they are people's lives and families affected - in the last decade has not met the requirements to be considered culpable negligence under the existing provisions is offensive to the families who have lived experience that suggests otherwise. I am sorry to the families here today and to those who may have heard those words spoken, who are outside this place. I am sorry that you had to hear that. It completely disregards and disrespects your lived experience.

I acknowledge the grief, suffering and courage of those families here today, which also goes to the urgency of debating this bill before us. Let us deal with the uncertainty we may be presented with by using the collective intelligence of the 15 of us in this place to get it done, and get it done well out of respect for those families and in honour of those who have sadly lost their lives at work. Let us get on with it.

[4.46 p.m.]

Ms WEBB (Nelson) - Mr President, I will speak briefly on the question of sending the bill to a committee. I do not think we use committees enough to examine bills in this place and I will often be quite amenable to the idea of sending a bill to a committee for a closer look. In this instance, when I think it through and consider all the factors, though, I am not sure I can support it. A lot of conflicting information has come to us in recent days that makes it difficult

for us to do our job well, give due consideration to all those different matters, and assess the quality and veracity of the information presented to us. However, there are other factors weighing against that that put more of an imperative on progressing this issue.

I will not go to the substance of the bill itself because that is a contribution if and when we get back to the bill. However, I believe there is an imperative to progress this bill. There has been delay and the government could have progressed it at any stage in recent times. The fact that it has been brought to us by the Labor Party and we now have the opportunity to consider it is a matter to congratulate the Labor Party on.

It is interesting to consider this concept of whether sending this bill to a committee will provide us with more fit-for-purpose legislation. It may well be that it would. It may well be that this legislation is not as ideal as it might be and the committee might deliver us better legislation. However, there are other avenues to get to that if we need it. We need to progress this legislation and our consideration of it today so that the protections it puts in place, the justice it provides, the deterrence effect and the encouragement for workplaces to step up to a higher standard of safety are all in place as quickly as possible. I do not believe passing this legislation as it is today, even if it is not as ideal as it might be, presents us with a risk or a harm apparent enough to weigh against the benefit that will be gained from passing it.

If there is something that needs to be fixed, should we pass it? The government, as the member for Mersey said, is entitled to come back to us with a further amendment bill and work through adjustments or improvements with us to further amend in another piece of legislation down the track. That is available to the government if it feels strongly enough to do it. It has not been apparent so far that the government has been strongly committed to legislating this issue, given the delay.

I endorse the member for Elwick's comments that if the government had genuinely wanted this to be the best legislation it could be, the government knew the Labor Party was bringing this legislation, the government had consulted on this matter earlier in the year, and it has available a raft of submissions made by all manner of stakeholders when it did that consultation. As soon as the Labor bill was tabled in the other place, all that consultation information could have been made available to all of us in this parliament to add to our timely consideration of matters related to this bill.

Thank you to the member for McIntyre for allowing us the opportunity to consider sending this to a committee. There was valid reason to consider that, given the conflicting information we have received, the need for us to give careful consideration to doing our job well, the premise that we would all agree with that we should be passing fit-for-purpose legislation. Those are all reasons we should consider a committee.

I will not be supporting the idea of sending it to a committee because, in this instance, the benefit of considering and hopefully passing this legislation outweighs any detriment posed, and if we need to come back to it down the track. If the government is committed to coming back to it down the track, they can do so and we can give it further consideration then.

[4.50 p.m.]

Mr HARRISS (Huon) - Mr President, I find this a somewhat challenging position to be put in. The member for Mersey articulated it pretty well. I am not sure that I am comfortable with the information, and some conflicting information, to proceed today.

I also think the legislation needs progressing. I am part of Committee A and the member for Murchison has quite rightly noted the workload and who knows when we may get to that. I feel for the member for Rumney. She has diligently gone about trying to progress this and, through no fault of her own - if the government cannot get their house in order to provide that information in a timely manner, I cannot see, as has been put forward, why we would not have had the DPP's information and also other information received before yesterday, or even the amendments on last Thursday. That is poor form on the government's behalf.

As legislators, we are here to try to get the best pieces of legislation and it goes into law. It is important that we do our due diligence and research it. I appreciate this has been discussed and debated for several years. Having only been in this place for a couple of years, I have not researched prior to that, so you do a lot of reading and try to get an understanding.

I find it a difficult position. My main concerns are - and I thank the member for McIntyre for raising it - if it goes to a committee, that will potentially drag out the process of what is important legislation that could be progressed in a form that we will work through and get a reasonable outcome. At this stage, I am not inclined to support.

[4.53 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I say to those members who made a contribution to the motion that I sincerely thank you all. I agree that the best part of the role we have here is to dissect and consider what we have. Thank you all. It is very much appreciated.

A couple of apologies and a profound apology to Ms Masters and to her family, and to Guy and Karen Hudson and their family, for any further distress caused by me moving this motion today. It was never ever meant to cause any further distress. Just consider that it is part of the role I have committed to undertake in this House. Please, accept my sincere apology.

An apology to the Chair and the members of Committee A. I do not for one minute consider you do not have a huge workload. That was never part of my proposing this. I only listened to the briefing this morning on the way down, while you have had some time to consider what has been presented. When the DPP presents, in my time in this place, we listen. We listen, and I listened. Others may not have had time to fully consider what had been proposed. Other members have said that we had conflicting legal opinions. This is always a challenge in this place. I do not have a legal background, but I do my utmost to understand what we are putting in place.

I have a couple of comments to the Leader, who obviously presents on behalf of the government. I want to say that just because there have been very few prosecutions, and with regard to the comment about not being needed, that is no reason not to proceed with legislation. Otherwise, we probably would not do much around this place, to be perfectly honest, because we often do it to the lowest common denominator. Sadly, in this case, there are very difficult, challenging and extremely sad circumstances families have had to deal with. So, that is not a reason.

The reference to poorly drafted cut and paste - the Labor Party and the member for Rumney acknowledge the incredible diligence and knowledge of the Office of Parliamentary Counsel. It is not that I do not have any faith in the legislation that we have before us, because there is that acknowledgement in the second reading speech. We all know and understand the

expertise of the Office of Parliamentary Counsel - OPC as they are fondly referred to - in this place. I suppose I take offence to that in some respects, Leader.

I also want to say that I will be listening closely. I have been here long enough to read the room. I acknowledge that it was worth considering that we do send it to a committee. It is often said here in this place that that committee structure is an important structure, as the member for Nelson said, and we do not use it enough. I thought this one was worthy of heading there, but I also acknowledge that other members have a different view. Of course, Mr President, you will put the vote.

Motion negatived.

WORK HEALTH AND SAFETY AMENDMENT (SAFER WORKPLACES) BILL 2024 (No. 24)

Second Reading

Resumed from above (page 49).

[4.59 p.m.]

Ms RATTRAY (McIntyre) - I would add, Mr President, that the people in the back of the Chamber are probably sick of seeing me stand here, so I will try to make my contribution as brief as possible.

I actually support the principle of this bill. That is not an issue. It has not been an issue. Yes, it has been very clear that we are the last jurisdiction to put in place this legislation, but I also wanted this legislation to be robust, clear and concise. It is going to be really important to have an educative process for those businesses that will use this legislation, in whatever form that may look like, if that is improving the safety aspects of their business. We heard this morning that there would be a significant education process around implementing this legislation as it progresses through this House. This is very important.

We know that in Tasmania many of our businesses are small businesses - something like 96 per cent, if I recall. It is a significant amount, anyway. Tasmania is made up of a significant number of small businesses. Often they do not necessarily have an occupational health and safety officer who just deals with those aspects. That person may have a number of roles in a business. They have to have a huge understanding of how something like this may affect and certainly enhance the current safety aspects of any business.

I have already made enough comment that it would have been useful to have seen the government progress this legislation. The Labor Party took the baton and ran with it. We also have a number of amendments being proposed by the government, and particularly in light of WorkSafe and the DPP and their contributions through this somewhat short time frame we have received from since Thursday, when we received the amendments to what we have before us today.

It would have been preferable to have had that working, cooperative relationship between the government and the Labor Party, which has done an enormous amount of work in this area. That is not to be and they have taken the bull by the horns, if you like, from a country girl, and

gone with it. I congratulate them. I urge the government, if they have some legislation that they perhaps see is their role in preference to having the opposition party bring it to us, then get on with it. They have the resources and I expect they just need the wherewithal. They just need the momentum to get them going.

I have talked enough about the conflicting pieces of advice. It will be up to me to consider very carefully as we move through the Committee process and deal with each amendment as it comes, but I am certain that the review process will get a guernsey in the amendments. As the member for Murchison said, we do not need an amendment in this place for a government to undertake a review, but it reminds any government of the day it is a requirement of a piece of legislation. I suggest this will be well worth putting in the diary of whoever is responsible, whoever that minister and that department might be, whether it be three or six months or 12 months. The minister may change, but they need to keep an eye on that. I have just found the page: 97 per cent of Tasmanian businesses are small business. I knew I had it somewhere, Mr President.

Again, a 10-page bill that effectively is significant legislation. We will work our way through the amendments and, again, acknowledge the work of the member for Rumney, who is very good at engaging with members. I suggest we can work through that as we go. I am not opposing the legislation, never did. I was concerned particularly about the conflicting legal advice and whether there was another process to make other members more comfortable. I will consider that as we make our way through the debate because, as we know in this place, if there is any member who does not feel comfortable in progressing a piece of legislation and they move to adjourn, I have often - I will not say always because I think there was one time where I did not support -

Ms Forrest - Correct and I still remember it.

Ms RATTRAY - Yes. Mr President, that was a silly thing to say on my behalf because I knew the member for Murchison would definitely remember that I did not support an adjournment for a member to be more comfortable with a piece of legislation. It will go down in history.

[5.05 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I will keep my second reading contribution brief because I have already said a few words. Just as we did in the other place, the Greens will be strongly supporting the safer workplaces bill of 2024. We recognise it establishes a new offence of industrial manslaughter in the *Work Health and Safety Act 2012*, a new division in that act with the Objects of the act to prevent workplace death, to deter people from breaching health and safety duties, and to reflect the severity of breaches of work health and safety duties - a duty of care that can lead to the death or serious injury of a worker.

I note that the bill applies to all persons to whom a work health and safety duty is owed. It includes negligence and recklessness, and this is what came up in the briefing this morning. Again, I was unpersuaded by the arguments that were put by WorkSafe Tasmania and the DPP in this instance on this bill. I note that the bill does not provide an exemption on the basis that the death or injury did not occur at work. It does not provide an exemption if a person did not have a reasonable excuse being there, and it does not selectively apply work health and safety duties.

Because many of the concerns that have been raised by the DPP and WorkSafe Tasmania and government have come through so late, I have not had an opportunity to hear back, for example, from Ben Bartl from CLCs Tasmania to respond to the email we received from the DPP at 3.05 p.m. today. That, again, is regrettable. However, if we just step back for a minute from the issues that have been raised in the briefing at the last moment, what is the worst thing that can happen from an administrative point of view if we pass this bill unamended? Well, there may need to be some work done by the Director of Public Prosecutions and WorkSafe Tasmania to fully interpret and give effect to the will of the parliament. What is the worst thing that can happen if we do not pass this bill and Tasmania remains the only jurisdiction in the country without a specific offence of industrial manslaughter? Well, we know what that is, because we have families sitting here in the Chamber today who have experienced the trauma and the grief of sending someone you love off to work and them not coming home. So, the discomfort of WorkSafe Tasmania and the DPP, I think, is manageable. The DPP certainly is well experienced in dealing with complex legal questions and issues.

The fact that under the *Criminal Code Act 1924* there has never been a conviction against an employer for a failure of duty of care that led to the death or serious injury of a worker tells us a lot about how ineffective, pathetically ineffective, the current legal framework is. We have a whole nation, all jurisdictions, moving or have moved to institute industrial manslaughter provisions. We should not continually put up with being at the bottom of the table, the laggards, particularly when now we have, as the member for Rumney pointed out, the capacity to look across the country, see how these provisions have taken effect and have a look at model legislation that could apply here. I genuinely believe Labor has got this right. I struggle to say that sometimes. This bill absolutely comes from a place of necessity and evidence and avoidable grief.

Unions Tasmania, in its correspondence to members - and I acknowledge the presence in the Chamber today of Jessica Munday, champion for workers - has said many times that these laws are needed to deter those who cut corners on safety, to focus culture change, to prevent workplace fatalities, to give justice to families and to meet community expectations that a death at work is treated as seriously as deaths in other parts of our community.

Observing on the bill before us, these laws do not replace existing safety systems and laws. They enhance or complement them. They do not change duties or obligations that already exist for employers to provide a safe workplace. For the employer who has the right approach to safety and is meeting their legal obligations, these laws will not impact them. That is an important point to make. Overwhelmingly, employers and workplaces fulfil their obligations, their current obligations under the *Work Health and Safety Act*. Overwhelmingly, employers want their workplaces to be safe. Those who are doing the right thing will not be impacted by the changes we are making today.

Back to the correspondence, Unions Tasmania has never said these laws would fix all the safety issues we need to continually address in our workplaces, but they are an important layer that is missing in Tasmania now.

There was a similar sentiment from the Community and Public Sector Union which points out:

Tasmania has seen some of the most devastating workplace fatalities in Australia. The inclusion of the offence of industrial manslaughter in the

Workplace Health and Safety Act of 2012 will not only honour the memory of workers who have tragically lost their lives but also reinforce our collective commitment to fostering a culture of safety and accountability in Tasmanian workplaces.

It is a collective commitment, but it is also a responsibility that we have.

With the greatest of respect to the DPP and WorkSafe Tasmania and to other stakeholders such as the TCCI, Small Business Council, Automobile Chamber of Commerce, none of the concerns or queries that have been raised have been compelling enough to me to want to do anything other than be part of getting this bill through the House unamended and get it out there and make our workplaces safer.

[5.13 p.m.]

Ms ARMITAGE (Launceston) - Mr President, this bill is about safety at work, and that is the heart of the new bill. It incorporates a specific offence of industrial manslaughter in the existing *Work Health and Safety Act 2012* to prevent workplace death.

I thank the member for Rumney for all the work she and the Labor Party have done. I, like others, have been impressed with the number of times she has contacted me to check if I have any more issues, any more questions or anything I needed to know. That has been really great. Certainly, a knock on the door and it is the member for Rumney just saying after the briefing this morning, I was online and listening to it, 'Have you heard, is there anything else you need to know?', and that was really great too. That has certainly been worthwhile.

Every year when I go to the Workers Memorial Day on 28 April, one thing that is raised year after year is the fact that Tasmania does not have industrial manslaughter laws as in other states. For workers killed or disabled, we are the only jurisdiction in the country that does not have those laws.

I accept a huge amount of work has gone into this over many years. While I accept, as other members have said that there might be changes, there might be things that need to be altered, there might be amendments that need to be made, we need these laws. I cannot imagine the loss of someone not coming home from work. I have no doubt the pain would simply not go away.

I have sons. I have a son in mining in an underground mine and a son in construction. I have had phone calls from time to time when they have had accidents. Fortunately, their accidents have not been as serious as they could have been. I have been lucky they have come home from work.

I know when I go to the Memorial Day - and I acknowledge the parents who are here today - I see them every year. As I said to Mr Hudson here, I can remember a very small boy when he used to let the balloons off. This year he was this big. They come along every year because the pain does not go away. There are no words to express the sadness of losing a family member, particularly through negligence.

There needs to be accountability and justice. No punishment would ever be enough. I acknowledge the penalties in this bill are significant. So they should be. As has been mentioned, these laws will not impact any business or organisation if they do the right thing. It

is about safety and accountability. We have also been told there will be significant educational processes put in place to make it clear what needs to be done.

Yes, in the briefings, I admit you get an email that says one thing and then another that says something different. We all know that it does not matter what legislation it is - we consistently get differing opinions. I found it difficult to understand some of the briefing this morning. I was on Webex -

Ms Forrest - You would have been completely lost.

Ms ARMITAGE - I was completely lost. It was easier in some ways because the script was coming along the bottom of the screen so I could read it as well as listen, but I still found it very confusing. I understand from the government's point of view that the DPP is there on their behalf giving opinions; other opinions differ. Is that not what we often find? If there are problems that need to change or issues picked up, it is far better to have the legislation in place and sort the problems out along the way. We make amendments to bills all the time. It certainly would not be the first time.

To be the only state in the country that does not have industrial manslaughter laws says something. We do not know that it will save someone's life, but we also do not know that it will not. If there is a chance that some business or organisation will look a bit more seriously, a near miss may be a learning point instead of something to be kept hidden.

Ms Forrest - You should learn from near misses.

Ms ARMITAGE - Absolutely. Sometimes near misses are something that people do not want to be known as a near miss.

We should be making sure we can make the best legislation we can, but we can only do it with the information before us. We have evidence from other states on what has happened there. It is not as if we are going alone or being the first to put up legislation not seen before. We have examples to follow.

I am not going to speak for too long; there is no need for that; it has been said. Safety at work is the heart of the new bill. I will support it and would like to see it in practice as soon as possible.

[5.19 p.m.]

Ms FORREST (Murchison) - Mr President, I will try not to repeat anything I have already said in relation to the previous debate. I want to say at the outset that I support the introduction of this legislation for a number of reasons. One particularly is that some of the bigger companies and organisations in this state operate across jurisdictions and whilst they are not exactly the same provisions in other jurisdictions, surely you would expect the same level of care and duty to worker safety if that organisation is working in Tasmania as if they were working and operating in any other jurisdiction in this country. As we have already said, we are the last jurisdiction to bring something forward.

In terms of how this has come forward, the government has had the opportunity to get on with it. They called the early election. It was not the Labor Party, I might add. Thus everything stopped at that point, but they still had the opportunity to progress it.

The consultation on drafting legislation can go on during that period, as we know. I know the Labor Party made a commitment to introducing this legislation, which did not absolve the government of their responsibility. It should have actually sharpened their focus, one could say. Be that as it may, it did not appear to sharpen anyone's focus, and so here we are with legislation that has been consulted, that has been a work in progress for a long time, that has been informed by the industrial manslaughter-related legislation in other jurisdictions.

The bottom line here is: those doing the right thing have nothing to fear. They already have significant responsibilities that are very serious and if they are not taking those seriously, then they have much to fear - not from this legislation, from the existing legislation. This fills a void in our legislative framework in Tasmania where if someone dies at work as a result of negligence, that should have been avoided by proper systems, processes, all the other mechanisms put in place, then I would wonder what they are really thinking.

I accept that some organisations are smaller and have less capacity to engage all the expert advice, but it does not matter whether you are large or small. Everyone who goes to work deserves to go home safely. Physically safe, mentally safe and, overall, alive.

The member for Rumney made this point in her second reading speech where she said she wanted to make it very clear there were no new health and safety duties imposed with this bill. Rather, we are adding a provision for industrial manslaughter as every other state has. It makes it clear where safety duties are breached and a person dies, then the penalty should be severe.

I go back to the point that those who are doing the right thing have nothing to fear. I mentioned when money gets tight and big corporate owners, perhaps not based in Australia, may start to cut the financial resources to fully implement the safety requirements we expect and demand to protect Tasmanian workers; they need to be held to account. It is pretty basic. We sadly see a lot of foreign ownership of business in our state. We could have local ownership. We have seen that with Saputo just recently - completely off this point - but a matter I will be talking about in other forums, in relation to King Island and the dairy. The vast majority of those businesses - both large and small that I interact with around my electorate; and there are some very big and very small ones and a lot in the middle - take workplace safety very seriously. They have put in place safety management systems and plans and everything that is required of them.

Now, that was not always the case. I cannot remember what year it was - it was after 2005 - when I chaired a committee inquiry into mining regulations. That was a pretty steep learning curve for someone who had never worked in a mine and did not fully understand that. It became apparent, from some of the evidence we heard, that some companies were not taking it all that seriously, and people were afraid to speak up. We do not want that to be the case. We want people to speak up. We want people to feel safe to speak up. More importantly, we want the businesses to put in place proper frameworks to protect their workers. I am pleased to say that I have seen this evolve over time with very clear processes put in place. When I went to one mine site some years ago, we had to do a risk assessment even before we got out of the vehicle. I said it seemed like a little bit of overkill, but they said there could be a rock when you hop out and you could twist your ankle, and I said, 'Oh, okay'. Some might think, 'Before we even do anything, we have to stop and think?' That is a really good idea.

I mentioned some of the matters that TMEC raised. I assume all members got this letter, maybe not, but I deal with them quite a lot. There were some critical points they wanted to make. I did refer to the first one in my previous contribution on the motion to refer to a committee. One point they made is that TMEC is not yet aware of any evidence to reduce the tally rates in states which have adopted the industrial manslaughter amendment. They therefore request that the supporters of this change provide evidence which indicates following other states is based on workplace safety data. As I said in my contribution, some of these laws are very new. It is a bit hard to have any robust data on that. It is hard to measure nothing - well, you can measure nothing. We hope that the result is nothing - no deaths. I accept their concern. I accept that they want to see evidence-based legislation, as I do. I acknowledge that concern.

The second one they have raised is if this amendment proceeds despite the absence of evidence, which is that evidence they were seeking in the first point, then TMEC supports 29C(1)(d)(ii) as drafted, and requests the threshold of reckless conduct be retained, and not use broader terms such as 'negligent', which can be construed to mean many things. These people are not lawyers. It might have been prepared by lawyers - no, it was Ray Mostogl who prepared it, but he would have received advice. They see that as an important inclusion. I have talked about this. There has been consultation around that. Some of the provisions in this bill are putting on the feedback received from some industry players. Assuming we get to that part in the bill at a later time, there may be some more discussion around that.

I would like the member for Rumney to address the third point in her reply. I alluded to it in the previous contribution. Section 29B(1)(b)(ii) references a high risk of death, serious injury or illness. Mr Mostogl says:

With clarity as to the purpose of the amendment, this clause be removed, as it could be argued a case of industrial manslaughter could be prosecuted where a high risk of death existed but a fatality did not occur.

I note his concern, but I also note in that provision there is an 'and', which means that there has to be a higher risk of death, serious injury or serious illness with a great falling short of the standard of care. I think maybe they were reading it in isolation. I accept that could be problematic. If the member for Rumney could address her mind to how this will not result in a case for industrial manslaughter, where a high risk of death existed but a fatality did not occur. I hope I have made clear the concern that was raised.

They did give some other informational examples. I wanted to make those couple of points. You said you do not want to drag this out. I support the intent of the legislation. I will listen with interest particularly to the Committee stage, and to whether the Leader on behalf of the government, on behalf of the people who propose the amendments, can make the case and maybe we will have more clarity then about the intent of that. I will read, in summary, what Mr Mostogl wrote. He said:

... this amendment should ensure both the intended and unintended consequences result in a safer workplace and that workplace safety remains the domain of the PCBU workforce and regulator and not in the legal profession.

It would be really good if we did not have to engage the legal profession. It would be really good if we did not have to send these matters to court. It would be really good if it became

useless legislation in many respects because no one died. That would be our overall aim and we would then not have families grieving the loss of a loved one who did not come home from work. Whilst I accept the member for Mersey said no legislation is ever going to guarantee that, it should be our aim and goal, because every worker should have that right and expect nothing less - and their family should not have to live with the grief of losing a loved one in such circumstances.

I support the legislation. I will listen with interest to the other contributions and certainly in the Committee stage.

[5.31 p.m.]

Ms WEBB (Nelson) - Mr President, I will come over this side for a change of scene, but also so I can be facing the way I would like, to engage with people.

I rise to speak on this bill, and it will be a brief contribution, because other members have covered some territory that I agree with. I thank the member for Rumney, the mover of the bill, for a comprehensive second reading speech which covered many areas. I would like to add to that broader thanks to the Labor Party for bringing the bill to this place for consideration and for the power of work that is involved in doing that. Congratulations to you and to your team, small team, and we all appreciate that is hard. Thank you, and it is an admirable process that seems to have been undertaken in attempts to consult as thoroughly as possible.

I am also going to acknowledge at the outset those tireless advocates on this issue over many years, both in the union movement and amongst families who have a lived experience of grief at the loss of a loved one in a circumstance of a death at work. Every year when I go to the International Workers' Memorial Day events and hear reflections from people, from family members, who have lost a loved one, it is always so affecting. This year, in particular. I do not speak in this place very often about my family, but this year, hearing Guy speak about Matthew - my son this year is 16 and it hits your heart.

I cannot imagine the strength that is required for families who have been in such grief to stand up again and again and again over years to push for change, not because it will help them and their situation and their grief, but because it might stop other people experiencing the same thing. I absolutely want to honour that and acknowledge that here; change happens when people stand up and demand it to happen and when we do that in a way that is in solidarity with each other. That is what we are seeing come to fruition today with this bill. I am honoured to be part of that in this place. Thank you for the opportunity.

Clearly, I support the intent of this bill. It is long overdue. Tasmania is sadly behind all other jurisdictions, as has been mentioned. It would have been preferable for the government to not allow Tasmania to be in that position and for this to have occurred ages ago. For it to be prioritised at a much earlier stage would have been the right message to send and the right outcome to deliver to the Tasmanian community and to Tasmanian families.

Having said that, we are here now, and we know that this will be relevant, not necessarily to deliver justice to people who have already been impacted, but hopefully to ensure that where this may be necessary in future, justice and accountability can be delivered. The great effect of this legislation passing, if it does today, will hopefully be in making workplaces safer because a higher expectation is set and a greater consequence is understood to be there and people will ensure that the safety risks in workplaces are minimised even further.

We all agree we are seeking an appropriate outcome of justice being served when incidents happen. Too often we see no accountability when there has been a death at work and someone is at fault. We have had laws available to us, as others have said, for 100 years and yet no one has been held accountable under those laws for deaths in workplaces. Fines have been issued, companies have had to pay a fine or there might have been other consequences. That does not feel like justice and it is not justice. We want to see avenues where justice can be served if necessary. Hopefully, it will never be necessary.

We need to be mindful of impact on businesses and workplaces through passing laws that set these expectations and these consequences. Clearly, there is an intent that there will be education and support made available and rolled out, should these laws pass. That was confirmed for us. We have always been on a journey, under our work health and safety laws, of making improvements and setting clearer and higher expectations, and then working to ensure that they can be embodied and implemented in workplaces. This is taking a next step in that same journey, adding to our existing work health and safety regimen to more explicitly cover these instances of industrial manslaughter. It is a positive step forward.

I am not going to delve into lots of detail in relation to the specifics of the bill. All being well, we will do that in the Committee stage and, no doubt, there will be some questions and clarifications. We are all aware that the government has flagged amendments to be considered during that stage, which have, I think, originated from the DPP. I share with others some frustration that we have had those come at a fairly late stage and we have had what I would also see as an unsatisfactory briefing on those proposed amendments this morning. However, we will do our best to do our job and to consider those as appropriate when they are brought forward.

As I mentioned in my contribution when we were contemplating whether this should be sent to a committee, if the government does feel that this legislation is not fit for purpose, there is always the opportunity - we never have legislation that has to exist for all eternity in the state that it is in when it passes this place. We always have the opportunity to have either the government or other members of this place come back later with further amendment bills for us to consider. There is the opportunity for the government to do that, too, should this pass today without amendments they have flagged.

There is benefit for Tasmania to finally come into that harmonisation with other states. As the member for Murchison pointed out, many companies operate across jurisdictions. For those companies, Tasmania's foot-dragging on this has no doubt left them in an awkward position. There is a reason for the comprehensive agreement that there should be national harmonisation here. It is to everybody's benefit for this to occur and it will represent our shared national understanding that this is an important issue and it is the right thing to do. It will reflect community expectation, which is something this government is very keen to claim in a multitude of other circumstances - that it likes to meet community expectation. Here is an opportunity for the government to come on board and do that very thing on this issue.

I support the bill. I am interested for us to have the conversations we may have during the Committee stage on clarifying any elements, considering any proposed amendments. I look forward to seeing this bill passed today. I thank those who brought the bill and the work that has gone into it. I also particularly thank those advocates in the community and in the union movement who have meant this day has finally come.

[5.41 p.m.]

Ms THOMAS (Elwick) - Mr President, I will try to keep my contribution brief. Much of what the member for Nelson said is in the notes I have as well. One thing I will do is talk about problem definition, which is something I have considered with each piece of legislation that has come before us in my short time here so far. To my mind, the problem we are trying to solve with the legislation that Labor has brought before us is that when people are killed at work, there are limitations to how an employer, particularly a company, is held to account. As we have heard, sadly, there have been 85 work-related fatalities in Tasmania in the last 10 years but no cases of prosecution for manslaughter for any of these tragic deaths under the Criminal Code. Currently, families have to pursue a civil case to seek damages and hold an employer to account. The laws are not keeping up with community expectations when it comes to death at work and that is a problem.

Also, we need, and employees and the community expect, responsibility and accountability for the safety of workers to be front of mind for employers, to be taken extremely seriously, for no stone to be left unturned when it comes to protecting human life. Anyone would be hard-pressed to argue that this is too much to ask.

In response to this problem, these amendments to the *Work Health and Safety Act* provide for increased penalties for those who negligently or recklessly cause the death of a worker. The aim here is not to be bringing people down. No one wants to see more people in jail or companies crippled by exorbitant fines. What we do want to see is people safe at work and families confident that their loved ones will return home at the end of their shift. The aim here is to improve health and safety outcomes to reduce workplace fatalities - to be crystal clear about the expectations we have of those responsible for people's lives at work.

I feel it will be critical that WorkSafe Tasmania educate and support employers about these new laws should they be passed through this place, and continue to support the implementation of policies and practices across businesses of all sizes to enhance workplace safety. Language is important and some of the discussion we had in the briefing this morning was in relation to that. The discussion we had on the idea of sending this to a committee was also a lot about language and our interpretation of the language. We will come to that more should we go into the Committee stage.

As we have heard, national harmonisation is also important. The Boland review of Australia's model work health and safety laws in 2018 recommended that industrial manslaughter laws be introduced across the country to address the limitation of the criminal law when dealing with breaches of work health and safety duties. Since those recommendations were made six years ago, all jurisdictions except Tasmania have introduced laws. It is surprising that the government does not agree it is necessary to implement the recommendations of the Boland review and be consistent with the rest of the country, and, indeed, community expectation. This is important and that is why I support the bill.

I appreciate the opportunity Labor provided for briefings on the bill some weeks ago. I was not able to attend the group briefing, but was provided with the opportunity to have an individual briefing. During that, I asked some questions so I could be assured of the need for this legislation. I appreciate the information provided by the member for Rumney and the Labor staff member in assisting with some of the questions I had. I asked about prosecutions in other jurisdictions to try to understand what the implications of these laws had been where they had been introduced. That is a bit hard to determine as yet because the laws are still relatively new

in other jurisdictions as well. I asked, will there be any greater burden or impact on small business if these laws are passed? That is something that I have been mulling over again today. The second reading speech by the member for Rumney made it clear that there are no new health and safety regulations imposed on employers as a result of this reform. That is really important to bear in mind and to be communicated to businesses, should this be passed.

Concerns have also been raised with me about limitations under the amendment to section 232 in relation to the offence not being brought against a person twice. I hope the member for Rumney can address that again in her reply as well. I note that there are some proposed government amendments in relation to that. I expect we will have more discussion about that, but it is an important consideration.

I am satisfied with the information that has been provided to date and appreciate the contributions of fellow members. I certainly support the bill going through to Committee stage.

[5.46 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the Tasmanian government is committed to keeping Tasmanian workplaces safe and making sure that our legislative framework is contemporary and fit for purpose. Tasmania has been a signatory to the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety since 2008, where most Australian jurisdictions agreed to the harmonisation of work health and safety laws.

Jurisdictions agreed that harmonisation was desirable so that all Australian workers have uniform, equitable and effective safety standards and protocols. The regulatory burden for employers operating in more than one jurisdiction needed to be addressed. Governments could be more efficient in providing work health and safety regulations, and a significant and continual reduction in the incidence of injury and disease in the workplace could be achieved.

In 2011, all jurisdictions except Western Australia and Victoria agreed to the adoption of the model *Work Health and Safety Act* and associated regulations. Western Australia has recently largely adopted the harmonised laws.

Tasmania adopted the model laws in the *Work Health and Safety Act 2012*, which commenced on 1 January 2013. Unfortunately, there has increasingly been a move by jurisdictions to make amendments to their work health and safety laws that are not consistent with the model laws, which undermines the achievement of the aims of the intergovernmental agreement.

Industrial manslaughter is a case in point. The introduction of an industrial manslaughter offence has been a contentious issue for many years. It was proposed for inclusion when the nationally harmonised model work health and safety laws were introduced in 2011. It was not adopted because the same conduct could be prosecuted under criminal law. At that time, only the Australian Capital Territory had had an industrial manslaughter offence, which formed part of their ordinary criminal laws.

The 2018 review of the model work health and safety laws, conducted by Marie Boland, recommended the introduction of the offence to promote harmonisation, addressing increasing community concerns that there should be a separate manslaughter offence, and to address perceived limitations of the criminal law when dealing with breaches of work health and safety

laws. In considering the recommendations from the Boland review in May 2021, work health and safety ministers decided not to include an industrial manslaughter offence into the model laws. There was little evidence at that time to support the position that the new offence would promote harmonisation. At that time, only Queensland had an industrial manslaughter offence in their work health and safety legislation. The offence in the Australian Capital Territory remained in their criminal laws.

In recent years, other jurisdictions have adopted an industrial manslaughter offence, with a start date for the offence yet to be established in New South Wales. Tasmania is the only jurisdiction without the offence. As a result of the ad hoc adoption of the offence, it varies across jurisdictions. However, there are some common elements across jurisdictions, with similarities in structure across harmonised jurisdictions.

This posed a challenge for work health and safety ministers when a new decision was made to adopt an industrial manslaughter offence in the model laws in February 2023. As a result, the decision was made to introduce a new section in the model laws at section 30A to provide for an industrial manslaughter offence, and a jurisdictional note was inserted providing guidance on the nature of the offence. Recommended penalties were also adopted. It has been the government's consistent position that an industrial manslaughter offence is not required in Tasmania's work health and safety laws, as such conduct is adequately and appropriately captured and provided for within our existing manslaughter offences under the Criminal Code.

Mr President, Tasmania is well served by our existing criminal laws, including our broad crime of manslaughter in the Criminal Code and an experienced and independent Director of Public Prosecutions. I recognise, though, that today we have a bill before us to consider.

It is the government's view that if the parliament decides to adopt such an offence, it must be fit for purpose and as consistent with the model work health and safety laws and Tasmania's criminal laws as possible. I explained earlier the importance of maintaining consistency with the model laws in general. Should the parliament decide to adopt an industrial manslaughter offence, it should be inserted into a location in the act that is consistent with the model laws. It should be in a form that is as consistent as possible with the model laws and other jurisdictions, in order to reduce the regulatory burden on employers and government arising from not being able to easily interpret and apply the laws across jurisdictions and adopt further changes in the model laws.

We have to remember that Australian governments developed model laws over 10 years ago to make provisions for jurisdictions to have the same provisions in the same locations in the act, to reduce the regulatory burden for employers operating in more than one jurisdiction, and so governments could be more efficient in providing work health and safety regulations. I think the member for Murchison touched on that. It does not make sense to then develop and insert new provisions that are largely based on the only non-harmonised jurisdiction in Australia and are inserted into the act in a location that is not consistent with any jurisdiction across the country.

There are provisions proposed in the bill that duplicate current provisions within the act, which will cause confusion in interpretation, are unnecessary and more complex than required, and contradict the notion of having a harmonised approach, resulting in increased administrative load in government agencies.

It is equally important that any industrial manslaughter offence is consistent with Tasmania's criminal laws. The concept of culpable homicide, manslaughter and culpable or criminal negligence are well established in Tasmanian law. Tasmanians should be able to rely on the concept that manslaughter in Tasmania is manslaughter, regardless of where it occurs or who the perpetrator is. Manslaughter is defined broadly under our Criminal Code. The existing definition captures conduct where a death is caused by -

An omission amounting to culpable negligence to perform a duty tending to the preservation of human life, although there may be no intention to cause death or bodily harm.

This crime is punishable by imprisonment of up to 21 years. The use of 'negligence' and 'reckless' as to the risk, as set out in the bill, will create confusion in the application of the law when prosecuting matters before the court.

The wording of the law is important for the community, but it is in the courts that the law is applied. We can, and will, educate employers and workplaces about the meaning of industrial manslaughter, if the parliament adopts the offence. Government agencies do not, however, educate legal institutions. They will interpret the law as it is written and it is for their use and the use of the legal profession prosecuting or defending the law that we need to ensure the offence is clearly worded, lacking confusion, and able to support successful prosecution outcomes.

The model work health and safety laws recognise the importance of consistency between jurisdictional laws and work health and safety laws by providing jurisdictional notes that provide guidance or options for jurisdictions to adopt an alternative approach. For example, the model work health and safety laws contain a jurisdictional note for industrial manslaughter describing the nature of the offence. It says and I quote:

... each jurisdiction may insert local provisions to create an offence of industrial manslaughter. The offence of industrial manslaughter would be in addition to the existing offence under section 31 and address conduct by a person that represents a gross deviation from the reasonable standard of care resulting in a work-related fatality.

In Tasmania's criminal laws, culpable negligence is the jurisdictional-appropriate term for that conduct. There is little justification for creating a separate definition, as the bill does, which may create confusion and have unintended consequences. We can make the offence fit for purpose and maintain consistency with the principal act and the model laws while still achieving the policy intent of the bill, but several amendments are required to achieve this and when the time comes, members, I will ask you for your support.

Tasmania already has an effective manslaughter offence in our criminal laws. This bill is simply not required, but if the bill is to proceed, it must be good law, able to be effectively administered and prosecuted to achieve its intent and be as consistent as possible with Tasmania's criminal laws and the model work health and safety laws that Tasmania committed to support way back in 2008.

The amendments to the bill that the government will move achieve that consistency as far as practically possible. I urge members to adopt my proposed amendments if the bill goes through the second reading.

[5.57 p.m.]

Ms LOVELL (Rumney) - Mr President, I thank members for the earlier debate we had and for second reading contributions. Members' level of seriousness and commitment to progress this issue is evident in the Chamber today. I feel really heartened by that. Thank you, members.

I will turn my mind to some of the questions that have been asked and some of the more specific comments. The member for McIntyre spoke about the conflicting legal advice and the level of discomfort that sits with that. I acknowledge that and know that is a discomfort many people in the Chamber are feeling. I wish we were not in that situation, but here we are. I have confidence we will work through the amendments as they are presented. I acknowledge we all would have much preferred to avoid being in this situation. Many of us tried hard to avoid that situation. However, I have confidence we can work through it.

Similarly, the member for Hobart raised the issue on correspondence we have received at short notice from WorkSafe on behalf of the DPP regarding the submission of Ben Bartl from Community Legal Centres. I regret that confusion. I am disappointed again we are in this position and I know Mr Bartl has not been able to respond fully as yet. He is aware of it. My understanding is that his advice stands. The advice regarding negligence versus culpable negligence and the difference in those interpretations still stands and indeed was supported by the submission from Unions Tasmania and through the legal advice they obtained. Again, we can work through that in more detail in the Committee stage.

The member for Murchison asked about any evidence of reduction in workplace fatalities based on data available since the introduction of these laws. I note, as you did, they are relatively new laws in a lot of places and that jurisdictions have been passing laws at different times. There has not been an opportunity to obtain any long-term trend data generally where there have been laws introduced. For members' information, the Australian Capital Territory introduced their legislation in 2004, Queensland in 2017, the Northern Territory in 2020, Victoria in 2020, Western Australia in 2022, and South Australia in 2023. The Commonwealth laws will be enforced this year. In New South Wales, they have passed their laws this year but have not yet been enacted. The latest data from SafeWork Australia shows there has been a 30 per cent decrease in the fatality rate across Australia since 2012. I would hope and would very much like to see more robust data following future years of these laws being enforced across the country.

In relation to the question of recklessness, negligence and the content, I understand Mr Mostogl's point there. In response to that, this emphasises the importance of our approach in making sure this is as clear as possible for those people who will be interpreting this legislation in their workplaces every day. Negligence is a required standard. It is universally accepted as being required in this legislation for particular instances. It is separate to circumstances where there may be recklessness. Our view is that both of those need to be contained. There are varying provisions around the country and there is another provision that will be put through the Committee stage in an amendment. That is why we have contained negligence in the bill and why we want to include recklessness also.

In relation to the question regarding clause 29B(1)(b)(ii) from Mr Mostogl, where there is a high risk of illness or injury, but a death did not occur, it is a well-considered question from TMEC that is very clear and cognisant of their safety obligations and the laws that interact with those. This provision is to be read as providing interpretative guidance on what the standard of negligence is, that is as requiring both a great falling short of the standard of care that would have been taken in the circumstances in which the conduct was engaged in and that there exists a high risk of death, serious injury or serious illness. It provides guidance on interpreting what the standard of negligence is, but all other elements of the offence must be proven beyond reasonable doubt. Those include that the person is a PCBU or an officer of a PCBU, the person has a health and safety duty, the person's conduct causes the death of an individual to whom the duty is owed, and the person has engaged in the conduct with negligence or recklessness. I hope that reassures Mr Mostogl on that clause.

The member for Elwick asked a question about the limitation under our amendment to section 232 and whether (4)(b) in the bill is necessary. Does it mean someone can be prosecuted twice? Section 232 clarifies that dual prosecutions do not proceed under the Criminal Code for the same conduct. The provision in the Criminal Code in relation to double jeopardy as by virtue of section 38(2) of the *Acts Interpretation Act 1931*, all proceedings in respect of a crime are to be in accordance with the Criminal Code. The double jeopardy rule already applies. The question of whether it needs to be in the bill is a valid question. For members' information, that was something that we added to our bill following consultation with industry bodies. Yes, on one hand you could argue it is unnecessary. Is it harmful? I do not believe so as it provides reassurance and comfort to those industry bodies that were concerned about that provision being really explicit to make sure that those double jeopardy principles did apply.

The Leader argued the government's position is that industrial manslaughter provisions in the *Work Health and Safety Act* are not necessary as the Criminal Code already provides for anything that would need to be covered under those circumstances. I will let members make their own decision about that. We have heard arguments that is clearly not the case. I also argue every other state and territory in the country has determined that it is required. Why should we be any different in Tasmania?

The Leader also talked about the importance of legislation being consistent to allow for ease of interpretation and application across jurisdictions, particularly for those employers who have employees across jurisdictions.

We have worked really hard to draft this bill in a way that makes it as easy and clear as possible for those employers who will be interpreting and applying this legislation every day in their workplace. Our priority has been drafting a bill that provides for ease of interpretation and application in Tasmania, because as Tasmanian legislators, that is what our priority should always be.

I argue those employers who are big enough to be employing employees across jurisdictions are far more likely to have the resources available to them to deal with any complexity in any difference in legislation across the country. I also note the consistency argument: there is not a great deal of consistency across the country in these laws anyway. No two jurisdictions have legislated in the same way, even in terms of where the provisions sit in the bill. The model laws produced by SafeWork Australia have the lead provision sitting in section 30A. There are very few states and territories that actually have the provisions sitting

there. Our focus has been on ensuring this legislation is as easy to interpret as possible for Tasmanian businesses because that is who we have consulted with as Tasmanian legislators.

Those small and medium businesses are far less likely to have the resources to be getting complex legal advice on interpretations. They need this to be easy to interpret and that is what we are focused on. The legal profession interprets legislation every day. They interpret laws every day. They are well accustomed to that.

I believe I have answered all the questions raised. I will finish by again thanking members for their contributions today. Every other government in Australia has acted on industrial manslaughter except ours. Our government in Tasmania said today it does not think this is necessary. I feel very sad. There is no other word for it. I find that very sad. We know it is less than ideal to introduce legislation from opposition. We do not have the resources of government. That is clear today, but that does not mean it cannot be done. It does not mean that it should not be done. I acknowledge Celeste's incredible work.

I want to be really clear: as other members have said, there is nothing to fear with this legislation. There is nothing at all to fear. If employers are meeting their obligations under the *Work Health and Safety Act*, they need do nothing different. There is nothing to fear, but there is a whole lot to gain. I urge members to support the bill.

Bill read the second time.

Ms LOVELL (Rumney) - Mr President, I move -

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

Mr PRESIDENT - Before I put the motion, members, by the authority of the Chair, I have determined that an adviser to the member for Rumney be authorised to go onto the Floor of this House to advise the member on the Work Health and Safety Amendment (Safer Workplaces) Bill 2024 during the Committee stage.

WORK HEALTH AND SAFETY AMENDMENT (SAFER WORKPLACES) BILL 2024 (No. 24)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -
Section 4 amended (Definitions)

Madam CHAIR - Before you start, whilst this is a relatively small amendment, if you need to prosecute the case for your later amendments, particularly new clause A, in this, I will give some leeway to do that so that you can prosecute the case for that major amendment.

Mrs HISCUTT - Madam Chair, thank you. The three I have, clauses 4, 5 and 8, relate to the new clauses that the government is proposing, based on advice given by the DPP and WorkSafe.

Proposed new definition of *industrial manslaughter offence* -

Leave out '29C (1)'.

Insert instead '30A(1)'.

Speaking to this particular amendment, a later amendment to be moved inserts the industrial manslaughter offence in a new section 30A. This amendment changes the reference for the definition of industrial manslaughter in clause 4 to the proposed new section, so the proposed new section is what this is all about. So, new clause A, I will go through that one.

Madam CHAIR - You do not need to read it out. You need to speak to it.

Mrs HISCUTT - I will not read it out but I will read the speaking notes to it so that members understand what the first three clauses are about.

In speaking to new clause A, this amendment provides for a new clause A in the bill which inserts a new industrial manslaughter offence at section 30A, consistent with the model act. The amended section is the same as the offence set out in the bill in some aspects. However, it has been amended to be more consistent with the model laws as they apply in most harmonised jurisdictions, and to be consistent with the Criminal Code. It is a matter of having an industrial manslaughter offence that is the best fit possible between these statutes and is good law.

Firstly, there are no Objects and Interpretations sections, which are at section 29A and 29B in the bill. These are not included to remain consistent with the model laws and the existing principal act, and to avoid duplication within the principal act. There are no divisions in either of these statutes that contain an Objects section. The Objects and Interpretations section in the bill appears to be based on the Victorian *Occupational Health and Safety Act*. Victoria is the only jurisdiction that has not adopted the model laws. No harmonised jurisdiction has an Objects section embedded in its industrial manslaughter offence. I bring to members attention that the *Work Health and Safety Act* in Tasmania already has, at section 3, an Objects section, which is drawn from the model laws. This section states:

- (1) The main object of this Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces by -
 - (a) protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work or from specified types of substances or plant; and
 - ...
 - (e) securing compliance with this Act through effective and appropriate compliance and enforcement measures; and

...

- (h) maintaining and strengthening the national harmonisation of laws relating to work health and safety and to facilitate a consistent national approach to work health and safety in this jurisdiction.

Hence, it is not necessary to have an additional Objects section specific to the industrial manslaughter offence for the purpose of emphasising that the offence exists to prevent workplace deaths, provide deterrence and reflect the severity of conduct. These are Objects that apply to the whole of the act and to the penalties within it, including category 1 and category 2 offences, and are already reflected in the principal act.

A definition of culpable negligence, rather than negligence, is included in the new section 30A(1)(d), which I will discuss in more detail.

Similarly, there is no requirement for additional definitions in relation to the conduct of the body corporate. Imputing conduct to a body corporate is already adequately addressed under section 244 of the principal act. Future amendments to these provisions are contained in the Model Work Health and Safety Legislation Amendment (Gross Negligence Offences) 2023, which will be introduced into Tasmania's work health and safety laws to ensure harmonisation is maintained. In fact, there are two further tranches of amendments to the principal act pending that will adopt significant changes to the penalties and offences under the act arising from the 2018 review of the model work health and safety laws, and continue to support our nationally harmonised approach.

It is the government's view that it is not appropriate to adopt body corporate provisions from a non-harmonised jurisdiction that are inconsistent with the model laws and principal act. We will adopt those from the model act, so, section 30A(1)(a), (b) and (c) are the same as those contained in the bill. Section 30A(1)(d) changes the fault element from the bill, which is:

The person being negligent about causing the death of the individual by their conduct and being reckless as to the risk to the individual of death or serious injury or illness.

The new fault element is:

Conduct which amounts to culpable negligence within the meaning of section 156 of the Criminal Code.

The Director of Public Prosecutions has recommended that the term 'negligence' is replaced by 'culpable negligence' in order to better align with Tasmania's Criminal Code. Under section 159 of the Criminal Code, manslaughter is defined as:

Culpable homicide not amounting to murder, and that any person who commits manslaughter is guilty of a crime.

The definition of culpable homicide at section 156 provides that the question of what amounts to culpable negligence is a question of fact to be determined by the circumstances of each particular case.

Importantly, manslaughter, as defined by the Criminal Code, is well established in case law and well known to courts in Tasmania. There is a risk that introducing a different term for a similar fault element will result in new interpretations and different standards of manslaughter within Tasmania, which is not the intention of the model laws. The definition set out in the bill for negligence is the definition for criminal negligence, which is also known as gross negligence or culpable negligence. These concepts are, again, well established in case law. For this reason, replacing 'negligence' with 'culpable negligence' will reduce the potential for confusion in the way that the law is prosecuted in Tasmania's legal process.

Creating a separate definition risks new and different interpretations based on that definition, rather than relying on the well-established case law which has served Tasmania well to date in prosecuting manslaughter offences. Using the term 'culpable negligence' will promote greater consistency within Tasmania's legislative framework.

We have seen recent correspondence from Unions Tasmania, which is not supportive of relying on section 156 of the Criminal Code as it does not provide a definition for education of the businesses and the community. Restating my earlier comments, we cannot afford the risk of narrowing the interpretation by including a definition that varies from that established at case law. Let the regulator, unions and others educate workplaces on the case law that defines culpable negligence, while keeping the legislation clear and concise for use by Tasmania's legal processes.

Where the model laws have been amended to include gross negligence as a fault element in section 31, the laws provide for jurisdictions to adopt the appropriate term of gross negligence for their jurisdiction. Our government will be considering the introduction of this amendment in Tasmania next year.

When it comes to the fault element of 'reckless as to the risk', it should be removed as it is duplicative because, on advice from the DPP, it is already captured within the meaning of culpable negligence and could create an unnecessary barrier to successful prosecution. Being reckless as to the risk requires a positive action to be taken by a person and, in doing so, they are also being culpably negligent. If a person is so reckless, it may be prosecuted as murder under section 157(1)(c) of the Criminal Code, where culpable homicide is murder if it is committed by means of any unlawful act or omission which the offender knew, or ought to have known, to be likely to cause death in the circumstances, although he had no wish to cause death or bodily harm to any person.

The Director of Public Prosecutions is concerned that the proposed new section 29C(1)(d) provides for a person to be charged with either being negligent about causing the death or being reckless as to the risk. The two concepts are fundamentally intertwined and should not be charged separately. The government is concerned that retaining this fault element will be problematic, particularly when the concept of recklessness is already well established in Tasmania. Given the fault element is captured by culpable negligence, it should not be included as a separate fault element.

The penalties for the offence are the same as those in the bill which appropriately reflect a maximum term of imprisonment of 21 years, which is consistent with the vast majority of crimes in our Criminal Code; and a maximum monetary penalty which is consistent with the model laws.

Section 30A(2) and (3) mirror those contained in the bill.

Section 30A(4) is inserted for avoidance of doubt to ensure a prosecution can be brought if a person dies after the offence is introduced but the conduct that caused the death occurred before the section was introduced. Workplace deaths are often caused by failures in systems, processes, plant or the working environment. This new section will address the situation where, for example, a new work process is introduced that is very poorly designed and inherently risky, yet an accident that may tragically cause the death of the worker does not occur until many months or years later.

The final amendment proposed is for the new clause B to be inserted in the bill, which introduces new section 273A in the principal act, which provides for a review of section 30A in 12 months.

Madam Chair, I know that was lengthy, but that is to explain our fourth amendment, which is new clause A. We need to decide whether or not this is appropriate to be put into the bill. That makes the first three amendments a lot easier.

I will finish by saying it is very complicated. This is lawyers talking and this is coming from the DPP and WorkSafe. It is confusion within the current bill before us that could be eliminated by accepting this amendment. Members, I ask you to think seriously about starting this process, which is to agree to clause 4. I hope that makes sense.

Madam CHAIR - Before you sit down, Leader, you only have three calls on this clause, so if members have questions for the Leader, they need to ask them. The member for Rumney has unlimited calls, but if you have questions for the Leader, make sure you get up and ask them before she takes all her calls.

A member - It might be a good time for dinner.

Madam CHAIR - We cannot do that. We have to finish this or withdraw the amendment.

Ms O'CONNOR - Madam Chair, if I have a question for the Leader on that amendment, what is the best place and process?

Madam CHAIR - If you want to get up and speak to the amendment, you can speak three times as well. I was just saying to members, if they have questions for the Leader, do not expect her to respond until everyone has asked their questions, so that she can respond to all the questions as much as possible, before getting up. She will get up and respond to all the questions. If you have questions for the Leader, get up and put them. Any other member who has questions for the Leader, get up and ask them before I call her to respond. The member for Rumney can speak as many times as she likes.

[6.26 p.m.]

Ms LOVELL - Madam Chair, we will be opposing the amendment. I will speak to our reasons for that. I appreciate and sympathise with the fact that that was a lot of information being given to members to try to wade your way through. I suspect there are either going to be a lot of questions for the Leader, or very few.

There is a lot to get through and it is a bit hard to know where to start sometimes. I will do my best to address the issues that were raised by the Leader. I think I have managed to distil it down into essentially three key differences. There are very few differences to the clause that is drafted in the Leader's amendments in new clause A. I appreciate that we are speaking about the amendment to clause 4, but there is some latitude here because of the order in which we are doing things. There are very few differences between what is being proposed by the government to be inserted into Division 5 of the act with their new clause A, and what we have drafted in our bill to be inserted as a new division in clause 29A - a new division for clause A specifically for industrial manslaughter. There are few differences, but they are quite key differences. That is what I am trying to distil so that members can understand exactly what they are being asked to consider here.

First, there is the issue of where the division sits - where the provisions for industrial manslaughter sit in the bill. We have heard from the Leader an argument that it is about providing consistency with the harmonised legislation as produced by SafeWork Australia. As we have already heard, there is very little consistency between states and different jurisdictions on how they have structured their bills. In fact, there are very few jurisdictions that have the provisions sitting as outlined in the model laws. The reason we have structured our bill the way we have is entirely for the purposes of being able to insert the Object clause and the Interpretation specific to this division.

The Objects of the act, as already contained in the principle act, are for the act in its entirety. The Objects that we would like to insert in Division 4A specific to industrial manslaughter are specific to that offence. It also allows us to have an Interpretation section specific to the offence of industrial manslaughter, which we believe is important as a result of our consultation. We want this to be as clear as possible for employers in Tasmania when they are interpreting these laws.

The replication that the Leader talks about of the Object section - we do not believe that is harmful. I do not believe that is harmful. I believe that it reinforces a powerful message of deterrence and education. That is really what our primary focus is here.

There are two things that can be achieved by this bill. One is that there are potentially prosecutions that can take place and people can be held to account for behaviour that they should be held to account for. But the second, and equally important aim of this bill, is to encourage employers to take workplace safety more seriously and act in a way that will prevent people being killed in the course of their work. The way we have drafted this bill is with a focus on that. We want the focus to be on improving workplace safety and reducing workplace fatalities. We do not want the focus to be on 'what do we do once somebody has died at work?'.

The Leader spoke about the provisions for body corporate and that there are model law changes to be adopted. We look forward to the government bringing these forward in their entirety. As we have already identified, we are well behind other jurisdictions in terms of harmonised laws. We are tranches behind. There is a lot of catch-up work that needs to be done, and I welcome the government including those in the legislative change that we will need to deal with.

That brings us to the second key difference in the government's amendment to our bill, and that is the use of the word 'culpable'. There have been various conversations about this

today - differing views being put forward by different stakeholder groups, and this has come up in some members' second reading contributions as well.

There are clearly difficulties in prosecuting manslaughter. To replicate the same provisions as in the Criminal Code will only give the same result. Employers will be none the wiser of their obligations or their potential liability. The criminal negligence standard incorporated in the bill comes from established case law. This should be easily explainable to a jury, but importantly, to employers, on what the requisite standard is. Members can see, from your own experience today in trying to muddle our way through these proposed amendments, that culpable negligence is not easily understood. It is not clearly defined. It does raise uncertainty, and the very last thing we want to do with this bill is raise any uncertainty with employers about their obligations and their responsibilities.

Negligence is the standard used in most work health and safety jurisdictions. It has been well considered by legal and safety experts and there is no risk that has been raised in relation to this.

The third key difference with these amendments is the use of the word 'recklessness' and whether this should be included in the provisions. There is either 'recklessness' or 'negligence' in the bill. There is not the requirement to prosecute for both. Any difficulties identified by the government in prosecuting for recklessness are easily mitigated by choosing not to go down that path. The only difference I can see is that it requires the DPP to make a decision. With all respect to the DPP, I do not think that is a reason not to include it. Negligence and recklessness are very different things. Including recklessness does not affect negligence. It allows a choice to fit the circumstances. The DPP, and indeed the government, have not provided adequate reasoning for removing recklessness. Recklessness is a step beyond negligence. You can be negligent without being reckless. Recklessness involves knowingly disregarding a substantial risk that your actions could cause death. A person acting recklessly is aware of the potential danger but chooses to ignore it.

Ms O'Connor - It is wilful.

Ms LOVELL - It is wilful. It should be held to a higher account and it should be specified in the act.

I am sure members will have further questions for the Leader on the amendments. I will also, as other members have pointed out, identify that the government can bring an amendment to this bill any time they like, or to the act. They can review it. Indeed, they are moving to insert a review provision, and we will have that debate when we come to that. But if they have concerns about the operation of this act or about the provisions that I hope the Chamber will support today, they have the resources available and they are in the position where they can review that any time they like, and they can bring further amendments to us if that is required. I do not think it will be required.

We are confident in the consultation we have undertaken. I am confident in the advice that we have received. I urge members not to support the amendments.

Mrs HISCUTT - Madam Chair, I want to make it clear that the amendments have been requested by the DPP and WorkSafe - they have not been requested by the government - to make the legislation fit for purpose. The amendments are for clarity. There would be difficulties

that have been identified by the DPP and WorkSafe that we heard about this morning, and these amendments are being moved on their behalf. I hope we never, ever have to use this bill. I certainly do. If it is used, it has to be fit for purpose. Therefore, I urge members to please support the amendments as put forward by the government on behalf of those who are going to have to use the bill.

[6.35 p.m.]

Ms O'CONNOR - Madam Chair, I will not be supporting this amendment and obviously, consequently will not be supporting any of the government's amendments. The problem the government has is that when the Leader talks about difficulties that have been identified by WorkSafe Tasmania and the DPP, they were not clearly articulated, diffused, sort of sludgy, came at the eleventh hour and, clearly, not particularly persuasive.

When we talk about making legislation fit for purpose - fit for whose purpose? The intention of this legislation is to make our workplace health and safety laws better protective of workers, and then really clear with employers about what their legal responsibilities are and if they are negligent or reckless in a manner that leads to the death of a worker; or the serious injury and then consequent death of the worker. That is what we are trying to do here. When government talks about 'fit for purpose', there is no clarity on whose purpose it is. Is it the Tasmanian Chamber of Commerce and Industry's purpose? Is it the Tasmanian Automobile Chamber of Commerce's purpose? Is it Robert Mallett and the small business group? I do not know, but the purpose here is, of course, and surely, to save lives.

If you look at the objects of the *Work Health and Safety Act* that the Leader was talking about, yes, there is a connection there, and there is some relevance to the Objects of the proposed new division. However, it says nothing in those Objects about saving lives. What we have here in the bill, put forward by the member for Rumney, is a very clear and strong set of Objects for this division to prevent workplace deaths and to deter persons who owe certain health and safety duties from breaching those duties, and to reflect the severity of conduct that places life at risk at the workplace. No ambiguity, no lack of clarity, nothing in there that should confuse the Director of Public Prosecutions or WorkSafe Tasmania. The Objects within the *Work Health and Safety Act 2012* talk a lot more about a nationally consistent framework than they do about saving lives of workers.

My question to the Leader: there is a contradictory argument being put here. That is that we need to accept the government's amendments so that the bill - the legislation - is harmonised and nationally consistent. As the member for Rumney has pointed out, there are all sorts of different approaches being taken around the country. The second issue is, in arguing for the inclusion of culpability the Leader talks about the importance of having consistency within the Tasmanian legislative framework. We are creating a new offence here. Yes, it is desirable for some consistency with national laws and within Tasmanian legislation, but that is not the ultimate goal, particularly when you are talking about the *Criminal Code Act 1924*, which this year, Happy Birthday, clocks a century. I know it is the *Criminal Code Act*, but until not very long ago, it had all sorts of weird provisions in it and there are still some weird provisions, like the one you pointed out this morning, Madam Chair.

Madam CHAIR - Which is in this very clause that we refer to, the 'tender age' of a young person.

Ms O'CONNOR - Frightening a child of a tender age. Do we want the legislation that we created here to be consistent with that sort of language? I do not think so. Again, with the greatest of respect, the DPP, WorkSafe Tasmania and government are flailing in their arguments here; unpersuasive, not backed by any evidence that has been put to us, and certainly, even in the letter that came through only a few hours ago, no persuasive argument in there, other than the potential for difficult decisions to be made by the DPP about what section of the new law to apply in terms of negligence or recklessness or determining culpability.

The last thing I will say before I sit down is if the Council approved the government's amendment, particularly with the inclusion of the word culpability as it relates to negligence, what would change? What would actually change in terms of the protective framework for workers on this island? I do not think anything. It would be a pointless exercise, in a way, to pass a bill that has the kind of amendments in it the government has put forward. I do not support this amendment and should it fall down, the Leader will obviously need to explain to us what is going to happen.

Madam CHAIR - She will not move the others. They are contingent on this one, except for the last one, which is separate.

Ms RATTRAY - Madam Chair, it is a very interesting exchange we are having and I am doing my best to get some clarity on this.

My question is, and I do not mind who answers it because when I am considering whether to support the amendment or not I go to 29C(1)(d), which is one of the issues raised by the DPP. If there is a choice to be made on negligence about causing the death or reckless as to the risk, and that is what the DPP was arguing, what if the wrong choice is made? What if they chose 29C(1)(d)(i), which is negligent, and perhaps, should have chosen to prosecute under 29C(1)(d)(ii), the reckless? What effect might that have on progressing a legal case? I have no idea who might be able to answer that right here and now, but that is what I am trying to work through. If we support the government's amendment that takes that away, and if we leave it there, then we come back to the issues raised by the DPP and WorkSafe but contradicted by the Community Legal Centres' Mr Ben Bartl. Is anyone able to answer that question?

My second question is perhaps directly to the member with carriage of the bill itself, and not the amendment: which jurisdiction was this taken from? It was suggested earlier in the day it might be a cut and paste from the Victorian legislation but, forgive me, I might not be correct and happy to be put on the right path. Why this take, considering there is no national consistent approach and we are saying everyone is doing something different and wording something different? Some understanding - as I work through where my support may lie or otherwise and it might well be a question for the Leader and the member with carriage of the bill itself.

Ms LOVELL - Madam Chair, I will address a couple of points made by the Leader in her second contribution to the amendment. The Leader has said a number of times these amendments have been requested by the DPP and WorkSafe, not by the government. The government is still choosing to move them. The government could have said they do not agree.

Mrs Hiscutt - We do agree.

Ms LOVELL - Yes, clearly you do. The Leader has also said these amendments are about providing clarity. There are two points I would like to make to that. The first point is our

bill, as drafted, has been available publicly since June. Since it was tabled in the lower House, it has been available for anyone to see how it was drafted. There were no issues raised with the drafting of our bill. There were no issues raised with the use of negligence as opposed to culpable negligence by anyone, until Thursday last week. I will leave that with members to consider.

I also make the point that the member for Hobart also touched on, that the Leader has said a number of times this is about providing clarity for the legal profession, for the DPP, judges, juries and lawyers. The question I would like members to turn their mind to is: who do we want to be making this legislation easy for? Do we want to be making it easy for lawyers, for the legal profession, for judges, for the DPP who will be considering this legislation only once a fatality has occurred, or do we want to make it easy for employers, workers, for those responsible for health and safety, resourcing workplaces to be the safest place possible, making those decisions that either provide a safe workplace or a workplace where someone is at risk of serious injury or death? Who do we want to be making this easy for? It is a very easy question for me.

I am happy to answer the question put by the member for McIntyre in relation to our bill, clause 29C(1)(d) and the question of that decision being made between negligence or recklessness and what happens if the wrong choice is made. It is a valid, thoughtful question.

Ms Rattray - Thank you.

Ms LOVELL - I think the answer is we rely on our DPP to make those choices every day. Maybe not every day, but often. We rely on the DPP to decide whether they prosecute for manslaughter or murder. They make decisions about what charges they pursue based on the evidence at hand. I do not think it is a question I can answer for every circumstance, but it gives the DPP a choice, dependent on the evidence they have at hand. Their job is to assess that and decide where they have the best chance of landing a prosecution. I am comfortable to leave that decision with the DPP. I have confidence. The DPP does not seem to have a whole heap of confidence in making that decision. I have confidence in the DPP to be able to make those choices.

I would like members to consider what our ultimate goal is with this legislation and, in its drafting, what are we trying to achieve. I am trying to achieve safer workplaces and fewer workplace fatalities. I hope members are trying to achieve the same thing.

Ms Rattray - Cut and paste?

Ms LOVELL - Sorry, the cut and paste question. We assessed all jurisdictions methodically. Again, I cannot speak highly enough of the work done by our very small team here to assess the elements that are most appropriate to Tasmania. Our legislation is based primarily on Queensland and Victoria with some elements of the Commonwealth legislation. It has general consistency with all model law states, but we have consulted on a combination of different elements from different states. Nobody has adopted the model laws as they are written and no two jurisdictions are the same. We have done our best to land on the best model to deliver the best outcome for workers in Tasmania.

Ms WEBB - Madam Chair, while understanding the intent of the amendments and the arguments that have been made by the government, I am not in a position to support them. I do

not think those arguments have been made successfully enough to convince us to make the significant change that is represented if we go with the full suite of amendments proposed that are linked to this one we are talking about now.

As far as I can see, if we were to adopt all these amendments the government is putting forward, it does not change a great deal about the use of the legislation or, certainly, not the intent of the legislation. It is a different way of coming at it. The thing I prefer about the bill we have before us is the inclusion of the Objects in this particular division that relates to industrial manslaughter. There is value in having that inserted there, specifically. I agree with the member for Hobart that the Objects of the principle act broadly do not specify clearly enough Objects relating to industrial manslaughter. I support the inclusion of that.

Therefore, on that basis, I do not agree with the proposed amendments that would remove it. The rest of it is essentially a matter of semantics. What I believe we established in our briefing this morning is that negligence - culpable negligence - much the same, to be honest, in terms of what would need to be made out. The question the member for McIntyre raised about the two elements there in 29C(1)(d) where it specifies in part (i) 'negligence' about causing death and then in part (ii) 'reckless' as to the risk. My understanding of this - and that was probably in some ways where I had the most sympathy that maybe there has been an argument to simplify it to a matter of negligence - is the constraint that is there in specifying one or the other is the DPP has to choose one of them to make the case for and make out the elements of. If the DPP picks negligence to make the case - make the elements of the prosecution - and that the person is found to be guilty, the judge cannot then in passing the penalty bring in anything relating to recklessness in terms of the penalty, because that was not the part argued by the DPP.

I hope I am not verballing the DPP, but my understanding from the briefing is if it was just plain negligence or culpable negligence, either of those that was being made out, you could be making out elements of recklessness as part of that argument and if successfully argued and then found guilty then the judge could bring in some penalties relating to recognising the elements of recklessness that had been made out. That is probably not very clear on the record either with my explanation, but I understood there may be a benefit to having one simpler element there on negligence or culpable negligence rather than splitting it into negligence and reckless.

However, having encountered the arguments one way or the other today and there are still some muddiness and opacity, I am not prepared to support an amendment to change this bill based on that. That would have to be looked at down the track. Again, I do not think there is too much detriment there. It is a very particular case where there would be that constraint that was being argued, that would come into play. Worst case scenario: if the DPP feels the case is not strong enough to argue part (ii), the reckless element, they will argue the negligence element. If the person is found guilty, the judgment will be given on the basis of negligence. It might not be as harsh as it should otherwise have been if recklessness had been made out, but so be it. There is still going to be an outcome and that is certainly more than we have seen to date.

That is probably not very helpful in providing clarity, but my thoughts on it are on the record. I wanted to put on the record I appreciate the amendments are being put forward with good intent and we would have to recognise if they are coming from people who are going to be utilising this in the DPP's office; that is something we should be thinking about and looking

to be informed about. But, I do not think the case has been made strongly enough to change the bill in front of us.

Mr HARRISS - Madam Chair, you will not be surprised to understand that I am still trying to work through all the complexities.

Madam CHAIR - I am not surprised.

Ms Rattray - Perhaps you could do it over dinner break.

Madam CHAIR - You cannot. There is a question before the Chair.

Mr HARRISS - I am inclined to support the government's proposed amendments and there is a couple of reasons I am working through. The member for Rumney mentioned before about having faith that the DPP makes the right decisions and I agree with that. We have in front of us a request from the DPP suggesting it would possibly be better to not have recklessness in there. I am still trying to work through it, but I am inclined to support what the DPP is saying because they are the professionals in their field.

The member for Rumney also made what I think is a valid point about who we are trying to make this legislation for and somewhat easier to understand. I will go back to the point raised before that we are not actually amending the WHS compliance side of it. Whilst it introduces industrial manslaughter, if you have companies going about the business as they are today, complying with all that, the industrial manslaughter side of it will not come into it. At this stage I will continue to listen and sift through my papers, but I am inclined to support.

Mrs HISCUTT - Madam Chair, it is great to hear that the member for Rumney says they have full confidence in the DPP. So do we. That is why we are trying to move these amendments.

Ms Lovell - To make decisions.

Mrs HISCUTT - To make decisions. The member for Hobart spoke about fit for purpose for whom. No, it is not for those other - I want to make it clear: the DPP and WorkSafe have requested these amendments.

Ms O'CONNOR - So has the TCCI and the TICC. I am just saying.

Mrs HISCUTT - We had a briefing from them. I am just saying, too, that the DPP and WorkSafe have asked for these. We are talking about consistency. It is consistent with the model act to include culpable negligence. There is a jurisdictional note in the *Work Health and Safety Act* on page 206 that sets out the standard to be used for industrial manslaughter, which says it is to:

Address conduct by a person that represents a gross deviation from a reasonable standard of care resulting in a workplace fatality in Tasmania.

That standard is culpable negligence.

The member for McIntyre spoke about the wrong choice - what happens if the DPP picks the wrong one? A lot of that is dependent on the evidence, but the preliminary view, the risk we have is that if the wrong choice is made and charges are withdrawn or dismissed, they cannot be brought again, so the prosecution will be at an end. This is captured in the amendment at clause 8. There was a French word for that. We discussed that earlier so, no, if it is lost because he has made the wrong choice, it cannot be brought again.

There was one other. We want to have a consistency with both the model laws and the Criminal Code. We have to take into account that WHS are harmonised, the criminal codes are not, and the model laws allow for this. I just wanted to make it clear that our amendments are based on what the DPP hopes to be able to gain so that it can make this particular bill workable. Members, I ask you to please support the amendments.

Ms O'CONNOR - Madam Chair, briefly in response to that, if the DPP makes the right or the wrong call in deciding whether to go for negligence or recklessness - there has not been a prosecution for 100 years. I think that is a risk we might be prepared to take, that the DPP, whoever they may be in the future, fumbles that one. The DPP has also made it really clear that should the government's amendment - and I'm summarising here - should the term 'culpable' be attached to negligence in the amendment bill that we are debating today, it will not result in more prosecutions. In reality it is likely to have little more than an educative or general deterrent effect. We have WHS laws for that now. If this place enacts an industrial manslaughter provision, an effect would be that it is educative and a deterrent. But we are trying to save lives here. We are trying to make sure that there is an onus of responsibility attached to the duty of care that an employer has to not be negligent or reckless with the lives of people who come to work at their businesses.

I will put the same question I put before, which I do not think the Leader answered: why? What difference would it make? Why would we bother enacting an industrial manslaughter offence if it has the same culpability test that culpable homicide has in Section 256 of the Criminal Code? It strikes me that of all the proposed amendments that the government is putting forward, this one, the culpability, the inclusion of the word 'culpable' is in some ways the most pernicious, because it would neutralise the effect of having an industrial manslaughter provision. I do not think the government has made the argument. They have said a lot, but it has not been particularly enlightening.

Madam CHAIR - Honourable member for Prosser - speaking against the amendment, I presume?

Mr VINCENT - Madam Chair, that might have been earlier. I rise to say that I have been sitting here as an employer. I have had many companies over the years, so I am looking at this from all sorts of different angles. I am not worried about this legislation in any shape or form, or what has been there for years. I have always taken my businesses, including association with the PCBU, very seriously.

However, in this case with these amendments, the DPP has asked us to look at some of these things. That is the person that has to prosecute under these things under this bill. They have all these things in place. It is brilliant, but to have the strength of sensible prosecution there is also a very valid point. I think the Leader has made that point. I would like everybody to consider it and still think about passing those amendments. Thank you.

Ms RATTRAY - Madam Chair, I was not sure I needed to get up again, but you prompted me. Because this is such significant legislation - and I acknowledge that I have not sat where others have sat around this, and I refer to those that are represented in the back of the Chamber tonight. There are also those people in our communities and I omitted to talk about this in my second reading contribution, but, you know, a father of four doing his job, small site; cannot watch everyone at once. I am really concerned. This is up to 21 years' jail and that type of thing. When the DPP requests that we look at the way this is structured and the way it is worded, I do not take that lightly. That is regardless of how it was presented this morning. I do not always make my point as clearly as I should in this place because I get a bit wound up and I think some might have seen that, but it comes from a considered place.

I am heading towards supporting the government's amendment on the strength that the people who work in this space and have to put forward what has been presented. I know this is not about the safety aspects, but this is about what happens if something is not done right. That is where I am heading at the moment. There might be others who are going to speak and I will always be listening to what other members have to say in regard to these important aspects. Not really a question.

Ms LOVELL - Madam Chair, I will address a couple of comments made by members throughout those contributions and to remind members. I may have mentioned this earlier. The members for Huon and Nelson both raised this issue and I think you both landed on opposite sides of the coin. The question of whether we have recklessness in there or not, and linked to that, I guess, is the question of culpable negligence or negligence. I remind members that this is a package of amendments. We are not just debating whether or not we include recklessness. If members choose to support the amendments, we will also lose the Object and Interpretation sections, which we have included for the reasons I outlined earlier.

Unfortunately, it is not as simple as just a change of words or a semantics argument. If there had been some more constructive conversations with the government, we might have reached that point where it was as simple as that. However, we are not, and that is what we are here to debate.

I also make the point that the reason our bill has been constructed the way it has was based on advice from the Office of Parliamentary Counsel, specifically so that we could include those Objects and Interpretation sections.

I do not want to pre-empt anything, but I get the sense that the debate has been worked through, mostly, on these amendments and that members are probably feeling ready to make a decision. I am keen to see this progress, but I urge members not to support the amendments. The government is able to come back with further amendments if they have concerns, particularly around that terminology and the use of recklessness or negligence, or culpable negligence. We can debate that another time when we have had more time to hear arguments from both sides and to consider all the evidence. I urge members not to support the amendments.

Ms RATTRAY - Madam Chair, I thank the member with carriage of the bill for those remarks. I do not think having more time at another time is a reason to support something just because we need to be getting on with it. That is not what I have seen in this place. If that has changed, so be it, and others will make up their minds. However, I make that point. The people who have advocated for this have waited a long time, but should we rush it and should we put

something in that is not exactly right because we can come back at a later time? We know how long it takes to get back for something at a later time in this place. It can take years. However, I appreciate what the member has said.

Madam CHAIR (Ms Forrest) - The question is that the amendment be agreed to.

The Committee divided -

AYES 6

Mr Duigan
Mr Harriss
Mrs Hiscutt
Ms Palmer (Teller)
Ms Rattray
Mr Vincent

NOES 8

Ms Armitage
Mr Edmunds
Ms Forrest
Mr Gaffney
Ms Lovell
Ms O'Connor
Ms Thomas (Teller)
Ms Webb

Amendment negatived.

Clause 4 agreed to.

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8 and 9 agreed to.

New Clause A -

To follow clause 8.

Section 273A inserted

After section 273 the following section is inserted in Division 1 of Part 14:

273A. Review of section 30A

- (1) The Minister is to cause a review of the operation of section 30A to be carried out as soon as practicable after the first anniversary of the commencement of that section.
- (2) The Minister is to cause a copy of the review to be tabled in each House of Parliament within 10 sitting-days of that House after the review is completed.

Members interjecting.

Madam CHAIR - There is no new clause other than this one. So it is new clause A.

Ms Webb - I know, but it is about reviewing 30A. There is no 30A.

Mrs HISCUTT - Madam Chair, I can help everybody here with this conundrum by withdrawing this new clause A. The government does not wish to proceed with it.

Madam CHAIR - Let me get some advice on how to deal with this.

I understand the government no longer wishes to proceed with new clause A. Therefore, we will go to the next step in the process.

Clause A withdrawn.

Title agreed to.

Bill reported without amendment.

[7.18 p.m.]

Ms LOVELL (Rumney) - Mr President, I move -

That the third reading of the bill be made an order of the day for tomorrow.

Motion agreed to.

SUSPENSION OF SITTINGS

[7.18 p.m.]

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

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

This is for the purpose of a dinner break.

The sitting was suspended from 7.18 p.m. to 8.24 p.m.

MOTION

**Government Administration Committee A - Matters Relating to Workers
Compensation Insurance within the Racing Industry - Consideration and Noting**

[8.24 p.m.]

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

That the report of Government Administration Committee A 'Matters relating to workers compensation insurance in the racing industry' be considered and noted.

Mr President, it is about the third attempt to note this report. In speaking to this report, I want to talk about the process of how we got to doing this inquiry and what our findings and recommendations were. Members would no doubt be aware of a number of concerns raised particularly about Mr Ben Yole's racing stable and the very public matters about the treatment of workers. Perhaps, we have just done a very important bill about those matters and also, the animal welfare issues. This inquiry into the racing industry was with a predominant focus on workers compensation insurance in the racing industry.

On 27 November 2023, Government Administration Committee A resolved to initiate a short inquiry process (SIP) into matters related to the workers compensation insurance within the racing industry. This decision was in response to matters raised in the media, as well as concerns expressed to me and other members of the committee, about the matter of workers compensation within the racing industry broadly, but obviously the most public example had been with Ben Yole's stable.

On 17 November 2023, the committee wrote to the Minister for Racing and minister for Workplace Safety and Consumer Affairs, WorkSafe Tasmania, Tasracing and the Office of Racing Integrity (ORI), advising the committee's resolution to commence a short inquiry process and extend an invitation to provide verbal evidence to the public hearing committee on 5 December 2023.

Evidence was heard at the public hearing on 5 December 2023, late in the year by this stage. The committee also noted evidence received during the House of Assembly GBE hearing on 12 December 2023 as part of our consideration, suggesting that there is a lack of clarity about which entity is responsible for ensuring employers and trainers have workers compensation insurance in place.

On 14 February 2024, as we all know, the committee was interrupted by the prorogation of the Tasmanian parliament due to the state election. Thus, all work of the committee ceased and further consideration of this matter could not proceed at that time.

Government Administration Committee A was re-established on 21 May 2024. At the first meeting of the committee on 18 June 2024, the committee resolved to report the evidence received in the previous parliament and refer any further inquiry to Government Administration Committee B as, with the portfolio redistribution, Racing now sits with Committee B. We could not take any more evidence in this matter, though we had done the majority of the work we needed to do at that point to make findings related to that matter. Whether Committee B takes this up any further is a matter for that committee. I believe we have sent a letter to the Chair of Committee B with a copy of the report asking them to consider the report and decide what they want to do.

During the work of Committee A, we sought to clarify who is responsible for obtaining workers compensation insurance within the industry and how this is enforced. The evidence taken by the committee and related correspondence was attached to the report. We did that particularly to provide as much information as we could, for ease of access and follow-up by Committee B if so resolved. Otherwise, it can be hard to get the papers of a committee from a previous committee. When these inquiries are finished, those tabled papers do not necessarily appear easily for that committee, unless they are publicly released.

The committee made eight findings, which I will refer to and summarise, to a degree. The committee found that it is a legal requirement under the *Workers Rehabilitation and Compensation Act 1998* for all employers to hold workers compensation insurance for eligible workers. This relates to all employers, not just those in the racing industry.

In applying for a licence, racing industry trainers are required to acknowledge that they are aware of their legal obligation under the *Workers Rehabilitation and Compensation Act 1998*. However, they are not required to provide evidence of workers compensation insurance. All they have to do is acknowledge they need to have it. That's all. By ticking a box. To emphasise this point, this means that all that is required when applying for a licence as a trainer in the racing industry, the applicant is to be aware of the obligation only. They do not have to demonstrate that they hold workers compensation insurance.

Our third finding, somewhat confusingly, revealed that in the Thoroughbred Racing Code, trainers are required to tick a box stating that they are aware of the obligation to hold workers compensation insurance when applying for a licence. In any event, there is no requirement to actually hold workers compensation insurance and no requirement to provide evidence of workers compensation insurance they hold when they do.

There is no specific acknowledgement required of either awareness of the requirement or the actual holding of workers compensation insurance in the Harness Racing Code. Even the two codes are treated differently here.

I know the member for Mersey rightly shakes his head, because we certainly did quite a lot, but in the Thoroughbred Code, you have to tick a box when you apply for your licence and say you are aware of the obligation. In the Harness Racing Code, you do not have to provide any specific acknowledgement of that awareness, despite the fact it is a legal requirement to do so.

The committee did find the responses to questions by both the Madeleine Ogilvie MP, Minister for Workplace Safety and Consumer Affairs, and Felix Ellis MP, Minister for Racing, somewhat circuitous. In fact, it was like bashing one's head on a wall. Effectively, the ministers did not directly respond to the questions with regard to this area. When asked if they believe an employer who was a trainer in the racing industry should have workers compensation insurance if they are to be granted a licence, or not having it will be a reason to suspend or cancel a licence if the employer did not hold workers compensation insurance, no matter how many times we asked, however we framed the question, as clear as you could possibly be, they would not go directly to that question. The question was simple: should a person applying for a licence to operate as a trainer in the racing industry, to be granted a licence or potentially to suspend or cancel a licence - should that occur if the person did not hold workers compensation insurance? I thought it was a pretty simple question. One would think that they should because it is a legal requirement to do so.

Instead, both ministers stated the requirement for the trainer in the racing industry - employers - is to hold workers compensation insurance for their employees is a consideration of a fit and proper person assessment.

As I said, it was somewhat frustrating the committee was unable to get a clear response from either Ms Ogilvie or Mr Ellis as to whether a trainer in the racing industry who was an employer and does not hold workers compensation insurance would or should have their

licence suspended or cancelled. I do not know why they were so reluctant to answer that question, acknowledging again that it is a legal obligation to have it. If you are not complying with your legal obligation, one would think you are not a fit and proper person - you should not be holding a licence.

The committee also found the Office of Racing Integrity Director is responsible for issuing and renewing of racing licences and that office administers the fit and proper person assessment as part of the licensing process.

I acknowledge the large number of employers in the state and the resourcing limitations of WorkSafe Tasmania. However, the committee also found that there were no regular or random audits of workers compensation insurance compliance. I acknowledge that there are a lot of employers, and to do audits as a matter of course to cover the field would be next to impossible, and that there are limitations in their resourcing. However, you would have thought the odd random audit here and there would be a positive thing. It might make people focus their attention a little bit more on their obligations.

WorkSafe Tasmania did inform us that targeted audits of workers compensation insurance compliance were undertaken where concerns were raised with WorkSafe Tasmania. One expects they have done some audits of the racing industry, but we did not have a chance to follow that up and maybe that is something Committee B might like to have a look at.

In December 2023, WorkSafe Tasmania informed the committee of their intention to implement a proactive compliance program in the first six months of 2024 to audit whether racing industry employers are aware of their obligations and to ensure compliance with those obligations. Again, it was about ensuring they were aware of their obligations, not necessarily being compliant with them. Anyway, that was the first six months of this year. Obviously, that has passed and we were not in a position to follow up and see whether it had been done and what the findings were. Maybe that is a matter Committee B might like to pursue. My and the committee's view, broadly, was that it would be appropriate to follow up with WorkSafe Tasmania to understand what that order revealed.

The committee only made one recommendation, noting our committee did not have the opportunity to progress this matter any further or take any further evidence. This recommendation has three parts. The recommendation was that a further inquiry be considered into the following matters:

- (a) the criteria and assessment process for determining a person is a 'fit and proper person' to hold a licence in the racing industry;
- (b) whether a person ought to be required to provide evidence that they meet all legal obligations as an employer, and any other relevant legal obligations, to hold a licence in the racing industry; and
- (c) any actions undertaken by WorkSafe Tasmania, Tasracing and the Office of Racing Integrity specific to the issues raised in this Report.

Clearly, we know this industry does not have the best of records in some areas. It has been well publicised and we saw significant media coverage. We have seen a dreadful crash at Rowella where horses were killed and people involved in that, going home late at night after

a race meet, some of them in that vehicle were seriously injured. It is a frightfully important matter that where there is demonstrated failure in any way, it should become a matter that is followed up diligently. If there was another sector that was not complying with this obligation, I am pretty confident they would be followed up. If it were the mining, construction, forestry or any other sector, I do not think they would be getting off quite as lightly as what appears this industry may be. It does warrant further investigation.

This report has been provided to Committee B for their consideration, noting again it is their decision whether to progress any further along the line to that recommendation we made. I reiterate that workers compensation insurance is an important protection for all workers and if there are some workers not protected, this must be rectified. I note the report.

[8.37 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I know it is getting late and I was not going to say anything on this, but you say the name Ben Yole and the pink mist descends because we found out today that the Office of Racing Integrity has approved Ben Yole to keep training. I very much look forward to reading the report into workplace health and safety in the racing industry because the evidence points to an industry which has been under-regulated, not held up to the standard that meets community expectations and has been resistant to reform over many, many years. If the government is serious about restoring the social licence of an irredeemably cruel racing industry and restoring trust in the industry - we just heard some of the matters raised to that committee - then it needs to have a look at these kinds of decisions.

Under the Australian Rules of Racing, any participant in the industry who has received a warning off notice is not to participate in the industry while that matter is the subject of an investigation. We have an Independent Stewards Panel which hands down its findings on 30 September, as I understand it and as reported in the media, yet we have the Office of Racing Integrity giving Ben Yole and the Yole stables the licence to train animals again after that investigative report of March last year where you had whistleblowers and animal welfare advocates come forward and the ABC's investigations unit do a very thorough, unimpeachably solid, investigative reporting, which had video, that led to the Murrihy investigation.

The government cannot be allowed to forget that Murrihy substantiated findings of fact relating to allegations of team driving, race fixing and breaches of animal welfare standards and expectations. The Murrihy report, which does connect to the report that we are debating now, was a solid, clear vindication of Tasracing's efforts to rein in Ben Yole and issue him with warning off notices. Yet we have an industry participant who is clearly too big to fail. I encourage members to have a look at some of the feedback from industry participants on news of Ben Yole's training licence being ticked off by the Office of Racing Integrity three weeks before the Independent Stewards Panel brings down its findings.

There are people from the Launceston Pacing Club - Ken Rattray, for example - long-standing participants in this industry, who know that people like Ben Yole give them a bad name. There is frustration not just from animal welfare advocates but from people who are the honest players in this industry who are being shafted by the Office of Racing Integrity, at times Tasracing, and failure to properly regulate and apply the rules of racing, for example. Allowing Ben Yole to keep training after the findings of the Murrihy report is an indictment on government and on the Office of Racing Integrity.

As a Green, I am here for the animals who are always a secondary consideration to this industry. I am not talking about all the participants in it, but to the industry broadly. Those honest brokers in the industry are let down too. If you read that ABC report from today, you can tell industry participants are confused and shattered by this development. I understand, member for Murchison, that I veered a little off OH&S issues in the racing industry, but it is all connected. There is a connection between the way you treat your animals and the way you treat the people who work for you. There is a linear, evidenced connection between people who are cruel to animals when they are children and people who are cruel to humans when they grow up. There is, and we know this.

I feel terrible for the horses in the Yole stables. I feel bad for those honest players in the industry who would never dream of the sort of stuff that was revealed on the ABC's investigation and confirmed as findings of fact in the Murrihy report. This decision by the Office of Racing Integrity - and thank God it is going to be abolished once the legislation ultimately passes and establishes the new framework - drags the whole industry down. Every participant, every honest player is dragged down because the Office of Racing Integrity has clearly decided Ben Yole, who fields about 75 per cent to 80 per cent of the horses in any race on any given night, is too big to fail. What we have seen through this decision is a massive failure of the regulator.

[8.44 p.m.]

Ms LOVELL (Rumney) - Mr President, it is getting late in the evening and I know there is still some business to get through, so I am not going to speak at length. I rise to particularly endorse the comments of the member for Murchison. The only thing more frustrating than sitting on this inquiry was then losing the portfolio in the reshuffle and not being able to follow up and do further investigation into this because, honestly, we left with more questions than we started with.

This inquiry started because it became very unclear - through public media reporting and then through questions in House of Assembly Estimates - about who was really responsible for ensuring that licence holders in harness racing and thoroughbred racing held workers compensation insurance. We knew they were required to hold it. We thought they were required to hold it in order to apply for a licence but nobody seemed to know whether Tasracing or the Office of Racing Integrity were responsible for ensuring that they did have it.

What we discovered when we started the inquiry and started questioning was that - and I have to say, after we managed to move past the very circular argument about a tick box - that one has a tick box and one does not have a tick box. That went on and on. We established that the tick box is not really the issue here. The issue is not whether or not they have to tick a box. It is whether or not they are required to provide evidence that they have workers compensation insurance. It became evident, once we moved past that argument, that they are not.

What we thought was a requirement to hold workers compensation insurance is not a requirement to hold workers compensation insurance. It is a requirement to acknowledge that you are supposed to hold workers compensation insurance. I was shocked by that. It is timely that we are debating this report today after we have been talking about work health and safety all day long.

I will tell you what, we talked about near misses earlier. That horrific crash at Rowella - talk about a near miss. I cannot even call it a near miss because the impact -

Ms Forrest - There was someone who was very seriously injured in that.

Ms LOVELL - The impact that has had on those young people involved in that crash is going to be with them for their entire lives. I have no doubt it will be with them for their entire lives. The impact of employers not meeting their legal obligation to at least have the right insurance for workers who are in a high-risk environment is unfathomable. I cannot believe that it took this inquiry to even get as far as acknowledging that they do not even have to have it, they just have to acknowledge that they are supposed to have it.

I am very keen for there to be some further scrutiny on this because we still have not got to the bottom of whose responsibility it is. We still have not got a clear answer on whether holding or not holding workers compensation, and therefore not meeting your legal obligation as an employer, means that you are no longer a fit and proper person and can no longer hold a licence. We do not have a clear answer on that.

Ms O'Connor - It should.

Ms LOVELL - Absolutely it should. We got a vague answer, a vague agreement from the ministers, but no answer as to whether or not it would mean their licence gets cancelled.

Ms Forrest - Don't torture yourself. Read the *Hansard*.

Ms O'Connor - Of the committee?

Ms Forrest - Yes.

Ms LOVELL - Yes, absolutely. We were advised that there was going to be a proactive compliance campaign run by WorkSafe Tasmania in the first six months of 2024. That has been and passed so I am very keen to find out what happened with that compliance program, what they found, what education they undertook and what measures they took to ensure that employers were complying with their legal obligation.

I have little faith. We have been there today already. I will not rehash it but my confidence in this government's commitment to workplace safety is somewhat weakened, you could say. I am trying to think of a nice way to say it. Kind of non-existent, really.

We no longer have a minister for workplace safety. We do still have a Minister for Racing, so I would very much like to see further scrutiny. I know Committee B is busy but I encourage them to take this up.

Ms Forrest - Speak to your colleague, he's right there.

Ms LOVELL - I will be, do not worry. If that does not happen - and I certainly will not be letting it go - I hope the parliament will not let it go because this is far too important to let it go. It has uncovered some very serious unanswered questions. We owe it to those people working in this high-risk environment in a position of very little power to do anything about it themselves. Given the nature of their employment, we owe it to them to see this through.

[8.50 p.m.]

Mr EDMUNDS (Pembroke) - Mr President, I will not add much to what my colleague has said, but I look forward to having the opportunity to continue this inquiry. I will not rehash

too much, but one word that could have defined that hearing in December is 'evasiveness'. No willingness to take any accountability from either minister. Senior people involved in those offices were also evasive to the point where we had an email with someone's name on it who was denying that it had ever taken place.

This needs to be continued, hopefully through this committee, but I do not want to get too far ahead of myself. Clearly, more work has to be done because the tone and culture of what seemed to be getting set out to be achieved by every witness who came to that hearing was to put everything into the spin cycle, turn it back around, end up where you are and just stonewall any kind of inquiry. We have a new-old minister now and, hopefully, in the spirit of the recent bill we put through, we might get more clarity on some of these questions.

I put on the record now, if we go back into that loop of denial and evasiveness, it is not going to be a SIP, it is going to be an ongoing committee over however long it has to take, where Committee B cannot be dissolved. Obviously, we have to have a chat about if we go ahead with that and I do not want to speak on behalf of other committee members, but the best way through here, with a new minister and new legislation, is to be upfront and honest about the challenges and, heaven forbid, maybe work on some more solutions.

[8.52 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, the government notes the report of the Government Administrative Committee A on Matters relating to Workers Compensation Insurance within the Racing Industry, and thanks the member for Murchison and other members of Committee A for their work on this report. The government also notes the committee resolved to report the evidence received in the previous parliament and refer the inquiry to GAC B, where the Racing portfolio now sits, for further consideration. The government awaits advice from that consideration by Government Administration Committee B before formally responding in full to the report and any recommendations.

Ms Forrest - Seriously?

Mrs HISCUTT - No, just wait until I have finished.

Ms Forrest - You still do not want to answer it?

Mrs HISCUTT - Would you please just wait until I finish?

The Liberal government is a proud supporter of the Tasmanian racing community and the thousands of people who are part of it. Industry and participants have an important role to play in ensuring workplace safety. WorkSafe Tasmania is responsible for regulating the *Workers Compensation and Rehabilitation Act* and for ensuring compliance, including investigating alleged breaches of the act.

Whilst we await the consideration of the report by this parliament, I can provide the following update regarding matters relating to workers compensation insurance within the racing industry. This update also provides an update from the relevant responsible regulator, WorkSafe Tasmania, on matters that arose during the short inquiry process and hearings held on 12 December. This is new information.

In May 2024, WorkSafe Tasmania commenced a workers compensation and work health and safety compliance program across Tasmania in the harness, thoroughbred and greyhound racing industries. This workers compensation and work health and safety compliance program is referred to in the report of the Government Administration Committee A. The executive director of WorkSafe Tasmania advised the hearing on 12 December 2023 that this was to occur in the first six months of 2024. This work and program are well underway.

The objectives of the program are to ensure that workplaces are complying with their obligations under the *Workers Rehabilitation and Compensation Act 1988* to hold a current workers compensation policy of insurance and ensure that workplaces are complying with their work health and safety obligations under the *Work Health and Safety Act 2012* to provide and maintain a safe work environment so that workers are not placed at risk as they go about performing their duties at the workplace.

The program methodology consisted of: one, letters being sent to all registered operators within the greyhound, harness and thoroughbred racing industry advising them that the compliance program was taking place and providing information on how to prepare for the visit; two, a regionally managed approach to inspections, with regional managers leading the coordination activities in the north, north west and southern regions; and three, inspectors from each region supporting the program.

As of 12 August 2024, there have been a total of 48 compliance inspections across the three codes of racing. No notices have been issued to date as inspectors have not identified any contraventions of the *Work Health and Safety Act 2012* or the *Workers Rehabilitation and Compensation Act 1988*. Only one notice has been issued to date. This was an improvement notice issued in the southern region regarding a contravention of regulation 150 of the *Work Health and Safety Regulations 2022*, which is the inspection and testing of electrical equipment.

Inspections in the greyhound industry identified that most operators are hobbyists and not employers. The inspection focus has, therefore, moved to the harness and thoroughbred racing industries.

Fatigue and fatigue management were referred to at length in the hearing process and is a risk factor in all work environments, not limited to racing. WorkSafe advised that fatigue has been identified as a significant risk for many workplaces in the racing industry.

Ms Forrest - Can I clarify that the harness and thoroughbred has not started yet? Is that what you said?

Mrs HISCUTT - I can clarify that they have started.

Ms Forrest - Are they included in the 48 inspections?

Mrs HISCUTT - Yes, they are. Whilst no notices have been issued in relation to fatigue management to date, inspectors are looking closely at what systems employers in the industry have in place to mitigate fatigue.

No contraventions have been identified in relation to failing to hold a workers compensation policy of insurance. However, potential charges against two employers within the racing industry for failing to hold a workers compensation policy of insurance were

identified by WorkSafe Tasmania inspectors prior to the compliance program rollout. Those matters have been referred to the Director of Public Prosecutions for consideration of prosecution action, and one prosecution has commenced.

The compliance program is ongoing, with an anticipated completion date of the end of October 2024.

In conclusion, I thank the member for Murchison and other members of Committee A for their work on this report. The government awaits advice from Committee B as to consideration of this report moving forward.

[8.58 p.m.]

Ms FORREST (Murchison) - Mr President, I will make a brief summing-up contribution. I thank members for their contributions. I appreciate that audit is being undertaken and that, to date, no notices, no contraventions have been identified, except for one improvement notice regarding electrical safety.

I still find it quite staggering that the ministers were unable to unequivocally state that you should not be able to hold a licence as a trainer if you do not have workers compensation insurance. So far under this audit, except for these two potential cases I think I heard the Leader say, occurred before the audit started. One would assume that if that is the case, there should be no qualms about saying, 'If you do not have workers compensation insurance, we will not issue with you with a licence'. This is where a review needs to look, hopefully whether Committee B can push this further or whether the department will do it themselves, rather than doing nothing or simply ticking a box to say, 'You need to know it'. Why do we not ask them to provide evidence and give their policy number? That is all you need to do. I am sure you can fabricate a policy number, I guess, but there are ways of checking that. At least that is more than an acknowledgement that you have to have it. It is actually saying, 'You know you have to have it; do you have it?' 'Yes, and here is the policy number.' It does not seem like that is a stretch too far if you are going to operate in this industry that has two cases afoot at the moment.

I find it extraordinary that neither minister could say, unequivocally, that you should not have a licence to train in this industry if you do not have workers compensation insurance, and if you have a licence and it is being renewed or whatever, and you cannot demonstrate you have it, it will be suspended or cancelled until such time as you do.

Ms O'Connor - Why would it not be a prerequisite for having a licence?

Ms FORREST - That is the question. In my view, that is what it should be, because it is a legal obligation. With a sector that has had some challenges, I do not know why you would not just ask them. It makes it really easy for people to think, 'If I am going to get a licence or get my licence renewed, I need to show evidence'. If you have it, it is no big deal. The majority of trainers in this industry have workers' compensation insurance, according to the audits thus far. It only takes one bad actor in an industry like this to taint the whole industry. If you can avoid that by stopping them before they start - or continue, depending on the situation - that would be doing the whole industry a service.

I appreciate the Leader giving the update that the work is being undertaken by WorkSafe at the moment, but further investigation needs to be done about how the licensing arrangements

work regarding this important matter. That is something we would have taken further if we could have. I agree with the member for Rumney: the only thing more frustrating than being in that hearing, where one wanted to bash one's head on the table, was losing the portfolio so we could not follow it up at the end.

I note the report and thank members for their contribution.

Report considered and noted.

MOTION

Government Administration Committee A - Matters relating to Financial and Operational Performance of TasTAFE - Consideration and Noting

[9.03 p.m.]

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

That the Report of Government Administration Committee A on 'Matters relating to financial and operational performance of TasTAFE' be considered and noted.

As you can see, Government Administration Committee A has been quite busy. It is a similar situation here, where we undertook a short inquiry process into TasTAFE only to lose the portfolio to Committee B after the election.

In noting this report, members would be aware that as a result of the legislative changes related to TasTAFE made by the government and supported by this House, whether you voted for it, there are limited opportunities for scrutiny in the financial and operational performance of TasTAFE through the Budget Estimates process. It is a bit like Homes Tasmania, which I know Committee B has recently been having a look at.

In addition, TasTAFE was not established as a government business enterprise (GBE) under the *Government Business Enterprises Act 1995*. Therefore, it is not included in GBE scrutiny hearings. There is very limited opportunity in Budget Estimates and no opportunity in GBE hearings.

In view of the major changes to the employment framework and concerns expressed by some involved in TasTAFE and those who work with those people like unions and people like that, GAA members agreed it was important to scrutinise the impact of the legislative changes and determine if broader and/or regular review of all aspects of TasTAFE's operations is required. When you consider the important role they have in the state, one would assume they should be scrutinised on a regular basis.

On 17 November 2023, the committee wrote to the honourable Felix Ellis, Minister for Skills and Training, advising of the committee's resolution to commence this short inquiry process into TasTAFE. We also invited the minister, accompanied by the chair and CEO of TasTAFE to a public hearing of the committee on 5 December 2023. The public hearing was held on 5 December 2023 at Parliament House, and we had the minister and the chair and CEO of TasTAFE in attendance.

On 14 February, parliament was prorogued due to the early calling of the state election and the committee was unable to continue. The committee was re-established on 21 May 2024, with its first meeting on 18 June 2024. The committee resolved to prepare a report at that time to summarise the evidence received to date, acknowledging that a further inquiry, if it was to be undertaken, would fall under the remit of Government Administration Committee B. These things are a bit of a moving feast.

This report, like the previous one we have just debated, contains all the relevant documents, *Hansard* and that sort of thing to make it easy for Committee B to fully consider what they may like to do. It could also be useful in Budget Estimates as well when you have that limited opportunity. The committee also decided to include some contextual information in relation to the legislative changes impacting TasTAFE, and this was sourced from the *TasTAFE (Skills and Training Business) Act 2021* six-month legislative review report that was released on 21 March 2023.

This is referred to in the background section of the report, and it gives a fairly good and succinct summary of the changes that were made as a result of the legislative change. It was not a unanimous decision to change the operations of TasTAFE. Whilst there were some very strong supporters of it, there were also some people who expressed very strong concern about the framework. It is important that we scrutinise the ongoing operation of this to see if TasTAFE is delivering on the commitments that were made.

The committee made 15 findings, and I will refer to these and summarise them. As I mentioned previously, as a result of the legislative changes related to TasTAFE, there are limited opportunities for scrutiny, both in terms of financial and the operational performance of TasTAFE. For the students, the operational performance is critically important. For us in this place, we have an obligation to consider the financial performance as well. We want it to deliver services and educational opportunities for students, and they need to do that in a way that is financially sustainable.

The committee found that the government's commitment that no employees will be worse off through the TasTAFE transition does not guarantee that employees will not be worse off in the future. That was an important thing to appreciate, because that is not what we were told during the debate. It was put in a way that was not evident. The whole 'BOOT' test - better off overall test - was push, push, push. You could say that was true during the transition period. People were transitioned, but once that transition period ended and they had to go into the new arrangement of the *Fair Work Act* - and I am sure the member for Rumney will speak to this - they could be not better off overall, or worse off, depending on the nature of the conditions that were struck at the time.

To further explain that, it became apparent that future entitlements of workers who transitioned across - and other workers - will be subject to negotiation and assessed against the modern award through Fair Work Australia. In addition, some elements that were previously contained in the state instruments are now contained in TasTAFE policy as opposed to the employment instruments. Therefore, a policy can be changed without employee agreement. That was the concern that was raised: that you can state that these conditions and entitlements will remain, if they are in a policy, but the policy can be changed, and it can be changed without employee agreement. This is a little bit fraught in that regard.

The Commonwealth National Skills Agreement was being negotiated during the transition period with updated revenue projections to be detailed in the 2024-25 state Budget, which we know is two or three days away, whatever it is now. There will be opportunity during budget Estimates to look at this aspect at least. Hopefully this report might help to inform some of those questions.

The community noted in the 2023 calendar year that 3800 fee-free places were allocated to Tasmania, to be delivered by TasTAFE and private registered training organisations. I have since seen some media about additional fee-free TAFE courses. You have to say that slowly. These are important to enable students to take up the programs and courses that we actually need them to. That is to be commended. It is not a criticism; it is a positive comment. In 2023 until 30 September, there were 2675 students enrolled in fee-free TasTAFE courses. At the time of the inquiry hearing in December 2023, the committee did not inquire any further into matters related to the total take-up or completion rates of fee-free or fee-charging courses, or other student outcomes. This is something we would have gone back to, to look at the outcomes of this. It is all well and good to have these fee-free places, but how do they compare in terms of take-up and completion outcomes?

TasTAFE also informed the community that they were yet to fully assess the cost of their business and course delivery. This is an important body of work to complete as the assessment will inform future course fees and availability, another area that will require further scrutiny. It was a bit surprising to me that they had not really done this assessment of the cost of the business and course delivery. I expect it was relatively early in the piece, but how do you possibly manage your budget if you do not know what your fee-charging courses are going to cost? It is an area that requires further scrutiny through the limited opportunity of budget Estimates, or further inquiry by Government Administration Committee B.

At the 2021 election the government made a commitment to recruit 100 new TasTAFE teachers during the following term of government. During the hearing, Mr Ellis confirmed this was to end in 2025. We are not there yet. Oh, hello, we have had another election. Funny that. Just another one. We do not know what his statement there meant. He was telling us the commitment to recruit the 100 new TasTAFE teachers was for that term of government. Did that mean it ended on the day the election was called? If it did, had the 100 teachers been recruited? That is another thing to follow up. That is a good budget Estimates one, I reckon.

As at 5 December 2023, a net increase of 40 TasTAFE teachers had been recruited. You would have had to do a fair bit of recruiting over the Christmas period to get it all done by the time the election was called. If they achieved it, well done, big tick. I doubt it. Maybe we are in this current new term and it will just continue until whenever. As you all know, with the election being called for March, it is now unclear if or when the commitment of 100 new TasTAFE teachers will be fully delivered. They said no and the commitment for the previous term of government, not the current one. That was cut short by more than a year. Does that commitment still hold? How many of those TasTAFE teachers were recruited and if they were not recruited in that period, have they been recruited now? Is it still a commitment or what?

TasTAFE does not currently assess or report the gender pay gap against the principles outlined in the Workplace Gender Equality Agency. As a government entity, it is important this matter is also rectified. In fact, they are a little bit unclear about what we are even talking about, which is a shame and disappointing. Since the beginning of the transition to the new arrangements, TasTAFE has undertaken one pulse check staff satisfaction survey. TasTAFE

did advise it was under undertaking work on a cultural plan which will include regular surveys of staff. However, it was unable to provide a timeline of either completion of that work or the next staff satisfaction survey.

These things are really important to be undertaken because, if anyone knows when undertaking significant change, you do need to check in and make sure that where staff are feeling unhappy or aggrieved you can engage with them and perhaps intervene, for want of a better word, earlier. If you do not even know when you are going to do the next staff survey, it makes it a bit hard to show a clear commitment to your staff wellbeing. In light of the significant nature of the changes to employment and the new structure, the adoption of this commitment and outcomes of staff surveys do need to be scrutinised along with other aspects of the operational financial performance. The committee is trying to lay out pretty clearly the areas that need to be followed up and a check kept on.

TasTAFE also informed the committee in order to improve linkages with industry, TasTAFE had entered into memoranda of understanding with eight key stakeholders. This is a positive step and again, outcomes from these memoranda need to be scrutinised on a regular basis. It is great they have entered into these memoranda with significant stakeholders, but we need to be sure they are not just things that are written, signed and sat on the shelf. They are actually looking at how those things are operating and what benefits it is having. It is really about making sure our employers are getting the skills they need into the workforce.

The committee made two recommendations. The first one is that, at a minimum, scrutiny of TasTAFE be undertaken annually by parliamentary committee. We did not say any particular committee, it could be A or B in our House. Again, whichever committee it sits with, it could be a different committee if necessary but, we cannot rely on a tiny portion of time in budget Estimates to fully scrutinise TasTAFE. The committee does recommend annually there is more full scrutiny undertaken. It is not a full inquiry. It is like a GBE-type scrutiny of having them in for a day, however many hours, three or four hours to go through all these matters. As you can see, we have identified quite a few areas that need follow up and holding the organisation to account.

The second recommendation was scrutiny of TasTAFE may inquire into matters relating to the financial operational performance of TasTAFE including, but not limited to, the findings in this report, which I have basically outlined. I have mentioned these and spoken to those relevant findings.

That is just a guide. There may be other areas that will need looking into that might become apparent with further investigation, but it is definitely not a set and forget. This organisation delivers a really important service. Our workforce and our employers rely on a successful TasTAFE to ensure we have the workforce that is needed for the future, along with other organisations like the private RTOs and the University of Tasmania. With such an important area of education and preparation of students for employment, it is vital TasTAFE be scrutinised regularly to ensure students and staff are well supported and can achieve the expected outcomes. Reporting on performance indicators and the financial and operational performance of TasTAFE is crucial to ensure there is tangible value and positive outcomes for students, staff and the Tasmanian people.

I note this report and hope that at least annual scrutiny of TAFE will be undertaken, most likely by the relevant Government Administration Committee or another committee as is

deemed appropriate. We appreciate the opportunity to do that in our committee. We will have to focus on other ones now. I know that Committee B has Homes Tasmania and TasTAFE now, these two little outliers. So anyway, all power to Committee B.

[9.20 p.m.]

Mr VINCENT (Prosser) - Mr President, seeing we are losing this from Committee A, I had better have a little say on it. I go back to what the member for Mersey -

Ms Rattray - You could always substitute and come over.

Mr VINCENT - Might have to - and the member for Huon have raised things about training of young people into positions and everything and -

Ms Rattray - Tilers especially.

Mr VINCENT - Bakers too. Through my involvement with the Jobs Hub at Sorell and the whole southeast and now throughout most regional areas of Tasmania, we have had a frustration with TAFE over the years, but we have seen TAFE gradually developing into a new model and experimenting with new things to be more up to pace with what is happening in the community.

A couple of years ago, if you were a new industry moving into a regional area and you needed to train some people in a certain area, it was no good going to TAFE because their funding was programmed 12 months or two years in advance. It was very hard to get funding at the time for courses that you needed to train people for those positions right there and then.

Part of the program they are doing now is developing and having people in regional areas who are working with the Jobs Hubs on some of those training requirements that might be needed. One of the things that we found during that period - and I remember having many discussions with members from both parties in my previous role - was about the fee-free courses not always fitting the bill. That was because if there was a fee, a nominal fee or a decent fee, most people stuck to the course and took some ownership of the course. We found in regional areas that when it was free, they would start the course and if they did not like it, they would just walk away. We found that was an issue and that is what we discussed at our meeting - measuring some of those things about the take-up, such as how many actually get jobs during the course. Many employers like to come along to see who is footing the bill with a plastering course or a tiling course and grab them out of that course if they are showing a bit of initiative. That is a positive.

The negative is when they just drop out and do not hold that commitment or we just see it wasted. One of the other things that was a real issue with regional areas was that you would put together the numbers for a TAFE course and it might be independently run by an independent trainer but they always wanted to have 16. In a regional area, 16 is a big number to get, and half drop out, whatever the number. We found that if we got eight or nine into a course - and we had a practical example of Tassal needing coxswains and they picked eight people. We trained eight people. Six walked out the door after the recognised course and straight into a job, and the other two a month later. That was a 100 per cent hit rate from that course. We were very proud about that. Just chasing numbers of 16 and then having them drop out does not always foot the bill.

These are the sorts of things that I would like to see now that TAFE has moved over to Committee B, that some of those things continue to be scrutinised because we want TAFE to work. We want it to be good. We need to be solid and we are screaming out for trades of every sort. We have to be a lot more nimble and passionate about some of these things. We need to encourage young people - or mature-age people looking for a change in direction and career - to be able to take up some of these courses and actually build strength into our regional areas through employment and better training. We should be encouraging TAFE there, but scrutiny is part of that and asking the right questions and using knowledge from the people around the House here should be able to assist in some of that to happen.

In summing up, I encourage sensible scrutiny of TAFE and encouragement of what they are changing and what they are trying to do. Hopefully we will see a much better organisation going forward and being much more productive, especially in some of the regional areas that we represent.

[9.25 p.m.]

Ms LOVELL (Rumney) - Mr President, I endorse the comments of both the member for Murchison and the member for Prosser, particularly in regards to that need for ongoing scrutiny of TasTAFE.

There was one thing the member for Murchison said, though, that I cannot agree with. She said that during the debate on the forming of TasTAFE in its current form, she was not told, or that we were not told, about the BOOT test and the transitional arrangements.

Ms Forrest - No, I was saying that was pushed by the government.

Ms LOVELL - Thank you for the clarification. I was going to say the government certainly did not tell you, but I very much remember making that point.

Ms Forrest - I might have misspoken but I meant the government was really pushing that.

Ms LOVELL - I accept that, but I did want to just clarify a couple of details around that. It was one of the concerns that was raised during the debate when TasTAFE in its current form was established. There are two instruments. There was the transitional arrangements, which essentially protect the conditions of current, or what are now former, State Service employees or TasTAFE employees, protecting their current conditions of employment as they transitioned across to be employed by the new entity TasTAFE. The BOOT, or Better Off Overall Test, is actually to do with ongoing enterprise bargaining agreement negotiations, and that applies every time. That is nothing to do with the transitional arrangements or the previous conditions of employment when employees were state employees. That is a comparison between what would be the modern award, which would be their instrument of employment should an EBA not exist. The difference between those two is quite stark. It can be confusing, and I remember during that debate, it was confusing. It is hard to get your head around, so I wanted to make that point.

The situation we are in - and this also is related to the issue around some of those conditions of employment that were protected in the state award now being contained in a policy, and a policy being something that can be changed by the employer at any time. The situation we are in could be okay for staff, but it requires a reliance on the ongoing goodwill

and ethical behaviour of the employer. Whilst I am not going to cast aspersions on the current management of TAFE or the way they are employing their staff, there is a reason that unions and workers do not advocate for workplace laws that rely on employer goodwill - because that is not a secure position to be in. When you are relying on the goodwill of your employer, there is always a power imbalance. It is not a position that we want employees to be in.

It is important that there is some form of ongoing regular scrutiny, which was another concern raised in the debate during the transition before, and similar to Homes Tasmania, which has come up before as well. These new entities are not GBEs so they are not part of our GBE scrutiny, but they are no longer contained in the government budget either. They are not part of our budget Estimates process. They sit outside of both, which leaves very little opportunity for scrutiny, which is entirely the reason why this short inquiry process was established. I hope that is a process that can be continued. I would prefer that it did not again rely on a committee having the capacity and remembering to establish these committees and going through that process. But that is the situation we are in. So, I hope that that ongoing scrutiny can continue.

Again, I feel like we are handballing everything to Committee B. That was not our choice. We would have loved to have continued a lot of it ourselves, but again, it is important that we continue this scrutiny, particularly when we are in this situation where we are relying on the employer to keep doing the right thing. These things can move very slowly but surely get chipped away in a way that is not obvious and does not ring any alarm bells until it is far too late.

With those comments, Mr President, I hope that Committee B will see fit to continue that scrutiny.

[9.29 p.m.]

Ms RATTRAY (McIntyre) - Mr President, there has been a huge challenge put out to Committee B this evening. Obviously, my fellow Committee B member is looking to add something to this debate.

I rise to particularly acknowledge the work of Committee A and thank them for doing our homework. That is effectively what these findings have done, and the recommendations will certainly be considered by Committee B. I cannot always speak for everyone on the committee, but I feel sure that there will be support for looking at TasTAFE and Homes Tasmania in the future. There is a Committee B inquiry on foot as we speak, if only we could find some time to conclude that report.

Fifteen findings are significant, and the two recommendations are certainly worthy. I also take my mind back to the debate when we transitioned the way that TasTAFE undertook their roles and functions and the positive aspects that were going to be delivered to our communities. It was not working as it was, that was fairly clear at the time. Hence my support, with some reservation, that these 100 new TasTAFE teachers were going to be jumping at the opportunity to provide those wonderful services, like the tiler that we were looking for in every community around the state. We needed mega loads of them, not just -

Ms Forrest - Plasterers too.

Ms RATTRAY - Plasterers too. There were many of those building occupations that were lacking, particularly in those regional areas.

I appreciated the contribution by the member for Prosser, with his knowledge and understanding of where we were when it came to training those next lot of workers that were needed in the community, but also where we were able to source the trainers. We were told that we did not necessarily need TasTAFE to be shut for January, February, March. It was a really good idea that perhaps they were doing some training in the middle of January or February. I was convinced, at the time, that this would be the new world when it comes to TasTAFE and those opportunities to train and be trained by those people who were wanting to undertake those roles and functions, but particularly deliver those roles and functions. I will be very interested to know whether those 60 additional staff have been able to be secured, particularly in some of our more rural and regional areas.

I am happy to take up the challenge that has been put forward by Committee A. Again, everything has to go to a committee and it has to be able to seek the majority support of the committee. I will never speak for every member on Committee B, but I will do my utmost. Thank you for the homework that you have already conducted.

In relation to the last report, to receive the Office of Racing Integrity and some of those issues back to Committee B, we handballed them over, but not at our choice. The government of the day decides who will be the minister responsible for any given portfolio. This House works with what we are presented with. It has recently shown us the chair of Committee A, the Chair of Committees and myself had done some work in the allocation for budget Estimates. Then there was an announcement made that threw the whole thing up in the air. Back to square one. But we worked through it and, you know, we are flexible and nimble in this place.

Ms Forrest - Hopefully, it will hold for a couple of weeks at least.

Ms RATTRAY - That is right. We are flexible and nimble in this place, Mr President, and that is what we are looking for in other areas we provide scrutiny for. I support noting of the report.

[9.35 p.m.]

Mr GAFFNEY (Mersey) - Mr President, as a member of Committee B, I, too, look forward to furthering this conversation. I am interested in the relationship between the Tasmanian Certificate of Education, how we see that as the highest form of education because it gets you into university and then you hear hundreds of young people and older people doing TAFE and how that reacts as a higher -

Ms Forrest - Senior people. Cut out the 'older.' Senior.

Mr GAFFNEY - If that is how you are going to act when I am on your committee, you are in trouble, just let me talk. Yes, I am interested in that relationship, because we have always said that university is the highest goal that students should attain. It is not. It is extra learning and how that relates and compares with our Tasmanian numbers doing different education, which is just as high and just as valuable as university degrees. I think times are changing.

I am interested to be involved with that debate. I am also interested because a very good friend of mine, who is an acting principal at a school and has been very good teacher for many years in the rural schools, said to me other day that he is resigning from that course because he wants to go to TAFE now. He said that TAFE is an attractive place where he wants to go

because he is finding it exciting and as a challenge for his career. That is very different. Usually, when you get to a principal's or an acting principal's role, you are going to do that for a while. He said he has observed in recent times - he has been in the education department for 25 to 30 years, so is not a young teacher - and he is excited about what TAFE may now have to offer him and what he can offer TAFE.

I only had that conversation three days ago. I was not going to speak to this, but I thought it was good, anecdotal feedback to say that, whilst there is always going to be room for improvement, there are some people within that education system seeing there is a place for them to play in that space, because they are excited about what it now has to offer.

Ms Forrest - Maybe he is one of the 100.

Ms Rattray - They are only looking for 59.

Mr GAFFNEY - It is interesting because he was a person I always thought would just end up a principal and play that role out, but no, he wants to get into the TAFE area and that is really good.

[9.37 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, being a product of the TAFE system, with my apprenticeship, now a tradesman, I do not mind saying a tradesman, I wholeheartedly support TasTAFE.

So, the government's response. I thank the members of the committee for their work on this report and the member for Murchison for bringing it forward.

Ms Rattray - And doing Committee B's homework.

Mrs HISCUTT - Lovely handball. The government acknowledges the recommendations of the committee and also the key findings contained within the report. I will say that at the onset it is clear all members in this place want a strong TasTAFE that delivers high quality vocational education as the state's public provider. TasTAFE is a crucial party in our local VET system and the government acknowledges the significant interest there has been in recent years in improving its outcomes.

We are focused on ensuring the organisation is better meeting the needs of its students and local businesses. We want to build a better TasTAFE for students, in particular by supporting the organisation to put students at the centre of its operations and provide the sort of experience they deserve.

These are the goals that have been at the heart of the government's recent reforms and we have a wonderful opportunity to leverage recent investments.

I might pass the Leader's response to the only other Liberal person here in the room. I will ask the minister to continue, if that is acceptable to the House.

Mr PRESIDENT - If it gets a reply it would be a lot more acceptable than a lot of coughing.

[9.39 p.m.]

Mr DUIGAN (Windermere - Minister for Energy and Renewables) - I have been waiting for my opportunity. Thank you, Leader. Thank you, Mr President.

There was a range of important topics canvassed by the scrutiny hearing held in December last year. They centred largely around the transition process. In particular there was a lot of discussion around teacher recruitment and industrial relations processes. The government acknowledges the extraordinary efforts of TasTAFE staff who work hard to deliver for students in the broader community. We thank them for their work and we value their contribution.

As members would be aware, TasTAFE became a not-for-profit government business on 1 July 2022. This required new enterprise agreements on a Fair Work to be developed to cover TasTAFE employees. Teaching and general TasTAFE staff cohorts are now covered by agreements approved by Fair Work earlier this year. The TasTAFE Education Facility Attendance Agreement has been recently lodged with the Fair Work Commission. This marks a welcome milestone in TasTAFE's transition and shows that real progress has been made as part of the TasTAFE evolution following the passage of legislation.

The agreement of teachers to new conditions has led to teachers increasing the number of hours they spend teaching. As has been discussed, teachers at TasTAFE are being paid higher salaries than they were previously in exchange for this, and as a government, we think this is a good thing. The reforms are working exactly as intended. TasTAFE's teachers are increasing the time they are able to teach and support their students and are being paid more as a result. TasTAFE's offering as an employer is now more competitive when compared with industry, which is almost always the main competitor for staff with these skills. As noted during the hearings, there have been successes in recruitment of teachers following the reforms. More additional teachers have been added to TasTAFE's workforce since March 2021, on top of new agreements that have delivered increased hours of teaching across the organisation.

Importantly, the transition process has brought TasTAFE into line with many of the TAFEs operating on the mainland, as well as meaning they are now working within the same system that local businesses are operating in. This increases their flexibility to deliver training in ways that meet the needs of local businesses. This flexibility has seen TasTAFE look at how they can work more closely with industry and community organisations.

This is an ongoing process, but I note there were a number of MOUs mentioned during the course of the hearing. Many of the organisations that have chosen to engage with TasTAFE to be part of these MOUs represent crucial industries within the Tasmanian economy and also the community sector. Organisations like TMEC, Civil Contractors Federation, the University of Tasmania, Tasmanian Institute of Agriculture and of course the Smith Family to name just a few.

Where there has been investment in new facilities, TasTAFE has also detailed how these are working with industries relevant to those facilities to ensure they're delivering modern, effective training spaces. These partnerships are positive things, sparking opportunities for our public provider to deliver training in a way that is more aligned with the needs of the students and local sectors. We want to keep building on this work to ensure that TasTAFE is continuing to grow and remains fit for purpose. The new Cyber Innovation Training Hub is an excellent example of vocational education pushing into new spaces based on emerging skills demands.

The committee also heard that there has been a significant investment in fee free TAFE in partnership with the Commonwealth, and these opportunities are being overwhelmingly delivered by TasTAFE. This program is already seen thousands of Tasmanians taking their opportunity to go to TasTAFE and take the first step, or the next step for that matter, on a path to a career.

Vocational education has always been the domain of practical training and in this regard we are seeing a number of TasTAFE courses driving jobs-focused outcomes in emerging industries. This program is focused on building technical skills and delivering qualifications students need for their chosen path. This sits alongside the SKILL-UP program, which has been delivering training for both technical skills like barista courses and bar work recently, as well as providing opportunities to develop the sorts of softer skills needed to be successful within a workplace setting, like leadership, team management and conflict resolution.

During the hearing, TasTAFE identified the range of work they have underway to both maintain safety in the organisation and improve wellbeing. There was discussion around how TasTAFE was responding to psychosocial safety requirements under new Commonwealth legislation, as well as how the organisation plans to check in on staff wellbeing and welfare in the future. This is an important part of any workplace, and we will be keeping a close eye on these developments.

We acknowledge that there continue to be areas for TasTAFE to work on, and the government for that matter, but we are excited and optimistic for the future and are looking forward to the opportunities being presented through the government's reforms being realised. We are continuing to invest in TasTAFE and its future with new facilities and renewed focus on the student at the centre of our VET system. We will keep working with TasTAFE to drive improvements.

Again, the government thanks members of the committee for their work and their interest in TasTAFE. I note the report.

Ms FORREST (Murchison) - Mr President, I do not think there is anything much to add to that. I appreciate members' contributions and the willingness to consider regular scrutiny of TasTAFE for all the all the reasons we have outlined. Thank you.

Report considered and noted.

MESSAGE FROM THE HOUSE OF ASSEMBLY

Budget Speech and Attendance of Legislative Council Ministers at House of Assembly Estimates Committee Hearings

[9.47 p.m.]

Mr PRESIDENT - Honourable members, I have a message from the House of Assembly:

Mr President, the House of Assembly, having passed the following resolution, begs now to transmit the same to the Legislative Council and to request its concurrence therein.

The House of Assembly requests that:

- (1) All members of the Legislative Council attend the House or Assembly Chamber following the first reading of the appropriation bills, No. 1 and No. 2 2024, for the purpose of listening to the speech by the Treasurer in relation to the Tasmanian Budget 2024-2025.
- (2) The Legislative Council give leave to the honourable Minister for Energy and Renewables and Minister for Parks and Environment and the honourable Minister for Education and Minister for Disability Services to appear before and give evidence to the relevant Estimates Committee of the House of Assembly in relation to the budget estimates and related documents.

Signed, Michelle O'Byrne,
Speaker,
House of Assembly,
10 September 2024.

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

That the message be taken into consideration forthwith.

Motion agreed to.

MOTION

Attendance of Legislative Council Ministers at House of Assembly Budget Estimates Committees

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

That the honourable member for Rosevears, as Minister for Education and the Minister for Disability Services, and the honourable member for Windermere, as Minister for Energy and Renewables and Minister for Parks and Environment, be given leave to appear before and give evidence to the relevant Estimates Committee of the House of Assembly in relation to the Budget Estimates and related documents.

Motion agreed to.

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

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

Motion agreed to.

VALIDATION (STATE COASTAL POLICY) BILL 2024 (No. 37)

First Reading

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

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

That the second reading of the bill be made an order of the day Tuesday next.

Motion agreed to.

ADJOURNMENT

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

That at its rising, the Council adjourn until 11.00 a.m. on Wednesday
11 September 2024.

Motion agreed to.

Mrs HISCUTT - I remind members of our briefings tomorrow morning starting at
9.30 a.m. They will roll through, so we will not be stopping if there is a break.

I move -

That the Council do now adjourn.

Motion agreed to.

The Council adjourned at 9.50 p.m.

Appendix 1

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
Albuera Street Primary School	
KK	280
PP	300
1	300
2	300
3	320
4	320
5	320
6	320
Andrews Creek Primary School	
KK	150
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Ashley School	
All grades	0
Austins Ferry Primary School	
KK	180
PP	245
1	245
2	245
3	245
4	245
5	245
6	245
Bagdad Primary School	
KK	155
PP	195
1	195
2	195
3	215
4	215
5	215
6	215
Bayview Secondary College	
7	390
8	390
9	390
10	390
11	390
12	390

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
Beaconsfield Primary School	
KK	185
PP	210
1	235
2	235
3	260
4	280
5	290
6	300
Bellerive Primary School	
KK	200
PP	280
1	280
2	280
3	280
4	280
5	280
6	280
Bicheno Primary School	
KK	160
PP	190
1	190
2	190
3	300
4	300
5	300
6	300
Blackmans Bay Primary School	
KK	182
PP	341
1	341
2	341
3	300
4	300
5	300
6	465
Boat Harbour Primary School	
KK	145
PP	185
1	185
2	185
3	185
4	185
5	185
6	185
Bothwell District High School	
KK	175

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
PP	220
1	220
2	220
3	220
4	220
5	220
6	220
7	240
8	240
9	240
10	240
11	250
12	250
Bowen Road Primary School	
KK	135
PP	165
1	165
2	165
3	185
4	185
5	185
6	185
Bracknell Primary School	
KK	153
PP	220
1	220
2	220
3	270
4	270
5	270
6	240
Bridport Primary School	
KK	200
PP	250
1	250
2	250
3	300
4	300
5	350
6	350
Brighton Primary School	
KK	180
PP	210
1	210
2	210
3	240
4	240

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
5	280
6	280
Brooks High School	
7	500
8	500
9	500
10	500
11	500
12	0
Bruny Island District School	
KK	205
PP	235
1	235
2	235
3	325
4	325
5	325
6	325
Burnie High School	
7	535
8	480
9	480
10	480
11	0
12	0
Burnie Primary School	
KK	202
PP	243
1	243
2	243
3	243
4	243
5	248
6	296
Cambridge Primary School	
KK	230
PP	280
1	280
2	280
3	313
4	443
5	443
6	375
Campania District School	
KK	155
PP	255
1	255

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
2	255
3	255
4	255
5	255
6	255
7	500
8	500
9	500
10	500
11	500
12	500
Campbell Street Primary School	
KK	110
PP	150
1	150
2	150
3	180
4	180
5	180
6	170
Campbell Town District High School	
KK	215
PP	270
1	270
2	270
3	285
4	285
5	285
6	285
7	420
8	420
9	420
10	420
11	420
12	420
13	420
Cape Barren School	
All grades	0
Claremont College	
11	420
12	420
Clarence High School	
7	610
8	610
9	610
10	610
11	0

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
12	0
Collinsvale Primary School	
KK	165
PP	215
1	215
2	215
3	215
4	235
5	235
6	245
Coose Primary School	
KK	140
PP	190
1	190
2	190
3	190
4	190
5	190
6	190
Cosgrove High School	
7	450
8	400
9	450
10	500
11	500
12	500
Cressy District High School	
KK	195
PP	245
1	245
2	245
3	245
4	245
5	245
6	245
7	495
8	495
9	495
10	495
11	0
12	0
Cygnat Primary School	
KK	160
PP	210
1	210
2	210
3	230

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
4	230
5	230
6	230
Deloraine High School	
7	490
8	490
9	490
10	490
11	490
12	490
13	490
Deloraine Primary School	
KK	148
PP	235
1	235
2	235
3	260
4	260
5	260
6	235
Devonport High School	
7	590
8	590
9	590
10	570
11	570
12	570
Devonport Primary School	
KK	215
PP	215
1	215
2	215
3	215
4	215
5	215
6	215
Dodges Ferry Primary School	
KK	155
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Don College	
11	420

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
12	420
13	420
Dover District School	
KK	100
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
7	250
8	250
9	250
10	250
11	250
12	250
Dunalley Primary School	
KK	160
PP	190
1	210
2	210
3	235
4	235
5	235
6	235
East Devonport Primary School	
KK	170
PP	170
1	190
2	190
3	190
4	190
5	190
6	190
East Launceston Primary School	
KK	340
PP	370
1	370
2	370
3	420
4	420
5	460
6	490
East Tamar Primary School	
KK	130
PP	160

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
1	160
2	180
3	180
4	180
5	200
6	225
East Ulverstone Primary School	
KK	125
PP	210
1	210
2	210
3	185
4	185
5	185
6	210
ECIS Burnie	
All grades	0
ECIS Devonport	
All grades	0
ECIS Hobart	
All grades	0
ECIS Launceston	
All grades	0
Edith Creek Primary School	
KK	120
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Elizabeth College	
11	420
12	420
13	420
Evandale Primary School	
KK	200
PP	260
1	260
2	260
3	300
4	300
5	300
6	280
Exeter High School	
7	490

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
8	490
9	505
10	505
11	505
12	505
Exeter Primary School	
KK	185
PP	230
1	280
2	260
3	290
4	280
5	355
6	590
Fairview Primary School	
KK	150
PP	200
1	200
2	200
3	230
4	230
5	230
6	230
Flinders Island District High School	
KK	194.54
PP	258.5
1	258.5
2	258.5
3	339
4	339
5	350
6	350
7	425
8	425
9	425
10	425
11	0
12	0
Forest Primary School	
KK	120
PP	180
1	180
2	180
3	180
4	180
5	180
6	180

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
Forth Primary School	
KK	170
PP	210
1	210
2	210
3	230
4	230
5	230
6	250
Franklin Primary School	
KK	160
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Geeveston Primary School	
KK	200
PP	220
1	220
2	220
3	240
4	240
5	240
6	240
Glen Dhu Primary School	
KK	215
PP	262
1	262
2	262
3	325
4	325
5	325
6	325
Glen Huon Primary School	
KK	175
PP	190
1	190
2	190
3	190
4	190
5	190
6	190
Glenora District School	
KK	85

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
PP	110
1	100
2	100
3	135
4	135
5	135
6	135
7	180
8	180
9	200
10	200
11	250
12	250
Glenorchy Primary School	
KK	150
PP	200
1	200
2	200
3	200
4	200
5	220
6	220
Goodwood Primary School	
KK	150
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Goulburn Street Primary School	
KK	110
PP	190
1	190
2	190
3	190
4	190
5	190
6	190
Hagley Farm Primary School	
KK	201
PP	256
1	262
2	262
3	304
4	304

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
5	343
6	311
Havenview Primary School	
KK	115
PP	145
1	145
2	145
3	175
4	175
5	175
6	145
Hellyer College	
11	420
12	420
Hillcrest Primary School	
KK	156
PP	212
1	212
2	212
3	212
4	212
5	212
6	212
Hobart City High School	
7	730
8	630
9	630
10	630
11	420
12	420
13	420
Hobart College	
11	420
12	420
13	420
Howrah Primary School	
KK	169
PP	243
1	243
2	243
3	286
4	286
5	337
6	331
Huonville High School	
7	520
8	520

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
9	700
10	700
11	890
12	680
Huonville Primary School	
KK	160
PP	160
1	160
2	160
3	185
4	185
5	185
6	185
Illawarra Primary School	
KK	220
PP	275
1	275
2	275
3	330
4	330
5	330
6	330
Invermay Primary School	
KK	210
PP	230
1	230
2	230
3	250
4	250
5	260
6	260
JRLF - Clarendon Vale Primary	
All grades	0
JRLF - East Derwent Primary School	
KK	75
PP	100
1	100
2	100
3	100
4	100
5	100
6	100
JRLF - Gagebrook Primary	
All grades	0
JRLF - Herdsmans Cove Primary	
All grades	0
JRLF - Senior School	

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
All grades	0
Kempton Primary School	
KK	110
PP	165
1	165
2	165
3	165
4	165
5	165
6	165
King Island District High School	
KK	200
PP	230
1	230
2	230
3	230
4	230
5	230
6	230
7	330
8	330
9	330
10	330
11	280
12	0
Kings Meadows High School	
7	550
8	550
9	550
10	550
11	0
12	0
Kingston High School	
7	685
8	685
9	800
10	750
11	595
12	595
Kingston Primary School	
KK	220
PP	270
1	270
2	270
3	270
4	270
5	360

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
6	360
Lansdowne Crescent Primary School	
KK	220
PP	290
1	310
2	310
3	310
4	310
5	310
6	310
Latrobe High School	
7	495
8	495
9	495
10	495
11	495
12	495
Latrobe Primary School	
KK	230
PP	230
1	230
2	230
3	230
4	230
5	230
6	230
Lauderdale Primary School	
KK	220
PP	330
1	330
2	330
3	330
4	330
5	330
6	330
Launceston Big Picture School	
9	550
10	550
11	550
12	550
Launceston College	
11	420
12	420
13	420
Lenah Valley Primary School	
KK	180
PP	240

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
1	240
2	240
3	270
4	270
5	270
6	240
Lilydale District School	
KK	165
PP	240
1	240
2	240
3	260
4	260
5	370
6	370
7	395
8	395
9	465
10	465
11	250
12	250
13	250
Lindisfarne North Primary School	
KK	230
PP	285
1	285
2	285
3	285
4	285
5	285
6	285
Lindisfarne Primary School	
KK	200
PP	300
1	300
2	300
3	300
4	300
5	300
6	300
Longford Primary School	
KK	170
PP	230
1	230
2	230
3	275
4	275

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
5	350
6	350
Margate Primary School	
KK	230
PP	365
1	365
2	365
3	340
4	340
5	340
6	310
Miandetta Primary School	
KK	155
PP	185
1	185
2	185
3	185
4	185
5	185
6	185
Mole Creek Primary School	
KK	120
PP	160
1	160
2	160
3	160
4	160
5	160
6	160
Molesworth Primary School	
KK	150
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Montagu Bay Primary School	
KK	240
PP	330
1	330
2	330
3	330
4	330
5	330
6	330

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
Montello Primary School	
KK	140
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Montrose Bay High School	
7	450
8	450
9	450
10	450
11	0
12	0
Moonah Primary School	
KK	180
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Mount Nelson Primary School	
KK	200
PP	295
1	295
2	295
3	295
4	295
5	295
6	295
Mount Stuart Primary School	
KK	220
PP	305
1	305
2	305
3	345
4	345
5	345
6	345
Mountain Heights School	
KK	170
PP	195
1	195

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
2	195
3	195
4	195
5	195
6	195
7	375
8	375
9	375
10	375
11	150
12	150
Mowbray Heights Primary School	
KK	160
PP	185
1	185
2	185
3	225
4	225
5	225
6	225
Natone Primary School	
KK	130
PP	230
1	230
2	230
3	230
4	230
6	230
New Norfolk High School	
7	380
8	380
9	380
10	380
11	380
12	380
New Norfolk Primary School	
KK	150
PP	200
1	200
2	200
3	230
4	230
5	230
6	230
New Town Primary School	
KK	125
PP	250

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
1	250
2	250
3	250
4	250
5	250
6	250
Newstead College	
11	420
12	420
13	420
Nixon Street Primary School	
KK	160
PP	240
1	240
2	240
3	280
4	280
5	280
6	260
North West Support School	
KK	160
PP	260
1	260
2	364
3	260
4	260
5	364
6	364
7	260
8	260
9	260
10	260
11	260
12	260
Northern Support School	
KK	180
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
7	180
8	180
9	180
10	180

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
11	180
12	180
Norwood Primary School	
KK	160
PP	220
1	220
2	220
3	250
4	250
5	280
6	250
Oatlands District High School	
KK	195
PP	272
1	272
2	272
3	310
4	310
5	342
6	342
7	355
8	355
9	400
10	400
11	495
12	495
Orford Primary School	
KK	135
PP	185
1	185
2	185
3	185
4	185
5	185
6	185
Parklands High School	
7	450
8	450
9	450
10	450
11	0
12	0
Penguin District School	
KK	170
PP	245
1	245
2	245

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
3	285
4	285
5	285
6	315
7	475
8	475
9	520
10	520
11	420
12	420
Perth Primary School	
KK	190
PP	230
1	230
2	230
3	230
4	230
5	260
6	260
Port Dalrymple School	
KK	220
PP	300
1	300
2	300
3	300
4	300
5	300
6	300
7	480
8	480
9	480
10	480
11	400
12	400
Port Sorell Primary School	
KK	170
PP	220
1	220
2	220
3	220
4	220
5	220
6	220
Princes Street Primary School	
KK	270
PP	400
1	400

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
2	400
3	400
4	400
5	400
6	400
Prospect High School	
7	550
8	550
9	575
10	575
11	575
12	575
Punchbowl Primary School	
KK	220
PP	250
1	250
2	255
3	285
4	285
5	315
6	290
Queechy High School	
7	680
8	680
9	680
10	680
11	680
12	680
Ravenswood Heights Primary	
KK	130
PP	160
1	160
2	180
3	180
4	180
5	200
6	220
Redpa Primary School	
KK	120
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Reece High School	

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
7	425
8	425
9	425
10	450
11	450
12	450
Riana Primary School	
KK	145
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Richmond Primary School	
KK	200
PP	285
1	285
2	285
3	285
4	285
5	285
6	250
Ridgley Primary School	
KK	145
PP	190
1	190
2	190
3	190
4	190
5	190
6	190
Ringarooma Primary School	
KK	180
PP	200
1	200
2	200
3	215
4	215
5	215
6	215
Risdon Vale Primary School	
KK	100
PP	150
1	150
2	150

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
3	150
4	150
5	150
6	150
Riverside High School	
7	700
8	700
9	700
10	700
11	0
12	0
Riverside Primary School	
KK	170
PP	235
1	250
2	250
3	280
4	280
5	305
6	280
Rokeby Primary School	
All grades	0
Romaine Park Primary School	
KK	150
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Rose Bay High School	
7	615
8	615
9	615
10	615
11	0
12	0
Rosebery District School	
KK	100
PP	100
1	100
2	100
3	100
4	100
5	100
6	100

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
7	100
8	100
9	100
10	100
11	100
12	100
Rosetta Primary School	
KK	160
PP	205
1	205
2	205
3	205
4	205
5	205
6	205
Rosny College	
11	420
12	420
13	420
Sandy Bay Infant School	
KK	322
PP	400
1	400
2	400
Sassafras Primary School	
KK	120
PP	140
1	140
2	140
3	138
4	138
5	138
6	276
Scottsdale High School	
7	440
8	440
9	480
10	480
11	440
12	440
Scottsdale Primary School	
KK	173
PP	238
1	250
2	250
3	269
4	269

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
5	278
6	278
Sheffield School	
KK	195
PP	240
1	240
2	240
3	270
4	270
5	270
6	270
7	480
8	480
9	480
10	480
11	480
12	480
Smithton High School	
7	520
8	520
9	520
10	520
11	500
12	500
Smithton Primary School	
KK	120
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Snug Primary School	
KK	210
PP	300
1	300
2	300
3	320
4	320
5	320
6	560
Somerset Primary School	
KK	127
PP	215
1	215
2	215

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
3	215
4	215
5	215
6	405
Sorell School	
KK	185
PP	275
1	275
2	275
3	275
4	275
5	275
6	275
7	580
8	580
9	580
10	580
11	630
12	630
South Arm Primary School	
KK	180
PP	220
1	220
2	250
3	250
4	250
5	250
6	250
South George Town Primary School	
KK	210
PP	240
1	240
2	240
3	270
4	270
5	300
6	300
South Hobart Primary School	
KK	270
PP	330
1	330
2	330
3	360
4	360
5	360
6	360
Southern Support School	

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
All grades	0
Sprent Primary School	
KK	200
PP	250
1	250
2	250
3	250
5	250
6	250
Spreyton Primary School	
KK	240
PP	320
1	320
2	320
3	340
4	340
5	340
6	355
Springfield Gardens Primary School	
KK	145
PP	225
1	225
2	225
3	225
4	225
5	225
6	225
St Helens District High School	
KK	220
PP	250
1	250
2	250
3	340
4	340
5	340
6	340
7	395
8	395
9	395
10	395
11	395
12	395
13	395
St Leonards Primary School	
KK	165
PP	200
1	200

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
2	200
3	250
4	250
5	295
6	265
St Marys District School	
KK	200
PP	265
1	265
2	265
3	300
4	300
5	360
6	360
7	400
8	360
9	360
10	360
11	395
12	395
Stanley Primary School	
KK	120
PP	180
1	180
2	180
3	180
4	180
5	180
6	180
Strahan Primary School	
KK	170
PP	210
1	210
2	210
3	230
4	230
5	260
6	260
Summerdale Primary School	
KK	200
PP	230
1	241
2	241
3	298
4	298
5	324
6	290

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
Swansea Primary School	
KK	230
PP	320
1	320
2	320
3	320
4	435
5	435
6	435
Table Cape Primary School	
KK	120
PP	160
1	160
2	160
3	160
4	160
5	160
6	160
Taroona High School	
7	785
8	785
9	850
10	850
11	420
12	420
Taroona Primary School	
KK	340
PP	340
1	340
2	340
3	340
4	340
5	340
6	680
Tasman District School	
KK	222
PP	277
1	277
2	277
3	277
4	277
5	277
6	277
7	407
8	407
9	407
10	407

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
11	420
12	420
Tasmanian eSchool	
KK	250
PP	250
1	250
2	250
3	250
4	250
5	250
6	250
7	250
8	250
9	250
10	250
11	250
12	250
13	250
Trevallyn Primary School	
KK	210
PP	240
1	260
2	260
3	300
4	290
5	370
6	330
Triabunna District School	
KK	140
PP	190
1	190
2	190
3	190
4	190
5	190
6	190
7	475
8	475
9	475
10	475
11	390
12	390
Ulverstone Primary School	
KK	126
PP	220
1	220
2	220

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
3	220
4	220
5	220
6	325
Ulverstone Secondary College	
7	500
8	500
9	500
10	500
11	500
12	500
Waimea Heights Primary School	
KK	280
PP	350
1	350
2	350
3	382
4	382
5	382
6	350
Warrane Primary School	
KK	135
PP	135
1	135
2	135
3	135
4	135
5	135
6	135
Waverley Primary School	
KK	100
PP	160
1	160
2	160
3	170
4	170
5	170
6	180
West Launceston Primary School	
KK	176
PP	266
1	266
2	266
3	276
4	276
5	411
6	381

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
West Ulverstone Primary School	
KK	140
PP	235
1	235
2	235
3	210
4	210
5	210
6	235
Westbury Primary School	
KK	165
PP	200
1	200
2	200
3	235
4	235
5	245
6	245
Westerway Primary School	
KK	160
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Wilmont Primary School	
KK	200
PP	200
1	200
2	200
3	200
4	200
5	200
6	200
Windermere Primary School	
KK	180
PP	245
1	245
2	245
3	245
4	245
5	245
6	245
Winneleah District School	
KK	165

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
PP	190
1	190
2	190
3	270
4	270
5	320
6	320
7	540
8	540
9	540
10	540
11	0
12	0
Woodbridge School	
KK	186
PP	256
1	256
2	256
3	276
4	276
5	276
6	276
7	411
8	411
9	466
10	466
11	0
12	0
Wynyard High School	
7	450
8	450
9	450
10	450
11	420
12	420
Yolla District School	
KK	149
PP	236
1	236
2	236
3	236
4	236
5	236
6	236
7	446
8	446
9	446

Attachment 1 - 2023 School levies by grade by school (Question 1)

School Name	Levy by Grade
10	446
11	420
12	420
Youngtown Primary School	
KK	215
PP	230
1	290
2	305
3	335
4	335
5	345
6	345
Zeehan Primary School	
KK	140
PP	170
1	170
2	170
3	170

Appendix 2

Attachment 2: 2023 School Levies Paid All Inclusive (Question 2)

School Name	Actual Levies Paid \$
Albuera Street Primary School	66,450.00
Andrews Creek Primary School	24,900.00
Austins Ferry Primary School	33,196.81
Bagdad Primary School	13,843.09
Bayview Secondary College	41,900.50
Beaconsfield Primary School	28,630.00
Bellerive Primary School	92,774.92
Bicheno Primary School	16,629.40
Blackmans Bay Primary School	53,878.06
Boat Harbour Primary School	29,207.50
Bothwell District High School	7,485.00
Bowen Road Primary School	15,286.25
Bracknell Primary School	5,972.43
Bridport Primary School	28,223.64
Brighton Primary School	52,316.00
Brooks High School	52,739.50
Bruny Island District School	13,280.00
Burnie High School	161,826.47
Burnie Primary School	57,284.75
Cambridge Primary School	101,447.88
Campania District School	15,435.00
Campbell Street Primary School	37,503.99
Campbell Town District High School	29,265.00
Claremont College	49,252.49
Clarence High School	261,686.90
Collinsvale Primary School	9,551.00
Cooee Primary School	22,065.00
Cosgrove High School	20,188.00
Cressy District High School	72,479.90
Cygnets Primary School	21,440.00
Deloraine High School	63,763.23
Deloraine Primary School	45,371.50
Devonport High School	88,803.12
Devonport Primary School	20,823.85
Dodges Ferry Primary School	57,004.00
Don College	156,761.82
Dover District School	13,800.00
Dunalley Primary School	15,179.43
East Devonport Primary School	5,855.00
East Launceston Primary School	132,015.46
East Tamar Primary School	14,154.77
East Ulverstone Primary School	29,820.00
Edith Creek Primary School	3,135.00
Elizabeth College	234,368.20
Evandale Primary School	20,282.00
Exeter High School	63,296.50

Attachment 2: 2023 School Levies Paid All Inclusive (Question 2)

School Name	Actual Levies Paid \$
Exeter Primary School	66,441.00
Fairview Primary School	17,435.00
Flinders Island District High School	24,221.07
Forest Primary School	16,976.16
Forth Primary School	36,130.50
Franklin Primary School	15,738.00
Geeveston Primary School	4,182.80
Glen Dhu Primary School	56,926.00
Glen Huon Primary School	15,459.00
Glenora District School	11,617.50
Glenorchy Primary School	15,510.00
Goodwood Primary School	4,005.00
Goulburn Street Primary School	49,879.94
Hagley Farm Primary School	67,615.96
Havenview Primary School	8,752.50
Hellyer College	129,690.50
Hillcrest Primary School	12,596.88
Hobart City High School	325,773.45
Hobart College	396,179.50
Howrah Primary School	118,393.30
Huonville High School	65,444.50
Huonville Primary School	28,958.50
Illawarra Primary School	103,758.75
Invermay Primary School	26,375.00
JRLF - East Derwent Primary School	1,550.00
JRLF - Senior School	1,350.00
Kempton Primary School	4,015.00
King Island District High School	38,074.25
Kings Meadows High School	176,362.93
Kingston High School	244,437.72
Kingston Primary School	52,111.75
Lansdowne Crescent Primary School	105,860.00
Latrobe High School	173,442.50
Latrobe Primary School	39,910.00
Lauderdale Primary School	180,803.25
Launceston Big Picture School	35,065.00
Launceston College	329,448.10
Lenah Valley Primary School	111,874.96
Lilydale District School	51,978.32
Lindisfame North Primary School	63,283.75
Lindisfame Primary School	75,702.58
Longford Primary School	24,850.00
Margate Primary School	95,996.50
Miandetta Primary School	36,566.50
Mole Creek Primary School	6,224.72
Molesworth Primary School	15,420.00

Attachment 2: 2023 School Levies Paid All Inclusive (Question 2)

School Name	Actual Levies Paid \$
Montagu Bay Primary School	77,237.50
Montello Primary School	15,740.00
Montrose Bay High School	68,613.29
Moonah Primary School	10,860.00
Mount Nelson Primary School	56,772.58
Mount Stuart Primary School	94,628.30
Mountain Heights School	24,166.08
Mowbray Heights Primary School	34,464.75
Natone Primary School	2,430.00
New Norfolk High School	32,939.70
New Norfolk Primary School	13,895.00
New Town Primary School	52,525.00
Newstead College	74,078.39
Nixon Street Primary School	45,490.35
North West Support School	8,202.00
Northern Support School	4,932.00
Norwood Primary School	68,117.50
Oatlands District High School	30,405.84
Orford Primary School	6,897.50
Parklands High School	43,931.00
Penguin District School	148,373.17
Perth Primary School	48,357.50
Port Dalrymple School	39,832.00
Port Sorell Primary School	43,867.50
Princes Street Primary School	123,450.91
Prospect High School	161,859.13
Punchbowl Primary School	59,428.43
Queechy High School	199,157.37
Ravenswood Heights Primary	4,960.00
Redpa Primary School	4,260.00
Reece High School	104,279.22
Riana Primary School	11,900.00
Richmond Primary School	37,266.25
Ridgley Primary School	11,915.00
Ringarooma Primary School	7,530.00
Risdon Vale Primary School	5,586.88
Riverside High School	326,376.26
Riverside Primary School	148,813.91
Romaine Park Primary School	22,865.00
Rose Bay High School	188,201.45
Rosetta Primary School	41,921.50
Rosny College	290,723.25
Sandy Bay Infant School	33,693.55
Sassafras Primary School	2,472.00
Scottsdale High School	61,080.00
Scottsdale Primary School	33,829.05
Sheffield School	58,143.04

Attachment 2: 2023 School Levies Paid All Inclusive (Question 2)

School Name	Actual Levies Paid \$
Smithton High School	88,594.39
Smithton Primary School	22,264.61
Snug Primary School	81,515.50
Somerset Primary School	48,321.00
Sorell School	122,907.08
South Arm Primary School	9,627.50
South George Town Primary School	21,002.50
South Hobart Primary School	128,574.00
Sprent Primary School	2,700.00
Spreyton Primary School	64,858.20
Springfield Gardens Primary School	11,410.50
St Helens District High School	83,752.00
St Leonards Primary School	28,805.00
St Marys District School	26,096.00
Stanley Primary School	7,380.00
Strahan Primary School	8,527.29
Summerdale Primary School	83,567.94
Swansea Primary School	15,978.45
Table Cape Primary School	31,392.72
Taroona High School	750,016.89
Taroona Primary School	112,706.00
Tasman District School	15,257.50
Tasmanian eSchool	22,849.78
Trevallyn Primary School	95,708.50
Triabunna District School	18,395.00
Ulverstone Primary School	49,487.35
Ulverstone Secondary College	120,961.88
Waimea Heights Primary School	124,394.00
Warrane Primary School	5,265.00
Waverley Primary School	3,250.00
West Launceston Primary School	81,747.80
West Ulverstone Primary School	3,702.50
Westbury Primary School	19,053.00
Westerway Primary School	2,120.00
Wilmot Primary School	1,545.47
Windermere Primary School	38,730.00
Winnaleah District High School	11,279.60
Woodbridge School	109,604.40
Wynyard High School	58,176.00
Yolla District School	28,981.65
Youngtown Primary School	51,448.38
Zeehan Primary School	2,862.74

Appendix 3

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Albuera Street Primary School	Primary	235
Andrews Creek Primary School	Primary	163
Ashley School	Special	12
Austins Ferry Primary School	Primary	501
Bagdad Primary School	Primary	135
Bayview Secondary College	Secondary	394
Beaconsfield Primary School	Primary	221
Bellerive Primary School	Primary	460
Bicheno Primary School	Primary	91
Blackmans Bay Primary School	Primary	267
Boat Harbour Primary School	Primary	243
Bothwell District High School	Combined	85
Bowen Road Primary School	Primary	225
Bracknell Primary School	Primary	53
Bridport Primary School	Primary	189
Brighton Primary School	Primary	544
Brooks High School	Secondary	440
Bruny Island District School	Primary	64
Burnie High School	Secondary	534
Burnie Primary School	Primary	350
Cambridge Primary School	Primary	353
Campania District School	Combined	183
Campbell Street Primary School	Primary	218
Campbell Town District High School	Combined	223
Cape Barren Island School	Combined	14

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Claremont College	Senior Secondary Only	457
Clarence High School	Secondary	637
Clarendon Vale Primary School	Primary	124
Collinsvale Primary School	Primary	66
Cooee Primary School	Primary	167
Cosgrove High School	Secondary	358
Cressy District High School	Combined	350
Cygnat Primary School	Primary	181
Deloraine High School	Secondary	301
Deloraine Primary School	Primary	294
Devonport High School	Secondary	358
Devonport Primary School	Primary	256
Dodges Ferry Primary School	Primary	555
Don College	Senior Secondary Only	803
Dover District School	Combined	151
Dunalley Primary School	Primary	106
Early Childhood Intervention Service - Tasmania Burnie	Special	57
Early Childhood Intervention Service - Tasmania Devonport	Special	63
Early Childhood Intervention Service - Tasmania Hobart	Special	307
Early Childhood Intervention Service - Tasmania Launceston	Special	248
East Devonport Primary School	Primary	204

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
East Launceston Primary School	Primary	454
East Tamar Primary School	Primary	349
East Ulverstone Primary School	Primary	262
Edith Creek Primary School	Primary	48
Elizabeth College	Senior Secondary Only	848
Evandale Primary School	Primary	126
Exeter High School	Secondary	317
Exeter Primary School	Primary	355
Fairview Primary School	Primary	284
Flinders Island District High School	Combined	94
Forest Primary School	Primary	141
Forth Primary School	Primary	212
Franklin Primary School	Primary	143
Geeveston Primary School	Primary	46
Glen Dhu Primary School	Primary	334
Glen Huon Primary School	Primary	134
Glenora District School	Combined	216
Glenorchy Primary School	Primary	293
Goodwood Primary School	Primary	112
Goulburn Street Primary School	Primary	221
Hagley Farm Primary School	Primary	349
Havenvue Primary School	Primary	127
Hellyer College	Senior Secondary Only	683

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Hillcrest Primary School	Primary	190
Hobart City High School	Secondary	1029
Hobart College	Senior Secondary Only	1375
Howrah Primary School	Primary	669
Huonville High School	Secondary	324
Huonville Primary School	Primary	319
Illawarra Primary School	Primary	418
Invermay Primary School	Primary	295
JRLF - East Derwent Primary School	Primary	352
JRLF - Gagebrook Primary School	Primary	153
JRLF - Herdsmans Cove Primary School	Primary	160
JRLF - Senior School	Secondary	355
Kempton Primary School	Primary	47
King Island District High School	Combined	182
Kings Meadows High School	Secondary	600
Kingston High School	Secondary	639
Kingston Primary School	Primary	332
Lansdowne Crescent Primary School	Primary	403
Latrobe High School	Secondary	627
Latrobe Primary School	Primary	319
Lauderdale Primary School	Primary	694
Launceston Big Picture School	Secondary	122
Launceston College	Senior Secondary Only	1432

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Lenah Valley Primary School	Primary	551
Lilydale District School	Combined	366
Lindisfarne North Primary School	Primary	356
Lindisfarne Primary School	Primary	357
Longford Primary School	Primary	230
Margate Primary School	Primary	411
Miandetta Primary School	Primary	326
Mole Creek Primary School	Primary	67
Molesworth Primary School	Primary	144
Montagu Bay Primary School	Primary	315
Montello Primary School	Primary	303
Montrose Bay High School	Secondary	610
Moonah Primary School	Primary	204
Mount Nelson Primary School	Primary	256
Mount Stuart Primary School	Primary	340
Mountain Heights School	Combined	211
Mowbray Heights Primary School	Primary	512
Natone Primary School	Primary	23
New Norfolk High School	Secondary	355
New Norfolk Primary School	Primary	212
New Town Primary School	Primary	311
Newstead College	Senior Secondary Only	424
Nixon Street Primary School	Primary	385
North West Support School	Special	138
Northern Support School	Special	98

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Norwood Primary School	Primary	458
Oatlands District High School	Combined	195
Orford Primary School	Primary	62
Parklands High School	Secondary	444
Penguin District School	Combined	667
Perth Primary School	Primary	283
Port Dalrymple School	Combined	445
Port Sorell Primary School	Primary	292
Princes Street Primary School	Primary	346
Prospect High School	Secondary	523
Punchbowl Primary School	Primary	335
Queechy High School	Secondary	703
Ravenswood Heights Primary School	Primary	295
Redpa Primary School	Primary	45
Reece High School	Secondary	550
Riana Primary School	Primary	87
Richmond Primary School	Primary	192
Ridgley Primary School	Primary	116
Ringarooma Primary School	Primary	69
Risdon Vale Primary School	Primary	184
Riverside High School	Secondary	709
Riverside Primary School	Primary	788
Rokeby Primary School	Primary	198
Romaine Park Primary School	Primary	363
Rose Bay High School	Secondary	605
Rosebery District School	Combined	77

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Rosetta Primary School	Primary	363
Rosny College	Senior Secondary Only	995
Sandy Bay Infant School	Primary	93
Sassafras Primary School	Primary	36
Scottsdale High School	Secondary	307
Scottsdale Primary School	Primary	241
Sheffield School	Combined	401
Smithton High School	Secondary	329
Smithton Primary School	Primary	227
Snug Primary School	Primary	341
Somerset Primary School	Primary	356
Sorell School	Combined	852
South Arm Primary School	Primary	63
South George Town Primary School	Primary	204
South Hobart Primary School	Primary	463
Southern Support School	Special	99
Sprent Primary School	Primary	30
Spreyton Primary School	Primary	331
Springfield Gardens Primary School	Primary	221
St Helens District High School	Combined	518
St Leonards Primary School	Primary	240
St Marys District School	Combined	268
Stanley Primary School	Primary	62
Strahan Primary School	Primary	55
Summerdale Primary School	Primary	534

Attachment 3: 2023 School Enrolments Census One (Question 3)

School Name	School Type	Headcount
		All Year Levels
Swansea Primary School	Primary	65
Table Cape Primary School	Primary	359
Taroona High School	Secondary	1167
Taroona Primary School	Primary	308
Tasman District School	Combined	155
Tasmanian eSchool	Combined	351
Trevallyn Primary School	Primary	417
Triabunna District School	Combined	172
Ulverstone Primary School	Primary	360
Ulverstone Secondary College	Secondary	544
Waimea Heights Primary School	Primary	364
Warrane Primary School	Primary	140
Waverley Primary School	Primary	154
West Launceston Primary School	Primary	395
West Ulverstone Primary School	Primary	127
Westbury Primary School	Primary	148
Westerway Primary School	Primary	47
Wilmot Primary School	Primary	25
Windermere Primary School	Primary	507
Winnaleah District High School	Combined	85
Woodbridge School	Combined	339
Wynyard High School	Secondary	278
Yolla District School	Combined	169
Youngtown Primary School	Primary	328
Zeehan Primary School	Primary	51

Appendix 4

Attachment 4 - 2023 STAS all schools (Question 4)

School Name	STAS Approved
Albuera Street Primary School	11
Andrews Creek Primary School	26
Ashley School	10
Austins Ferry Primary School	273
Bagdad Primary School	59
Bayview Secondary College	238
Beaconsfield Primary School	96
Bellerive Primary School	74
Bicheno Primary School	9
Blackmans Bay Primary School	75
Boat Harbour Primary School	65
Bothwell District High School	31
Bowen Road Primary School	91
Bracknell Primary School	27
Bridport Primary School	49
Brighton Primary School	228
Brooks High School	324
Bruny Island District School	10
Burnie High School	174
Burnie Primary School	85
Cambridge Primary School	39
Campania District School	93
Campbell Street Primary School	41
Campbell Town District High School	121
Cape Barren Island School	8
Claremont College	241
Clarence High School	146
Clarendon Vale Primary School	99
Collinsvale Primary School	13
Cooee Primary School	45
Cosgrove High School	236
Cressy District High School	115
Cygnets Primary School	56
Deloraine High School	109
Deloraine Primary School	88
Devonport High School	189
Devonport Primary School	128
Dodges Ferry Primary School	171
Don College	314
Dover District School	48
Dunalley Primary School	37
East Devonport Primary School	183
East Launceston Primary School	99
East Tamar Primary School	244
East Ulverstone Primary School	82

Attachment 4 - 2023 STAS all schools (Question 4)

School Name	STAS Approved
Edith Creek Primary School	10
Elizabeth College	263
Evandale Primary School	41
Exeter High School	133
Exeter Primary School	139
Fairview Primary School	156
Flinders Island District High School	20
Forest Primary School	42
Forth Primary School	43
Franklin Primary School	48
Geeveston Primary School	20
Glen Dhu Primary School	108
Glen Huon Primary School	22
Glenora District School	120
Glenorchy Primary School	151
Goodwood Primary School	72
Goulburn Street Primary School	13
Hagley Farm Primary School	81
Havenview Primary School	59
Hellyer College	314
Hillcrest Primary School	114
Hobart City High School	400
Hobart College	255
Howrah Primary School	117
Huonville High School	139
Huonville Primary School	143
Illawarra Primary School	56
Invermay Primary School	170
JRLF - East Derwent Primary School	256
JRLF - Gagebrook Primary School	114
JRLF - Herdsmans Cove Primary School	130
JRLF - Senior School	297
Kempton Primary School	17
King Island District High School	25
Kings Meadows High School	230
Kingston High School	197
Kingston Primary School	118
Lansdowne Crescent Primary School	28
Latrobe High School	219
Latrobe Primary School	106
Lauderdale Primary School	81
Launceston Big Picture School	50
Launceston College	485
Lenah Valley Primary School	71
Lilydale District School	137
Lindisfarne North Primary School	96
Lindisfarne Primary School	58

Attachment 4 - 2023 STAS all schools (Question 4)

School Name	STAS Approved
Longford Primary School	101
Margate Primary School	76
Miandetta Primary School	122
Mole Creek Primary School	17
Molesworth Primary School	37
Montagu Bay Primary School	52
Montello Primary School	178
Montrose Bay High School	343
Moonah Primary School	102
Mount Nelson Primary School	30
Mount Stuart Primary School	23
Mountain Heights School	85
Mowbray Heights Primary School	310
Natone Primary School	6
New Norfolk High School	178
New Norfolk Primary School	130
New Town Primary School	63
Newstead College	235
Nixon Street Primary School	182
North West Support School	85
Northern Support School	63
Norwood Primary School	120
Oatlands District High School	97
Orford Primary School	18
Parklands High School	266
Penguin District School	173
Perth Primary School	73
Port Dalrymple School	332
Port Sorell Primary School	77
Princes Street Primary School	23
Prospect High School	175
Punchbowl Primary School	105
Queechy High School	360
Ravenswood Heights Primary School	257
Redpa Primary School	17
Reece High School	272
Riana Primary School	22
Richmond Primary School	46
Ridgley Primary School	48
Ringarooma Primary School	30
Risdon Vale Primary School	134
Riverside High School	175
Riverside Primary School	200
Rokeby Primary School	115
Romaine Park Primary School	226
Rose Bay High School	209
Rosebery District High School	5

Attachment 4 - 2023 STAS all schools (Question 4)

School Name	STAS Approved
Rosebery District School	48
Rosetta Primary School	97
Rosny College	285
Sandy Bay Infant School	3
Sassafras Primary School	19
Scottsdale High School	144
Scottsdale Primary School	95
Sheffield School	164
Smithton High School	121
Smithton Primary School	102
Snug Primary School	68
Somerset Primary School	137
Sorell School	354
South Arm Primary School	18
South George Town Primary School	107
South Hobart Primary School	55
Southern Support School	58
Sprent Primary School	19
Spreyton Primary School	105
Springfield Gardens Primary School	129
St Helens District High School	215
St Leonards Primary School	99
St Marys District School	146
Stanley Primary School	12
Strahan Primary School	7
Summerdale Primary School	202
Swansea Primary School	15
Table Cape Primary School	143
Taroona High School	136
Taroona Primary School	21
Tasman District School	85
Tasmanian eSchool	222
Trevallyn Primary School	69
Triabunna District School	109
Ulverstone Primary School	117
Ulverstone Secondary College	243
Waimea Heights Primary School	14
Warrane Primary School	80
Waverley Primary School	116
West Launceston Primary School	109
West Ulverstone Primary School	92
Westbury Primary School	51
Westerway Primary School	25
Wilmot Primary School	6
Windermere Primary School	273
Winnaleah District High School	49
Woodbridge School	100

Attachment 4 - 2023 STAS all schools (Question 4)

School Name	STAS Approved
Wynyard High School	122
Yolla District School	72
Youngtown Primary School	145
Zeehan Primary School	23
Grand Total	22,103

Appendix 5

1
tabed and incorporated into Hansard
J. Palmer
10.09.24
QUESTION WITHOUT NOTICE NUMBER 47 OF 2024

Asked by the Member for Nelson (Ms Webb) –
Disability Royal Commission - Inclusive Housing
Response: Palmer, Minister for Disability

Thursday 15 August 2024

06SEP24

Last month, the government released Tasmania's response to the Disability Royal Commission. My question is specifically in relation to Part C: inclusive housing. Recommendation 7.33 prioritised people with disability in key national housing and homelessness approaches, which the Tasmanian government accepts in principle.

In light of the joint statement responding to this recommendation - that the Australian government and state and territory governments recognise the additional barriers people with disability face in accessing appropriate housing, and the disproportionate risks and impacts of homelessness among people with disability:

1) are you aware that Tasmanians who receive a disability pension are deemed to not qualify for the Tasmanian Government's My Homes Shared Equity Housing Access Scheme unless they can provide the financial institution Bank of Us with evidence of a second income source?

Further, the state government's response to this Inclusive Housing Disability Royal Commission's recommendation states the Tasmanian Housing Strategy 2023-2043 and the Action Plan 2023-27 recognise people with disability as a priority cohort. As a recognised priority cohort:

2) can you confirm whether accessibility for Tasmanians with a disability to access the My Home Scheme was considered and evaluated during the development of that scheme?

3) Will you commit to investigating and evaluating the My Homes Shared Equity Housing Scheme for compliance against national and international inclusivity obligations for Tasmanians with disability to access housing?

RESPONSE:

1. Our Government is committed to delivering housing for Tasmanians living with disability while ensuring that choice and control remains paramount so people with disability can make their own decisions on how or where they choose to live.

In regard to the Tasmanian Government's MyHome Shared Equity Scheme, I am advised that:

- The MyHome Program requires participants to meet the lending requirements from the lender, which is regulated under the *National Consumer Credit Protection Act 2009 Cth* (the Act).


- One key requirement of the responsible lending obligations under the Act is that the repayment of the loan not placing the participant in financial hardship, as assessed against the participant's financial position, including all income sources.
- The MyHome Program is not designed to offer assistance to people who do not meet these requirements

2. The questions on the development of the scheme are a matter for the Minister for Housing.

Any Tasmanian, irrespective of whether they may be a person with disability, who fits the eligibility criteria as outlined in the attached document, may apply for consideration of the MyHome Program

<https://bankofus.com.au/source-assets/images/Personal/HL/MyHome/MyHome-Checklist-July-2024.pdf>

3. As the Minister for Disability Services, it is not within my remit to investigate and evaluate a program that sits with another Minister's portfolio. However, I am advocating every day for greater inclusion for Tasmanians living with disability as evidenced in the Disability Inclusion and Safeguarding Bill currently before the Upper House. Under this legislation, there is a requirement for defined entities to establish a Disability Inclusion Action Plan.

 Specifically, Clause 17 (1) of the Bill states that a defined entity "will need to consult with people ^{with disability} when developing or reviewing any policy of, or program or service provided by, the entity that has a direct and significant impact on the Public."

Furthermore, subsection (2) (b) of Clause 17 outlines that the “defined entity is to consider *“how the policy, program or service may be developed or varied in order to ensure accessibility; promote universal design; and reduce, remove and prevent barriers to disability inclusion; and promote disability inclusion.”*

Jo Palmer MLC
Minister for Disability Services

Date: 06 September 2024