



LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 39

TUESDAY, 29 OCTOBER 2019

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 SOCIAL AND ECONOMIC IMPACT STUDY REPORT 2018.— Ms Webb asked the Honourable the Leader of the Government— With regard to the latest Social and Economic Impact Study - SEIS - report released in January 2018:

- (1) Has the Minister for Human Services now read the latest SEIS report?
- (2)
 - (a) Does the minister acknowledge that the report notes a 20 per cent increase in the proportion of problem gamblers from 2013 to 2017?
 - (b) If so, what specifically has the minister directed be considered and/or included in the Gambling Support Program Strategic Framework 2020-23, beyond previous efforts or initiatives, to achieve an improved result in the number of Tasmanians experiencing problem gambling, moderate-risk gambling and low-risk gambling?
- (3)
 - (a) Across that same period which saw an increase in the number of problem gamblers, does the minister acknowledge the report notes a decline of over 30 per cent in the proportion of people seeking help from gambling support services related to their own gambling and a 15 per cent decline in the proportion of people seeking help for someone else's gambling?
 - (b) What specifically has the minister directed be considered and/or included in the Gambling Support Program Strategic Framework 2020-23, beyond previous efforts or initiatives, to achieve an improved result in the number of people seeking help from gambling support services?
- (4) What are the updated findings from the latest SEIS report on -
 - (a) the gender breakdown of clients of gambling support services;
 - (b) the age group most likely to be clients of gambling support services, and whether that is reflective of the age group(s) with a higher prevalence of use of EGMs;
 - (c) the methods of referral to gambling support services; and
 - (d) compared with the general population, the levels of satisfaction with general health and psychological health experienced by people with a gambling problem, moderate-risk gamblers and low-risk gamblers?
- (5)
 - (a) Was data on the socio-economic profile of problem gambling in Tasmania included in the most recent SEIS report?
 - (b) If so, what are the updated findings from the latest SEIS report on the socio-economic profile of problem gambling in Tasmania?

- (c) If not, was data on the socio-economic profile of problem gambling collected by the researchers but not included in the report?
- (d) If the data was not collected, why was it removed from the SEIS data collection between 2013 and 2017?
- (e) If the data was collected but not included in the report, who made the decision to exclude it and what was the rationale for its exclusion?

The Leader answered,

- (1) Yes.
- (2)
 - (a) The report states the estimated proportion of problem gamblers increased from 0.5 per cent in 2013 to 0.6 per cent in 2017 (Volume 2, Chapter 7, Section 7.3). Section 7.1 Key Findings, states that 'The proportion of problem gamblers, moderate risk and low risk gamblers were comparable to estimates from the 2011 and 2013 surveys'.
 - (b) The Gambling Support Program Strategic Framework 2019-23 is currently being developed through consultation with key stakeholders. It is a broad overview of the strategic direction of the Gambling Support Program as the public health response to gambling.
- (3)
 - (a) The report states the estimated proportion of people seeking help for problems related to their own gambling has decreased from 0.6 per cent in 2013 to 0.4 per cent in 2017 (Volume 2, Chapter 9, Section 9.3). Under Section 9.3 the report states 'Results were comparable with those seen in 2011 and 2013'.

The report states that the estimated proportion of people seeking help for problems related to someone else's gambling has decreased from 1.3 per cent in 2013 to 1.1 per cent in 2017 (Volume 2, Chapter 9, Section 9.3). The report does not indicate a significant difference between 2013 and 2017.

 - (b) See answer to (2)(b).
- (4) The SEIS is undertaken every three years with the next report due in 2020.
- (5)
 - (a) Yes. Please refer to Part 1, Chapter 7, Section 7.5 Table 7.3 - Gambling Severity by Selected Demographic Characteristics, Fourth Social and Economic Impact Study of Gambling in Tasmania (2017) - Volume 2. The table summarises the demographic characteristics of each of the gambling severity categories in 2017.
 - (b) Table 7.3 shows compared to all Tasmanian adults, the prevalence of problem gambling was significantly higher amongst males (0.9 per cent versus 0.6 per cent of all Tasmanian adults). No other significant differences were noted for problem gamblers compared to the Tasmanian adult population.

Due to the relatively small number of problem gamblers (0.6 per cent) identified in the 2017 prevalence survey, and the comparatively high relative standard errors which resulted from this, the demographic profile has been combined with the moderate-risk group (1.4 per cent). The prevalence of moderate-risk/problem gambling was higher among males (2.8 per cent) than females (1.2 per cent). No other significant subgroup differences were noted in 2017.

 - (c) Not applicable.
 - (d) Not applicable.
 - (e) Some of the data on problem gamblers in Table 7.3 is not available for publication due to insufficient responses from a small sample size.

Both the 2013 and 2017 prevalence studies were completed by an independent consortium led by ACIL Allen Consulting. Both studies were subject to two peer reviews, which included review of the methodological design and the data analysis. Matters raised were addressed by the consultant in the final report.

3 STUDENT TRANSPORT FARE STRUCTURE POLICY.— Mr *Gaffney* asked the Leader of the Government in the Legislative Council— With reference to the task of transporting students to and from school:

- (1) What is the student transport fare structure policy in terms of:
 - (a) establishing if a fare is to be paid by a student or not;
 - (b) defining an urban area boundary and how it triggers the need for a fare payment; and
 - (c) the full fare chargeable for students that travel beyond their nearest government school?
- (2) What is the rationale for the amalgamation of contract student only bus services with general access bus services in terms of fare protocols and service provision when they appear to be totally separate services regardless of an 'urban' or 'rural' area designation under current transport policy?
- (3) What would it take to separate non-public access contract student only bus services from general access public bus services in terms of area designations and the service requirements?
- (4) What provision is made to ensure that access to a student's nearest government school via student transport is fair and equitable for whomever and wherever they may be in Tasmania in terms of:
 - (a) Advice and information to the parents of prospective students as to exactly what student bus fares will be applicable depending on which school they choose to enrol their child or where they might live; and
 - (b) advice and information to councils for residents with school-age children that find themselves liable for fares of up to \$720 a year for each child that utilises school bus services within their home municipality?
- (5) In terms of clause 40(a) of the National School Reform Agreement between Tasmania and the Commonwealth of Australia, with up to 4 per cent of the Schooling Resource Standard - SRS - for the government sector each year that can be used for direct student transport costs and depreciation costs:
 - (a) What percentage of the SRS for government schools is used for student transport;
 - (b) what provision is made to ensure that this is not being used to cross-subsidise non-government student transport services; and
 - (c) is the cost of providing student transport services and support to non-government schools offset against the Tasmanian Government's legislated 20 per cent contribution to the SRS of these schools, and if so, by how much?
- (6) With regard to the current review of bus services and procurement -
 - (a) What is the method of authentic community consultation in this review;
 - (b) what input has the School Transport Users Group - STUG - had into this process; and
 - (c) what are its terms of reference, communication and reporting protocols?
- (7) In terms of future options -
 - (a) What is the breakdown of net revenue derived from student transport fares, where they are charged, after administration costs, expenses and on-costs have been accounted for;

- (b) based on current usage rates, what would be the net cost, or surplus, of providing free student transport to those students that are currently charged a fare to travel to their nearest government school or college; and
- (c) what would be the minimal cost neutral fare if every student were to be charged when utilising student transport to their nearest government school or college?

The Leader answered,

- (1) (a) Government policy on student fares ensures that all children residing in rural areas attending their local rural school have the ability to travel to and from school for free. In this context, rural is defined as all areas outside the urban boundaries of Hobart, Launceston, Devonport and Burnie.

Children who travel to schools and colleges located within an urban area, as well as those who travel on a school bus service operating wholly within a town, are required to pay a fare to travel to and from school.

Students listed on a health or concession card are entitled to make an application for free travel to State Growth.

- (b) Urban boundaries were established over time in various areas of the state. For example, the Devonport urban area was established when the decision was made to provide Devonport with an urban bus service in 2000. Urban boundaries were reviewed in 2007 in the Core Passenger Services Review to ensure consistent criteria. The boundaries are based on:

- Population
- Density, and
- Contiguity

- (c) The fare charged for any fare-paying travel by students, whether they travel to their nearest government school, to another government school or to a non-government school, is the same. The cash fare is \$1.80 per trip. This is deeply discounted. A further 20 per cent discount is available when using pre-purchased multi-trip tickets or where the student uses a smart card for an electronic ticketing system.

- (2) The Bus Services Review being undertaken by the Department of State Growth has developed the new bus network around a core general access network, appropriate to the transport needs of the community, supplemented with dedicated student services where required. In Tasmania, approximately 30 per cent of students would use a general access bus to travel to and from school. In many cases, particularly longer routes travelling to city-based schools, a standalone general access service would not be viable without combining all passenger categories, including adults and students, on a single service. Student fares are identical on all services where a fare is charged.
- (3) The separation of general access and student services would result in a significant increase in the cost of delivering bus services to the community and/or an overall reduction in service levels. This approach would necessitate duplicating services on many corridors. Providing general access services, augmented by dedicated student services where demand warrants, provides a higher level of accessibility for all the community, including school students. This is particularly the case when the required travel time for a student does not align with a dedicated student only service.
- (4) One of the key functions of the state's public transport system is to support access to education. In doing so, the system is prioritised to support travel to the nearest government school, but also recognises the freedom of choice in school that exists in Tasmania.

The student transport system is designed to extend bus services as far as practical (with conveyance allowance provided where a bus service cannot be sustained) so as children are able to attend their nearest government school.

- (a) Under current bus service contracts, responsibility for provision of information to passengers rests with the operator of the service. New contracts, which are due to commence in 2020, also provide for operators to provide information to passengers about their service. However, the Department of State Growth will establish a central information point through which information about services will be available in a consistent format. This will include information about fares.
 - (b) There is no information channel specific to local government.
- (5) (a) The 4 per cent of the SRS referenced in the bilateral agreement is not solely allocated for student transport expenses; it also includes capital depreciation.
- As the reportable limit is 4 per cent, and capital depreciation is more than 4 per cent, student transport costs have not yet been collated by the Department of Education. The annual report for lodgement for the 2018 year is due by 31 October 2019.
- (b) Costs that are included in the reporting that confirms Tasmania's funding for government schools are only costs that are attributable to government schools.
 - (c) The cost of providing student transport services and support to non-government schools is not offset against the Tasmanian Government's legislated 20 per cent contribution to non-government schools.
- (6) (a) The Bus Services Review has used a wide range of approaches to ensure broad consultation on proposed network changes.
- In regard to consultation on school bus network service redesign, each case is initially discussed with the relevant school or college principals, prior to broader consultation with the school community. Where the proposed change is relatively minor, parents and students are asked for input/feedback by way of a letter issued to all that may be impacted by a proposed change. Where the proposed changes are more significant, school community forums are also arranged.
- (b) The School Transport Users Group - STUG - was discontinued in 2015. The decision was made due to a steady reduction in agenda items meaning that the value of maintaining STUG interaction in that format was limited. In subsequent years, the department wrote to STUG members asking whether to reconvene the group or whether some other communication protocols could be adopted. However, no response was forthcoming.
 - (c) Extensive information on the Bus Services Review, including service eligibility guidelines and information regarding the recontracting process, is available on the Department of State Growth's transport website (www.transport.tas.gov.au/busreview).
- (7) (a) Revenue from fares on dedicated student only buses is approximately \$1.5 million per annum. Note that this does not include student fare revenue collected on general access services which is primarily, but not exclusively, for travel to and from school.
- The cost of operating the dedicated student only services which generate fare revenue is approximately \$15 million per annum.
- (b) The cost of free travel to the nearest government school or college cannot be estimated. However, free travel at current usage levels would result in loss of a substantial proportion of fare revenue collected for student travel. Free travel would also likely trigger a significant increase in demand for services which cannot be estimated.
- Services to meet this increase in demand would be extremely costly. Were additional funding not available to expand the service network, the only alternative would be to review the extent of the schools served.

If free travel were to apply for travel to the nearest government school or college, a decision would be required on the level of fare that should apply for travel to schools of choice.

- (c) The cost of delivering dedicated student transport in Tasmania is approximately \$34 million per annum. This includes approximately \$19 million on free school bus services in rural areas. A very significant proportion of travel on general access services is also student travel. These services cost a further \$55 million per annum.

It is not possible to translate these costs directly into a fare per student travelling to their nearest government school or college. Public transport in Tasmania is heavily subsidised. It is estimated that the level of subsidy per student varies from a few dollars to almost \$60 per trip depending on the distance. In all cases, the cost of operating the service on a per-fare basis would be above the current student fare level. To impose a cost of travel approach may preclude some students from accessing school.

Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010

24. Conditional licences

- (1) A driver licence is subject to the conditions (if any) imposed by the Registrar.
- (2) In determining licence conditions, the Registrar –
 - (a) must have regard to the interests of road safety; and
 - (b) may attach, by way of condition, to a licence of a particular type a requirement that normally attaches to a licence of a different type.
- (3) Without limiting [subregulation \(1\)](#), the conditions may include one or more of the following:
 - (a) a condition that the holder of the licence must not drive a motor vehicle unless it is fitted with an automatic transmission (A);
 - (b) a condition that the holder of the licence must not drive a motor cycle unless it is fitted with an automatic transmission (A1);
 - (c) a condition that the holder of the licence must not drive a heavy vehicle unless it is fitted with an automatic transmission (A2);
 - (d) a condition that the holder of the licence must not drive a heavy vehicle unless it is fitted with a synchromesh transmission (B);
 - (e) a condition that the holder of the licence must not drive a motor cycle other than a learner approved motor cycle (E);
 - (f) a condition that the holder of the licence must not drive a motor vehicle except in accordance with [Division 3A](#), as applicable (I);
 - (g) a condition that the holder of the licence must not drive a motor vehicle unless wearing corrective lenses allowing distance vision in accordance with a relevant medical standard (S);
 - (h) a condition that the holder of the licence must not drive a motor vehicle unless the vehicle is fitted with aids specified by the Registrar, or the vehicle has been modified as directed by the Registrar (V);
 - (i) a condition that the holder of the licence must not drive a motor vehicle with a breath or blood alcohol concentration greater than zero (Z);
 - (j) any other condition the Registrar considers appropriate and notifies in writing to the holder of the licence (X).
- (4) The code for designating a particular licence condition is shown in [subregulation \(3\)](#) in parenthesis.
- (4A) The Registrar is not to impose an I condition under [subregulation \(3\)\(f\)](#) on a learner licence unless –
 - (a) the holder of the learner licence also holds a full licence, or a provisional licence, of another class at the same time as holding the learner licence; or
 - (b) the Registrar believes that it is appropriate in the circumstances.
- (5) A driver who holds an Australian driver licence that is subject to a condition imposed under [subregulation \(3\)\(j\)](#), or the corresponding provision of a corresponding law, must carry while driving a notice explaining the condition issued by the Registrar under these regulations or by the authority responsible for administering the corresponding law.
Penalty: Fine not exceeding 10 penalty units.
- (6) Without limiting the conditions on which a probationary licence may be issued, such a licence may be issued on one or more of the following conditions:
 - (a) a condition that the holder of the licence must not drive a motor vehicle with a breath or blood alcohol concentration greater than zero (Z);
 - (b) a condition making the licence liable to suspension or cancellation if 2 or more demerit points are recorded against the holder of the licence.
 - (c)
- (7) A condition imposed under [subregulation \(6\)\(b\)](#) operates independently of the demerit points scheme.
- (8) Subject to [regulation 26L](#), the Registrar may, on the Registrar's own initiative, or on application by the holder of a driver licence, vary or revoke a condition of the licence.
- (9) A variation or revocation of a condition takes effect on the service of the notice of variation or revocation on the holder of the licence.

Vehicle and Traffic (Review of Decisions) Regulations 2010

- Version current from 1 January 2018 to date (accessed 15 October 2019 at 13:19)



TASMANIA

Vehicle and Traffic (Review of Decisions) Regulations 2010

- I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the [Vehicle and Traffic Act 1999](#).

26 July 2010

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

LARA GIDDINGS

Minister for Infrastructure

PART 1 - Preliminary

1. Short title

These regulations may be cited as the [Vehicle and Traffic \(Review of Decisions\) Regulations 2010](#).

2. Commencement

These regulations take effect on 11 August 2010.

3. Interpretation

In these regulations –

administrative decision means a decision specified in column 2 of a table in [Schedule 1](#);

applicant means a person who makes an application;

application means an application under [Part 2](#) for the review of an administrative decision;

decision-making authority, in relation to an administrative decision, means whichever of the following authorities made the decision:

(a) the Registrar;

(b) the Commission;

eligible person, in relation to an administrative decision, means the person specified in column 4 of a table in [Schedule 1](#) as an eligible person in relation to the decision;

notice means notice in writing;

reviewing authority, in relation to an application, means whichever of the following authorities is required by [regulation 6\(1\)](#) to consider the application:

(a) the Secretary of the Department;

(b) the Commission.

3A. Certain decisions not to be taken to be administrative decisions

In this Act, a reference to an administrative decision does not include a reference to a decision –

(a) to issue an offensive advertising notice in relation to a vehicle; or

(b) to refuse to register a vehicle because there is an offensive advertising notice in relation to the vehicle; or

(c) to cancel the registration of a vehicle because there is an offensive advertising notice in relation to the vehicle.

PART 2 - Internal Review of Decisions

4. Right of review

A person who is aggrieved by an administrative decision may apply to have it reviewed if the person is an eligible person in relation to the decision.

5. Notice of decisions

(1) As soon as practicable after making an administrative decision, the decision-making authority must give each eligible person in relation to the decision notice of –

(a) the decision; and

(b) the person's right to apply for a review of the decision; and

- (c) the application procedure and the name of the reviewing authority; and
- (d) the effect of [regulation 9](#).
- (2) An eligible person in relation to an administrative decision is entitled, on request, to receive from the decision-making authority a written statement of the reasons for the decision.

6. Applications for review

- (1) An application is to be made in writing and lodged with –
 - (a) the Secretary of the Department in the case of an administrative decision specified in column 2 of the table in [Part 1 of Schedule 1](#); or
 - (b) the Commission in the case of an administrative decision specified in column 2 of the table in [Part 2](#) or [Part 3 of Schedule 1](#).
- (2) Notwithstanding [subregulation \(1\)](#), a reviewing authority may waive the requirement for an application to be made in writing if it is satisfied in the circumstances of a particular case that it is an unreasonable or unnecessary requirement.
- (3) A waiver under [subregulation \(2\)](#) is incapable of being retracted.
- (4) An application made to the incorrect reviewing authority is not invalidated by that error and in any such case the application is to be passed to the correct reviewing authority as soon as practicable.
- (5) An application –
 - (a) may be in any form; but
 - (b) must clearly state –
 - (i) the administrative decision to which it relates; and
 - (ii) the applicant's reasons for seeking the review.
- (6) A reviewing authority may, by notice, require an applicant to give it any information or evidence that the reviewing authority reasonably considers is necessary for a proper consideration of the applicant's application.

7. Withdrawal of applications

- (1) An application may be withdrawn at any time.
- (2) An application is taken to have been withdrawn if the applicant fails to comply with a notice under [regulation 6\(6\)](#) within 2 months after being given the notice.

8. Time within which applications to be made

- (1) An application is to be lodged with the reviewing authority within 28 days after the day on which notice is given to the applicant under [regulation 5](#).
- (2) A reviewing authority may consider a late application if satisfied that it would be fair to do so in the circumstances of the particular case.

9. Effect of applications

An application does not set aside the administrative decision to which it relates or stay the operation of the decision.

10. Consideration of applications

- (1) A reviewing authority must consider each application that is made to it and, in so doing –
 - (a) must observe the rules of natural justice; and
 - (b) must ensure that any employee or agent engaged in the review process –
 - (i) was not involved in making the administrative decision under review; and
 - (ii) is not under the direct control of a person who was involved in making the administrative decision under review; and
 - (c) may engage an independent mediator to assist in the review process; and
 - (d) may consult with any representatives of, or organisations in, a sector of the transport industry if –
 - (i) the administrative decision under review relates to matters that are of general importance to that sector; and
 - (ii) it is possible to do so without prejudice to the applicant.
- (2) If a reviewing authority finds that an application is frivolous or vexatious it must give the applicant immediate notice of that finding but is not required to take any further action.
- (3) In any other case, the reviewing authority must make a determination to –
 - (a) affirm the administrative decision; or
 - (b) vary the administrative decision if the decision is able to be varied and the variation is appropriate in the circumstances; or
 - (c) set aside the administrative decision.
- (4) If [subregulation \(3\)\(b\)](#) applies, the administrative decision as varied forms part of the determination for the purposes of these regulations.
- (5) If [subregulation \(3\)\(c\)](#) applies –
 - (a) the reviewing authority must make a new administrative decision in place of the decision that has been set aside; and
 - (b) the new administrative decision forms part of the determination for the purposes of these regulations.
- (6) A determination under this regulation is to be made within –
 - (a) 14 days after the application is lodged; or
 - (b) if within the period specified in [paragraph \(a\)](#) the reviewing authority gives the applicant notice in accordance with [regulation 6\(6\)](#) that further information or evidence is required, 14 days after the reviewing authority is given the further information or evidence.

- (7) The period in which a determination may be made may be extended for one further period not exceeding 28 days if the reviewing authority gives notice of the extension to the applicant within –
- (a) the 14-day period specified in [subregulation \(6\)\(a\)](#); or
 - (b) if notice of an extension has not been given under [paragraph \(a\)](#) and further information has been requested under [regulation 6\(6\)](#), the 14-day period specified in [subregulation \(6\)\(b\)](#).
- (8) If a determination is not made within the period provided by [subregulation \(6\)](#) or, if applicable, the further period provided by [subregulation \(7\)](#), the reviewing authority is taken to have made a determination to affirm the administrative decision to which the application relates.
- (9) The reviewing authority must give an applicant notice of a determination as soon as practicable after it has been made or, in a case to which [subregulation \(8\)](#) applies, taken to have been made.
- (10) A notice under [subregulation \(2\)](#) or (9) is to –
- (a) give reasons for the finding or determination; and
 - (b) if applicable, inform the applicant of the applicant's right to have the decision reviewed and the procedure for applying for a review.

PART 3 - External Review of Decisions

11. Right of appeal

A person who is aggrieved by a finding or determination of the reviewing authority in relation to an application made by that person may apply to the Magistrates Court (Administrative Appeals Division) for a review of the finding or determination if the application related to –

- (a) an administrative decision specified in the table in [Part 1](#) of [Schedule 1](#); or
- (b) the administrative decision specified in item 6 in the table in [Part 2](#) of [Schedule 1](#).

12. Orders on appeal

- (1) After hearing an application for a review against a finding under [regulation 10\(2\)](#), the Magistrates Court (Administrative Appeals Division) may, by order –
 - (a) affirm the finding; or
 - (b) set aside the finding.
- (2) If [subregulation \(1\)\(b\)](#) applies, the Magistrates Court (Administrative Appeals Division) may, by order and with or without

directions, remit the matter for reconsideration by the reviewing authority in accordance with any directions or recommendations of the Court.

PART 4 - Miscellaneous

13. Service of documents

- (1) For the purposes of these regulations, an application, notice or other document may be lodged with or given to a person by –
 - (a) in the case of an individual –
 - (i) handing it to the person; or
 - (ii) leaving it at, or sending it by post to, the person's postal or residential address or place or address of business or employment last known to the person seeking to lodge or give the document; or
 - (iii) sending it by way of facsimile transmission to the person's facsimile number; or
 - (iv) sending it by way of electronic mail to the person's electronic mail address; and
 - (b) in the case of a reviewing authority or any other person –
 - (i) leaving it at, or sending it by post to, the person's principal or registered office or one of the person's places of business; or
 - (ii) sending it by way of facsimile transmission to the person's facsimile number; or
 - (iii) sending it by way of electronic mail to the person's electronic mail address.
- (2) An application, notice or document sent by post is not taken to have been lodged, served or given until the time when it would have been delivered in the ordinary course of post.
- (3) For the purposes of [subregulation \(1\)\(b\)\(i\)](#), a police station or *Service Tasmania* shop is not taken to be an office, or place of business, of a reviewing authority.

14. Savings and transitional

- (1) In this regulation – *commencement day* means the day on which these regulations take effect;

superseded regulations means the [Vehicle and Traffic \(Review of Decisions\) Regulations 2000](#).

(2) An application made to the reviewing authority under the superseded regulations before the commencement day may continue to be considered, dealt with and determined in all respects and may, if applicable, be the subject of appeal in all respects as if –

(a) the application had been made under these regulations; and
(b) these regulations had taken effect on the same day as the superseded regulations took effect.

(3) Any appeal made to a magistrate before the commencement day under the superseded regulations may continue to be heard, dealt with and determined, and orders as to costs may be made, in all respects as if –

(a) the appeal had been made under these regulations; and
(b) these regulations had taken effect on the same day as the superseded regulations took effect.

SCHEDULE 1 - Administrative Decisions and Eligible Persons

- [Regulations 3, 4, 6 and 11](#)

PART 1 - Administrative decisions under [Vehicle and Traffic \(Driver Licensing and Vehicle Registration\) Regulations 2010](#)

Item	Decision	Relevant provision of regulations	Eligible person
1.	A decision of the Registrar to make a novice driver or novice rider subject to a novice case management program	Regulation 14(2)	The novice driver or novice rider
1A.	A decision of the Registrar in respect of the content of a novice case management program	Regulation 14(4)	The novice driver or novice rider who is subject to the novice case management program
1B.	A decision of the Registrar to refuse an application for the issue or renewal of a driver licence	Regulation 22(1) , (8) and (9) R regulation 31(1)	The person whose application has been refused
2.	A decision of the Registrar about a licence condition	Regulation 24(1) and (8) other than the imposition of an I condition under regulation 22(9A) Regulation 22(1) , (8) and (9) (as applied by regulation 39(2)) Regulation 31(1) (as applied by regulation 39(2))	The holder of the licence
3.	A decision of the Registrar to refuse an application for the issue or renewal of an ancillary certificate	Regulation 24(1) and (8) (as applied by regulation 39(2))	The person whose application has been refused
4.	A decision of the Registrar about a condition of an ancillary certificate	Regulation 24(1) and (8) (as applied by regulation 39(2))	The holder of the certificate
4A.	A decision of the Registrar to refuse an application for an exemption from the application of regulation 26B(2)(a)	Regulation 26N	The person whose application has been refused
4B.	A decision of the Registrar to place conditions on, or cancel, an exemption from the application of regulation 26B(2)(a)	Regulation 26N	The person who has been issued the exemption
5.	A decision of the Registrar to vary, suspend or cancel a driver licence	Regulation 32(1) (subject to regulation 32 (5))	The person whose licence has been varied, suspended or cancelled
6.	A decision of the Registrar to vary, suspend or cancel an ancillary certificate	Regulation 32(1) (as applied by regulation 39(2)) Regulation 43(3)	The person whose certificate has been varied, suspended or cancelled
7.	A decision of the Registrar that a person is no longer exempt from the requirement to hold a driver licence	Regulation 38(2)	The person whose entitlement to the exemption has ceased

8.	A decision of the Registrar to refuse to issue a certificate of roadworthiness	Regulation 46(4)(a)	The person who has been refused the certificate
9.	A decision of the Registrar to cancel a certificate of roadworthiness	Regulation 46(4)(c)	The registered operator of the (unroadworthy) motor vehicle
10.	A decision of the Registrar to refuse an application for registration, or renewal of registration, of a motor vehicle or a trailer	Regulation 57(1) and (2) Regulation 68(1) and (2)	The person whose application has been refused
11.	A decision of the Registrar about a condition of registration of a motor vehicle or a trailer	Regulation 59(1) and (4)	The registered operator of the motor vehicle or trailer
12.	A decision of the Registrar to refuse an application for the transfer of registration of a motor vehicle or a trailer	Regulation 69(7), (9) and (10)	The person whose application has been refused
13.	A decision of the Registrar to suspend or cancel the registration of a registered motor vehicle or trailer	Regulation 72(1)	The registered operator of the motor vehicle or trailer
14.	A decision to refuse to clear a written-off vehicle label	Regulation 81	The person whose application for the clearance has been refused
15.	A decision of the Registrar to refuse an application for a trade plate	Regulation 91(1)	The person whose application has been refused
16.	A decision of the Registrar to cancel a trade plate	Regulation 91(10)	The person whose trade plate has been cancelled
17.	A decision of the Registrar to refuse an application for a short term unregistered vehicle permit for a motor vehicle or a trailer	Regulation 92(1)	The person whose application has been refused
18.	A decision of the Registrar to cancel a short term unregistered vehicle permit for a motor vehicle or a trailer	Regulation 92(7)	The person whose permit has been cancelled
19.	A decision of the Registrar to reassess motor tax for a motor vehicle or a trailer	Regulation 113(1)	The registered operator of the motor vehicle or trailer

PART 2

PART 3 - Administrative decisions under [Vehicle and Traffic \(Vehicle Operations\) Regulations 2014](#)

Column 1 Item	Column 2 Decision	Column 3 Relevant provision of Regulations	Column 4 Eligible person
1.	A decision of the Commission not to grant an exemption	Regulation 56	The person whose application has been refused
2.	A decision of the Commission to vary or revoke an exemption	Regulation 57(1)(b)	The person who holds, or is operating under, the exemption
3.	A decision of the Commission to refuse to grant an application for a permit	Regulation 60(4)	The person whose application has been refused
4.	A decision of the Commission to impose conditions on a permit	Regulation 61(2)	The person whose application has been approved subject to conditions
5.	A decision of the Commission to vary, suspend or cancel a permit	Regulation 63	The holder of the permit
6.	A decision of the Commission to impose conditions on an exemption	Regulation 67(1)	The person who holds, or is operating under, the exemption

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 4 August 2010

- These regulations are administered in the Department of Infrastructure, Energy and Resources.

4 LEAVE TO TABLE ANSWERS TO QUESTIONS AND INCORPORATE ANSWERS INTO HANSARD.—

Ordered, That Mrs *Hiscutt* have leave to Table answers to Question No. 12 Social and Economic Impact Study (SEIS) Report 2018 and Question No. 13 The task of transporting students to and from school and have the answer incorporated into the Hansard record.

5 PAPERS.— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Commissioner for Children and Young People Tasmania: Annual Report 2018-19.
- (2) Office of the Governor of Tasmania: Annual Report 2018-2019.
- (3) National Health Practitioner Ombudsman and Privacy Commissioner: Annual Report 2018-2019.
- (4) Hydro Tasmania: Annual Report 2018-2019.
- (5) Brand Tasmania: Annual Report 2018-2019.
- (6) Work Health and Safety Act 2012: Statutory Rules 2019, No. 65, containing Work Health and Safety Amendment (Diving Work) Regulations 2019.

6 PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION ANNUAL REPORT 2018-19.—

Ms *Rattray* presented the Parliamentary Standing Committee on Subordinate Legislation Annual Report 2018-19.

Ordered, That the Report be received. (Ms *Rattray*)

Ordered, That the Report be printed. (Ms *Rattray*)

7 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS – REVIEW OF AUDITOR-GENERAL’S REPORT NO.1 OF 2013-14: FRAUD CONTROL IN LOCAL GOVERNMENT.—

Mr *Dean* presented a Report of the Parliamentary Standing Committee of Public Accounts on the Review of Auditor-General’s Report No. 1 of 2013-14: Fraud Control in Local Government.

Ordered, That the Report be received. (Mr *Dean*)

Ordered, That the Report be printed. (Mr *Dean*)

8 BILL NO. 37.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to protect State waters from pollution by oil and other substances, to give effect to certain parts of the MARPOL Convention, and for related purposes’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 17 October 2019

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

9 SPECIAL INTEREST MATTERS.— The President advised the Chamber of six Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Mr *Gaffney* - Palliative Care Tasmania;
- (2) Ms *Howlett* - Bream Creek Dairy;
- (3) Mr *Valentine* - The Windward Bound Trust’s Mistral II Project;
- (4) Ms *Siejka* - Poppy Lopatniuk;
- (5) Mrs *Hiscutt* - 100th Burnie Show at the new Agriplex; and
- (6) Mr *Finch* - Youth Justice.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

10 STRATEGIC INFRASTRUCTURE CORRIDORS NOTICES 2019.— A Motion was made (Ms *Rattray*) and the Question was proposed,

That the Legislative Council notes -

- (1) The Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Turners Marsh to Lilydale) Notice 2019; and
- (2) the Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Lilydale Falls to Tonganah) Notice 2019.

Which notices were tabled in the Legislative Council on 16 October 2019.

A Debate arose thereupon.

11 SITTING SUSPENDED.— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

12 QUESTION TIME.— The President called for Questions without Notice. There were five Questions asked.

13 STRATEGIC INFRASTRUCTURE CORRIDORS NOTICES 2019.— The Council resumed the Debate on the Question,

That the Legislative Council notes -

- (1) The Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Turners Marsh to Lilydale) Notice 2019; and
- (3) the Strategic Infrastructure Corridors (Strategic and Recreational Use) (North East Corridor from Lilydale Falls to Tonganah) Notice 2019.

Which notices were tabled in the Legislative Council on 16 October 2019.

And the Question being put,

It was resolved in the Affirmative.

14 ESTABLISHMENT OF GOVERNMENT BUSINESSES SCRUTINY COMMITTEES.—

Ordered, That two Government Businesses Scrutiny Committees be established to inquire into Government Businesses in accordance with the schedule detailed below and rules as set out in the Standing Orders at Part 22.

That the Committees have leave to sit on Thursday, 5 December and Friday, 6 December 2019 between the hours of 9.00 a.m. and 5.00 p.m. and at other times as necessary for the purpose of relevant stakeholder and deliberative meetings.

For 2019 Government Businesses are allocated to the Committees as follows-

Committee “A”

Thursday, 5 December 2019

Hydro Tasmania, Sustainable Timber Tasmania and

TasNetworks Pty Ltd

Committee “B”

Friday, 6 December 2019

Tasmanian Ports Corporation Pty Ltd, The Public Trustee and TT Line Company Pty Ltd

And that –

Mr *Finch*,
Ms *Forrest*,
Mr *Gaffney*,
Ms *Lovell*
Mr *Valentine* and
Ms *Webb*
be of Committee A

and

Ms *Armitage*,
Mr *Armstrong*,
Mr *Dean*,
Ms *Howlett*,
Ms *Rattray*,
Ms *Siejka*, and
Mr *Willie*
be of Committee B

And that the Committees report on the Government Businesses by no later than 19 December 2019.

If the Legislative Council is not sitting when the Government Businesses Scrutiny Committees complete their reports, those reports may be presented to the President or if the President is unable to act, to the Deputy President or other Office holder and in that event —

- (a) the reports shall be deemed to have been presented to the Council;
- (b) the publication of the reports is authorised by this Resolution;
- (c) the President, Deputy President or other Office holder, as the case may be, may give directions for the printing and circulation of the reports; and
- (d) the President, Deputy President or other Office holder, as the case may be, shall direct the Clerk to lay the reports upon the Table at the next sitting of the Council.

15 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 11.00 o'clock am on Wednesday, 30 October 2019.

And the Question being put,

It was resolved in the Affirmative.

Resolved, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 3.29 o'clock p.m.

D.T. PEARCE, *Clerk of the Council*.

Briefing:

- *Place Names Bill 2019*