



# LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

## NOTICES OF MOTION AND ORDERS OF THE DAY

No. 2

TUESDAY, 21 MAY 2024

(At 11 o'clock a.m.)

### NOTICE OF QUESTION

**1** Ms Rattray to ask the Honourable the Leader of the Government — Recent written advice provided by the Department of Justice, Consumer Building and Occupational Services (CBOS) to a member of the public indicated that CBOS is unable to provide assistance through mediation when residential building works are not covered under a residential building works contract. Mediation can only be administered through CBOS for contracted residential building works to which the Residential Building Work Contracts and Dispute Resolution Act 2016 applies.

- (1) Does the Government support the role of CBOS in not providing mediation services for building works disputes without a contract given the important role CBOS should have to provide confidence to those in our community undertaking building works?
- (2) Given the plethora of building disputes where there has been no contract offered or entered into, will the Government commit to supporting CBOS to provide independent mediation services outside of requiring legal representation for these cases, in particular to settle less substantial financial claims?
- (3) Will the Government consider amendments to the Residential Building Work Contracts and Dispute Resolution Act 2016 to facilitate less substantial claims where a written contract between parties has not been entered into?

### NOTICES OF MOTION

**1** Ms Forrest to move —

- (1) That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon energy prices and related matters in Tasmania with the following Terms of Reference —
  - (a) Factors that impact energy prices for Tasmanian household and small and medium business customers, with particular reference to energy generation, distribution and retail costs.
  - (b) The challenges related to energy supply and energy costs in Tasmania including —
    - (i) as owners of power generation and transmission infrastructure;
    - (ii) structure and operations of State-owned energy entities;
    - (iii) energy requirements;
    - (iv) expansion of State-owned renewable energy generation including associated community and economic benefits;

- (v) private energy generators;
  - (vi) energy generation, storage and transmission capacity; and
  - (vii) energy security considerations.
- (c) Opportunities related to energy supply and energy costs in Tasmania including —
- (i) as owners of power generation and transmission infrastructure;
  - (ii) structure and operations of State-owned energy entities;
  - (iii) energy requirements;
  - (iv) expansion of State-owned renewable energy generation including associated community and economic benefits;
  - (v) private energy generators;
  - (vi) energy generation, storage and transmission capacity; and
  - (vii) energy security considerations.
- (d) The operation of the National Electricity Market including —
- (i) current and future energy demand for participants; and
  - (ii) costs, benefits, opportunities and risks associated with the renewable energy transition.
- (e) Tasmania's past and future participation in the National Electricity Market including costs and benefits to Tasmania and resource opportunity.
- (f) Marinus Link Pty Ltd and associated energy power developments (Battery of the Nation and North West Transmission Development) including —
- (i) likely beneficiaries;
  - (ii) funding arrangements, including the potential for private sector contribution;
  - (iii) impact on Tasmanians' energy bills and concessional pricing arrangements; and
  - (iv) alternative options and associated costs and/or benefits to Tasmania including costs and cost of a 'do nothing approach'.
- (g) Any other matters incidental thereto.
- (2) That the said Committee be authorised to receive all submissions received by the Legislative Council Sessional Committee Government Administration 'A' Inquiry into Energy Prices in Tasmania from the Third Session of the Fiftieth Parliament.
- (3) That the said Committee be authorised to receive all submissions and related correspondence and papers received by the Joint Select Committee on Energy Matters from the Third Session of the Fiftieth Parliament.
- (4) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

**2** Ms *Forrest* to move —

- (1) A Joint Sessional Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of both Houses, and with leave to adjourn from place to place to inquire into and report upon matters related to the Recommendations made in the Final Report of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings, including:
- (a) the Tasmanian Government's response and plan to implement the Recommendations;
  - (b) the Tasmanian Government's progress in implementing the Recommendations;
  - (c) outcomes related to implementation of the Recommendations, both partially and fully implemented;
  - (d) monitoring progress reports provided to Parliament, as provided for by Recommendation

- 22.1 by the independent Child Safety Reform Implementation Monitor (when appointed);
  - (e) overseeing the performance and proper execution of functions of the Commissioner for Children and Young People, as provided for by Recommendation 18.9;
  - (f) any other relevant matters that either House may refer to the Sessional Committee; and
  - (g) any other matters incidental thereto; and
- (2) The number of Members to serve on the said Committee on the part of the Legislative Council be four.

**3** Ms Webb to move — That Environmental Standards for Tasmanian Marine Finfish Farming 2023 made under Section 96Q of the Environmental Management and *Pollution Control Act 1994*, effective from 18 October 2023, and laid upon the Table of the Council on 19 October 2023 be disallowed in accordance with the provisions of Section 96T of the Environmental Management and *Pollution Control Act 1994*.

**4** Ms Webb to move — That the Office of the Custodial Inspector Tasmania: Annual Report 2022-2023 be considered and noted.

**5** Ms Webb to move —

(1) That the Legislative Council:-

- (a) Notes the inaugural Implementation Report (the Report) of the Tasmanian National Preventative Mechanism (TNPM), *Preventing torture and ill-treatment in Tasmania: Report to the Tasmanian Government on the Implementation of the Tasmanian National Preventative Mechanism under the OPCAT Implementation Act 2021*, November 2023;
- (b) Recognises the Report's acknowledgment of the importance of the "strong civil society response" to the TNPM establishment project;
- (c) Further notes the Report's eight recommendations:
  - (i) That the Tasmanian NPM be established as a new specialised institution, separate from the Ombudsman;
  - (ii) That the person appointed as Tasmanian NPM concurrently serve as Custodial Inspector, which is also to be separated from the Ombudsman, and the offices combined under the recommended governance model;
  - (iii) That the Tasmanian NPM delegate authority to the Commissioner for Children and Young People and establish a joint process agreement for the exercise of functions pertaining to children and young people;
  - (iv) That the Commissioner for Children and Young People and the Custodial Inspector be specifically resourced to contribute to the delivery of the Tasmanian NPM;
  - (v) That the Tasmanian NPM and Commissioner for Children and Young People be co-located in a purpose designed office setting;
  - (vi) That the Tasmanian NPM establish a formal and permanent Civil Society Advisory Council, which is integrated into its governance structure;
  - (vii) That the Tasmanian NPM's corporate services are provided by an agency over which it will not exercise oversight; and
  - (viii) That the Tasmanian NPM and Commissioner for Children and Young People engage cooperatively and provide advice to Government on an agreed approach to the implementation of Commission of Inquiry recommendations related to OPCAT and youth justice inspections.

(2) That the Legislative Council further notes the Report's Foreword contains a call by the current Tasmanian NPM's urging the Tasmanian Government to accept the Report's recommendations in full.

- (3) That the Legislative Council calls on the Tasmanian government to:
- (a) Commit to accepting and delivering the Report's eight recommendations in full;
  - (b) Deliver an update on any progress made on implementation of any recommendations since the Report's public release on 1 December 2023; and
  - (c) Detail a timeframe for the delivery and implementation of any remaining recommendations still to be undertaken and completed.

**6** Ms *Webb* to move —

- (1) That the Legislative Council notes:-
- (a) All Australian States and Territories agreed in October 2017, under an Intergovernmental Agreement, to participate in the Commonwealth Government's National Driver Licence Facial Recognition Solution (NDLFRS);
  - (b) On 31 July 2019, the Identity-matching Services Bill 2019 was introduced into the Federal Parliament to establish a legislative biometrics matching scheme for the NDLFRS, but was subsequently withdrawn following concerns raised by a variety of legal, privacy and human rights experts, and criticisms from the relevant Federal parliamentary committee;
  - (c) Interstate jurisdictions determined they would not share data via the NDLFRS until the Commonwealth laws are in place.
  - (d) That based upon data provided by government a total of 468, 392 Tasmanian drivers licence photos were transferred to the NDLFRS between December 2018 and 16th of December 2020, without public consultation and despite the absence of Commonwealth legislation to regulate the NDLFRS and provide privacy protections and oversight mechanisms;
  - (e) The statement provided to the Parliament from the Minister for Infrastructure and Transport dated the 28th of October 2020, that the Tasmanian data uploaded to the NDLFRS will not be used until Commonwealth legislation is in place and relevant Tasmanian legislation reviewed, with the latter to occur in context of any eventual Commonwealth legislation;
  - (f) Tasmania paused the daily transfer of records to the NDLFRS on 16 December 2020.
- (2) That the Legislative Council calls on the Tasmanian government to:
- (a) Formally cease any current and future uploading of Tasmanians' records to the NDLFRS in the absence of appropriate Commonwealth privacy protection and oversight legislation;
  - (b) Immediately establish a secure process by which to delete all uploaded Tasmanian drivers licence photos from the NDLFRS; and
  - (c) Commit to undertaking thorough public consultation prior any future state participation in the NDLFRS should the required Commonwealth legislation be enacted.

## **ORDERS OF THE DAY**

- 1** Adjourned Debate (Mr Edmunds) on the Question proposed on 14 May 2024 – That the Address-in-Reply to Her Excellency the Governor's Speech be agreed to.
- 2** Appropriation (Further Supplementary Appropriation for 2023-24) Bill 2024 (No 1): Second reading.
- 3** Supply Bill (No 1) 2024 (No 4): Second reading.
- 4** Supply Bill (No 2) 2024 (No 5): Second reading.
- 5** Partition Amendment Bill 2024 (No. 2): Second reading.

C.L. VICKERS, *Clerk of the Council.*

**PAPERS ISSUED**

**LEGISLATIVE COUNCIL**

Notice Paper No. 1

**SUMMARY OF BILLS**

*Read First Time*

Bill No. 2	Partition Amendment ( <i>pro forma</i> ).
Bill No. 3	Appropriation (Further Supplementary Appropriation for 2023-24) 2024.
Bill No. 4	Supply (No. 1) 2024.
Bill No. 5	Supply (No. 2) 2024.