



# LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

## NOTICES OF MOTION AND ORDERS OF THE DAY

No. 9

FRIDAY, 2 AUGUST 2024

*(At 9.30 o'clock a.m.)*

### NOTICES OF QUESTION

**1** Ms *Ratray* 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?

*(asked 14.5.24)*

**6** Mr *Gaffney* to ask the Honourable Leader of the Government — With reference to the electric vehicle rebate scheme and the provision of electric vehicle charging facilities:

- (1) The Government's electric vehicle rebate scheme has been capped at 375 vehicles, all of which are currently reserved and all available funding for the e-Mobility Rebate for purchases such as e-bikes has been allocated.
  - (a) Will the Government open up additional rounds of the electric vehicle and e-bike rebate schemes, as it did with the successful ChargeSmart Grants program; and
  - (b) What is the distribution in terms of the numbers of rebated electric vehicles under the scheme in the North-west, North and South of Tasmania?
- (2) There has been no grant program for electric vehicle charging facilities since 2021, despite there being only 204 electric vehicle charging locations, and a small number of fast chargers, around Tasmania.
  - (a) What is the anticipated need for additional vehicle charging facilities, given the rapidly increasing number of electric vehicles on our roads;
  - (b) Will there be a third round of the ChargeSmart Grants program; and
  - (c) With the growing popularity of domestic solar energy installations, what progress has there been in Tasmania in developing bi-directional charging systems from battery storage,

vehicle to home (V2H) and vehicle to grid (V2G) that can create significant efficiencies in power usage, utilisation and network load?

(asked 18.6.24)

**7** Mr Gaffney to ask the Honourable Leader of the Government — With reference to community wellbeing and specific support programmes:

- (1) Given that in May 2022 the Premier announced the first steps in developing Tasmania's first Wellbeing Framework, with a suggested set of indicators that included the economy, health, education, safety, housing, living standards, environment and climate, social inclusion and connection, identity and belonging, good governance and access and services, what has been the progress in developing this initiative, and where has this been reported?
- (2) Looking to a specific social service, currently there are no plans for continuing to fund alcohol and other drug peer workers in the community sector in Tasmania beyond 2024 despite significant investment in them so far, and also glowing reports of their impact for Tasmanians with alcohol and other drug issues:
  - (a) What is the government's plan to support this recent innovation moving forward; and
  - (b) If funding for drug peer workers ceases, what alternative provisions will be made for this service?
- (3) Can the government confirm that an expanded financial commitment will be made to support an expected increase in the number of placements in Court Mandated Diversion programs across the state, especially in light of the expected rise in demand due to the inclusion, for the first time, of alcohol in these orders?

(asked 18.6.24)

**8** Mr Gaffney to ask the Honourable Nick Duigan, Minister for Energy and Renewables, and Minister for Parks and Environment —

- (1) With reference to the ongoing debate concerning climate change and greenhouse gas emissions it is noted that The Government in the new Parliament has dropped climate change as a ministry, leaving Tasmania as the only state or territory, apart from Queensland, without a Minister for Climate Change. The Emissions Reduction and Resilience Plan for the transport sector, required by the Climate Change (State Action) Act 2008, is now more than six months overdue and there are five other Emissions Reduction and Resilience Plans still to be delivered, and a review of the Act required by the legislation by the end of this year:
  - (a) How does the Government intend to deliver its commitments under the Climate Change Act without a Minister for Climate Change;
  - (b) Is the Government still committed to the urgent action needed on climate change; and
  - (c) When will the Emissions Reduction and Resilience Plan for the transport sector be released?
- (2) The Government, in its 2030 plan to '*Keep Tasmania's Forestry Industry Strong*', has committed to opening 40,000 hectares of the Future Potential Production Forest, Tasmania's native forest "Wood Bank". It has also committed to opening 158,000 cubic metres of sawlog, increasing supply by up to 10%. The reduction of logging from 2012 in the Land Use, Land Use Change and Forestry (LULUCF) sector has resulted, in 2022 data, with our forests sequestering 50% more harmful emissions than Tasmania's total combined greenhouse gas emissions from all the other reportable sectors:
  - (a) Has the Government initiated any modelling of any kind on the environmental impacts, or emissions likely to result from the increase in logging of native forests and sawlog committed to during the state election;
  - (b) If so, can it provide this modelling; and
  - (c) Does the modelling indicate that Tasmania will still be on track to achieve net zero by the 2030 target in the Climate Change Act?

(asked 18.6.24)

9 Mr Gaffney to ask the Honourable Jo Palmer, Minister for Education and Minister for Disability Services —

- (1) What is the Government's understanding of the Productivity Commission's 2024 Report on Government Services (ROGS), in particular *Part B, Section 4. School Education, Indicator Results, 9. Attainment*, with an indicated 2022 Tasmanian Year 12 student attainment rate from the 'Total' section of 53.1%, in terms of:
  - (a) How is the cohort of students used in producing the ROGS data defined, what is the methodology behind it, and can it be relied upon as a precise measure of the number of Year 12 aged students in Tasmania;
  - (b) What is the age range of students that are actually eligible to gain a Tasmanian Certificate of Education (TCE), and how does this compare with other jurisdictions;
  - (c) What number and proportion of students that leave school before completing the TCE requirements go on to seek a retrospective award of a TCE based on their subsequent VET qualifications; and
  - (d) The South Australian (SA) ROGS 2022 Year 12 attainment rate for its high socio-economic status group of students has a South Australian Certificate of Education (SACE) attainment rate of 101.7%, how is this possible?

- (2) The Productivity Commission's ROGS Year 12 student attainment data presentation includes this qualifying statement:

*'This indicator should be interpreted with caution as:*

- *assessment, reporting and criteria for obtaining a Year 12 or equivalent certificate varies across jurisdictions*
- *students completing their secondary education in technical and further education institutes are included in reporting for some jurisdictions and not in others'*

- (a) How does the assessment criteria for obtaining a Year 12 or equivalent certificate vary across jurisdictions; and
  - (b) Given that in this study SA has the highest Year 12 student attainment rate of any jurisdiction, and one that has been anecdotally reported as having possibly the most forgiving assessment criteria, what would the Tasmanian Year 12 student attainment rate be under the SACE assessment protocols?
- (3) The Office of Tasmanian Assessment, Standards & Certification's (TASC) most recent release of the '*Tasmanian Certificate of Education (TCE), Attainment State-Level TCE Data (2018–2022)*', contains a table of data with a five-year comparison of attainment rates of Year 12 students enrolled at Tasmanian Schools, who were also Australian citizens, and also that of a potential Year 12 population in Tasmania:
  - (a) In interpreting this data, and using the same 2022 cohort as the ROGS data, it shows a Year 12 attainment rate of 79.7% against a potential Year 12 population attainment rate of 55.1%, which figure should be correctly used in debate on student attainment and why; and
  - (b) Table note 2 of the TASC document states:

*'Potential Year 12 population: The potential Year 12 population is based on an age-weighted value using Australian Bureau of Statistics estimates for the number of persons aged 15-19 years in Tasmania in the given year'.*

The TASC 2022 attainment rate of 55.1% published in this document, and using this criterion, is different from the 53.1% reported as the Tasmanian 2022 Year 12 attainment rate in the ROGS report, what is the Government's understanding of the reasons for this difference and again, which figure should be used, and why?

- (4) In terms of successful Year 12 students with a TCE progressing into further education and training, and the potential Year 12 population that may not have completed Year 12, or gained a TCE:

- (a) What is the attainment rate of this combined group of students in terms of gaining a tertiary or vocational qualification in the five-year period following their time in compulsory education; and
  - (b) What is the numerical breakdown of those that leave school to start an apprenticeship before completing Year 12, compared to those that start an apprenticeship after successfully completing Year 12?
- (5) In the 2015 *Tasmania Report*, by Saul Eslake, there is 'Chart 4.6: Year 12 Retention Rates, Tasmania and Australia, 2000-20[sic]', p. 36, in the form of a comparative line graph. The graph shows Tasmanian Y12 a retention rate in 2003 that had rapidly increased over the previous three years, tracking to almost meet the national rate, then stabilised for a year in 2004, and fallen by 10 percentage points in 2005, with a short-lived uplift in 2010, followed by another slump and another small uplift in 2014. Mr Eslake offered no comment on these apparent anomalies:
- (a) What happened in 2005 to cause this sudden drop in the retention rate, together with the subsequent series of anomalies in year 12 retention rates; and
  - (b) What was the reason for the short-lived uplift in 2010?
- (6) Section 4. *School Education, Indicator Results, 4. Retainment*, of the ROGS data allows a breakdown of retention rates across Government and Non-government schools. The data for our Tasmanian Government schools demonstrates that they are now very much on par with the national average, whereas the retention rate for Tasmanian Non-government schools is shown to be around 23% below the national average for that sector, what measures are available to the Government to help Tasmania's Non-government schools address this problem?

(asked 18.6.24)

**10** Mr Gaffney to ask the Honourable Leader of the Government —

- (1) With reference to the Tasmanian government funding that supports community and social services, and the organisations that deliver them and cost of living pressures:
  - (a) What processes does the government have in place to monitor and assess the level of funding needed for sustainable community and social support services delivered by non-government organisations (NGOs);
  - (b) How are these processes themselves evaluated for accuracy and efficacy in determining the needs of NGOs; and
  - (c) What appeal or emergency provisions are in place for NGOs facing financial crisis?
- (2) In relation to the indexation rate applied to government grant funding of NGOs that provide community and social services:
  - (a) How does the indexation determination address the real, increased costs associated with delivery of services by NGOs, such as Mersey Community Care, particularly to clients living in rural and remote settings;
  - (b) What methodology is used in the determination of the indexation rate, and has this changed at all in recent years;
  - (c) How is the financial data reported by NGOs, to acquit their funding, utilised to evidence the true cost of service delivery; and
  - (d) What part do movements in the Consumer Price Index and its future outlook, along with the Social, Community, Home Care and Disability Services (SCHCDS) Industry Award, play in this determination?
- (3) As there has been little sustainable growth on NGO grant funding from the state government in the context of rising complexity of client presentations and continued reports of problems accessing these vital services; therefore, how will applying an indexation rate to existing NGO grants, on par with the Tasmanian State Service wages agreement, ensure that essential services are not curtailed due to higher costs and increased demand?

(asked 19.6.24)

**11** Mr *Gaffney* to ask the Honourable Leader of the Government —

- (1) With reference to the provision of public transport services and given that the Government has implemented its election promise of halving bus fares for one year to promote the use of public transport and ease the increasing cost of living pressures in our community:
  - (a) What processes are, or will be put in place to measure, evaluate and report on the success or otherwise of the fare discount scheme;
  - (b) If the fare discount scheme results in a significant increase in the use of public transport, with no capacity issues, and a subsequent reduction in traffic congestion and carbon emissions, is the Government minded to continue, or even expand the scope of the scheme;
  - (c) What actions can the Government take to address other factors that passengers identify as inhibitors to regular bus usage such as improved regularity and reliability of bus services; and
  - (d) What are the terms of reference for the trial of four electric buses in Tasmania that is due to finish in 2027, and what are the learnings from other jurisdictions that are committed to rolling out fleets of electric buses?

*(asked 19.6.24)*

**12** Mr *Armitage* to ask the Honourable Leader of the Government — Regarding Board membership of Government Business Enterprises, State-Owned Corporations and other Government Boards, can the Government —

- (1) Provide a list of current Tasmanian Government entities – specifically:
  - (a) Government Business Enterprises;
  - (b) State-Owned Corporations;
  - (c) Statutory Authorities; and
  - (d) Any other Government-controlled entities, commissions, boards and committees.
- (2) Provide the current breakdown of board members residing in Tasmania by region, as well as the number of board members who reside interstate, for each of the aforementioned entities?
- (3) Provide the number of board members allowed for each of these entities and how many board members are currently appointed to each entity?
- (4) Identify which of these entities have board members appointed by the relevant Minister?
- (5) Identify which of these entities have board members appointed by a process independent of the Government and/or the relevant Minister?

*(asked 20.6.24)*

## **ORDERS OF THE DAY**

- 1** State Litigator (Consequential Amendments) Bill 2024 (No. 8): Third Reading.
- 2** Sentencing Amendment (Alcohol Treatment Order) Bill 2024 (Bill No. 7): Third Reading.
- 3** Taxation Legislation (Miscellaneous Amendments) Bill 2024 (Bill No. 22): Second reading.
- 4** Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024 (Bill No. 23): Second reading.
- 5** Disability Inclusion and Safeguarding Bill 2024 (Bill No. 29): Second reading.
- 6** Racing Regulation and Integrity Bill 2024 (Bill No. 10): Second reading.
- 7** Racing Regulation and Integrity (Consequential Amendments) Bill 2024 (Bill No. 11): Second reading.
- 8** Human Tissue Amendment Bill 2024 (Bill No. 18): Second reading.

- 9 Report of the Parliamentary Standing Committee of Public Accounts “Hydro Tasmania and the Termination of the Basslink Services Agreement”: Consideration and noting. (Ms *Forrest*)
- 10 Report of the Parliamentary Standing Committee of Public Accounts “Tasmanian Fire and Emergency Services Funding Model”: Consideration and noting. (Ms *Forrest*)
- 11 Work Health and Safety Amendment (Safer Workplaces) Bill 2024 (No. 24): Second Reading. (*Private Member’s Bill*)
- 12 Police Offences Amendment (Begging Repeal) Bill 2024 (No. 16): Second Reading. (*Private Member’s Bill*)
- 13 Partition Amendment Bill 2024 (No. 2): Second reading.

## NOTICES OF MOTION

1 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*.

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

3 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.

**4** 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.

**5** Mr *Edmunds* to move — That the Colony 47 and MyState Bank Financial Wellbeing in Tasmania June 2024 report be considered and noted.

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

## PAPERS ISSUED

### LEGISLATIVE COUNCIL

Notice Paper No. 8

## SUMMARY OF BILLS

### *Read First Time*

Bill No. 2	Partition Amendment ( <i>pro forma</i> )
Bill No. 10	Racing Regulation and Integrity
Bill No. 11	Racing Regulation and Integrity (Consequential Amendments)
Bill No. 16	Police Offences Amendment (Begging Repeal)
Bill No. 18	Human Tissue Amendment
Bill No. 22	Taxation Legislation (Miscellaneous Amendments)
Bill No. 23	Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers)
Bill No. 24	Work Health and Safety Amendment (Safer Workplaces)
Bill No. 29	Disability Inclusion and Safeguarding

### *Awaiting Third Reading*

Bill No. 7	Sentencing Amendment (Alcohol Treatment Order)
Bill No. 8	State Litigator (Consequential Amendments)

### *Agreed to by Both Houses*

Bill No. 3	Appropriation (Further Supplementary Appropriation for 2023-24) ( <i>Act No. 1 of 2024</i> )
Bill No. 4	Supply (No. 1) ( <i>Act No. 2 of 2024</i> )
Bill No. 5	Supply (No. 2) ( <i>Act No. 3 of 2024</i> )
Bill No. 12	Surveyors Amendment ( <i>Act No. 4 of 2024</i> )
Bill No. 13	Taxation Legislation (Affordable Housing and Employment Support) ( <i>Act No. 5 of 2024</i> )
Bill No. 14	Child Safety Reform Implementation Monitor ( <i>Act No. 6 of 2024</i> )

## STANDING COMMITTEES AND MEMBERS

Committee of Privileges: Mr *Farrell*, Ms *Forrest*, Mr *Gaffney*, Mrs *Hiscutt* and Ms *Ratray*  
Standing Orders Committee: Mr *Farrell* (The President), Ms *Forrest* (The Chair of Committees), Ms *Armitage*, Mrs *Hiscutt* and Ms *Ratray*  
Parliamentary Standing Committee on Public Works (Joint): Mr *Harriss* and Ms *Ratray*  
Parliamentary Standing Committee on Subordinate Legislation (Joint): Mr *Harriss*, Mrs *Hiscutt* and Ms *Ratray*  
Parliamentary Standing Committee of Public Accounts (Joint): Mr *Edmunds*, Ms *Forrest* and Ms *Thomas*  
Parliamentary Standing Committee on Integrity (Joint): Ms *Armitage*, Ms *O'Connor* and Ms *Webb*  
Parliamentary Standing Committee on Electoral Matters (Joint): Mr *Gaffney*, Ms *O'Connor*, Ms *Thomas* and Ms *Webb*

## SESSIONAL COMMITTEES AND MEMBERS

House Committee (Joint): Mr *Farrell* (The President), Ms *Forrest* and Mrs *Hiscutt*.  
Library Committee (Joint): Ms *Armitage*, Mr *Farrell*, Ms *Forrest*, Mrs *Hiscutt*, Ms *Ratray* and Mr *Vincent*  
Final Report of Commission of Inquiry (Joint): Ms *Forrest*, Ms *Lovell*, Mr *Vincent* and Ms *Webb*  
Workplace Cultural Oversight (Joint): Mr *Farrell*, Ms *Forrest*, Mrs *Hiscutt* and Ms *Lovell*  
Gender and Equality (Joint): Mr *Edmunds*, Ms *Forrest*, Mr *Harris*, Ms *Thomas*  
Government Administration A: Ms *Forrest*, Mr *Harriss* and Ms *Lovell*, Ms *Thomas* and Mr *Vincent*

- Tasmanian Ports Corporation Pty Ltd (TasPorts)
- Matters related to workers compensation insurance within the racing industry
- TasTAFE

Government Administration B: Ms *Armitage*, Mr *Edmunds*, Mr *Gaffney*, Ms *O'Connor*, Ms *Ratray* and Ms *Webb*

- Adult imprisonment and youth detention matters
- Homes Tasmania

## SELECT COMMITTEE AND MEMBERS

University of Tasmania Act 1992: Mr *Gaffney*, Ms *Lovell* and Ms *Webb*  
Energy Prices (Joint): Mr *Edmunds*, Ms *Forrest*, Mr *Harris* and Mr *Vincent*