



# LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## NOTICES OF MOTION AND ORDERS OF THE DAY

No. 17

TUESDAY, 26 OCTOBER 2021

(At 11.00 o'clock a.m.)

### NOTICE OF QUESTION

**4** Ms *Rattray* to ask the Honourable Leader of the Government —

With regard to WorkSafe Tasmania:

- (1) Which section of the *Work Health and Safety Act 2012* (Tas) prohibits a third party from lodging complaints and submitting a report of a Reportable Incident?
- (2)
  - (a) Does WorkSafe Tasmania have a new policy in that they do not accept complaints raised by third persons (i.e. public citizens) in relation to workplace issues that involve protesters; and
  - (b) if so, what is the reasoning behind this policy to not accept evidence or information from a third party about dangerous conduct during protests, when such evidence has legitimately caused the Regulator to act in recent years?
- (3) What is the Regulator's policy on accepting information and dealing with concerns raised by a third party in relation to safety issues of a Person Conducting a Business or Undertaking that arise during a protest activity in a workplace?

(asked 21.09.21)

### NOTICES OF MOTION

**1** Ms *Forrest* to move — That the Parliamentary Standing Committee of Public Accounts report No. 14: "Office of the Ombudsman and Health Complaints Commissioner" be considered and noted.

**2** Ms *Forrest* to move — That a Joint Sessional Gender and Equality 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 —

- (1)
  - (a) Any Bill referred to it by either House in order to examine gender and equality impacts;
  - (b) Any matter related to gender and equality referred to it by either House; and
  - (c) Any matter related to gender and equality, initiated by its own motion; and
- (2) That Notice of any own Motion Inquiry shall be reported to both Houses within two (2) sitting days of the Committee's Resolution; and
- (3) That 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 the following parts of Statutory Rules 2019, No. 63, Fisheries (Abalone) Amendment Rules 2019 dated 23 September 2019 made under the *Living Marine Resources Management Act 1995* and laid upon the Table of the Council on 19 November 2019, namely,

- (a) Section 9, Rule 18 amended (Quantity of abalone), paragraphs (a) and (c); and
- (b) Section 10, Rule 18A inserted (18A Quantity of abalone in eastern region)

be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

**4** Ms Webb to move —

(1) That the Legislative Council notes:

- (a) The United Nations Convention on the Rights of the Child requires countries to establish a minimum age below which children are presumed not to have the capacity to breach the criminal law, and that countries should work towards a minimum age of criminal responsibility of 14 years or older; and
- (b) the global median minimum age of criminal responsibility is 14, while the minimum age of criminal responsibility in all Australian jurisdictions is 10 years.

(2) That the Legislative Council further notes:

- (a) Groups including, but not limited to, Amnesty International, the National Aboriginal and Torres Strait Islander Legal Services, Australia's National Children's Commissioner, the Australian Medical Association, the Royal Australian and New Zealand College of Psychiatrists, and the Royal Australasian College of Physicians have called on governments to raise the minimum age of criminal responsibility to at least 14;
- (b) in Tasmania, groups including the Commissioner for Children and Young People, the Law Society of Tasmania and the Tasmanian Council of Social Service (TASCOSS) agree that the minimum age of criminal responsibility should be raised to at least 14 years;
- (c) evidence demonstrates that, at the age of 10, a child's brain is still developing, particularly as to reasoning, impulsivity and consequential thinking;
- (d) evidence shows that many children involved in the criminal justice system come from disadvantaged backgrounds and have complex needs better addressed outside the criminal justice system through a developmentally appropriate, trauma-informed and culturally safe early intervention model that supports children in their families and communities; and
- (e) evidence also indicates that the younger children are when they first encounter the youth justice system, the more likely they are to reoffend.

(3) That the Legislative Council further notes:

- (a) The Council of Attorneys-General initiated a Working Group on the minimum age of criminal responsibility in November 2018, but have not reached a nationally agreed way forward; and
- (b) notwithstanding the national Working Group discussions, the age of criminal responsibility is entirely a matter for the state, and there is no reason why Tasmania cannot proceed to raise the age of criminal responsibility in this state.

(4) That the Legislative Council call on the Tasmanian Government to:

- (a) Raise the minimum age of criminal responsibility to at least 14; and
- (b) commit to the principles of justice reinvestment, divert young people – particularly those under the age of 14 – away from the youth justice system into programs and services that

address the underlying causes of their behaviour, and implement a program for Aboriginal youth led by Indigenous people.

**5** Mrs *Hiscutt* to move — That the Legislative Council:

- (1) Notes the undertaking made by the Tasmanian Government at the last election to implement all commitments under its first 100 Days in Office plan;
- (2) Notes that all elements of that 100 Day Plan have now successfully been met and more, within the identified time frame; and
- (3) Urges the State Government to maintain the momentum now established and to continue implementation of its long-term strategic plan for improving the lives of all Tasmanians and securing Tasmania's future.

**6** Mr *Duigan* to move — That the Legislative Council:

- (1) Notes the importance of trout fishing as a way of life for thousands of Tasmanians;
- (2) Notes that the Tasmanian trout fishery is regarded as one of the best in the world;
- (3) Acknowledges the significant economic, tourism and social benefits for Tasmania and Tasmanians arising from the operation of the Tasmanian trout fishery; and
- (4) Urges the Tasmanian Government to continue its strategies to implement best practice recreational trout fishery management and the development of appropriate infrastructure, facilities and access to support the trout fishing experience for all Tasmanians.

**7** Mr *Duigan* to move — That the Legislative Council:

- (1) Notes that Hydro Tasmania was named as a finalist for the 2021 Clean Energy Council Awards in the Community Engagement category for their COVID-19 Recovery Program to assist Tasmanian communities in overcoming the challenges associated with the pandemic;
- (2) Notes that Hydro Tasmania's program had two phases: the Sustain phase reassuring Tasmanians that essential energy generation would continue, while the Recovery phase partnered with community organisations to deliver initiatives to assist hard-hit sectors and vulnerable groups;
- (3) Acknowledges that the program enabled community organisations to help more people affected by the pandemic and delivered a range of positive community initiatives across Tasmania; and
- (4) Urges Hydro Tasmania to continue its endeavours to fully engage with the Tasmanian community as it develops its ongoing responses to deal with the COVID pandemic.

**8** Ms *Palmer* to move — That the Legislative Council:

- (1) Notes the importance of the Tasmanian wine industry and that Tasmanian wines are highly regarded both nationally and internationally;
- (2) Notes the key role in Tasmania's agri-food sector that wine continues to play with a contribution of more than \$200 million to the State's economy and provision of over 2000 FTE positions representing 10% of total employment in the agriculture, forestry and fishing sectors in Tasmania;
- (3) Notes the continuing efforts by the Government to support the Tasmanian wine industry including a \$50 000 grant from Biosecurity Tasmania for enhanced biosecurity preparedness; and
- (4) Acknowledges that the efforts of Wine Tasmania compliment Biosecurity Tasmania's strategy to keep Tasmania free from unwanted pests and diseases.

**9** Ms *Palmer* to move — That the Legislative Council:

- (1) Notes that the Tasmanian Government has established its law and order credentials with its extensive law reform agenda, prioritising victims and community safety;
- (2) Notes that the Tasmanian Government's policy to modernise Tasmania's bail laws to better reflect

community expectations is an important measure to ensure community safety from high-risk offenders;

- (3) Notes that legislating a presumption against bail in circumstances when offenders are accused of committing a crime such as murder or serious drug trafficking, or deemed a high risk, is the right thing to do; and
- (4) Further notes that these changes now being prioritised by the Government are needed to restore community confidence in the justice system.

**10** Ms *Howlett* to move — That the Legislative Council:

- (1) Acknowledges our Tasmanian athletes who have represented Australia at the Tokyo Paralympic Games – Todd Hodgetts (shot put), Alexandra Viney (rowing) and Deon Kenzie (1500 metres);
- (2) Pays tribute to their dedication and hard work in realizing their Olympic dream; and
- (3) Recognises them as outstanding and inspirational role models for all young Tasmanian athletes.

**11** Ms *Forrest* to move — That the Legislative Council notes:

- (1) The achievement of Wynyard Yacht Club members Chris Symonds and his support worker Ela Klinger who will be travelling to Palermo, Sicily, to participate in the Hansa Para World Championships scheduled for 2-9 October 2021;
- (2) Chris Symonds:
  - (a) Has been living with Kennedy’s Disease, a rare neuromuscular disorder, for a number of years and is an NDIS participant;
  - (b) started sailing in the Hansa 303 class in 2014, competing nationally and internationally; and
  - (c) is the winner of two World Championships and runner up in five since 2017;
- (3) Chris Symonds and Ela Klinger are the only Australians of the 101 entries from 23 nations to compete in the Para World Championships in Palermo, Sicily in 2021; and
- (4) An exemption for Chris Symonds and Ela Klinger to depart Australia was granted in the “National Interest” on 28 July 2021, and that strict COVID safe protocols will be followed for the duration of the competition and on their return to Australia.

**12** Ms Webb to move —

- (1) That the Legislative Council notes:
  - (a) The Organisation for Economic Co-operation and Development (OECD) and Council of Europe defines gender responsive budgeting as: *“Gender budgeting is an application of gender mainstreaming in the budgetary process. It means a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality”*;
  - (b) in 2019, the International Monetary Fund (IMF) stated, *“Gender equity, achieved through gender responsive budgeting, is more than a human rights issue. It’s an economic imperative”*; and
  - (c) Gender Equity Victoria defines the three key areas of gender budgeting as:
    - (i) gender-informed resource allocation whereby individual policy decisions and/or funding allocations take into account the impact of the decision on gender equality;
    - (ii) analysis at the sectorial level of the impact of decisions on gender equality within that sector or industry; and
    - (iii) assessment of the impact of the budget as a whole is subject to some degree of gender analysis.

- (2) That the Legislative Council further notes:
- (a) Australia was recognised as a pioneer and global leader in developing an analytical gender lens to evaluate economic infrastructure and outcomes, by including the nation's first Women's Budget Statement in the 1984-85 Federal Budget;
  - (b) the National Gender Budget Statement stopped being produced in 2014, but was reinstated by the Federal government in the 2021-22 Federal Budget Papers;
  - (c) Victoria has produced a Gender Budget Impact Statement as part of its State Budget Papers since its introduction in the 1986-87 Budget year; and
  - (d) gender responsive budgeting would provide another tool within the State legislative and policy framework to facilitate improved economic security for, and economic participation of, Tasmanian women and gender-diverse communities.
- (3) That the Legislative Council calls upon the Tasmanian Government to:
- (a) Develop genuine whole-of-government gender-responsive budgeting processes; and
  - (b) introduce an analytical Budget Gender Impact Statement as part of the 2022-23 State Budget papers.

## ORDERS OF THE DAY

- 1 Children, Young Persons and Their Families Amendment Bill 2021 (No. 28): Consideration of Bill as amended in Committee of Whole Council.
- 2 Defamation Amendment Bill 2021 (No. 34): Third reading.
- 3 Tasmanian Civil and Administrative Tribunal Amendment Bill 2021 (No. 46): Second reading.
- 4 Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021 (No. 47): Second reading.
- 5 Mutual Recognition (Tasmania) Amendment Bill 2021 (No. 42): Second reading.
- 6 Poisons Amendment Bill 2021 (No. 35): Second reading.
- 7 Land (Miscellaneous Amendments) Bill 2021 (No. 43): Second reading.
- 8 Validation Bill 2021 (No. 39): Second reading.
- 9 Alcohol and Drug Dependency Repeal Bill 2021 (No. 40): Second reading.
- 10 Living Marine Miscellaneous Amendments (Digital Processes) Bill 2021 (No. 26): Second reading.
- 11 Report of the Legislative Council Government Administration Committee 'A' Inquiry into the Impact of the Commonwealth Horizontal Fiscal Equalisation System as assessed by the Commonwealth Grants Commission as it applies to Tasmania's expenses and delivery of services: Consideration and noting. (Ms Forrest)
- 12 Partition Bill 2021 (No. 2): Second reading.

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

## PAPERS ISSUED

### LEGISLATIVE COUNCIL

Notice Paper No. 16

## SUMMARY OF BILLS

### *Read First Time*

Bill No. 2	Partition ( <i>pro forma</i> ).
Bill No. 26	Living Marine Miscellaneous Amendments (Digital Processes).
Bill No. 35	Poisons Amendment.
Bill No. 39	Validation.
Bill No. 40	Alcohol and Drug Dependency Repeal.
Bill No. 42	Mutual Recognition (Tasmania) Amendment.

Bill No. 43	Land (Miscellaneous Amendments).
Bill No. 46	Tasmanian Civil and Administrative Tribunal Amendment.
Bill No. 47	Tasmanian Civil and Administrative Tribunal (Consequential Amendments).

*Consideration of Bill as amended in Committee of Whole Council*

Bill No. 28	Children, Young Persons and Their Families Amendment.
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*Awaiting Third Reading*

Bill No. 34	Defamation Amendment.
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*Agreed to by Both Houses*

Bill No. 10	Supply (No. 1) ( <i>Act No. 5 of 2021</i> ).
Bill No. 11	Supply (No. 2) ( <i>Act No. 6 of 2021</i> ).
Bill No. 12	Treasury Miscellaneous (Cost of Living and Affordable Housing Support) ( <i>Act No. 8 of 2021</i> ).
Bill No. 13	Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) ( <i>Act No. 7 of 2021</i> ).
Bill No. 14	Guardianship and Administration Amendment (Advance Care Directives).
Bill No. 15	Justice Miscellaneous (Increasing Judicial Retirement Age) ( <i>Act No. 11 of 2021</i> ).
Bill No. 27	Food Amendment ( <i>Act No. 12 of 2021</i> ).
Bill No. 32	Supply (No. 3) ( <i>Act No. 9 of 2021</i> ).
Bill No. 33	Supply (No. 4) ( <i>Act No. 10 of 2021</i> ).
Bill No. 36	Appropriation (No. 1) ( <i>Act No. 13 of 2021</i> ).
Bill No. 37	Appropriation (No. 2) ( <i>Act No. 14 of 2021</i> ).

### STANDING COMMITTEES AND MEMBERS

Committee of Privileges: Mr *Farrell* (The President), Ms *Forrest* (Chair of Committees), Mr *Gaffney*, Mrs *Hiscutt* and Ms *Ratray*.

Standing Orders Committee: The President (Mr *Farrell*), The Chair of Committees (Ms *Forrest*), Mrs *Hiscutt*, Ms *Ratray* and Mr *Valentine*.

Parliamentary Standing Committee on Public Works (Joint): Ms *Ratray* and Mr *Valentine*.

Parliamentary Standing Committee on Subordinate Legislation (Joint): Ms *Forrest*, Ms *Ratray* and Ms *Webb*.

Parliamentary Standing Committee of Public Accounts (Joint): Ms *Forrest*, Ms *Webb* and Mr *Willie*.

Parliamentary Standing Committee on Integrity (Joint): Ms *Armitage*, Ms *Palmer* and Mr *Valentine*.

### SESSIONAL COMMITTEES AND MEMBERS

House Committee (Joint): The President (Mr *Farrell*), Ms *Forrest*, Mrs *Hiscutt*.

Library Committee (Joint): Ms *Armitage*, Mr *Farrell*, Ms *Forrest*, Ms *Ratray*, Dr *Seidel* and Mr *Valentine*.

Government Administration A: Mr *Duigan*, Ms *Forrest*, Mr *Gaffney*, Ms *Lovell*, Dr *Seidel* and Ms *Webb*.

- Rural Health Services.
- Finfish Farming in Tasmania: Mr *Valentine* (substitute member with leave from Government Administration B).
- The Roy Fagan Centre – Short Inquiry Process (SIP).

Government Administration B: Ms *Armitage*, Ms *Palmer*, Ms *Ratray*, Ms *Siejka*, Mr *Valentine* and Mr *Willie*.

- Disability Services.

### SELECT COMMITTEES AND MEMBERS

Greater Hobart Traffic: Ms *Siejka*, Mr *Valentine* and Ms *Webb*.

TasWater: Ms *Lovell*, Ms *Palmer* and Ms *Ratray*.

Road Safety in Tasmania: Ms *Armitage*, Ms *Palmer*, Ms *Ratray*, Dr *Seidel* and Mr *Willie*.