



LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 19

WEDNESDAY, 9 NOVEMBER 2022

(At 11.00 o'clock a.m.)

NOTICE OF QUESTIONS

2 Mr *Valentine* to ask the Honourable Leader of the Government — With regard to midwives working in Tasmania's four major hospitals, can the Government please provide the following details for each hospital:

- (1) total number of Birthrate Plus Hours worked in core Midwifery in the past 3 months and the number of those hours worked by midwives;
- (2) number of vacancies within the Midwifery Group Practice (MG) Teams in July 2022 and the percentage this represents of the whole of the nursing workforce vacancies for the hospital for the same period;
- (3) number of student midwives currently practising in the maternity unit and of those, the number of students paid for their first year of clinical placement hours;
- (4) actual number of midwifery resignations in the past 3 months, and the percentage this represents of the midwifery workforce in the hospital;
- (5) COVID leave statistics for midwives for July 2022; and
- (6) number of backfilled midwifery positions for July 2022.

(asked 08.09.22)

4 Mr *Valentine* to ask the Honourable Leader of the Government — In relation to the most recent announcement of an AFL football stadium on Macquarie Point, in the interests of transparency and for the record, can the Government please provide the following details:

- (1)
 - (a) Prior to the Government setting a policy to build a stadium on the most recently selected site, was the Macquarie Point Development Corporation (MPDC) consulted; and
 - (b) if so, what was the style of that consultation and will the Government table the Corporation's detailed response(s) to that consultation?
- (2)
 - (a) What benefit-cost analysis (BCA) was undertaken for the recently proposed project prior to the project's announcement; and
 - (b) will the Government table that analysis?
- (3)
 - (a) Did the Government assess the impact the project would have on each of the current projects, either underway or in planning, that are related to the Macquarie Point 2017-2030 Masterplan; and
 - (b) if so, will the Government table that assessment, including any costs associated with the halting or delay of each project?

- (4) (a) When was the most recent Ministerial Statement of Expectations provided to the MPDC;
 - (b) did that statement envisage an AFL football stadium; and
 - (c) if not already available on the MPDC's website, will the Government table the statement?
 - (5) (a) Did the Government consult with MONA stakeholders prior to setting a policy to build a stadium on the most recently selected site; and
 - (b) if so, will the Government table the MONA stakeholder's response(s)?
 - (6) (a) Given the Aboriginal Community's significant interest in the future of Macquarie Point and their present operations on the site, has the Government in any way consulted with that community in relation to the impact of a stadium on their expectations for future development at the site;
 - (b) if so, when did that occur in relation to the policy change for the site; and
 - (c) will the Government table the Aboriginal Community's response(s) to that consultation?
 - (7) (a) Did the Government consult with the Australian Antarctic Division in relation to the impact of the Stadium on their future developments at Macquarie Point; and
 - (b) if so, will the Government table the response(s) from the Australian Antarctic Division?
 - (8) (a) Did the Government consult with the Hobart City Council in relation to the project's impact on their city's strategic plans; and
 - (b) if so, what were the results of that consultation and will the Government table those results?
- (asked 19.10.22)

5 Ms *Forrest* to ask the Honourable Leader of the Government — With regard the recently announced funding arrangements for the proposed Marinus Link:

- (1) What was the date of the Business Case that has guided this decision making?
- (2) Has the Business Case been updated recently to factor in:
 - (a) rising costs of materials;
 - (b) availability of materials;
 - (c) rising costs of labour; and
 - (d) availability of labour?
- (3) For the following time frames, identified separately, that is over the short, medium and long term (ie. 10 years plus), how will the proposal serve the best interests of Tasmania with regard to:
 - (a) The impact on Hydro Tasmania, financially and operationally;
 - (b) TasNetworks and the island transmission network;
 - (c) The impact on Major Industries (MI's) through the regulatory process;
 - (d) Power prices for residential customers;
 - (e) Wind energy including power offtake agreements; and
 - (f) Hydrogen power?
- (4) (a) Has a full risk assessment been undertaken for all stakeholders including:
 - (a) Hydro Tasmania;
 - (b) TasNetworks;
 - (c) Major industries;
 - (d) Residential customers;
 - (e) Commercial customers;
 - (f) Hydrogen energy proponents;
 - (g) Other renewable energy generators; and
- (b) if so, will these risk assessments be made public; and
- (c) if not, when will this occur?

(asked 25.10.22)

6 Ms Webb to ask the Honourable Leader of the Government — With regard to the ongoing uncertainty of the future of the Tasmanian Law Reform Institute (TLRI), and in light of the following considerations:

- (a) The establishing Agreement between the Founding Partners of the University of Tasmania, the Tasmanian Government and the Law Society of Tasmania is due for renewal in November this year;
- (b) the Legislative Council's affirmative vote on Tuesday, 27 September this year in support of a motion calling for the Government to prioritise delivering in full, and in good faith, the recommendations of the Review of the TLRI Final Report; and commit to ensuring Tasmania's acclaimed premier law reform agency is sufficiently resourced to place it on a 'secure and sustainable footing into the future' as recommended by the 2022 TLRI Review Final Report; and
- (c) my correspondence dated 28 July this year to the Attorney-General on this matter, which remains outstanding to date —

can the Government provide the requested information for the following outstanding matters:

- (1) The Government's formal response to the findings and 20 recommendations made in the South Australian Law Reform Institute (SALRI) Final Report of the Review of the Tasmanian Law Reform Institute, which was publicly released on 20 July this year;
- (2)
 - (a) whether the Founding Partners Agreement will be renewed in November this year; and
 - (b) if so, can the Government provide a copy of the new Agreement once finalised and signed;
- (3) details of any new governance and structural reforms made to the TLRI, and how they are intended to secure a contemporary and sustainable TLRI into the future;
- (4) the Government's ongoing funding commitment to the TLRI, noting the TLRI Review's recommendation number 19 that the annual baseline or recurrent funding from the Government be increased to at least \$200 000 per annum, to support the Institute's work programme;
- (5) the process and the role of the Government in securing a permanent Director of the TLRI; and
- (6) the expected tenure of current Acting Director, Associate Professor Jeremy Prichard, and what role the Government had in that appointment.

(asked 26.10.22)

8 Ms Lovell to ask the Honourable Leader of the Government — In relation to the Tasmanian Health System Dashboard released on 30 September 2022, pertaining to the twelve months to August 2022 —

- (1)
 - (a) What are the specific circumstances or conditions that lead to the removal of patients from the elective surgery waitlist under the reason – *Surgery not required or declined*;
 - (b) what is the disaggregation of patients by Category 1, 2 and 3, and by length of time on the wait list;
 - (c) with regard to the 1539 patients removed from the elective surgery waitlist what proportion were removed because surgery was not required;
 - (d) what proportion of patients were removed from the list because surgery was declined;
 - (e)
 - (i) what proportion of patients who declined surgery continue to receive healthcare in the public system; and
 - (ii) what proportion have their medical needs met in the private health system?
 - (f)
 - (i) how many patients have been removed from the elective surgery wait list because they are no longer alive; and
 - (ii) what is the disaggregation of these patients by Category 1, 2 and 3?

- (2) With regard to the 486 patients *treated elsewhere for awaited procedure*:
 - (a) What are the specific circumstances or conditions that lead to removal from the elective surgery waitlist;
 - (b) what is the disaggregation of patients by Category 1, 2 and 3, and by the length of time on the wait list; and
 - (c) what proportion of these patients were treated interstate, disaggregated by Category and jurisdiction?
 - (3) With regard to the 148 patients *Transferred to another hospital's waiting list*:
 - (a) What proportion were treated in Tasmanian private hospitals, disaggregated by Category and length of time on the wait list;
 - (b) what data is collected on the wait list duration and surgical completion rate of patients transferred to other hospitals' wait lists;
 - (c) how are the costs associated with the transfer and subsequent treatment at other hospitals met; and
 - (d)
 - (i) what was the total cost of transfers to other hospitals' wait lists for the period August 2021 – August 2022; and
 - (ii) how does this compare to the previous three years?
- (asked 08.11.22)

ORDERS OF THE DAY

- 1** Climate Change (State Action) Amendment Bill 2021 (No. 63 of 2021): Further Consideration in Committee of the Whole Council (Recommitted Clause 6, proposed new section 5F).
- 2** Land Use Planning and Approvals Amendment Bill 2022 (No. 29): Adjourned Debate (Ms *Palmer*) on the Question proposed on 27 October 2022 — That the Bill be now read the Second time.
- 3** Legal Profession Amendment Bill 2022 (No. 45): Second reading.
- 4** Environmental Management and Pollution Control Amendment Bill 2022 (No. 46): Second reading.
- 5** Animal Welfare Amendment Bill 2022 (No. 42): Second reading.
- 6** Justice and Related Legislation Miscellaneous Amendments Bill 2022 (No. 43): Second reading.
- 7** Public Interest Disclosures (Members of Parliament) Bill 2021 (No. 22 of 2021): Adjourned Debate (Mr *Gaffney*) on the Question proposed on 18 October 2022 — That the Bill be now read the Second time.
- 8** Report of the Legislative Council Government Administration Committee 'A' Inquiry into Rural Health Services in Tasmania: Consideration and noting. (Ms *Forrest*)
- 9** Report of the Select Committee on Road Safety in Tasmania: Consideration and noting. (Ms *Armitage*)
- 10** Partition Amendment Bill 2022 (No. 38): Second reading.

NOTICES OF MOTION

- 1** Ms *Webb* to move — That a draft proclamation made under Section 11(2) of the *Nature Conservation Act 2002*, dated 26 May 2022 and laid upon the Table of the Council on 2 June 2022 and which draft proclamation declares areas of Crown land specified in Parts 1 to 10 of Schedule 1 to the draft proclamation to be reserved land, be disallowed in accordance with the provisions of s.18(3) of the *Nature Conservation Act 2002*.
- 2** Ms *Webb* to move — That a draft proclamation made under Section 11(2) of the *Nature Conservation Act 2002*, dated 18 May 2022 and laid upon the Table of the Council on 2 June 2022 and which draft proclamation declares area of Crown land specified in Parts 1 to 11 of Schedule 1 to the draft proclamation to be reserved land, be disallowed in accordance with the provisions of s.18(3) of the *Nature Conservation Act 2002*.

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

- (1) Notes the important role that Men’s sheds play in the overall wellbeing of many Tasmanians;
- (2) notes the contributions that Men’s sheds make to the community;
- (3) acknowledges the role that volunteers play within Men’s sheds; and
- (4) thanks the Tasmanian Men’s Shed Association for the work they do promoting and supporting Men’s sheds across the State.

4 Ms *Armitage* to move — That the Legislative Council appeals to the Government to give strong consideration to making it compulsory for all elected Members of State and Local Government to obtain and keep a Working with Vulnerable People Card.

5 Ms *Webb* to move — That the Legislative Council:

- (1) Notes that International Human Rights Day is observed every 10th of December, the date on which the United Nations General Assembly in 1948 formally adopted the Universal Declaration of Human Rights, which proclaims the inalienable rights to which every person is entitled;
- (2) notes that 2023 will be the 75th Anniversary of the milestone Universal Declaration of Human Rights;
- (3) acknowledges the long-standing community call for a Tasmanian Human Rights Act;
- (4) recognises that the Tasmanian Law Reform Institute (TLRI), following extensive public consultation, recommended in 2007 that Tasmania introduce a Human Rights Act, and that the TLRI is currently finalising an updated report;
- (5) notes that Victoria, Queensland and the Australian Capital Territory have implemented Human Rights Acts;
- (6) welcomes the recent Ministerial Statement made by the Premier, the Honourable Jeremy Rockliff MP, on the 16th August 2022, asserting the safety of children and young people are “*fundamental human rights*”, and also the Premier’s media statement of 26 September 2022 recognising housing as a “*basic human right*”;
- (7) welcomes the recent formation of the grassroots Alliance for a Tasmanian Human Rights Act (ATHRA), arising from a forum held in June this year which was hosted by Equal Opportunity Tasmania and sponsored by the Attorney-General;
- (8) congratulates this new grassroots alliance for their work, including a rally to be held on Saturday the 26th of November, to both celebrate International Human Rights Day while highlighting that it’s time for a Human Rights Act in Tasmania; and
- (9) urges the government to consider marking the 75th Anniversary of the Universal Declaration of Human Rights by initiating consultation on a Human Rights Act for Tasmania.

6 Ms *Webb* to move — That the Legislative Council:

- (1) Notes that Australia ratified in 2017 the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT), which provides for international inspections of places of detention, at both national and subnational levels, by the United Nations Subcommittee on the Prevention of Torture (SPT);
- (2) notes on 29 November 2021 Tasmania passed the *OPCAT Implementation Act 2021* which commenced on 20 January 2022;
- (3) notes the recent disturbing reports that a delegation from the United Nations Subcommittee on Prevention of Torture (SPT) has taken the extraordinary step of suspending its current visit to Australia due to obstruction encountered in interstate jurisdictions when attempting to carry out its mandate as defined by OPCAT;

- (4) notes national and international condemnation and concerns raised by human rights and legal entities and individuals responding to news of the reported obstruction, including the Australian Human Rights Commission which has called for urgent action by all Australian and state governments to address the fallout from the suspension of this UN SPT visit;
- (5) acknowledges and welcomes reports that the SPT delegation did visit six Tasmanian custodial sites, including the Ashley Youth Detention Centre, before the national inspection tour was suspended;
- (6) notes that Part 3 of the Tasmanian *OPCAT Implementation Act 2021* provides for the Minister to enter into arrangements with the Commonwealth Attorney-General to facilitate the SPT's functions under and in accordance with OPCAT in Tasmania, including access to detention facilities, potential interviewees, and documentation;
- (7) requests the Tasmanian Government:
 - (a) confirm which detention facilities were visited by the UN Subcommittee on the Prevention of Torture delegation during October this year;
 - (b) detail any arrangements made with the Commonwealth under Part 3 of the *OPCAT Implementation Act 2021* to facilitate the UN SPT delegation's inspection visit; and
 - (c) undertake to evaluate the *OPCAT Implementation Act 2021* in context of the recommendations of the Australian Human Rights Commission's *Road Map to OPCAT Compliance* released on 17 October this year, and report back to the Parliament; and
- (8) formally reiterate its commitment to:
 - (a) co-operating fully with all future visits and unannounced inspections of Tasmanian detention facilities, including the capacity to interview privately any person deprived of their liberty and access documentation, undertaken by the United Nations Subcommittee on Prevention of Torture (SPT) under the auspices of OPCAT; and
 - (b) the recognised rules-based international legal system underpinning OPCAT.

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

- (1) Approves pursuant to section 18 of the *Nature Conservation Act 2002* (the Act), draft proclamations tabled on 26 October 2022, made under section 11(2) of the Act to reserve Future Potential Production Forest (FPPF) land in the Tasmanian Wilderness World Heritage Area (TWWHA), that is Crown land.
- (2) Recognises that these proclamations:
 - (a) are being undertaken as a result of a process that began in 2011, where areas of Crown land adjacent to and outside of the then TWWHA boundary were identified for reservation and subsequently, as a result of a determination by the Australian Government in 2013, that the TWWHA boundary should be expanded to include these parcels of land;
 - (b) demonstrates through the reservation of these FPPF land parcels a delivery towards key recommendation 11 as outlined in the 2015 “International Union for Conservation of Nature (IUCN) / International Council on Monuments and Sites (ICOMOS) Reactive Monitoring Mission report”;
 - (c) delivers on a commitment made by the State Party (being the Australian Government) to the World Heritage Committee (WHC) that this land will be reserved, and importantly, once approved by both Houses, is reported to the WHC as complete; and
 - (d) ensures that the FPPF land once reserved under The Nature Conservation Act 2002 (NCA), will result in the NCA, NPRMA and TWWHA Management Plan 2016 having statutory effect over the land.

TUESDAY, 15 NOVEMBER 2022

ORDER OF THE DAY

1 Stadiums Tasmania Amendment (Transfers) Bill 2022 (No. 39): Second reading.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 18

SUMMARY OF BILLS

Read First Time

Bill No. 38	Partition Amendment (<i>pro forma</i>).
Bill No. 39	Stadiums Tasmania Amendment (Transfers).
Bill No. 42	Animal Welfare Amendment.
Bill No. 43	Justice and Related Legislation Miscellaneous Amendments.
Bill No. 45	Legal Profession Amendment.
Bill No. 46	Environmental Management and Pollution Control Amendment.

Second Reading Debate Adjourned

Bill No. 22 of 2021	Public Interest Disclosures (Members of Parliament).
Bill No. 29	Land Use Planning and Approvals Amendment.

Further Consideration in Committee of the Whole Council

Bill No. 63 of 2021	Climate Change (State Action) Amendment.
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Agreed to by Both Houses

Bill No. 5	Traffic Amendment (Electronic Billboards).
Bill No. 10	Family Violence Reforms (<i>Act No. 21 of 2022</i>).
Bill No. 11	Electricity Safety.
Bill No. 12	Roads and Jetties Amendment.
Bill No. 15	Police Offences Amendment (Workplace Protection) (<i>Act No. 22 of 2022</i>).
Bill No. 19	Health Legislation (Miscellaneous Amendments) (<i>Act No. 23 of 2022</i>).
Bill No. 20	Vehicle and Traffic Amendment (Driver Distraction and Speed Enforcement).
Bill No. 27	Occupational Licensing (Automatic Mutual Recognition Consequential Amendments).
Bill No. 35	Homes Tasmania (<i>Act No. 25 of 2022</i>).
Bill No. 36	Homes Tasmania (Consequential Amendments) (<i>Act No. 26 of 2022</i>).
Bill No. 40	Statutory Holidays Amendment (<i>Act No. 24 of 2022</i>).
Bill No. 41	Justice Miscellaneous (Advance Care Directives).

STANDING COMMITTEES AND MEMBERS

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

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

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

Parliamentary Standing Committee on Subordinate Legislation (Joint): Ms Forrest, Mrs Hiscutt and Ms Rattray.

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, and Mrs Hiscutt.

Library Committee (Joint): Ms Armitage, Mr Farrell, Ms Forrest, Ms Howlett, Ms Rattray and Mr Valentine.

Gender and Equality Committee (Joint): Mr Duigan, Ms Forrest, Mr Harriss and Mr Willie.

Workplace Culture Oversight Committee (Joint): Mr Farrell (The President), Ms Forrest, Mrs Hiscutt and Ms Lovell.

Government Administration A: Mr Duigan, Mr Edmunds, Ms Forrest, Mr Gaffney, Mr Harriss and Ms Lovell.

Government Administration B: Ms Armitage, Ms Howlett, Ms Rattray, Mr Valentine, Ms Webb and Mr Willie.

- Matters related to adult imprisonment and youth detention.

SELECT COMMITTEES AND MEMBERS

University of Tasmania Act 1992: Mr Duigan, Mr Gaffney, Ms Lovell, Mr Valentine and Ms Webb.

Government Businesses Scrutiny Committee A: Mr Duigan, Mr Edmunds, Ms Forrest, Mr Gaffney, Mr Harriss and Ms Lovell.

Government Businesses Scrutiny Committee B: Ms Armitage, Ms Howlett, Ms Rattray, Mr Valentine, Ms Webb and Mr Willie.