



LEGISLATIVE COUNCIL

SESSION OF 2022 - 2023

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 59

TUESDAY, 26 SEPTEMBER 2023

(At 11.00 o'clock a.m.)

NOTICE OF QUESTIONS

32 Ms Lovell to ask the Honourable Leader of the Government — In relation to worker accommodation owned or utilised by the Department of Health can the Government:—

- (1) Provide a list of residential dwellings currently owned by the Department with a breakdown by suburb/town, date of build, date of purchase/build, number of bedrooms, last valuation amount and the occupation groups that the accommodation is made available to.
- (2) Provide for each of the last 5 years, the number of residential dwellings owned, purchased or built by the Department and the number sold by the Department.
- (3) Provide any strategy that the Department has or is considering specifically for increasing the availability of residential dwellings for health workers around Tasmania.

(asked 28.06.23)

37 Mr Valentine to ask the Honourable Leader of the Government — Given recent concern regarding the significant health risks caused by exposure to respirable crystalline silica (RCS) in engineered stone, which may include chronic bronchitis, emphysema, silicosis, lung cancer, kidney damage, connective tissue disease, or scleroderma, and in an effort to understand the extent of the problem in Tasmania, can the Government:—

- (1) Provide the number of businesses by region currently manufacturing, finishing or installing this product in Tasmania?
- (2) Advise what steps are being taken to quantify the level of exposure workers in the industrial and building sectors have to silica dust generated through the fabrication, handling and installation of this product?
- (3) Advise what education programs already exist or are in the process of being developed to ensure all workers in the industrial and building sectors are made aware of the dangers of exposure to this product in its fabrication, handling and installation?
- (4) (a) Advise whether the government maintains a register of Tasmanians being treated for health conditions caused as a result of exposure to the manufacture, finishing or installation of engineered stone, and
(b) if so, please provide the relevant data per region?

(asked 22.08.23)

38 Ms Lovell to ask the Honourable Leader of the Government — In relation to agency nurses engaged within the Department of Health, can the Government advise:—

- (1) In 2023, how many agency nurses were employed across Tasmania?
- (2) In 2023, what percentage of shifts were filled by agency nurses across Tasmania?
- (3) In 2023, how many agency nurses were employed across:
 - (a) the North West Regional Hospital;

- (b) the Mersey Community Hospital;
 - (c) each of the district hospitals;
 - (d) the Launceston General Hospital; and
 - (e) the Royal Hobart Hospital?
- (4) In 2023, what percentage of shifts were filled by agency nurses across:
- (a) the North West Regional Hospital;
 - (b) the Mersey Community Hospital;
 - (c) each of the district hospitals;
 - (d) the Launceston General Hospital; and
 - (e) the Royal Hobart Hospital?
- (5) What are the other areas across the Tasmanian Health Service (THS) that agency nurses are employed?
- (6) What are the employment costs per annum in the last three years of agency nurses across the THS?
- (7) What are the accommodation and travel costs per annum of agency nurses across the THS in each of the last three years?
- (8) What is the average hourly pay rate of an agency nurse?
(asked 22.08.23)

39 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to 4WD track access to and within the Arthur Pieman Conservation Areas (APCA):—

- (1) For all tracks closed since 2010:
- (a) What year was each closed; and
 - (b) please provide details (and where possible copies) of the notification provided to:
 - i) the relevant representative body either the Tasmanian Recreational Vehicle Association (TRVA) and/or Four Wheel Drive Tasmania; and
 - ii) the local newspaper advertisement.
- (2) Does the Government intend to review and/or update the *Policy for the Use of Recreational Vehicles on State-Owned Lands*; and
- (a) if so, when; and
 - (b) if not, why not?
- (3) Who, or which body or Department developed the Arthur-Pieman Conservation Area and West Coast Off-Road Vehicle Project Steering Committee Status Report of 1 May 2023; and
- (a) which stakeholder groups were consulted; and
 - (b) how does this document interact with the work being undertaken by Inspiring Places?

(asked 05.09.23)

40 Mr *Valentine* to ask the Honourable Leader of the Government — With regard to the docking of nuclear-powered vessels in Tasmanian ports, can the Government please provide:—

- (1) details communicated to the Tasmanian Government by the Australian Government, and/or its relevant regulating authorities, on the docking exclusion zones currently in place in each Tasmanian port where such zones have been implemented;
- (2) technical detail on the extent of each area excluded;
- (3) reasons given as to why the exclusion zones were necessary in the first instance;

- (4) the date of implementation of each exclusion zone;
 - (5) details, including copies of any communications, between the Tasmanian Government and the Australian Government, and/or its relevant regulating authorities, in the lead-up to the most recent announcement of intended changes in status of any Tasmanian ports with respect to the docking of nuclear-powered vessels;
 - (6) details on approvals required from the Tasmanian Government for any change to docking exclusion zones;
 - (7) details of any consultation, community or otherwise, undertaken by relevant authorities that has taken place in the State that the Tasmanian Government is aware of, associated with the intended changes to the status of any Tasmanian port in relation to the docking of nuclear-powered vessels and, if such consultation has occurred, the results of the consultation; and
 - (8) a copy of the latest Management Plan in the event of a nuclear accident.
- (asked 05.09.23)

41 Mr *Valentine* to ask the Honourable Leader of the Government — Given the recent concern in the community over Metro services cancellations due to, among other things, driver numbers, would the following information be provided:—

- (1) The bus driver shortage to schedule the full 7-day service for the week concluding 30 June 2023, per region;
- (2) the number of full-time equivalent (FTE) bus drivers employed as at 1 July 2022, by gender in each region;
- (3) the number of FTE bus drivers employed as at 1 July 2023, by gender in each region;
- (4) the number of bus driver resignations (excluding retirements) for the 2022/23 financial year, by gender in each region;
- (5) the number of bus driver retirements (excluding resignations) for 2022/23 financial year, by gender in each region;
- (6) the extent of use of private sector operators in the 2022/23 financial year, by region, to perform peak services, over and above any long-term contracts;
- (7) the extent of use of private sector operators in the 2022/23 financial year, by region, to perform off-peak services, over and above any long-term contracts; and
- (8) the number of female bus drivers as a percentage of total bus drivers employed for each year over the past 20 years.

(asked 12.09.23)

NOTICES OF MOTION

1 Ms *Armitage* to move:— That the Government Response to the Report of the Legislative Council Select Committee on Road Safety in Tasmania (No. 31 of 2022), be considered and noted.

2 Ms *Webb* to move:—

- (1) That the Legislative Council notes:—
 - (a) The release on 26 June this year of the Australian Parliament’s Standing Committee on Social Policy and Legal Affairs’ Report *You win some, you lose more: Online gambling and its impacts on those experiencing gambling harm*;
 - (b) the Report and its recommendations received unanimous support of all members of the authoring parliamentary Standing Committee which comprised Federal Labor party, Liberal party, National Party, and Independent representatives;
 - (c) Recommendation 26 of the Report that calls on the Australian Government, with the cooperation of the states and territories, to implement a comprehensive ban on all forms of

advertising for online gambling, to be introduced in four phases, over three years, commencing immediately; and

- (d) the Report's additional call for "*the Australian Government, with the states and territories, [to] develop a comprehensive national strategy on online gambling harm reduction,*" and that the national strategy should be based on public health principles and be in place within twelve months, allowing for progressive implementation.
- (2) That the Legislative Council calls on the Tasmanian government to:
 - (a) Commit to participating in the development of the proposed comprehensive national strategy on online gambling harm reduction which delivers on the goals and intent of the *You win some, you lose more report*; and
 - (b) formally notify at the earliest opportunity the Australian government of Tasmania's willingness to cooperate with the development and implementation of the recommended progressively phased out comprehensive ban on all forms of advertising for online gambling.

3 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 16 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 28 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; and
 - (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 to any future state participation in the NDLFRS should the required Commonwealth legislation be enacted.

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

- (1) Notes that the Tasmanian Palliative Care Awards 2023 held on Tuesday 8th August 2023 recognised individuals and organisations that have displayed outstanding dedication and innovation in the field of palliative care, providing support to thousands of Tasmanians; and
- (2) Commends the 2023 winners of the Tasmanians Palliative Care Awards; and
- (3) Recognises the 'Joy Coghlan' Tasmanian Palliative Care Honour Roll 2022 inductee, Deb Foster.

5 Ms *Forrest* to move:—

- (1) That the Legislative Council gives consideration to establishing a protocol between the Parliament of Tasmania and the Integrity Commission of Tasmania in respect of:
 - (a) the exercise of the Integrity Commission’s powers to obtain records, information or material that may be subject to parliamentary privilege;
 - (b) the determination of claims of parliamentary privilege arising in investigations or inquiries; and
 - (c) other matters incidental thereto; and
- (2) That the matters set out in paragraph (1) be referred to the Committee of Privileges for its consideration and report; and
- (3) That in relation to this reference, the Committee of Privileges be empowered to:
 - (a) send for persons and papers;
 - (b) sit during any adjournment of the Council, with leave to adjourn from place to place; and
 - (c) confer with a similar Committee of the House of Assembly.

6 Ms *Webb* to move:—

- (1) That the Legislative Council notes:—
 - (a) 28 September 2023 is International Access to Information Day; and
 - (b) the 30-year anniversary of legislation enshrining Tasmanians’ Right to Information on the State statutes is also being celebrated on the 28 September 2023.
- (2) The Legislative Council further:—
 - (a) Notes the report, *Transparent failure: Tasmania’s ineffective right to information system and how to fix it* (the Report), released by the Environmental Defender’s Office Tasmania (EDO) in July 2023;
 - (b) Acknowledges the EDO’s analysis that its report indicates the administration of Tasmania’s freedom of information remains the most secretive in Australia;
 - (c) Acknowledges the Report is informed by the EDO’s review of the handling of applications under the State’s *Right to Information Act 2009* (RTI Act), the analysis of which found Tasmania ranked last on a range of measures when compared with national jurisdictions, including:
 - (i) The highest rate of refusals, with Tasmanians more likely to have their freedom of information applications refused than citizens anywhere elsewhere in Australia;
 - (ii) A high rate of errors, with up to 70% of RTI Act refusals over the past five years overturned on review by the state Ombudsman;
 - (iii) Disturbingly slow review times, which see Tasmanians waiting almost three years on average to have refused RTI Act applications reviewed;
 - (iv) A large and growing backlog of unresolved reviews; and
 - (v) A low level of government accountability, with analysed data indicating the RTI Act is not being administered in a way that allows for the efficient public scrutiny of government decisions; and
 - (d) Agrees in any democracy, access to government information and public scrutiny of government decisions is a critical component of government accountability.
- (3) And further, the Legislative Council calls on the Tasmanian Government to back its commitment to governing with openness, fairness and transparency by commissioning an independent review of the *Right to Information Act 2009*, including its objectives, implementation and administration.

ORDERS OF THE DAY

- 1** Report of the Government Administration Committee “A” on “The Operations and Application of the *Financial Management Act 2016*”: Consideration and noting. (Ms Forrest)
- 2** Interim Report of the Parliamentary Standing Committee of Public Accounts’ Inquiry into “The Tasmanian Government’s Proposed Hobart Stadium Feasibility Planning Process”: Consideration and noting. (Ms Forrest)
- 3** Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties) Bill 2023 (No. 20): Second reading. (*Private Member’s Bill*)
- 4** Report of the Parliamentary Standing Committee of Public Accounts “Inquiry into the Tasmanian Government’s Continuing Response to the COVID-19 Pandemic: Preparation for the Return to School in February 2022”: Consideration and noting. (Ms Forrest)
- 5** Residential Building (Home Warranty Insurance Amendments) Bill 2023 (No. 13): Consideration of Bill as amended in Committee of the Whole Council.
- 6** North West Maternity (Employee Entitlements) Bill 2023 (No. 23): Third reading.
- 7** Criminal Code Amendment (Criminal Jurisdiction of the Associate Judge) Bill 2023 (No. 16): Second reading.
- 8** Workers Rehabilitation and Compensation Amendment Bill 2023 (No. 22): Second reading.
- 9** Electoral Disclosure and Funding Bill 2022 (No. 25): Adjourned Debate (Mr *Valentine*) on the Question proposed on 24 August 2023 and again on 14 September 2023 — That the Bill be now read the Second time.
- 10** Electoral Matters (Miscellaneous Amendments) Bill 2022 (No. 26): Second reading.
- 11** Partition Amendment Bill 2022 (No. 38): Second reading.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 58

SUMMARY OF BILLS

Read First Time

Bill No. 26 of 2022	Electoral Matters (Miscellaneous Amendments).
Bill No. 38 of 2022	Partition Amendment (<i>pro forma</i>).
Bill No. 20 of 2023	Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties).
Bill No. 16 of 2023	Criminal Code Amendment (Criminal Jurisdiction of the Associate Judge).
Bill No. 22 of 2023	Workers Rehabilitation and Compensation Amendment.

Second Reading Debate Adjourned

Bill No. 25 of 2022	Electoral Disclosure and Funding.
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Consideration of Bill as amended in Committee of the Whole Council

Bill No. 13 of 2023	Residential Building (Home Warranty Insurance Amendments).
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Awaiting Third Reading

Bill No. 23 of 2023	North West Maternity (Employee Entitlements).
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Agreed to by Both Houses

Bill No. 22 of 2021	Public Interest Disclosures (Members of Parliament) (<i>Act No. 15 of 2023</i>).
Bill No. 63 of 2021	Climate Change (State Action) Amendment (<i>Act No. 35 of 2022</i>).
Bill No. 5 of 2022	Traffic Amendment (Electronic Billboards) (<i>Act No. 31 of 2022</i>).
Bill No. 10 of 2022	Family Violence Reforms (<i>Act No. 21 of 2022</i>).
Bill No. 11 of 2022	Electricity Safety (<i>Act No. 32 of 2022</i>).
Bill No. 12 of 2022	Roads and Jetties Amendment (<i>Act No. 30 of 2022</i>).

Bill No. 15 of 2022	Police Offences Amendment (Workplace Protection) (<i>Act No. 22 of 2022</i>).
Bill No. 19 of 2022	Health Legislation (Miscellaneous Amendments) (<i>Act No. 23 of 2022</i>).
Bill No. 20 of 2022	Vehicle and Traffic Amendment (Driver Distraction and Speed Enforcement) (<i>Act No. 27 of 2022</i>).
Bill No. 27 of 2022	Occupational Licensing (Automatic Mutual Recognition Consequential Amendments) (<i>Act No. 29 of 2022</i>).
Bill No. 29 of 2022	Land Use Planning and Approvals Amendment (<i>Act No. 33 of 2022</i>).
Bill No. 30 of 2022	Retail Leases (<i>Act No. 39 of 2022</i>).
Bill No. 33 of 2022	Carer Recognition (<i>Act No. 1 of 2023</i>).
Bill No. 35 of 2022	Homes Tasmania (<i>Act No. 25 of 2022</i>).
Bill No. 36 of 2022	Homes Tasmania (Consequential Amendments) (<i>Act No. 26 of 2022</i>).
Bill No. 39 of 2022	Stadiums Tasmania Amendment (Transfers) (<i>Act No. 38 of 2022</i>).
Bill No. 40 of 2022	Statutory Holidays Amendment (<i>Act No. 24 of 2022</i>).
Bill No. 41 of 2022	Justice Miscellaneous (Advance Care Directives) (<i>Act No. 28 of 2022</i>).
Bill No. 42 of 2022	Animal Welfare Amendment (<i>Act No. 36 of 2022</i>).
Bill No. 43 of 2022	Justice and Related Legislation Miscellaneous Amendments (<i>Act No. 5 of 2023</i>).
Bill No. 44 of 2022	Residential Building (Miscellaneous Consumer Protection Amendments) (<i>Act No. 9 of 2023</i>).
Bill No. 45 of 2022	Legal Profession Amendment (<i>Act No. 34 of 2022</i>).
Bill No. 46 of 2022	Environmental Management and Pollution Control Amendment (<i>Act No. 42 of 2022</i>).
Bill No. 47 of 2022	Expansion of House of Assembly (<i>Act No. 40 of 2022</i>).
Bill No. 48 of 2022	Workers Rehabilitation and Compensation Amendment (<i>Act No 41 of 2022</i>).
Bill No. 49 of 2022	Appropriation (Supplementary Appropriation for 2022-23) (<i>Act No. 37 of 2022</i>).
Bill No. 50 of 2022	Land Titles Amendment (<i>Act No. 7 of 2023</i>).
Bill No. 51 of 2022	Corrections Amendment (<i>Act No. 10 of 2023</i>).
Bill No. 52 of 2022	Local Government Amendment (Code of Conduct).
Bill No. 54 of 2022	Child and Youth Safe Organisations (<i>Act No. 6 of 2023</i>).
Bill No. 55 of 2022	Justice Miscellaneous (Royal Commission Amendments) (<i>Act No. 2 of 2023</i>).
Bill No. 56 of 2022	Mental Health Amendment (<i>Act No. 4 of 2023</i>).
Bill No. 57 of 2022	Police Powers (Surveillance Devices).
Bill No. 1 of 2023	Appropriation (Further Supplementary Appropriation for 2022-23) (<i>Act No. 3 of 2023</i>).
Bill No. 2 of 2023	Police Offences Amendment (Nazi Symbol Prohibition) (<i>Act No. 14 of 2023</i>).
Bill No. 3 of 2023	Validation (<i>Act No. 8 of 2023</i>).
Bill No. 4 of 2023	Justice Miscellaneous (Removal of Outdated Sex Terminology).
Bill No. 5 of 2023	Guardianship and Administration Amendment.
Bill No. 7 of 2023	Vehicle and Traffic (Regulatory Reforms) Amendment (<i>Act No. 17 of 2023</i>).
Bill No. 8 of 2023	Tasmanian Public Finance Corporation Amendment.
Bill No. 9 of 2023	Appropriation (No. 1) (<i>Act No. 11 of 2023</i>).
Bill No. 10 of 2023	Appropriation (No. 2) (<i>Act No. 12 of 2023</i>).
Bill No. 11 of 2023	Taxation and Miscellaneous Amendments (<i>Act No. 13 of 2023</i>).
Bill No. 14 of 2023	State Policies and Projects Amendment (<i>Act No. 16 of 2023</i>).
Bill No. 17 of 2023	Housing Land Supply Amendment.

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): Mr *Harriss*, 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*.

- Tasmanian Experiences of Gendered Bias in Healthcare.

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*.

- Energy prices in Tasmania.

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

- Matters related to adult imprisonment and youth detention.
- The role and functions of Office of Racing Integrity – Short Inquiry Process (SIP).

SELECT COMMITTEE AND MEMBERS

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