



LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 14

WEDNESDAY, 14 AUGUST 2024

(At 11.00 o'clock a.m.)

NOTICES OF QUESTION

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** Human Tissue Amendment Bill 2024 (Bill No. 18): Third reading.
- 2** Asbestos-Related Diseases (Occupational Exposure) Compensation Amendment Bill 2024 (Bill No. 21): Third reading.
- 3** Tasmanian Development Amendment Bill 2024 (Bill No. 34): Second reading.
- 4** Racing Regulation and Integrity Bill 2024 (Bill No. 10): Consideration in Committee (Clause 5).
- 5** Racing Regulation and Integrity (Consequential Amendments) Bill 2024 (Bill No. 11): Second reading.
- 6** Justice Miscellaneous (Commission of Inquiry) Bill 2024 (Bill No. 26): Second reading.
- 7** Forestry (Miscellaneous Amendments) Bill 2024 (Bill No. 20): Second reading.
- 8** Industrial Hemp Amendment Bill 2024 (Bill No. 17): Second reading.
- 9** Disability Inclusion and Safeguarding Bill 2024 (Bill No. 29): Second reading.
- 10** Evidence (Children and Special Witnesses) Amendment Bill 2024 (Bill No. 28): Second reading.

- 11** Justice and Related Legislation (Miscellaneous Amendments) Bill 2024 (Bill No. 19): Second reading.
- 12** Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024 (Bill No 30): Second reading.
- 13** Electoral Amendment Bill 2024 (Bill No. 25): Second reading.
- 14** Farm Debt Mediation Bill 2024 (Bill No. 33): Second reading.
- 15** Historic Cultural Heritage Amendment Bill 2024 (Bill No. 32): Second reading.
- 16** Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024 (Bill No. 23): Consideration in Committee.
- 17** Report of the Parliamentary Standing Committee of Public Accounts “Tasmanian Fire and Emergency Services Funding Model”: Consideration and noting. (Ms *Forrest*)
- 18** Work Health and Safety Amendment (Safer Workplaces) Bill 2024 (No. 24): Second Reading.
(*Private Member’s Bill*)
- 19** Report of the Government Administration Committee A on “Matters relating to workers compensation insurance withing the racing industry”: Consideration and noting. (Ms *Forrest*)
- 20** Report of the Government Administration Committee A on “Matters relating to financial and operational performance of TasTAFE”: Consideration and noting. (Ms *Forrest*)
- 21** Partition Amendment Bill 2024 (No. 2): Second reading.

NOTICES OF MOTION

1 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.

2 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.

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

4 Ms Webb to move —

That the Legislative Council:

- (1) Notes the Office of the Custodial Inspector Tasmania's *Inhumane Treatment in dry cells – review report 2024* (the Report), published on Tuesday 6 August this year;
- (2) Acknowledges the Report states dry cells present a serious risk to human rights in custodial environments, and that the Office of Custodial Inspector's review has confirmed this risk has

“manifested into inhumane treatment in dry cells here in Tasmania,” and further, “changes to dry cell regimes are required to improve the treatment of people in custody or preferably, the use of dry cells needs to cease”;

- (3) Further notes the Report’s three key recommendations:
 - (a) Director’s Standing Order (DSO) 1.40 Managing Prisoners Suspected of Internally Concealing Items be reviewed to determine if it is necessary, considering the introduction of body scanners, and if the DSO and dry cells remain necessary, the DSO is revised to prioritise the care and wellbeing of people in custody before security considerations;
 - (b) Training for TPS supervisors should include a dedicated unit on human rights standards for people deprived of their liberty;
 - (c) TPS undertake a review of the environmental health conditions for staff involved in monitoring dry cells, including: testing for any pathogens on the external surfaces of the machine used to process faeces; assessing any risks to staff and people in custody from potential airborne pathogens; and ensuring appropriate maintenance is undertaken on the machine and relevant staff have access to training material on its appropriate use;
- (4) Further notes Appendix 1 of the Report contains the Department of Justice’s response to the Report’s Recommendations which state the Director’s Standing Order (DSO) 1.40 is currently under active review as part of the delivery of body scanning technology and the Astria digital solution, and that the Tasmanian Prison Service will consider whether dry cell management will remain a necessary approach as part of the DSO review, and subject to the outcome of that review, the exclusion of women from the DSO’s operation will also be considered.
- (5) Further notes advice provided by the Minister for Corrections and Rehabilitation to the House of Assembly on Wednesday the 7th of August of this year that installation of four of the five new body scanners is already underway.
- (6) Calls on the Tasmanian government to:
 - (a) Commit to accepting and delivering the Report’s three recommendations in full;
 - (b) Implement an immediate moratorium on the use of dry cells in any facility in which body scanning technology is available, pending the conclusion of the DSO 1.40 review currently underway;
 - (c) Immediately prohibit the inclusion of women in the use of dry cells, and
 - (d) Detail a timeframe for the delivery and implementation of any remaining recommendations still to be undertaken and completed.

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

SUMMARY OF BILLS

Read First Time

Bill No. 2	Partition Amendment (<i>pro forma</i>)
Bill No. 11	Racing Regulation and Integrity (Consequential Amendments)
Bill No. 17	Industrial Hemp Amendment
Bill No. 19	Justice and Related Legislation (Miscellaneous Amendments)
Bill No. 20	Forestry (Miscellaneous Amendments)
Bill No. 24	Work Health and Safety Amendment (Safer Workplaces)
Bill No. 25	Electoral Amendment
Bill No. 26	Justice Miscellaneous (Commission of Inquiry)
Bill No. 28	Evidence (Children and Special Witnesses) Amendment
Bill No. 29	Disability Inclusion and Safeguarding
Bill No. 30	Sentencing Amendment (Presumption of Mandatory Sentencing)
Bill No. 32	Historic Cultural Heritage Amendment
Bill No. 33	Farm Debt Mediation
Bill No. 34	Tasmanian Development Amendment

Consideration of Bill in Committee of the Whole Council

Bill No. 23	Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers)
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Further Consideration in Committee of the Whole

Bill No. 10 Racing Regulation and Integrity

Awaiting Third Reading

Bill No. 18 Human Tissue Amendment

Bill No. 21 Asbestos-Related Diseases (Occupational Exposure) Compensation Amendment

Agreed to by Both Houses

Bill No. 3 Appropriation (Further Supplementary Appropriation for 2023-24) (*Act No. 1 of 2024*)

Bill No. 4 Supply (No. 1) (*Act No. 2 of 2024*)

Bill No. 5 Supply (No. 2) (*Act No. 3 of 2024*)

Bill No. 7 Sentencing Amendment (Alcohol Treatment Order)

Bill No. 8 State Litigator (Consequential Amendments)

Bill No. 12 Surveyors Amendment (*Act No. 4 of 2024*)

Bill No. 13 Taxation Legislation (Affordable Housing and Employment Support) (*Act No. 5 of 2024*)

Bill No. 14 Child Safety Reform Implementation Monitor (*Act No. 6 of 2024*)

Bill No. 16 Police Offences Amendment (Begging Repeal)

Bill No. 22 Taxation Legislation (Miscellaneous Amendments)

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)

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*