



LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 28

THURSDAY, 31 OCTOBER 2024

(At 11.00 o'clock a.m.)

NOTICES OF QUESTION

18 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to capital works projects within all departments, offices or entities including Government Business Enterprises and State-Owned Companies:

Can the Government —

- (1) Provide a full list of all capital works projects valued at over \$50m; and
- (2) For each capital works project include:
 - (a) an update on the project's status,
 - (b) details of any challenges to delivery timeframes;
 - (c) details of any known or anticipated cost increases; and
 - (d) each project's expected completion date?

(asked 21.10.24)

19 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to the construction of personal bush fire shelters, and the National Construction Code (Volume 2 Section A5G3 (1)) providing, in part, that 'evidence to support that the use of a material, product, form of construction or design meets a *Performance Requirement* may be in the form of any one or any combination of the following...(b) a current Certificate of Accreditation':

- (1) What evidence is required by the Director of Building Control to show that a private bushfire shelter which has a current Certificate of Accreditation, meets the performance requirements of the National Construction Code?
- (2) (a) Does the Director require evidence additional to a Certificate of Accreditation; and
(b) if so, what is the legal basis of this requirement?

(asked 21.10.24)

20 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to Tasmanian State Emergency Services (SES) funding and resources:

- (1) What is SES's total budget; and
 - (a) Please break down the components of the total funding for operating expenses, including:
 - (i) staff salaries;
 - (ii) training including statewide training and events;
 - (iii) Personal Protective Clothing (PPC) and Personal Protective Equipment (PPE) equipment;
 - (iv) other equipment including vehicles; and
 - (v) other miscellaneous expenses.

- (b) Please break down the components of the total capital expenditure funding.
- (2) How much does it cost to train, and equip, an individual volunteer with the necessary PPC (overall or two piece uniform), and PPE (helmet/safety glasses/gloves)?
- (3) (a) In the last three years, have there been any requests for additional funding from the SES for PPE or other related equipment; and
 - (b) Have any of these requests been approved; and
 - (i) if so, when and for how much; and
 - (ii) if not, why was the request rejected?
- (4) Is all currently used SES equipment, including helmets to use when working at height, compliant with Australian standards?
- (5) With the recent storm events highlighting the dedication and commitment of our SES volunteers, what provisions are being made to ensure growth in volunteer numbers to support communities for future events?
- (6) How many operational staff (those that provide support and management to volunteers as they perform their everyday duties, storm and other similar events) are there in each region (North West, North and South)?
- (7) Have all new volunteers throughout the State received the requisite training
- (8) (a) Will there be any additional funding support provided to Tasmanian SES to enable the SES to deliver the training, equipment and services required; and
 - (b) if so, how much additional funding, and when will it be provided?
- (9) (a) With regard to the \$3 million provided over 4 years for SES vehicles –will this funding simply bring the legacy aging fleet up to AFAC standards; and
 - (b) if so, what extra funding will be required each year thereafter to remain within standards and replace vehicles as required?

(asked 21.10.24)

ORDERS OF THE DAY

- 1 Judicial Commissions Bill 2024 (Bill No. 41): Consideration of Bill as amended in Committee of the Whole Council.
- 2 Validation (State Coastal Policy) Bill 2024 (Bill No. 37): Second reading.
- 3 Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024 (Bill No. 23): Consideration in Committee.
- 4 Expungement of Historic Offences Amendment Bill 2024 (Bill No. 35): Second reading.
- 5 Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024 (Bill No 30): Second reading.
- 6 Electoral Amendment Bill 2024 (Bill No. 25): Adjourned Debate (Mrs *Hiscutt*) on the Question proposed on 23 October 2024 – That the Bill be now read the Second time.
- 7 Report of the Joint Sessional Committee on Gender and Equality Inquiry on “Experiences of Gendered Bias in Healthcare in Tasmania”: Consideration and noting. (Ms *Forrest*)
- 8 Report of the Parliamentary Standing Committee of Public Accounts “Short Inquiry into the Tasmanian Government’s use of Provisions of the *Financial Management Act 2016* to Fund Election Commitments in 2021”: Consideration and noting. (Ms *Forrest*)
- 9 Report of the Parliamentary Standing Committee of Public Accounts “Statement of Understanding - Parliamentary Standing Committee of Public Accounts and Auditor-General of Tasmania”: Consideration and noting. (Ms *Forrest*)

- 10** Report of the Government Administration Committee A “Short Inquiry Process into the Operations of Tasmanian Ports Corporation Pty Ltd”: Consideration and noting. (Ms *Forrest*)
- 11** Report of the Parliamentary Standing Committee of Public Accounts “Follow up of Auditor General Report No. 4 of 2019-20, Rostering of Specialists in Tasmania’s Major Hospitals”: Consideration and noting. (Ms *Forrest*)
- 12** Interim Report of the Joint Sessional Committee on Workplace Culture Oversight: Consideration and noting. (Ms *Forrest*)
- 13** Interim Report of the Joint Sessional Committee inquiring into matters related to the recommendations made in the Final Report of the Commission of Inquiry into the Tasmanian Government’s response to child sexual abuse in institutional settings (Ms *Forrest*)
- 14** 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 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.

4 Ms Webb to move —

That the Legislative Council:-

- (1) Notes the Tasmanian Law Reform Institute (TLRI) *A Charter of Human Rights for Tasmania Update* report, which was released on 30 April 2024;
- (2) Recognises the report provides an update on the TLRI's initial *A Charter of Human Rights for Tasmania Final Report* released in 2007;
- (3) Notes the TLRI 2024 Update report's recommendation, "*that the laws in Tasmania be reformed to provide and promote specific, better, and accessible protection for human rights through the enactment of a Tasmanian Charter of Human Rights or a Human Rights Act,*" which is consistent with Recommendations 1 and 2 of the 2007 Final Report;
- (4) Further notes the TLRI 2024 Update report provides a total of 21 Recommendations;
- (5) That the Legislative Council calls on the Tasmanian Government to:
 - (a) commence drafting a Bill for a Tasmanian Human Rights Act in accordance with both the TLRI's 2007 Final Report and 2024 Update report; and
 - (b) commit to the introduction of a Bill for a Tasmanian Human Rights Act during the term of this Parliament.

5 Mr Gaffney to move — That the Go Gentle Australia Voluntary Assisted Dying in Australia and New Zealand 2024 Report be considered and noted.

6 Ms O'Connor to move — That Statutory Rules 2024, No. 31, Residential Tenancy Amendment Regulations 2024 dated 9 July 2024 made under the *Residential Tenancy Act 1997*, and laid upon the Table of the Council on 2 August 2024, be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

7 Ms Rattray to move — That Statutory Rules 2023, No. 93, Container Refund Scheme Regulations 2023 dated 19 December 2023 made under the *Container Refund Scheme Act 2022*, and laid upon the Table of the Council on 14 June 2024, be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

8 Mr Gaffney to move — That the Tasmanian Voluntary Assisted Dying Commission Annual Report 2023-24 be considered and noted.

9 Ms O'Connor to move — That the Tasracing Annual Report 2023-24 be considered and noted.

10 Ms O'Connor to move — That the report, *Vanishing Wildlife – the Impact of Native Forest Logging* by Dr Jennifer Sanger, be considered and noted.

11 Ms O'Connor to move — That the Integrity Commission Annual Report 2023-24, and recent public statements of Chief Commissioner Greg Melick, AO SC, be considered and noted.

12 Ms *Forrest* to move —

That the following address be presented to Her Excellency the Governor:—

- (1) Your Excellency, the Honourable Barbara Baker AC, Governor of Tasmania

We, the Members of the Legislative Council having regard to section 1 of the *Supreme Court (Judges' Independence) Act 1857*, request that you suspend the Honourable Justice Gregory Peter Geason, appointed to the Supreme Court of Tasmania on 16 November 2017, as a puisne judge of the Supreme Court of Tasmania for reason of proven misbehaviour as found in *Orr v Geason* on 16 October 2024, by which His Honour has shown himself unfit to hold the position of judge.

- (2) That a Message be sent to the House of Assembly seeking their concurrence therein.

13 Ms *O'Connor* to move — That Statutory Rules 2024, No. 32, Hydro-Electric Corporation Regulations 2024 dated 9 July 2024 made under the *Hydro-Electric Corporation Act 1995*, and laid upon the Table of the Council on 6 August 2024, be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

14 Ms *Webb* to move — That the *Office of the Custodial Inspector Annual Report 2023-24*, and recent public statements of Custodial Inspector Richard Connock, be considered and noted.

15 Ms *Ratray* to move — That the Tasmanian Waste and Resource Recovery Board Annual Report 2023-2024, be considered and noted.

16 Ms *Ratray* to move — That the Tourism Tasmania Annual Report 2023-2024, be considered and noted.

17 Ms *Armitage* to move — That the Tasmanian Ports Corporation Pty. Ltd. Annual Report 2023-2024, be considered and noted.

SUMMARY OF BILLS

Read First Time

Bill No. 2	Partition Amendment (<i>pro forma</i>)
Bill No. 30	Sentencing Amendment (Presumption of Mandatory Sentencing)
Bill No. 35	Expungement of Historic Offences Amendment
Bill No. 37	Validation (State Coastal Policy)

Second Reading Adjourned

Bill No. 25	Electoral Amendment
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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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Consideration of Bill as Amended in Committee of Whole Council

Bill No. 41	Judicial Commissions
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Returned to House of Assembly with Amendment

Bill No. 19	Justice and Related Legislation (Miscellaneous Amendments)
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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. 7	Sentencing Amendment (Alcohol Treatment Order) (<i>Act No. 8 of 2024</i>)
Bill No. 8	State Litigator (Consequential Amendments) (<i>Act No. 7 of 2024</i>)
Bill No. 10	Racing Regulation and Integrity (<i>Act No. 16 of 2024</i>)
Bill No. 11	Racing Regulation and Integrity (Consequential Amendments) (<i>Act No. 14 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>)
Bill No. 16	Police Offences Amendment (Begging Repeal) (<i>Act No. 10 of 2024</i>)

Bill No. 17	Industrial Hemp Amendment
Bill No. 18	Human Tissue Amendment (<i>Act No. 11 of 2024</i>)
Bill No. 20	Forestry (Miscellaneous Amendments) (<i>Act No. 19 of 2024</i>)
Bill No. 21	Asbestos-Related Diseases (Occupational Exposure) Compensation Amendment (<i>Act No. 12 of 2024</i>)
Bill No. 22	Taxation Legislation (Miscellaneous Amendments) (<i>Act No. 9 of 2024</i>)
Bill No. 24	Work Health and Safety Amendment (Safer Workplaces) (<i>Act No. 15 of 2024</i>)
Bill No. 26	Justice Miscellaneous (Commission of Inquiry) (<i>Act No. 17 of 2024</i>)
Bill No. 28	Evidence (Children and Special Witnesses) Amendment (<i>Act No. 18 of 2024</i>)
Bill No. 29	Disability Rights, Inclusion and Safeguarding
Bill No. 32	Historic Cultural Heritage Amendment
Bill No. 33	Farm Debt Mediation (<i>Act No. 20 of 2024</i>)
Bill No. 34	Tasmanian Development Amendment (<i>Act No. 13 of 2024</i>)
Bill No. 39	Appropriation (No.1)
Bill No. 40	Appropriation (No.2)

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*, Mr *Gaffney*, Mrs *Hiscutt* and Ms *Ratray*
 Final Report of Commission of Inquiry (Joint): Ms *Forrest*, Ms *Lovell*, Ms *O'Connor* 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 *O'Connor* and Ms *Thomas*
 Government Administration B: Ms *Armitage*, Mr *Edmunds*, Mr *Gaffney*, 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 Ms *Thomas*