



LEGISLATIVE COUNCIL

SESSION OF 2021 - 2022

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 39

FRIDAY, 25 MARCH 2022

(At 9.00 o'clock a.m.)

NOTICE OF QUESTIONS

13 Ms Webb to ask the Honourable Leader of the Government — With regard to staff resigning, and/or taking redundancies, from employment at UTAS in recent times:

Can the Government —

- (1) confirm that staff have been required to sign Non-Disclosure Agreements (NDAs); and
 - (2)
 - (a) if so, clarify whether NDAs imposed at the time of resignation, and/or redundancy, are a standard practice at UTAS or any other educational institutions established under state legislation;
 - (b) confirm how many former staff were required to sign NDAs upon leaving UTAS employment for the period of the last 5 years; and
 - (c) advise what legal assistance is provided to staff at the time of negotiating any such NDAs?
- (asked 09.03.22)

14 Ms Webb to ask the Honourable Leader of the Government —

- (1) With regard to staff resigning, separating and/or taking redundancies from employment at the University of Tasmania (UTAS) recently, can the Government:
 - (a) confirm that UTAS staff have been required to sign Deeds of Settlement containing confidentiality and/or non-disparagement clauses; and
 - (b) if so,
 - (i) clarify whether Deeds of Settlement containing confidentiality and/or non-disparagement clauses are a standard practice at UTAS or any other educational institutions established under state legislation;
 - (ii) confirm how many former staff were required to sign Deeds of Settlement containing confidentiality and/or non-disparagement clauses upon leaving UTAS employment for the period of the last 5 years, including the College or Department in which they had been employed at the time of employment termination; and
 - (iii) advise what legal assistance is provided to staff at the time of negotiating Deeds of Settlement?
- (2) With regard to employment contracts for staff at UTAS, can the Government:
 - (a) confirm whether confidentiality and/or non-disparagement clauses are currently written into employment contracts at UTAS as a standard practice;
 - (b) advise the current number of UTAS staff with confidentiality and/or non-disparagement clauses included within their employment contracts; and

- (c) advise whether the use of NDAs and confidentiality and non-disparagement clauses and their potential negative impact upon academic freedom of speech, and the reputation of UTAS amongst the Tasmanian community, are consistent with the cultural and social obligations as stipulated under the *University of Tasmania Act 1992*?

(asked 22.03.22)

15 Ms Webb to ask the Honourable Leader of the Government — With regard to the public consultation process, which closed on 27 October 2020, on the draft version of the Youth Justice Amendment (Searches in Custody) Bill 2022 tabled in the House of Assembly, can the Government:

- (1) detail the number of submissions received;
- (2) confirm that submissions received during the consultation process on this draft Bill are subject to the Government's 'Publication of Submissions Received by Tasmanian Government Departments in Response to Consultation on Major Policy Issues' policy;
- (3) advise the date by which all non-confidential public submissions received will be published on the Department of Justice website in accordance with government policy; and
- (4) confirm that submissions will be published prior to the Bill being debated in the Legislative Council?

(asked 24.03.22)

16 Ms Webb to ask the Honourable Leader of the Government — With regard to the public consultation process, which closed on 19 March 2021, on the draft Bail Bill 2021, can the Government:

- (1) detail the number of submissions received;
- (2) confirm that submissions received during the consultation process on this draft Bill are subject to the Government's 'Publication of Submissions Received by Tasmanian Government Departments in Response to Consultation on Major Policy Issues' policy;
- (3) advise the date by which all non-confidential public submissions received will be published on the Department of Justice website in accordance with government policy; and
- (4) confirm that submissions will be published prior to the Bill being debated in the Legislative Council?

(asked 24.03.22)

17 Ms Webb to ask the Honourable Leader of the Government — With regard to the public consultation process, which closed on 28 September 2021, on the Electoral Disclosure and Funding Bill 2021 and the Electoral Matters (Miscellaneous Amendments) Bill 2021, can the Government:

- (1) detail the number of submissions received;
- (2) confirm that submissions received during the consultation process on these two draft electoral reform Bills are subject to the Government's 'Publication of Submissions Received by Tasmanian Government Departments in Response to Consultation on Major Policy Issues' policy; and
- (3) advise the date by which all non-confidential public submissions received will be published on the Department of Justice website in accordance with government policy?

(asked 24.03.22)

ORDERS OF THE DAY

1 Premier's Address — Adjourned Debate (Mr *Duigan*) on the Question proposed on 10 March 2022 and again on 24 March 2022 — That the Address be noted.

2 Report of the Parliamentary Standing Committee of Public Accounts "Review of Auditor-General's Report No. 4 of 2016-17: Event Funding": Consideration and noting. (Ms *Forrest*)

3 Report of the Parliamentary Standing Committee of Public Accounts "Review of Auditor-General's Report No. 8 of 2018-19: Student Attendance and Engagement, Years 7 To 10": Consideration and noting. (Ms *Forrest*)

4 Report of the Parliamentary Standing Committee of Public Accounts “Review of Auditor-General’s Report No. 1 of 2016-17: Ambulance Emergency Services”: Consideration and noting. (Ms *Forrest*)

5 Report of the Parliamentary Standing Committee of Public Accounts “Review of Auditor-General’s Report No. 11 of 2018-19: Performance of Tasmania’s Four Major Hospitals in the Delivery of Emergency Department Services”: Consideration and noting. (Ms *Forrest*)

6 Partition Bill 2021 (No. 2): Second reading.

NOTICES OF MOTION

1 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.

2 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.

3 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.

4 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.

5 Ms *Forrest* to move — That the Parliamentary Standing Committee of Public Accounts final report, “Inquiry into the Government’s Economic Response to the COVID-19 Pandemic”, be considered and noted.

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

- (1) Recognises Ukrainian territorial sovereignty and its right to peace, freedom, and democratic rule.
- (2) Notes —
 - (a) that Tasmania is home to both Ukrainian and Russian communities who have received this news with deep concern for their loved ones, and we stand with all Tasmanians in wishing to provide care and support for those communities; and
 - (b) Tasmania stands with the Australian Government in affirming our respect for Ukrainian territorial sovereignty and its right to peace, freedom, and democratic rule.
- (3) Acknowledges that there is no justification for this aggression and condemns the aggressive action which has been borne by innocent Ukrainians.
- (4) Further notes that Tasmania has a strong history of welcoming and providing support for national efforts in providing humanitarian responses to previous conflicts and will continue to work with the Australian Government in jointly responding to the unfolding events.

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

- (1) Notes the importance Little Athletics and similar organisations play in the social, physical and mental wellbeing of Tasmanian children.
- (2) Notes the grounding Little Athletics has given to Tasmanian athletes who have gone on to represent Tasmania and Australia on the National and International stage.
- (3) Acknowledges the significant role volunteers play within such organisations.
- (4) Notes the overall positive contribution such organisations make to the fabric of the Tasmanian society.

TUESDAY, 29 MARCH 2022

ORDER OF THE DAY

1 Criminal Code Amendment Bill 2022 (No. 4): Second reading.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 38

SUMMARY OF BILLS

Read First Time

Bill No. 2 of 2021
Bill No. 4

Partition (*pro forma*).
Criminal Code Amendment.

Returned to House of Assembly with Amendment

Bill No. 53 of 2021 Education Legislation Amendments (Education Regulation).

Agreed to by Both Houses

Bill No. 10 of 2021	Supply (No. 1) (<i>Act No. 5 of 2021</i>).
Bill No. 11 of 2021	Supply (No. 2) (<i>Act No. 6 of 2021</i>).
Bill No. 12 of 2021	Treasury Miscellaneous (Cost of Living and Affordable Housing Support) (<i>Act No. 8 of 2021</i>).
Bill No. 13 of 2021	Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Modification) (<i>Act No. 7 of 2021</i>).
Bill No. 14 of 2021	Guardianship and Administration Amendment (Advance Care Directives) (<i>Act No. 15 of 2021</i>).
Bill No. 15 of 2021	Justice Miscellaneous (Increasing Judicial Retirement Age) (<i>Act No. 11 of 2021</i>).
Bill No. 26 of 2021	Living Marine Miscellaneous Amendments (Digital Processes) (<i>Act No. 24 of 2021</i>).
Bill No. 27 of 2021	Food Amendment (<i>Act No. 12 of 2021</i>).
Bill No. 28 of 2021	Children, Young Persons and Their Families Amendment (<i>Act No. 22 of 2021</i>).
Bill No. 32 of 2021	Supply (No. 3) (<i>Act No. 9 of 2021</i>).
Bill No. 33 of 2021	Supply (No. 4) (<i>Act No. 10 of 2021</i>).
Bill No. 34 of 2021	Defamation Amendment (<i>Act No. 16 of 2021</i>).
Bill No. 35 of 2021	Poisons Amendment (<i>Act No. 21 of 2021</i>).
Bill No. 36 of 2021	Appropriation (No. 1) (<i>Act No. 13 of 2021</i>).
Bill No. 37 of 2021	Appropriation (No. 2) (<i>Act No. 14 of 2021</i>).
Bill No. 39 of 2021	Validation (<i>Act No. 19 of 2021</i>).
Bill No. 40 of 2021	Alcohol and Drug Dependency Repeal (<i>Act No. 30 of 2021</i>).
Bill No. 42 of 2021	Mutual Recognition (Tasmania) Amendment (<i>Act No. 20 of 2021</i>).
Bill No. 43 of 2021	Land (Miscellaneous Amendments) (<i>Act No. 23 of 2021</i>).
Bill No. 45 of 2021	Gaming Control Amendment (Future Gaming Market) (<i>Act No. 31 of 2021</i>).
Bill No. 46 of 2021	Tasmanian Civil and Administrative Tribunal Amendment (<i>Act No. 17 of 2021</i>).
Bill No. 47 of 2021	Tasmanian Civil and Administrative Tribunal (Consequential Amendments) (<i>Act No. 18 of 2021</i>).
Bill No. 48 of 2021	Stadiums Tasmania (<i>Act No. 7 of 2022</i>).
Bill No. 49 of 2021	OPCAT Implementation (<i>Act No. 26 of 2021</i>).
Bill No. 50 of 2021	Criminal Code Amendment (Judge Alone Trials) (<i>Act No. 4 of 2022</i>).
Bill No. 51 of 2021	Housing Land Supply Amendment (<i>Act No. 27 of 2021</i>).
Bill No. 52 of 2021	Justices (Validation) (<i>Act No. 25 of 2021</i>).
Bill No. 54 of 2021	Container Refund Scheme (<i>Act No. 5 of 2022</i>).
Bill No. 55 of 2021	Waste and Resource Recovery (<i>Act No. 6 of 2022</i>).
Bill No. 56 of 2021	TasTAFE (Skills and Training Business) (<i>Act No. 32 of 2021</i>).
Bill No. 57 of 2021	Traffic Amendment (Personal Mobility Devices) (<i>Act No. 29 of 2021</i>).
Bill No. 58 of 2021	Living Marine Resources Management Amendment (Aquaculture Research) (<i>Act No. 3 of 2022</i>).
Bill No. 59 of 2021	Repeal of Regulations Postponement (<i>Act No. 28 of 2021</i>).
Bill No. 60 of 2021	Justice and Related Legislation (Miscellaneous Amendments) (<i>Act No. 2 of 2022</i>).
Bill No. 3	Justice Miscellaneous (Independent Review Amendments) (<i>Act No. 1 of 2022</i>).
Bill No. 7	Treasury Miscellaneous (Affordable Housing and Youth Employment Support) (<i>Act No. 8 of 2022</i>).

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, Ms Rattray 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 Rattray and Mr Valentine.

Government Administration A: Mr Duigan, Ms Forrest, Mr Gaffney, Ms Howlett, Ms Lovell 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 Rattray, Ms Siejka, Mr Valentine and Mr Willie.

- Disability Services.

SELECT COMMITTEE AND MEMBERS

Road Safety in Tasmania: Ms Armitage, Ms Palmer, Ms Rattray and Mr Willie.