



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 27

FRIDAY, 6 SEPTEMBER 2019

(At 9.00 o'clock am)

NOTICES OF QUESTION

4 Ms *Forrest* to ask the Honourable the Leader of the Government — With regard the latest available data on Tasmania's employment statistics on a trend and original basis:-

- (1) What is the current gender pay gap for Tasmanian women?
- (2) What are the current employment figures for Tasmania, broken down by full time, part time and casual employees listed by sex?
- (3)
 - (a) How many Tasmanians are unemployed reported by sex; and
 - (b) How many are long-term unemployed, reported by sex?
- (4) How many Tasmanians are currently underemployed reported by sex?
- (5) What are the current Tasmanian participation rates reported by sex?
- (6) What is the breakdown of Tasmanians employed in reported income brackets by sex.

(asked 6.08.19)

5 Ms *Forrest* to ask the Honourable the Leader of the Government — With regard to the economic cost of family violence in Tasmania:

- (1)
 - (a) What is the cost of health care related to treating women who are subject to family violence; and
 - (b) What is the cost of health care related to treating men who are subject to family violence?
- (2) What is the cost of provision of, and access to, justice for women impacted by family violence?
- (3)
 - (a) What is the cost of the provision of, and access to, justice for men as perpetrators of family violence; and
 - (b) What is the cost of the provision of, and access to, justice for men impacted by family violence?
- (4)
 - (a) What is the economic and social cost of time away from education for women, as a result of family violence; and
 - (b) What is the economic and social cost of time away from education for men, as a result of family violence?

- (5) (a) What is the cost of the provision of shelter for women resulting from family violence; and
- (b) What is the cost of the provision of shelter for men resulting from family violence?
- (6) (a) What is the level of unmet demand for shelter for women resulting from family violence; and
- (b) What is the level of unmet demand for shelter for men resulting from family violence?
- (7) (a) What is the current cost, in dollar terms and percentage terms of Tasmania's GSP to treat or deal with the outcomes of family violence; and
- (b) What is the current cost, in dollar terms and percentage terms of Tasmania's GSP to prevent family violence?

(asked 6.08.19)

6 Mr *Dean* to ask the Honourable the Leader of the Government — With reference to the Andrew Bolt program which aired on television on 18 July 2019 reported on windfarms and the devastation caused to both protected and endangered bird species.

- (1) What is the extent of the windfarm to be constructed by EPURON in the Central Highlands (including the number of towers)?
- (2) When is it expected that this farm will be in operation?
- (3) What protective screening, including the extent of it, will be provided to protect bird life and specifically protected and endangered species?
- (4) (a) Have any studies been undertaken to determine the population of protected and endangered birdlife in the area of this windfarm development;
- (b) If so, what are the numbers; and
- (c) If not, why not?
- (5) Is monitoring occurring in and around existing windfarms to gauge the extent of bird deaths and injuries due to tower contact?
- (6) In the previous calendar years 2016, 2017 and 2018 what have been the number of bird deaths attributed to windfarm operations in Tasmania?
- (7) (a) What penalties currently apply to windfarm owners/operators should the windfarm operation lead to the death of protected and endangered bird species; and
- (b) What penalties currently apply to any member of the public who kills a protected or endangered bird species?

(asked 6.08.19)

7 Ms *Webb* to ask the Honourable the Leader of the Government — In relation to the 16 Remotely Piloted Aircraft, or drones, recently purchased for deployment across Tasmania as announced by Mark Shelton, Minister for Police, Fire and Emergency Management in his media release of 6 July 2019.

- (1) In the media statement from the Minister of 6 July 2019, reference is made to 'official authorization' – what is the 'official authorization' referred to?
- (2) What source of legal authority does the government rely upon for using drones to:
 - (a) Surveil the community; and

- (b) Maintain 'public order'?
- (3) Noting Civil Aviation Safety Authority (CASA), rules extend to the physical safety of people, aircraft and property but not privacy: what provisions are being put in place to stop unjustified invasions of privacy by the police?
- (4) What permissions do police require for:
 - (a) Surveilling people who are on private property;
 - (b) Using thermal imaging of people who are on private property; and
 - (c) Surveilling public spaces?
 - (5) In regards to permissions referred to in 4 (a),(b), and (c):
 - (a) Who or what gives this permission;
 - (b) Is that decision reviewable;
 - (c) If reviewable, who can request a review; and
 - (d) What is the legal authority police rely on?
 - (6) In relation to drone footage and data held by Tasmanian authorities:
 - (a) What will happen to the digital or physical records of drone footage taken in:
 - (i) Public spaces; and
 - (ii) Private spaces?
 - (b) What security measures will be used to protect the footage and data?
 - (c) Who will be responsible for:
 - (i) Data security; and
 - (ii) Reviewing access to the data or footage?
 - (d) What format will the footage or data be stored in and where will it be stored;
 - (e) How long will the footage be retained;
 - (f) How will data retention be managed;
 - (g) How will the data be deleted and on who's authority;
 - (h) Does the public have a right to review the footage; and
 - (i) Do any other authorities have the right to review the footage and if yes, please specify all the authorities or individuals that have this right?
 - (7) When drone footage is collected, will the people in that footage be notified:
 - (a) Before the footage is collected;

- (b) After the footage is collected; and
- (c) If not, why not?

(8) Will people captured by drone footage or thermal imaging have a right to have that material removed from the record if taken in:

- (a) A private space; and
- (b) A public space?

(9) If the answer to either 8(a) or (b) is yes, what is the procedure for having the material removed or deleted and on what basis can it be removed?

(10) If the answer to either 8(a) or (b) is no, will police be able to use footage that was incidental to a police operation or captured as part of general surveillance?

(11) How will drone footage be used in policing activities and prosecutions?

- (12) (a) Will the drones be deployed to public gatherings on public land, for example street marches;
- (b) If so, on what grounds; and
- (c) How will any drone footage from public gatherings be used?

(13) In what places can Tasmanians reasonably expect they will not be observed by police surveillance?

(asked 13.08.19)

8 Ms *Webb* to ask the Honourable the Leader of the Government — In relation to the Cressy “lockdown” of Friday 29 June 2019, the Tasmania Police media release on the lockdown operation stated that 15 Police officers were involved in the operation.

- (1) (a) What is the rank and level of each of these officers;
- (b) What is the total hours worked by each of these officers relating to the lockdown for each of the following:
 - (i) Planning the operation;
 - (ii) During the operation;
 - (iii) Activities undertaken as a result of the operation; and
- (c) What was the total cost of the operation in terms of salary and wages?
- (2) (a) What was the cost of operating the Westpac Rescue helicopter for the operation; and
- (b) What was the cost of using the Drug Detection Dog for the operation?
- (3) How many vehicles were stopped during the Cressy lockdown?
- (4) What specific offences, and how many of each offence, were detected?

- (5) Police spokespeople have indicated this community lockdown practice occurs interstate and overseas. What specific examples from within and outside of Australia are there?
- (6) Police spokespeople have indicated drivers were stopped for breath testing and licence and registration checks and that ‘if the results give cause for concern, we question them further and may take further action’-
- (a) How many drivers raised such a concern and were questioned further; and
- (b) On what legislative basis was this further questioning undertaken?
- (7) According to the Tasmania Police media release, the Cressy community was ‘locked down’ for two and a half hours, is there any maximum time such an operation could run under section 7B of the Road Safety (Alcohol and Drugs) Act?
- (8) In relation to the Police Powers (Vehicle Interception) Act 2000 and its process for authorising police use of a ‘roadblock’-
- (a) Could this legislation have been used to authorize the Cressy lockdown;
- (b) If yes, why wasn’t this legislative authority used for the Cressy lockdown; and
- (c) How many times have road blocks been authorised under the Police Powers (Vehicle Interception) Act 2000 in:
- (i) 2016-17
- (ii) 2017-18
- (iii) 2018-19

(asked 15.08.19)

ORDERS OF THE DAY

- 1** Government Procurement Review (International Free Trade Agreements) Bill 2019 (No. 23): Third reading.
- 2** Local Government (Highways) Amendment Bill 2019 (No. 17): Third reading.
- 3** Criminal Code and Related Legislation Amendment (Child Abuse) Bill 2018 (No. 63): Third reading.
- 4** Litter Amendment Bill 2018 (No. 60): Second reading.
- 5** Criminal Code Amendment (Bullying) Bill 2019 (No. 5): Second reading.
- 6** Civil Liability Amendment Bill 2019 (No. 30): Second reading.
- 7** Land Acquisition Amendment Bill 2018 (No. 59): Second reading.
- 8** Vehicle and Traffic Amendment Bill 2019 (No. 19): Second reading.
- 9** Fruit and Nut (Research, Development and Extension Trust Fund) Repeal Bill 2019 (No. 6): Second reading.
- 10** Consideration of the following Message from the House of Assembly —

“MR PRESIDENT,

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein —

Resolved, —

The the the House of Assembly refers to the House Committee the matter of non-Government Members' access to 'Parliamentary Counsel' and that the matters pertaining to the location within Parliament House and access arrangements to the Parliamentary Counsel be a matter to be determined by the Committee and reported to both Houses

House of Assembly, 31 July 2019

SUE HICKEY, *Speaker*".

- 11** Sentencing Amendment (Assaults on Off-Duty Police) Bill 2018 (No. 6): Second reading.
- 12** Corrections Amendment (Prisoner Remission) Bill 2018 (No. 15): Second reading.
- 13** Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45): Adjourned Debate (Mr Dean) on the Question proposed on 6 August 2019 – That the Bill be now read the Second time. (*Private Member's Bill*)
- 14** Report of Government Administration Committee "B" Final Report on Tasmania's North East Railway Corridor — Consideration and noting. (*Ms Armitage*)
- 15** Partition Bill 2019 (No. 2): Second reading.

NOTICES OF MOTION

- 1** Mr *Dean* to move — That the Energy in Tasmania Report 2016-17 be considered and noted.
- 2** Mr *Dean* to move — That the Report of the Integrity Commission No. 4 of 2017: An investigation into allegations of misconduct in the Fox Free Taskforce and Fox Eradication Program, be considered and noted.
- 3** Ms *Ratray* to move — That the Right to Information Annual Report 2017-2018 be considered and noted.
- 4** Mr *Willie* to move — That the Legislative Council –
 - (1) Acknowledges the high-stakes culture that has developed around the National Assessment Program Literacy and Numeracy schools testing system (NAPLAN);
 - (2) Notes that the Victorian, NSW and Queensland governments have agreed to band together and conduct their own 'breakaway' comprehensive review;
 - (3) Is concerned that this year's NAPLAN testing encountered a range of difficulties – with students hampered by technological issues in Tasmania and across the country;
 - (4) Acknowledges education expert David Gonski's comments regarding limitations at the classroom level where NAPLAN reports on achievement rather than growth and the results are six months old by the time they are released;
 - (5) Notes that NAPLAN data published on the MySchool website is being used as a school rating tool rather than a measurement of student progress;
 - (6) Notes there has been a decade of unhealthy debate on standardised testing with little improvement as a result; and
 - (7) Calls on the Tasmanian Government to join the 'breakaway' review that will report back to the Education Council.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 26
Paper No. 14

SUMMARY OF BILLS

Read First Time

Bill No. 6 of 2018	Sentencing Amendment (Assaults on Off-Duty Police).
Bill No. 15 of 2018	Corrections Amendment (Prisoner Remission).
Bill No. 59 of 2018	Land Acquisition Amendment.
Bill No. 60 of 2018	Litter Amendment.
Bill No. 2	Partition (<i>pro forma</i>).
Bill No. 5	Criminal Code Amendment (Bullying).
Bill No. 6	Fruit and Nut Industry (Research, Development and Extension Trust Fund).
Bill No. 19	Vehicle and Traffic Amendment.
Bill No. 30	Civil Liability Amendment.

Second Reading Debate Adjourned

Bill No. 45 of 2018	Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons).
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Returned to House of Assembly with Amendment

Bill No. 14	Right to Information Amendment (Applications for Review).
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Awaiting Third Reading

Bill No. 63 of 2018	Criminal Code and Related Legislation Amendment (Child Abuse).
Bill No. 17	Local Government (Highways) Amendment.
Bill No. 23	Government Procurement Review (International Free Trade Agreements).

Agreed to by Both Houses

Bill No. 40 of 2018	Gas Industry (<i>Act No.1 of 2019</i>).
Bill No. 41 of 2018	Gas Safety (<i>Act No.2 of 2019</i>).
Bill No. 42 of 2018	Gas (Consequential Amendments) (<i>Act No.3 of 2019</i>).
Bill No. 43 of 2018	Mental Health Amendment (<i>Act No.8 of 2019</i>).
Bill No. 47 of 2018	Justice and Related Legislation (Marriage Amendments) (<i>Act No.7 of 2019</i>).
Bill No. 51 of 2018	Security and Investigations Agents Amendment (<i>Act No.9 of 2019</i>).
Bill No. 52 of 2018	Supreme Court Civil Procedure Amendment (<i>Act No.14 of 2019</i>).
Bill No. 57 of 2018	Energy Co-ordination and Planning Amendment (<i>Act No.4 of 2019</i>).
Bill No. 58 of 2018	Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) (<i>Act No.13 of 2019</i>).
Bill No. 61 of 2018	Forest Practices Amendment.
Bill No. 64 of 2018	Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Amendment.
Bill No. 65 of 2018	Registration to Work with Vulnerable People Amendment (<i>Act No.18 of 2019</i>).
Bill No. 66 of 2018	Short Stay Accommodation (<i>Act No.12 of 2019</i>).
Bill No. 3	Electoral Amendment (<i>Act No.5 of 2019</i>).
Bill No. 4	Motor Accidents (Liabilities and Compensation) Amendment (<i>Act No.6 of 2019</i>).
Bill No. 7	Workers Rehabilitation and Compensation Amendment (Presumption as to Cause of Disease) (<i>Act No.11 of 2019</i>).
Bill No. 9	Consolidated Fund Appropriation (Supplementary Appropriation for 2018-19) (<i>Act No.10 of 2019</i>).
Bill No. 10	Disability Services Amendment (<i>Act No.17 of 2019</i>).
Bill No. 11	Greater Hobart.
Bill No. 12	Health Miscellaneous Amendments (<i>Act No.15 of 2019</i>).
Bill No. 15	Biosecurity.
Bill No. 20	Workers Rehabilitation and Compensation Amendment.
Bill No. 21	Appropriation Bill (No. 1) (<i>Act No.19 of 2019</i>).
Bill No. 22	Appropriation Bill (No. 2) (<i>Act No.20 of 2019</i>).
Bill No. 24	First Home Owner Grant Amendment (<i>Act No.16 of 2019</i>).

STANDING COMMITTEES AND MEMBERS

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

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): Mr *Dean*, Ms *Forrest* and Mr *Willie*.
Parliamentary Standing Committee on Integrity (Joint): Ms *Armitage*, Mr *Dean* 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*, Mr *Finch*, Ms *Forrest*, Ms *Ratray* and Mr *Valentine*.
Government Administration A: Mr *Finch*, Ms *Forrest*, Mr *Gaffney*, Ms *Lovell*, Mr *Valentine* and Ms *Webb*.
 • Horizontal Fiscal Equalisation System
Government Administration B: Ms *Armitage*, Mr *Armstrong*, Mr *Dean*, Ms *Howlett*, Ms *Ratray*, Ms *Siejka* and Mr *Willie*.

SELECT COMMITTEES AND MEMBERS

Short Stay Accommodation in Tasmania: Ms *Armitage*, Mr *Armstrong*, Ms *Ratray*, Mr *Valentine* and Mr *Willie*.
AFL in Tasmania: Mr *Armstrong*, Mr *Dean*, Mr *Finch*, Ms *Howlett* and Ms *Siejka*.
Production of Documents: Mr *Dean*, Ms *Forrest*, Ms *Howlett*, Ms *Webb* and Mr *Willie*.
Greater Hobart Traffic: Mr *Armstrong*, Ms *Howlett*, Ms *Siejka*, Mr *Valentine* and Ms *Webb*.