



# LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 27

THURSDAY, 24 NOVEMBER 2022

- 1 **COUNCIL MEETS.**— The Council met at 10.00 o'clock in the forenoon.
- 2 **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 **PRAYERS.**— The President read Prayers.
- 4 **JUNCTION UPGRADE ON THE BASS HIGHWAY AT LEITH.**— Mr *Gaffney* asked the Honourable the Leader of the Government — With regard to the junction upgrade options due to be implemented on the Bass Highway at Leith:—
  - (1) In the closing sentence of a media release dated 13 January 2022, in reference to the upgrade options to be implemented on the Bass Highway at Leith, the Minister for Infrastructure and Transport stated: “*Feedback will be sought on the final designs of the intersection upgrades this quarter*”:
    - (a) What has been included in the final design for the upgrade as the result of the requested feedback process; and
    - (b) to facilitate public awareness of the actual safety measures being provided and/or implemented -
      - (i) is a detailed plan of the design to be constructed available for the public to view; and
      - (ii) if so, where can the detailed plan be viewed?
  - (2) Of the suggestions forwarded in the requested feedback process and not included in the final design of the junction upgrade on what grounds/reasons have they been rejected for inclusion?
  - (3) With regard to the construction and evaluation phases of the upgrade:
    - (a) As tenders closed on 21 September 2022, has this tender been awarded;
    - (b) if so, who was the successful tenderer;
    - (c) when is it planned that work will commence;
    - (d) what is the planned completion date for the work;
    - (e) what is the intended process to review the effectiveness of the completed upgrade; and
    - (f) what will be the process to evaluate and implement any recommendations that may arise from a review?

The Leader answered,

- 1(a) Feedback received, from the early 2022 consultation, included multiple suggestions as to what would provide an acceptable outcome, including the previously suggested speed reduction and roundabouts. The Department has advised that the adopted solution is the most suitable, excluding an Overpass, for the given constraints.
- 1(b)(i) The concept designs have been available on the Transport Tasmania website for some time. These designs have not materially changed during the detailed design phase. The detailed designs are intended for construction purposes as such they contain significant and complex information which makes them unsuitable for general public display purposes.
- (2) The Department has advised that the adopted solution is the most suitable, excluding an Overpass, for the given constraints. Suggestions for a local speed reduction of the Bass Highway or a roundabout have been previously addressed.
- 3(a) The Contract has been awarded to Hazell Bros.
- 3(c) It is expected that works will commence within 4-6 weeks.
- 3(d) Completion of works is expected by mid 2023.
- 3(e) The Department will monitor all reported crashes at the two junctions and based on that information a determination will be made as to the effectiveness of the adopted solution.
- 3(f) Any recommendations made as a result of the monitoring of traffic crashes at the junctions may be developed into a project to be delivered by the Department. As with all State Roads projects a public consultation process will occur to ensure public input.

**5 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Tasmanian Audit Office: Report of the Auditor-General No. 2 of 2022-2023. Auditor-General's report on the financial statements of State entities. Volume 1 -Audit of State entities and audited subsidiaries of State entities 31 December 2021 and 30 June 2022.
- (2) Forest Practices Authority: Annual Report 2021-2022.
- (3) Tasmanian Timber Promotion Board: Annual Report 2021-2022.
- (4) NRM South: Annual Report 2021-2022.
- (5) NRM North: Annual Report 2021-2022
- (6) Cradle Coast Authority: Annual Report 2021-2022.
- (7) Property Agents Board: Annual Report 2021-2022.
- (8) Asbestos Compensation Commissioner: Annual Report 2021-2022.
- (9) WorkCover Tasmania Board: Annual Report 2021-2022.
- (10) The Nominal Insurer: Annual Report 2021-2022.
- (11) Magistrates Court of Tasmania: Annual Report 2021-2022.
- (12) Tasmania Legal Aid: Annual Report 2021-2022.
- (13) TasWater: Annual Report 2021-2022.
- (14) *Burial and Cremation Act 2019*: Statutory Rules 2022, No. 94 containing Burial and Cremation Amendment Regulations 2022.

**6 BILL NO. 25.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to make provision for the prohibition of certain donations in relation to elections, for the acceptance, use and disclosure of certain donations in relation to elections, for the disclosure of expenditure on election campaigns, for the public funding of election campaigns for the House of Assembly and of Assembly administrative expenditure, to make consequential amendments to the *Electoral Act 2004*, and for related purposes’,

to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 23 November 2022*

MARK SHELTON, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**7 BILL NO. 26.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Electoral Act 2004* and to amend the Constitution Act 1934, and the *Legislative Council Electoral Boundaries Act 1995*, so as to change the name of the Redistribution Tribunal to the name Augmented Electoral Commission’,

to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 23 November 2022*

MARK SHELTON, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**8 BILL NO. 48.** — The Workers Rehabilitation and Compensation Amendment Bill 2022 was read the Third time and passed.

**9 BILL NO. 48.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Workers Rehabilitation and Compensation Act 1988*’.

*Legislative Council, 24 November 2022*

C.M. FARRELL, *President*

**10 BILL NO. 46.**— The Order of the Day was read for the consideration of the Environmental Management and Pollution Control Amendment Bill 2022 as amended in Committee of the Whole Council.

*Ordered*, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendment was read the First time.

The said Amendment, being read the Second time, was agreed to.

*Ordered*, That the Bill as amended in the Committee, be now read the Third time. (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

**11 BILL NO. 46.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council having this day agreed, with Amendment, to a Bill intituled —

‘A Bill for an Act to amend the *Environmental Management and Pollution Control Act 1994*’,  
now returns the same to the House of Assembly, and requests its concurrence therein.

*Legislative Council, 24 November 2022*

C.M. FARRELL, *President*

**12 BILL NO. 43.**— The Order of the Day was read for the Second reading of the Justice and Related Legislation Miscellaneous Amendments Bill 2022.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

*Ordered*, That Mrs *Hiscutt*, have leave to Table the Coroner’s Court: A Guide for Families and Friends, prepared by the Magistrates Court of Tasmania, Coronial Division (2016).

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 5 agreed to.

Clause 6 Amendment proposed (Ms *Lovell*)

Page 6.

*Leave out* “intersex”.

*Insert instead* “innate”.

Question put, That the amendment be agreed to.

Committee divided.

AYES 10

NOES 4

Ms *Armitage*  
Mr *Edmunds*  
Ms *Forrest*  
Mr *Gaffney*  
Mr *Harriss*  
Ms *Lovell*  
Ms *Rattray*  
Mr *Valentine*  
Ms *Webb* (Teller)  
Mr *Willie*

Mr *Duigan*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Palmer* (Teller)

It was resolved in the Affirmative.

Clause as amended agreed to.

Clauses 7 to 20 agreed to.

**New Clause A [Section 3 amended (Interpretation)]** brought up (Ms *Lovell*) and read the First time as follows:—

### Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of “spouse” and substituting the following definition:

**"spouse"** includes the other party to a significant relationship, within the meaning of section 4 of the *Relationships Act 2003*, whether or not the significant relationship of the other party is registered under Part 2 of that Act;

Question put, That New Clause A be now be read the Second time.

Committee divided.

AYES 6

Ms *Armitage*  
Mr *Edmunds* (Teller)  
Mr *Gaffney*  
Ms *Lovell*  
Ms *Webb*  
Mr *Willie*

Pair: Mr *Valentine*

NOES 6

Mr *Duigan*  
Ms *Forrest*  
Mr *Harriss*  
Mrs *Hiscutt*  
Ms *Howlett* (Teller)  
Ms *Palmer*

Pair: Ms *Ratray*

So it passed in the Negative.

**13 SITTING SUSPENDED.**— It being 1.01 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

**14 QUESTION TIME.**— The President called for Questions without Notice. There were eight Questions asked.

**15 LEAVE TO TABLE ANSWER TO QUESTION AND INCORPORATE ANSWER INTO HANSARD.**— *Ordered*, That Mrs *Hiscutt* have leave to Table answer to Question No. 9 and have the answer incorporated into the Hansard record.

**16 RENEWABLE ENERGY SOURCES AND GOVERNMENT POLICY.**— Mr *Gaffney* asked the Honourable the Leader of the Government — With regard to the increasing popularity of electric vehicles, solar energy installations and battery storage systems in domestic and commercial properties:

- (a) What is the Government's policy in responding to the growing need from householders and business owners for objective and impartial advice on integrating these systems; and
- (b) what support mechanisms and services are in place to encourage the transition to electric vehicles and the electrification of transport systems?
- (2) Noting that Bi-directional charging from battery storage is involved in trials around Australia, and that vehicle to home (V2H) and vehicle to grid (V2G) is a proposed storage solution in a renewable electricity network:
- (a) What are Tasmanian Government Business Enterprises (GBE's) doing to investigate, prepare and encourage this technology; and
- (b) is the Government in a position to direct a GBE to explore this technology?

- (3) Noting that Solar energy combined with Bi-directional charging can be considered the best practice model for electrification, encouraging solar energy installation with battery storage systems must be seen as an imperative first step:
- (a) What are the barriers in Tasmania to this model;
  - (b) would the Government agree that there are more obstacles in Tasmania to domestic solar (through building permit restrictions) than anywhere else in Australia; and
  - (c) if so, what is the scope within the Tasmanian Planning Scheme to address these obstacles?
- (4) Given that Tasmania is generating all its electricity needs from renewable energy sources, and that it is a net carbon absorber with negative emissions for the last seven years, what is the Government's future policy to ensure an equitable and timely transition to renewable energy powered transportation?

The Leader answered,

- (1)(a) There are a range of government and private sector resources that provide advice on the use and integration of energy technology in homes and small businesses.

For example, *Your Home* is a website maintained by the Australian Government Department of Climate Change, Energy, the Environment and Water, which provides guidance about designing, building, or renovating homes to ensure they are energy efficient, comfortable, affordable and adaptable for the future. The website also provides information about EVs and other transport-related aspects of home design.

Energy Consumers Australia, which serves as an independent national voice for residential and small business energy consumers, also operates a website that provides advice about new energy technology, including installing and using solar power, solar batteries, and buying and using EVs.

- (1)(b) The Government has introduced a range of measures to support the transition to EVs, including through:
- two rounds of the EV ChargeSmart grant program to support the installation of fast and destination charging infrastructure across Tasmania, with the second round focussing on installing infrastructure in regional areas and tourism hotspots
  - a two year waiver on duty payable on the purchase of new or second hand EVs, and a two year waiver on registration for new EVs purchased by hire car companies and tour companies
  - a target to transition the government vehicle fleet to 100 per cent electric by 2030, which will result in a greater number of EVs becoming available to Tasmanians in the second-hand market.

- (2)(a) TasNetworks has established the Fast Charger Support Scheme (FCSS), which supported the installation of Tasmania's first direct current (DC) EV fast charger in October 2018. Installations of EV charging infrastructure by TasNetworks have continued state-wide, supported by the FCSS, the Tasmanian Government's ChargeSmart grant program and market-based installations.

TasNetworks is currently working in partnership with other Distribution Network Service Providers and technology partners on the EV Grid (Dynamic EV Charging) Trial to better understand EV charging behaviours and network impacts, and to demonstrate the role of technology in managing smart (controlled) charging.

TasNetworks, along with Hydro Tasmania and Aurora Energy, also participate in the Tasmanian Government's Electric Vehicle Working Group, which has been established to provide advice on the development of an integrated approach to the uptake of EVs in a way that maximises benefits to the State.

- (2)(b) The Government is confident that these issues are being appropriately considered.

- (3)(a) In Tasmania, the major barrier to this model is the initial substantial outlay in the form of installation costs. The Government is supporting the uptake of solar energy through the \$50 million Energy Saver Loan Scheme that is available to residential and small business customers to invest in energy efficient products including solar energy. There are no significant regulatory barriers in Tasmania to bi-directional charging and battery storage systems.
- (3)(b) No. Under Tasmania’s building regulatory framework, no building approval is required for solar installations on a roof, if the panels cover an area of 38 square meters or less, are parallel to the roof plane and comply with a number of other requirements. These installations not requiring building approval are considered ‘Low Risk Work’.

For solar installations that exceed the limitations of Low Risk Work, the owner is required to obtain building approval from a licensed building surveyor. This additional requirement, for installations greater than the types permitted for Low Risk Work, is to ensure that the installation of the solar panels on the building do not adversely affect the integrity of the building, and are to ensure the continued safety of the building occupants.

- (3)(c) The Tasmanian Planning Scheme, which is now in effect in 15 of the 29 municipalities, provides exemptions from a planning permit for all roof top solar energy installations, and for ground mounted solar energy installations covering an area of up to 18 square meters (apart from properties that are heritage listed or within a heritage listed precinct). These exemptions are also contained in all of the remaining interim planning schemes. While there are no specific exemptions for battery storage systems, any external wall installations would be considered as a minor protrusion from the house, like all domestic heat pumps and hot water systems, and not require a planning permit unless heritage listed.

The standardised requirements in the Tasmanian Planning Scheme (the State Planning Provisions) are currently being reviewed in accordance with a requirement under the *Land Use Planning and Approvals Act 1993*. There is scope for any planning-related obstacles, if identified, to be addressed as part of the review process.

- (4) Following the passage of the *Climate Change (State Action) Amendment Bill 2021* through Parliament, the Government has committed to developing an emissions reduction and resilience plan for the transport sector within 12 months of the Bill receiving Royal Assent.

**17 BILL NO. 43.**— The Council again resolved itself into a Committee on the Justice and Related Legislation Miscellaneous Amendments Bill 2022.

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(In the Committee)

Ms *Forrest* in the Chair.

**New Clause A [Section 3A amended (Meaning of *senior next of kin*)]** brought up (Ms *Lovell*) and read the First time as follows:—

A. Section 3A amended (Meaning of *senior next of kin*)

Section 3A of the Principal Act is amended as follows:

- (b) by renumbering the section as subsection (1);
- (c) by inserting the following subsection after subsection (1):
- (2) A person making a decision under this Act as to whether a person is the senior next of kin of a deceased person must not discriminate against a person on the grounds of that person’s sex, sexual orientation, gender, gender identity or innate variations of sex characteristics.

Question put, That New Clause A be now read the Second time.

Committee divided.

AYES 4

Mr *Edmunds*  
Ms *Lovell*  
Mr *Valentine*  
Mr *Willie* (Teller)

NOES 10

Ms *Armitage*  
Mr *Duigan*  
Ms *Forrest*  
Mr *Gaffney*  
Mr *Harriss*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Palmer*  
Ms *Rattray* (Teller)  
Ms *Webb*

So it passed in the Negative.

**New Clause A [Section 3B inserted]** brought up (Ms *Lovell*) and read the First time as follows:—

**A. Section 3B inserted**

After section 3A of the Principal Act, the following section is inserted in Part 1:

**3B. Determination of spouse of deceased person**

- (1) A person may appeal to the Supreme Court against a decision made by a person under this Act as to who is the senior next of kin of a deceased person for the purposes of this Act.
- (2) If an appeal is made under subsection (1) in relation to a decision made by a person, the Supreme Court may –
  - (a) if the Supreme Court considers that the decision was made in accordance with this Act, affirm the decision; or
  - (b) if the Supreme Court considers that the decision was not made in accordance with this Act –
    - (i) quash the decision; or
    - (ii) refer the matter back to the person, to make the decision again in accordance with the directions of the Court.
- (3) If an appeal is made under subsection (1) against a decision made by a person under this Act as to who is the senior next of kin of a deceased person for the purposes of this Act –
  - (a) the decision is of no effect until the appeal has been determined and, if the Court has determined the appeal under subsection (2)(b), is of no effect after the Court's decision is made; and
  - (b) a decision may not be made under this Act as to who is the senior next of kin of the deceased person for the purposes of this Act until the Court's decision is made.



The proposed New Clause A was, by leave, withdrawn.

To report progress and seek leave to sit again.

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The Council being resumed, Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

*Resolved*, That the Council will, tomorrow, again resolve itself into the said Committee.

**18 BILL NO. 55.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Annulled Convictions Act 2003*, the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*, the *Community Protection (Offender Reporting) Act 2005*, the *Corrections Act 1997*, the *Criminal Code Act 1924*, the *Criminal Law (Detention and Interrogation) Act 1995*, the *Dangerous Criminals and High Risk Offenders Act 2021*, the *Evidence Act 2001*, the *Evidence (Children and Special Witnesses) Act 2001*, the *Justices Act 1959*, the *Magistrates Court (Criminal and General Division) Act 2019*, the *Police Offences Act 1935*, the *Sentencing Act 1997* and the *Victims of Crime Assistance Act 1976*’,

to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 24 November 2022*

MARK SHELTON, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**19 ADJOURNMENT.**—*Resolved*, That the Council at its rising adjourn until 9.30 o'clock a.m. on Friday, 3 March 2023. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council do now adjourn.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

The Council adjourned at 5.01 o'clock p.m.

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