



LEGISLATIVE COUNCIL

SESSION OF 2022 - 2023

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 63

TUESDAY, 17 OCTOBER 2023

- 1 COUNCIL MEETS.**— The Council met at 11.00 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 BUSHFIRE SHELTERS.**— Ms *Forrest* asked the Honourable the Leader of the Government — Noting the Tasmanian Fire Service (TFS) website states ‘there is no conclusive evidence that private bushfire shelters are safe to use’, and ‘The 2009 Victorian Bushfires Royal Commission found conflicting evidence where seven people died in private bushfire shelters whilst others claimed that a shelter may have saved their lives’, and that ‘The Commission concluded that extreme caution should be taken with respect to the use of private bushfire shelters’, can the Government advise:—
- (1) How these claims can be reconciled with:
 - (a) the final report of the Victorian Bushfires Royal Commission which supported the use of private bushfire shelters, particularly as noted in Recommendation 4;
 - (b) the adoption of performance standards for private bushfire shelters in the National Construction Code;
 - (c) the accreditation of at least one private bushfire shelter by the Victorian Building Authority that meets the requirements of the National Construction Code;
 - (d) research by the CSIRO that found in the 2009 fires in Victoria two people died in bushfire shelters of their own design while nine people survived; and
 - (e) that in the 2019 fires six households sheltered in approved bushfire bunkers and none came to harm even though three of their houses were destroyed?
 - (2) If the claims about private bushfire shelters made by the TFS are not supported by the evidence but nonetheless discourage Tasmanian householders from installing private bushfire shelters of the kind approved in Victoria, what risk could this advice from the TFS pose to the safety of Tasmanians living in bushfire prone areas?

The Leader answered as follows:—

In Tasmania, homeowners are able to have private bushfire shelters installed or constructed, if they comply with the requirements of the National Construction Code, the *Building Act 2016* and *Building Regulations 2016*.

Homeowners must be provided with the necessary approvals including a Certificate of Likely Compliance issued by a licensed building surveyor, and a Building Permit issued by the relevant permit authority.

These standards and approval requirements are to ensure that such buildings are satisfactorily constructed and meet all necessary safety specifications.

Turning to your particular questions:

- (1)
 - (a) The Tasmanian Government accepted the recommendations of all reports arising from the Victorian Bushfires Royal Commission.
In respect to private bushfire shelters, this includes:
 - i. ensuring appropriate criteria are in place where no other options are available.
 - ii. acknowledging that private bushfire shelters are a ‘fall back’ option.The Tasmania Fire Service (TFS) advice accords with those recommendations of the Victorian Bushfires Royal Commission.
 - (b) The Tasmanian *Building Act 2016* and *Building Regulations 2016* regulate building work within Tasmania. The *Building Act 2016* requires all building work, plumbing work and demolition must comply with the National Construction Code.
 - (c) The TFS website provides an advice document about private bushfire shelters, including support to individuals wanting to construct a Class 10c building by providing information on:
 - i. relevant criteria, being the National Construction Code.
 - ii. regulatory pathway, design, and maintenance requirements.
 - (d) It is noted that those shelters that existed at that time were not regulated, nor was there specific criteria for their design, construction, and maintenance. The National Construction Code has since been adapted to provide performance criteria for such buildings, and the CSIRO points to the National Construction Code as the relevant performance criteria for these.
The advice provided by the TFS regarding the use of private bushfire shelters and criteria for their construction is consistent with that promoted by the CSIRO and reflects contemporary research and policy on this matter.
 - (e) The TFS website provides an advice document about private bushfire shelters. This advice notes the evidence that people have both perished and survived when using private bushfire shelters, and that this option is not without risk.
- (2) The TFS’ strong advice continues that households should be prepared for bushfires, including preparing their properties and implementing a Bushfire Survival Plan. Leaving early is always the safest option. This message is strongly communicated by the TFS through its dedicated public education campaigns.

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

- (1) Veterinary Board of Tasmania: Annual Report 2022-23.
- (2) MAIB: Annual Report 2022-2023.
- (3) TasPorts: Annual Report 2022-2023.
- (4) TasRail: Annual Report 2022-2023.
- (5) Marine and Safety Tasmania (MAST): Annual Report 2022-2023
- (6) Tasracing: Annual Report 2022-2023
- (7) *State Policies and Projects Act 1993*: Project of State Significance Order 2023. Directions to the Tasmanian Planning Commission.

- (8) *State Policies and Projects Act 1993*: Statutory Rules 2023, containing State Policies and Projects (Project of State Significance) Order 2023.
- (9) *Health Act 1997*: Statutory Rules 2023, No. 49, containing Health (Fees) Amendment Regulations 2023.
- (10) *Justices Act 1959*: Statutory Rules 2023, No. 64, containing Justices (Restraint Orders) Rules 2023.
- (11) Sorell Council: Environmental Health By-Law: By-Law No. 1 of 2023.
- (12) Devonport City Council: Parking By-Law: By-Law No. 1 of 2023.
- (13) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 7441.0 m² situate in the Parish of Loongana, Land District of Devon, Parish of Powena, Land District of Russell, Parish of Rekuna, Land District of Devon, Parish of VIC. Surrey Hills, Land District of Russell, Parish of Waratah, Land District of Russell. Heavy Vehicle Rest Area – Fossey River – Roadworks. Municipal area of Waratah-Wynyard.
- (14) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 1638.0 m² situate in the Town of Bicheno - Bicheno Ambulance Station. Municipal area of Glamorgan-Spring Bay.

6 DISCLOSURE OF MEMBERS' INTERESTS.— In accordance with Sections 19 and 20 of the *Parliamentary (Disclosure of Interests) Act 1996* (Act No. 22), the Clerk of the Council laid upon the Table of the Council the Register of Members' Interests for the electorates of Derwent, Elwick, Hobart, Huon, Launceston, Mersey, Montgomery, Murchison, McIntyre, Nelson, Pembroke, Prosser, Rosevears, Rumney and Windermere.

The Ordinary Returns having been lodged with the President and this day Tabled and placed on the public record, are deemed to have been published.

7 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS.— Ms *Forrest* presented a Report of the Parliamentary Standing Committee of Public Accounts on its Inquiry into the Tasmanian Government's Continuing Response to the COVID-19 Pandemic: Preparation for the State Border Re-opening on 15 December 2021.

Ordered, That the Report be received. (Ms *Forrest*)

Ordered, That the Report be printed. (Ms *Forrest*)

Ordered, That consideration of the Report and its noting be made an Order of the Day for Tuesday next. (Ms *Forrest*)

8 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Barbara Baker, Governor

A Bill for an Act to amend the *Guardianship and Administration Act 1995*, the *Tasmanian Civil and Administrative Tribunal Act 2020* and the *Disability Services Act 2011*

Guardianship and Administration Amendment Act 2023
(Bill No. 5 of 2023; Act No. 21 of 2023)

A Bill for an Act to amend the *Tasmanian Public Finance Corporation Act 1985* and to consequentially amend certain other Acts for related purposes

Tasmanian Public Finance Corporation Amendment Act 2023
(Bill No. 8 of 2023; Act No. 22 of 2023)

A Bill for an Act to amend the *Local Government Act 1993*

Local Government Amendment (Code of Conduct) Act 2023
(Bill No. 52 of 2022; Act No. 23 of 2023)

having been presented to the Governor for the Royal Assent, she has, in the name of His Majesty the King, assented to the said Bills.

Government House, Hobart, 29 September 2023

9 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Barbara Baker, Governor

A Bill for an Act to provide for the transfer of certain employees of the North West Private Hospital in order to facilitate the transfer of maternity services at that hospital to the Department of Health

North West Maternity (Employee Entitlements) Act 2023
(Bill No. 23 of 2023; Act No. 24 of 2023)

A Bill for an Act to amend the *Residential Building Work Contracts and Dispute Resolution Act 2016* and to consequentially amend the *Building Act 2016*, the *Building Regulations 2016*, the *Occupational Licensing Act 2005* and the *Residential Building Work Contracts and Dispute Resolution Regulations 2016*

Residential Building (Home Warranty Insurance Amendments) Act 2023
(Bill No. 13 of 2023; Act No. 25 of 2023)

having been presented to the Governor for the Royal Assent, she has, in the name of His Majesty the King, assented to the said Bills.

Government House, Hobart, 16 October 2023

10 BILL NO. 13.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill, intituled — ‘A Bill for an Act to amend the *Residential Building Work Contracts and Dispute Resolution Act 2016* and to consequentially amend the *Building Act 2016*, the *Building Regulations 2016*, the *Occupational Licensing Act 2005* and the *Residential Building Work Contracts and Dispute Resolution Regulations 2016*’.

House of Assembly, 28 September 2023

JOHN TUCKER, *Deputy Speaker*

11 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

12 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for *Pembroke*, (Mr *Edmunds*) be granted leave of absence from the service of the Council for this weeks sitting. (Mrs *Hiscutt*)

13 SPECIAL INTEREST MATTERS.— The President advised the Chamber of two Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Ms *Rattray* – *Scottsdale High School 25 year cattle handling celebration*; and
- (2) Mr *Gaffney* – *Volleyball Tasmania*.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

14 MINISTERIAL STATEMENT.— Mrs *Hiscutt* made a statement in regard to the appointment of Ministers of the Crown, Leader and Deputy Leader as follows:—

“Mr President, on behalf of the Premier, I wish to advise the Council of Ministerial appointments:

Hon Jeremy Rockliff MP
Premier
Minister for State Development, Trade and the Antarctic
Minister for Tourism and Hospitality
Minister for Mental Health and Wellbeing

Hon Michael Ferguson MP
Deputy Premier
Treasurer
Minister for Infrastructure and Transport
Minister for Planning

Hon Guy Barnett MP
Attorney-General
Minister for Justice
Minister for Health
Minister for Veterans Affairs

Hon Nick Duigan MLC
Minister for Energy and Renewables
Minister for Parks
Minister for Heritage
Minister for Small Business

Hon Felix Ellis MP
Minister for Police, Fire and Emergency Management
Minister for Skills, Training and Workforce Growth
Minister for Resources
Minister for Racing
Leader of the House

Hon Roger Jaensch MP
Minister for Education, Children and Youth
Minister for Environment and Climate Change
Minister for Aboriginal Affairs

Hon Madeleine Ogilvie MP
Minister for Corrections and Rehabilitation
Minister for Workplace Safety and Consumer Affairs
Minister for Science and Technology
Minister for Advanced Manufacturing and Defence Industries
Minister for the Arts

Hon Jo Palmer MP
Minister for Primary Industries and Water
Minister for Community Services and Development
Minister for Disability Services
Minister for Women and the Prevention of Family Violence

Hon Nic Street MP
Minister for Housing and Construction

Minister for Local Government
Minister for Sport and Recreation
Minister for Stadia and Events

I, the Hon Leonie Hiscutt MLC will continue as Leader of the Government in the Legislative Council.

I also advise the Council the Honourable Premier appointed the Hon Jane Howlett MLC as Deputy Leader of the Government in the Legislative Council.”

15 MOTION WITHOUT NOTICE.— *Ordered*, That Ms *Forrest* have leave to move a Motion without Notice.

16 GENDER AND EQUALITY COMMITTEE: CHANGE IN MEMBERSHIP.— *Ordered*, That the Honourable Member for Windermere, Mr *Duigan*, be discharged from the Joint Sessional Committee on Gender and Equality and that the Honourable Member for Prosser, Ms *Howlett*, be appointed to the resulting vacancy. (Ms *Forrest*).

Ordered, that a Message be transmitted to the House of Assembly acquainting that House accordingly. (Ms *Forrest*)

17 GENDER AND EQUALITY COMMITTEE: CHANGE IN MEMBERSHIP.—
A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has discharged the Honourable Member for Windermere, Mr *Duigan*, from the Joint Sessional Committee on Gender and Equity and has appointed the Honourable Member for Prosser, Ms *Howlett*, to the resulting vacancy.

Legislative Council, 17 October 2023

C.M. FARRELL, *President*

18 MOTION WITHOUT NOTICE.— *Ordered*, That Ms *Forrest* have leave to move a Motion without Notice.

19 GOVERNMENT ADMINISTRATION COMMITTEES ‘A’ AND ‘B’.— *Ordered*, That the following revised list of Ministerial portfolios be allocated to the Legislative Council Administration Committees ‘A’ and ‘B’ as a result of the Ministerial portfolio changes:—

Committee ‘A’

1. The Deputy Premier
2. The Treasurer
3. The Minister for Infrastructure and Transport
4. The Minister for Planning
5. The Minister for Primary Industries and Water
6. The Minister for Disability Services
7. The Minister for Community Services and Development
8. The Minister for Women and the Prevention of Family Violence
9. The Minister for Energy and Renewables
10. The Minister for Parks
11. The Minister for Small Business

12. The Minister for Heritage
13. The Minister for Education, Children and Youth
14. The Minister for Environment and Climate Change
15. The Minister for Aboriginal Affairs
16. The Minister for Police, Fire and Emergency Management
17. The Minister for Resources
18. The Minister for Skills, Training and Workforce Growth
19. The Minister for Racing

Committee ‘B’

1. The Premier
2. The Minister for Mental Health and Wellbeing
3. The Minister for State Development, Trade and the Antarctic
4. The Minister for Tourism and Hospitality
5. The Minister for Housing and Construction
6. The Minister for Stadia and Events
7. The Minister for Sport and Recreation
8. The Minister for Local Government
9. The Attorney-General
10. The Minister for Justice
11. The Minister for Health
12. The Minister for Veterans’ Affairs
13. The Minister for Corrections and Rehabilitation
14. The Minister for Workplace Safety and Consumer Affairs
15. The Minister for the Arts
16. The Minister for Advanced Manufacturing and Defence Industries
17. The Minister for Science and Technology.

Ordered, That the Honourable Member for Windermere, Mr *Duigan*, be discharged from Committee ‘A’.

20 MOTION WITHOUT NOTICE.— *Ordered*, That Mr *Valentine* have leave to move a Motion without Notice.

21 SELECT COMMITTEE INTO UNIVERSITY OF TASMANIA ACT 1992: CHANGE IN MEMBERSHIP.— *Ordered*, That the Honourable Member for Windermere, Mr *Duigan*, be discharged from the Select Committee on the provisions of the *University of Tasmania Act 1992*. (Mr *Valentine*).

22 GOVERNMENT RESPONSE TO THE REPORT OF THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ROAD SAFETY IN TASMANIA.—

A Motion was made (Ms *Armitage*) and the Question was proposed, That the Government Response to the Report of the Legislative Council Select Committee on Road Safety in Tasmania (No. 31 of 2022), be considered and noted.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

23 BILL NO. 20.— The Residential Tenancy Amendment (Minimum Window Coverings for Social Housing Properties) Bill 2023 was read the Third time and passed.

24 BILL NO. 20.— 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 *Residential Tenancy Act 1997* for the purposes of requiring social housing properties to be furnished with minimum window coverings at the commencement of a new tenancy agreement.'

Legislative Council, 17 October 2023

C.M. FARRELL, *President*

25 REPORT OF THE GOVERNMENT ADMINISTRATION COMMITTEE 'B'.—

A Motion was made (Ms *Ratray*) and the Question was proposed, That the Report of the Government Administration Committee 'B' into the Office of Racing Integrity be considered and noted.

A Debate arose thereupon.

26 SITTING SUSPENDED.— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

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

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

Ordered, that Mrs *Hiscutt* have leave to table a document setting out details on the make and model of DC isolators involved in causing fires over the past five years and have it incorporated into the Hansard record.

28 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

29 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of standing orders be suspended so as to allow for the period for questions without notice to be asked to be extended to 3.10 o'clock p.m.

30 QUESTION TIME.— The President called for further Questions without Notice. There was one Question asked.

31 REPORT OF THE GOVERNMENT ADMINISTRATION COMMITTEE 'B'.—

The Council resumed the Debate on the Question, That the Report of the Government Administration Committee 'B' into the Office of Racing Integrity be considered and noted.

Ordered, that Mrs *Hiscutt* have leave to Table the Government Response to the Report of the Government Administration Committee 'B' into the Office of Racing Integrity.

And the Question being put,

It was resolved in the Affirmative.

32 JOINT SELECT COMMITTEE ON ENERGY MATTERS IN TASMANIA.—

The Order of the Day was read for taking into consideration 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,

(1) That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House exceeding 14 days, with leave to adjourn from place to place and with leave to report from time to time, to inquire into and report upon energy matters in Tasmania with the following Terms of Reference:—

(a) challenges related to energy supply in Tasmania including:—

- (i) structure and operations of State-owned energy entities;
- (ii) energy requirements;
- (iii) expansion of State-owned renewable energy generation including associated community and economic benefits;
- (iv) private energy generators;
- (v) energy generation, storage and transmission capacity; and
- (vi) energy security considerations.

(b) opportunities related to energy supply in Tasmania including:—

- (i) structure and operations of State-owned energy entities;
- (ii) energy requirements;
- (iii) expansion of State-owned renewable energy generation including associated community and economic benefits;
- (iv) private energy generators;
- (v) energy generation, storage and transmission capacity; and
- (vi) energy security considerations.

(c) the operation of the National Electricity Market including:—

- (i) current and future energy demand for participants;
- (ii) costs, benefits, opportunities and risks associated with the renewable energy transition; and
- (iii) Tasmania's past and future participation in the National Electricity Market including costs and benefits to Tasmania and resource opportunity; and

(d) Marinus Link Pty Ltd and associated energy power developments (Battery of the Nation and North West Transmission Development) including:—

- (i) likely beneficiaries;
- (ii) funding arrangements, including the potential for private sector contribution;
- (iii) impact on Tasmanians' energy bills and concessional pricing arrangements; and

(iv) alternative options and associated costs and/or benefits to Tasmania including costs and cost of a 'do nothing approach'.

(2) The number of Members to serve on the Committee on the part of the House be four.

(3) The Committee report by 31 October 2024.

House of Assembly, 28 September 2023

MARK SHELTON, *Speaker*

A Motion was made (Ms *Forrest*), and the Question was proposed, That the Resolution to establish a Joint Select Committee on Energy Matters in Tasmania be agreed to.

A Debate arose thereupon.

33 SITTING SUSPENDED. — It being 4.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 4.30 o'clock p.m.

34 JOINT SELECT COMMITTEE ON ENERGY MATTERS IN TASMANIA.—

The Council resumed the Debate on the Question, That the Resolution to establish a Joint Select Committee on Energy Matters in Tasmania be agreed to.

And the Question being put,

It was resolved in the Affirmative.

Ordered, That the following members be appointed to serve on the Committee on the part of the Council:—

Mr *Edmunds*;
Ms *Forrest*;
Mr *Harriss*; and
Ms *Howlett*.

And, That Monday, 30 October 2023 at 10.30 o'clock a.m. be the time and the Committee Room No. 1 be the place for holding the first meeting of the committee. (Ms *Forrest*)

Ordered, that a Message be transmitted to the House of Assembly acquainting that House accordingly. (Ms *Forrest*)

35 JOINT SELECT COMMITTEE ON ENERGY MATTERS IN TASMANIA.— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council having taken into consideration the Message of the House of Assembly dated 28 September 2023 regarding the establishment of a Joint Select Committee on Energy Matters in Tasmania does agree to the establishment of the Joint Select Committee and further informs the House of Assembly it has resolved that —

Mr *Edmunds*;
Ms *Forrest*;
Mr *Harriss*; and
Ms *Howlett*.

be appointed to serve on the Joint Sessional Committee on the part of the Council and that Monday, 30 October 2023 at 10.30 o'clock a.m. be the time and the Committee Room No. 1 be the place for holding the first meeting of the Committee.

Legislative Council, 17 October 2023

C.M. FARRELL, *President*

36 ADJOURNMENT.— *Resolved*, That the Council will, at its rising, adjourn until 11.00 o'clock a.m. on Wednesday, 18 October 2023. (Mrs *Hiscutt*)

Resolved, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 4.59 o'clock p.m.

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