



LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 16

TUESDAY, 10 SEPTEMBER 2024

(At 11.00 o'clock a.m.)

NOTICES OF QUESTION

12 Ms *Armitage* to ask the Honourable Leader of the Government — Regarding Board membership of Government Business Enterprises, State-Owned Corporations and other Government Boards, can the Government —

- (1) Provide a list of current Tasmanian Government entities – specifically:
 - (a) Government Business Enterprises;
 - (b) State-Owned Corporations;
 - (c) Statutory Authorities; and
 - (d) Any other Government-controlled entities, commissions, boards and committees.
- (2) Provide the current breakdown of board members residing in Tasmania by region, as well as the number of board members who reside interstate, for each of the aforementioned entities?
- (3) Provide the number of board members allowed for each of these entities and how many board members are currently appointed to each entity?
- (4) Identify which of these entities have board members appointed by the relevant Minister?
- (5) Identify which of these entities have board members appointed by a process independent of the Government and/or the relevant Minister?

(asked 20.6.24)

14 Ms *O'Connor* to ask the Minister for Education — With regard to school levies —

- (1) What were the levy amounts charged by each public school in Tasmania, for each grade, in 2023?
- (2) What was the total dollar amount collected in levies by each public school in Tasmania in 2023?
- (3) What was the total number of students enrolled at each public school in Tasmania in 2023?
- (4) What was the total number of students at each public school in Tasmania who were exempt from paying levies in 2023?

(asked 14.8.24)

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 Mr *Edmunds* to move — That the Colony 47 and MyState Bank Financial Wellbeing in Tasmania June 2024 report be considered and noted.

4 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.

5 Ms *Forrest* to move —

That the Legislative Council:

- (1) Notes the Research brief by Dr Carmel Hobbs, published in November 2022 titled *Young, in love and in danger - Teen domestic violence and abuse in Tasmania*;
- (2) Notes the seven (7) recommendations in the research brief; and
- (3) Calls on the Government to provide a formal response to each of the recommendations that includes actions the Government will take in response to each recommendation.

6 Ms *Webb* to move —

- (1) That the Legislative Council notes the resolution of this House on the 28 March 2023 requesting the Tasmanian Government undertakes to introduce mandated requirements for the regular and routine disclosure of all Ministerial and Cabinet Secretary official diaries, detailing scheduled meetings, and their purpose, with stakeholders and organisations, including third parties and lobbyists; and when developing this disclosure regime to also:
 - (a) ensure the process is informed by best practice examples of mandatory disclosure of Ministerial diary requirements established in other jurisdictions, including examples of oversight and compliance requirements; and
 - (b) develop and publicly consult on a proposed Tasmanian mandatory disclosure of Ministerial diaries scheme.
- (2) That the Legislative Council further notes that:
 - (a) public consultation on a proposed Tasmanian mandatory disclosure of Ministerial diaries scheme did not occur;
 - (b) the Tasmanian Government introduced quarterly routine disclosure of Ministerial diaries commencing with the January/March 2023 quarter; and
 - (c) the current routine disclosures of Ministerial diaries system is not mandatory under statute; does not occur in a reliable and timely manner; and the format and details disclosed remain deficient.
- (3) And that the Legislative Council calls on the Tasmanian government to:
 - (a) undertake comprehensive and public consultation on a best practice mandatory disclosure of Ministerial diaries model, and that process is to provide for input into the design, disclosure details, timeliness, application, and any other related matter; and
 - (b) report back to the Legislative Council by 28 November 2024 in relation to the above.

7 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.

ORDERS OF THE DAY

- 1** Report of the Parliamentary Standing Committee of Public Accounts "Tasmanian Fire and Emergency Services Funding Model": Consideration and noting. (Ms *Forrest*)
- 2** Work Health and Safety Amendment (Safer Workplaces) Bill 2024 (No. 24): Second Reading.
(*Private Member's Bill*)
- 3** Report of the Government Administration Committee A on "Matters relating to workers compensation insurance within the racing industry": Consideration and noting. (Ms *Forrest*)
- 4** Report of the Government Administration Committee A on "Matters relating to financial and operational performance of TasTAFE": Consideration and noting. (Ms *Forrest*)
- 5** 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*)
- 6** Disability Inclusion and Safeguarding Bill 2024 (Bill No. 29): Further Consideration in Committee (Clause 36).
- 7** Justice Miscellaneous (Commission of Inquiry) Bill 2024 (Bill No. 26): Second reading.
- 8** Evidence (Children and Special Witnesses) Amendment Bill 2024 (Bill No. 28): Second reading.
- 9** Farm Debt Mediation Bill 2024 (Bill No. 33): Second reading.
- 10** Forestry (Miscellaneous Amendments) Bill 2024 (Bill No. 20): Second reading.
- 11** Industrial Hemp Amendment Bill 2024 (Bill No. 17): Second reading.
- 12** Justice and Related Legislation (Miscellaneous Amendments) Bill 2024 (Bill No. 19): Second reading.
- 13** Historic Cultural Heritage Amendment Bill 2024 (Bill No. 32): Second reading.
- 14** Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024 (Bill No 30): Second reading.
- 15** Electoral Amendment Bill 2024 (Bill No. 25): Second reading.
- 16** Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024 (Bill No. 23): Consideration in Committee.
- 17** Partition Amendment Bill 2024 (No. 2): Second reading.

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

SUMMARY OF BILLS

Read First Time

Bill No. 2	Partition Amendment (<i>pro forma</i>)
Bill No. 17	Industrial Hemp Amendment
Bill No. 19	Justice and Related Legislation (Miscellaneous Amendments)
Bill No. 20	Forestry (Miscellaneous Amendments)
Bill No. 24	Work Health and Safety Amendment (Safer Workplaces)
Bill No. 25	Electoral Amendment
Bill No. 26	Justice Miscellaneous (Commission of Inquiry)
Bill No. 28	Evidence (Children and Special Witnesses) Amendment
Bill No. 30	Sentencing Amendment (Presumption of Mandatory Sentencing)
Bill No. 32	Historic Cultural Heritage Amendment
Bill No. 33	Farm Debt Mediation

Consideration of Bill in Committee of the Whole Council

Bill No. 23 Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers)

Further Consideration in Committee of the Whole Council

Bill No. 29 Disability Inclusion and Safeguarding

Returned to House of Assembly with Amendments

Bill No. 10 Racing Regulation and Integrity

Agreed to by Both Houses

Bill No. 3 Appropriation (Further Supplementary Appropriation for 2023-24) (Act No. 1 of 2024)
Bill No. 4 Supply (No. 1) (Act No. 2 of 2024)
Bill No. 5 Supply (No. 2) (Act No. 3 of 2024)
Bill No. 7 Sentencing Amendment (Alcohol Treatment Order) (Act No. 8 of 2024)
Bill No. 8 State Litigator (Consequential Amendments) (Act No. 7 of 2024)
Bill No. 11 Racing Regulation and Integrity (Consequential Amendments) (Act No. 14 of 2024)
Bill No. 12 Surveyors Amendment (Act No. 4 of 2024)
Bill No. 13 Taxation Legislation (Affordable Housing and Employment Support) (Act No. 5 of 2024)
Bill No. 14 Child Safety Reform Implementation Monitor (Act No. 6 of 2024)
Bill No. 16 Police Offences Amendment (Beggings Repeal) (Act No. 10 of 2024)
Bill No. 18 Human Tissue Amendment (Act No. 11 of 2024)
Bill No. 21 Asbestos-Related Diseases (Occupational Exposure) Compensation Amendment (Act No. 12 of 2024)
Bill No. 22 Taxation Legislation (Miscellaneous Amendments) (Act No. 9 of 2024)
Bill No. 34 Tasmanian Development Amendment (Act No. 13 of 2024)

STANDING COMMITTEES AND MEMBERS

Committee of Privileges: Mr Farrell, Ms Forrest, Mr Gaffney, Mrs Hiscutt and Ms Rattray
Standing Orders Committee: Mr Farrell (The President), Ms Forrest (The Chair of Committees), Ms Armitage, Mrs Hiscutt and Ms Rattray
Parliamentary Standing Committee on Public Works (Joint): Mr Harriss and Ms Rattray
Parliamentary Standing Committee on Subordinate Legislation (Joint): Mr Harriss, Mrs Hiscutt and Ms Rattray
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, Mrs Hiscutt, Ms Rattray and Mr Vincent
Final Report of Commission of Inquiry (Joint): Ms Forrest, Ms Lovell, Mr Vincent 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 Thomas and Mr Vincent
• Tasmanian Ports Corporation Pty Ltd (TasPorts)
Government Administration B: Ms Armitage, Mr Edmunds, Mr Gaffney, Ms O'Connor, Ms Rattray 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 Mr Vincent