



LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 18

TUESDAY, 8 NOVEMBER 2022

(At 11.00 o'clock a.m.)

NOTICE OF QUESTIONS

2 Mr *Valentine* to ask the Honourable Leader of the Government — With regard to midwives working in Tasmania's four major hospitals, can the Government please provide the following details for each hospital:

- (1) total number of Birthrate Plus Hours worked in core Midwifery in the past 3 months and the number of those hours worked by midwives;
- (2) number of vacancies within the Midwifery Group Practice (MG) Teams in July 2022 and the percentage this represents of the whole of the nursing workforce vacancies for the hospital for the same period;
- (3) number of student midwives currently practising in the maternity unit and of those, the number of students paid for their first year of clinical placement hours;
- (4) actual number of midwifery resignations in the past 3 months, and the percentage this represents of the midwifery workforce in the hospital;
- (5) COVID leave statistics for midwives for July 2022; and
- (6) number of backfilled midwifery positions for July 2022.

(asked 08.09.22)

4 Mr *Valentine* to ask the Honourable Leader of the Government — In relation to the most recent announcement of an AFL football stadium on Macquarie Point, in the interests of transparency and for the record, can the Government please provide the following details:

- (1)
 - (a) Prior to the Government setting a policy to build a stadium on the most recently selected site, was the Macquarie Point Development Corporation (MPDC) consulted; and
 - (b) if so, what was the style of that consultation and will the Government table the Corporation's detailed response(s) to that consultation?
- (2)
 - (a) What benefit-cost analysis (BCA) was undertaken for the recently proposed project prior to the project's announcement; and
 - (b) will the Government table that analysis?
- (3)
 - (a) Did the Government assess the impact the project would have on each of the current projects, either underway or in planning, that are related to the Macquarie Point 2017-2030 Masterplan; and
 - (b) if so, will the Government table that assessment, including any costs associated with the halting or delay of each project?

- (4) (a) When was the most recent Ministerial Statement of Expectations provided to the MPDC;
 - (b) did that statement envisage an AFL football stadium; and
 - (c) if not already available on the MPDC's website, will the Government table the statement?
 - (5) (a) Did the Government consult with MONA stakeholders prior to setting a policy to build a stadium on the most recently selected site; and
 - (b) if so, will the Government table the MONA stakeholder's response(s)?
 - (6) (a) Given the Aboriginal Community's significant interest in the future of Macquarie Point and their present operations on the site, has the Government in any way consulted with that community in relation to the impact of a stadium on their expectations for future development at the site;
 - (b) if so, when did that occur in relation to the policy change for the site; and
 - (c) will the Government table the Aboriginal Community's response(s) to that consultation?
 - (7) (a) Did the Government consult with the Australian Antarctic Division in relation to the impact of the Stadium on their future developments at Macquarie Point; and
 - (b) if so, will the Government table the response(s) from the Australian Antarctic Division?
 - (8) (a) Did the Government consult with the Hobart City Council in relation to the project's impact on their city's strategic plans; and
 - (b) if so, what were the results of that consultation and will the Government table those results?
- (asked 19.10.22)

5 Ms *Forrest* to ask the Honourable Leader of the Government — With regard the recently announced funding arrangements for the proposed Marinus Link:

- (1) What was the date of the Business Case that has guided this decision making?
- (2) Has the Business Case been updated recently to factor in:
 - (a) rising costs of materials;
 - (b) availability of materials;
 - (c) rising costs of labour; and
 - (d) availability of labour?
- (3) For the following time frames, identified separately, that is over the short, medium and long term (ie. 10 years plus), how will the proposal serve the best interests of Tasmania with regard to:
 - (a) The impact on Hydro Tasmania, financially and operationally;
 - (b) TasNetworks and the island transmission network;
 - (c) The impact on Major Industries (MI's) through the regulatory process;
 - (d) Power prices for residential customers;
 - (e) Wind energy including power offtake agreements; and
 - (f) Hydrogen power?
- (4) (a) Has a full risk assessment been undertaken for all stakeholders including:
 - (a) Hydro Tasmania;
 - (b) TasNetworks;
 - (c) Major industries;
 - (d) Residential customers;
 - (e) Commercial customers;
 - (f) Hydrogen energy proponents;
 - (g) Other renewable energy generators; and
- (b) if so, will these risk assessments be made public; and
- (c) if not, when will this occur?

(asked 25.10.22)

6 Ms *Webb* to ask the Honourable Leader of the Government — With regard to the ongoing uncertainty of the future of the Tasmanian Law Reform Institute (TLRI), and in light of the following considerations:

- (a) The establishing Agreement between the Founding Partners of the University of Tasmania, the Tasmanian Government and the Law Society of Tasmania is due for renewal in November this year;
- (b) the Legislative Council's affirmative vote on Tuesday, 27 September this year in support of a motion calling for the Government to prioritise delivering in full, and in good faith, the recommendations of the Review of the TLRI Final Report; and commit to ensuring Tasmania's acclaimed premier law reform agency is sufficiently resourced to place it on a 'secure and sustainable footing into the future' as recommended by the 2022 TLRI Review Final Report; and
- (c) my correspondence dated 28 July this year to the Attorney-General on this matter, which remains outstanding to date —

can the Government provide the requested information for the following outstanding matters:

- (1) The Government's formal response to the findings and 20 recommendations made in the South Australian Law Reform Institute (SALRI) Final Report of the Review of the Tasmanian Law Reform Institute, which was publicly released on 20 July this year;
- (2)
 - (a) whether the Founding Partners Agreement will be renewed in November this year; and
 - (b) if so, can the Government provide a copy of the new Agreement once finalised and signed;
- (3) details of any new governance and structural reforms made to the TLRI, and how they are intended to secure a contemporary and sustainable TLRI into the future;
- (4) the Government's ongoing funding commitment to the TLRI, noting the TLRI Review's recommendation number 19 that the annual baseline or recurrent funding from the Government be increased to at least \$200 000 per annum, to support the Institute's work programme;
- (5) the process and the role of the Government in securing a permanent Director of the TLRI; and
- (6) the expected tenure of current Acting Director, Associate Professor Jeremy Prichard, and what role the Government had in that appointment.

(asked 26.10.22)

7 Ms *Webb* to ask the Honourable Leader of the Government — With regard to the Government's decision to require the Tasmanian Planning Commission (TPC) to produce a new State of the Environment Report (SoE) by June 2024, despite the October 2020 Independent Review of the Commission, conducted by Professor Roberta Ryan and Mr Alex Lawrie, stating that the Commission is not the appropriate body to undertake State of the Environment Reporting:

- (1) What was the process by which the Government determined to still require the TPC to produce the new State of the Environment Report;
- (2) upon what advice was the decision-making process based;
- (3)
 - (a) was consideration given by the Government to the option of legislative reform to make the proposed-independent Environmental Protection Authority (EPA) formally responsible for producing future State of the Environment Reports, and
 - (b) if not, why not?
- (4)
 - (a) were either the current EPA and TPC consulted by Government during the decision-making process on potential options for the appropriate location of the SoE; and

- (b) (i) if so, what was the position of each agency; and
 - (ii) if not, why not?
- (5) which other agencies, if any, were consulted by Government during the decision-making process; and
- (6) when was the TPC advised of the Government's decision to require the Commission to undertake the next SoE by June 2024?
- (asked 27.10.22)

NOTICES OF MOTION

1 Ms Webb to move — That a draft proclamation made under Section 11(2) of the *Nature Conservation Act 2002*, dated 26 May 2022 and laid upon the Table of the Council on 2 June 2022 and which draft proclamation declares areas of Crown land specified in Parts 1 to 10 of Schedule 1 to the draft proclamation to be reserved land, be disallowed in accordance with the provisions of s.18(3) of the *Nature Conservation Act 2002*.

2 Ms Webb to move — That a draft proclamation made under Section 11(2) of the *Nature Conservation Act 2002*, dated 18 May 2022 and laid upon the Table of the Council on 2 June 2022 and which draft proclamation declares area of Crown land specified in Parts 1 to 11 of Schedule 1 to the draft proclamation to be reserved land, be disallowed in accordance with the provisions of s.18(3) of the *Nature Conservation Act 2002*.

3 Ms Rattray to move — That Statutory Rules 2022, No. 35, Waste and Resource Recovery Regulations dated 20 June 2022 made under the *Waste and Resource Recovery Act 2002* and laid upon the Table of the Council on 16 August 2022, be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

4 Ms Howlett to move — That the Legislative Council:

- (1) Notes the important role that Men's sheds play in the overall wellbeing of many Tasmanians;
- (2) notes the contributions that Men's sheds make to the community;
- (3) acknowledges the role that volunteers play within Men's sheds; and
- (4) thanks the Tasmanian Men's Shed Association for the work they do promoting and supporting Men's sheds across the State.

5 Ms Armitage to move — That the Legislative Council appeals to the Government to give strong consideration to making it compulsory for all elected Members of State and Local Government to obtain and keep a Working with Vulnerable People Card.

6 Ms Webb to move — That the Legislative Council:

- (1) Notes that International Human Rights Day is observed every 10th of December, the date on which the United Nations General Assembly in 1948 formally adopted the Universal Declaration of Human Rights, which proclaims the inalienable rights to which every person is entitled;
- (2) notes that 2023 will be the 75th Anniversary of the milestone Universal Declaration of Human Rights;
- (3) acknowledges the long-standing community call for a Tasmanian Human Rights Act;
- (4) recognises that the Tasmanian Law Reform Institute (TLRI), following extensive public consultation, recommended in 2007 that Tasmania introduce a Human Rights Act, and that the TLRI is currently finalising an updated report;
- (5) notes that Victoria, Queensland and the Australian Capital Territory have implemented Human Rights Acts;

- (6) welcomes the recent Ministerial Statement made by the Premier, the Honourable Jeremy Rockliff MP, on the 16th August 2022, asserting the safety of children and young people are “*fundamental human rights*”, and also the Premier’s media statement of 26 September 2022 recognising housing as a “*basic human right*”;
- (7) welcomes the recent formation of the grassroots Alliance for a Tasmanian Human Rights Act (ATHRA), arising from a forum held in June this year which was hosted by Equal Opportunity Tasmania and sponsored by the Attorney-General;
- (8) congratulates this new grassroots alliance for their work, including a rally to be held on Saturday the 26th of November, to both celebrate International Human Rights Day while highlighting that it’s time for a Human Rights Act in Tasmania; and
- (9) urges the government to consider marking the 75th Anniversary of the Universal Declaration of Human Rights by initiating consultation on a Human Rights Act for Tasmania.

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

- (1) Notes that Australia ratified in 2017 the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT), which provides for international inspections of places of detention, at both national and subnational levels, by the United Nations Subcommittee on the Prevention of Torture (SPT);
- (2) notes on 29 November 2021 Tasmania passed the *OPCAT Implementation Act 2021* which commenced on 20 January 2022;
- (3) notes the recent disturbing reports that a delegation from the United Nations Subcommittee on Prevention of Torture (SPT) has taken the extraordinary step of suspending its current visit to Australia due to obstruction encountered in interstate jurisdictions when attempting to carry out its mandate as defined by OPCAT;
- (4) notes national and international condemnation and concerns raised by human rights and legal entities and individuals responding to news of the reported obstruction, including the Australian Human Rights Commission which has called for urgent action by all Australian and state governments to address the fallout from the suspension of this UN SPT visit;
- (5) acknowledges and welcomes reports that the SPT delegation did visit six Tasmanian custodial sites, including the Ashley Youth Detention Centre, before the national inspection tour was suspended;
- (6) notes that Part 3 of the Tasmanian *OPCAT Implementation Act 2021* provides for the Minister to enter into arrangements with the Commonwealth Attorney-General to facilitate the SPT’s functions under and in accordance with OPCAT in Tasmania, including access to detention facilities, potential interviewees, and documentation;
- (7) requests the Tasmanian Government:
 - (a) confirm which detention facilities were visited by the UN Subcommittee on the Prevention of Torture delegation during October this year;
 - (b) detail any arrangements made with the Commonwealth under Part 3 of the *OPCAT Implementation Act 2021* to facilitate the UN SPT delegation’s inspection visit; and
 - (c) undertake to evaluate the *OPCAT Implementation Act 2021* in context of the recommendations of the Australian Human Rights Commission’s *Road Map to OPCAT Compliance* released on 17 October this year, and report back to the Parliament; and
- (8) formally reiterate its commitment to:
 - (a) co-operating fully with all future visits and unannounced inspections of Tasmanian detention facilities, including the capacity to interview privately any person deprived of their liberty and access documentation, undertaken by the United Nations Subcommittee on Prevention of Torture (SPT) under the auspices of OPCAT; and
 - (b) the recognised rules-based international legal system underpinning OPCAT.

8 Ms *Webb* to move — That the Legislative Council:

- (1) Notes that the Tasmanian local government elections held in October 2022 were the first local government elections held in this state in which voting was compulsory;
- (2) notes the government's acknowledgement during debate on the Local Government Amendment (Elections) Bill 2022, that:
 - (a) the introduction of compulsory voting for council elections had not been consulted with the local government sector or more broadly prior to the government's announced intention to introduce legislative reforms to enact it;
 - (b) the rushed parliamentary debate was not ideal, but necessary to enable the voting reforms to be implemented in time for the October local council elections; and
 - (c) the tight timeframe between the Act commencing on the 16th of June and the Tasmanian Electoral Commission (TEC) issue on the 3rd of September of the formal notice of election for the local government polls, by which the community had to adjust to the new compulsory voting requirements and any associated ramifications; and further
- (3) requests the Minister for Local Government undertakes a comprehensive evaluation review of the implementation of compulsory voting in the 2022 local government elections and any matters arising, that:
 - (a) provides a public consultation process;
 - (b) engages with the local government sector, and the broader community;
 - (c) is separate and additional to the Tasmanian Electoral Commission's standard procedural Report on Elections;
 - (d) is adequately resourced; and
 - (e) the final report of which is to be tabled in both Houses of Parliament once the Minister has received and considered its findings.

9 Mrs *Hiscutt* to move — That the Legislative Council:

- (1) Approves pursuant to section 18 of the *Nature Conservation Act 2002* (the Act), draft proclamations tabled on 26 October 2022, made under section 11(2) of the Act to reserve Future Potential Production Forest (FPPF) land in the Tasmanian Wilderness World Heritage Area (TWWHA), that is Crown land.
- (2) Recognises that these proclamations:
 - (a) are being undertaken as a result of a process that began in 2011, where areas of Crown land adjacent to and outside of the then TWWHA boundary were identified for reservation and subsequently, as a result of a determination by the Australian Government in 2013, that the TWWHA boundary should be expanded to include these parcels of land;
 - (b) demonstrates through the reservation of these FPPF land parcels a delivery towards key recommendation 11 as outlined in the 2015 "International Union for Conservation of Nature (IUCN) / International Council on Monuments and Sites (ICOMOS) Reactive Monitoring Mission report";
 - (c) delivers on a commitment made by the State Party (being the Australian Government) to the World Heritage Committee (WHC) that this land will be reserved, and importantly, once approved by both Houses, is reported to the WHC as complete; and
 - (d) ensures that the FPPF land once reserved under The Nature Conservation Act 2002 (NCA), will result in the NCA, NPRMA and TWWHA Management Plan 2016 having statutory effect over the land.

ORDERS OF THE DAY

- 1** Public Interest Disclosures (Members of Parliament) Bill 2021 (No. 22 of 2021): Adjourned Debate (Mr *Gaffney*) on the Question proposed on 18 October 2022 — That the Bill be now read the Second time.

- 2** Report of the Parliamentary Standing Committee of Public Accounts “Review of Selected Public Works Committee Reports: Report 41 of 2020: Sorell Emergency Services Hub; and Report 15 of 2020: Major Redevelopment of Sorell School”: Consideration and noting. (Ms *Forrest*)
- 3** Report of the Legislative Council Government Administration Committee ‘A’ Inquiry into Rural Health Services in Tasmania: Consideration and noting. (Ms *Forrest*)
- 4** Report of the Select Committee on Road Safety in Tasmania: Consideration and noting. (Ms *Armitage*)
- 5** Occupational Licensing (Automatic Mutual Recognition Consequential Amendments) Bill 2022 (No. 27): Third reading.
- 6** Roads and Jetties Amendment Bill 2022 (No. 12): Third reading.
- 7** Traffic Amendment (Electronic Billboards) Bill 2022 (No. 5): Third reading.
- 8** Electricity Safety Bill 2022 (No. 11): Third reading.
- 9** Land Use Planning and Approvals Amendment Bill 2022 (No. 29): Adjourned Debate (Ms *Palmer*) on the Question proposed on 27 October 2022 — That the Bill be now read the Second time.
- 10** Justice and Related Legislation Miscellaneous Amendments Bill 2022 (No. 43): Second reading.
- 11** Environmental Management and Pollution Control Amendment Bill 2022 (No. 46): Second reading.
- 12** Animal Welfare Amendment Bill 2022 (No. 42): Second reading.
- 13** Legal Profession Amendment Bill 2022 (No. 45): Second reading.
- 14** Climate Change (State Action) Amendment Bill 2021 (No. 63 of 2021): Consideration of Bill as amended in Committee of the Whole Council.
- 15** Partition Amendment Bill 2022 (No. 38): Second reading.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 17

SUMMARY OF BILLS

Read First Time

Bill No. 38	Partition Amendment (<i>pro forma</i>).
Bill No. 42	Animal Welfare Amendment.
Bill No. 43	Justice and Related Legislation Miscellaneous Amendments.
Bill No. 45	Legal Profession Amendment.
Bill No. 46	Environmental Management and Pollution Control Amendment.

Second Reading Debate Adjourned

Bill No. 22 of 2021	Public Interest Disclosures (Members of Parliament).
Bill No. 29	Land Use Planning and Approvals Amendment.

Consideration of Bill as Amended in Committee of the Whole Council

Bill No. 63 of 2021	Climate Change (State Action) Amendment.
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Awaiting Third Reading

Bill No. 5	Traffic Amendment (Electronic Billboards).
Bill No. 11	Electricity Safety.
Bill No. 12	Roads and Jetties Amendment.
Bill No. 27	Occupational Licensing (Automatic Mutual Recognition Consequential Amendments).

Agreed to by Both Houses

Bill No. 10	Family Violence Reforms (<i>Act No. 21 of 2022</i>).
Bill No. 15	Police Offences Amendment (Workplace Protection) (<i>Act No. 22 of 2022</i>).
Bill No. 19	Health Legislation (Miscellaneous Amendments) (<i>Act No. 23 of 2022</i>).

Bill No. 20	Vehicle and Traffic Amendment (Driver Distraction and Speed Enforcement).
Bill No. 35	Homes Tasmania (<i>Act No. 25 of 2022</i>).
Bill No. 36	Homes Tasmania (Consequential Amendments) (<i>Act No. 26 of 2022</i>).
Bill No. 40	Statutory Holidays Amendment (<i>Act No. 24 of 2022</i>).
Bill No. 41	Justice Miscellaneous (Advance Care Directives).

STANDING COMMITTEES AND MEMBERS

Committee of Privileges: Mr *Farrell* (The President), Ms *Forrest* (Chair of Committees), Mr *Gaffney*, Mrs *Hiscutt* and Ms *Ratray*.

Standing Orders Committee: The President (Mr *Farrell*), The Chair of Committees (Ms *Forrest*), Mrs *Hiscutt*, Ms *Ratray* and Mr *Valentine*.

Parliamentary Standing Committee on Public Works (Joint): Ms *Ratray* and Mr *Valentine*.

Parliamentary Standing Committee on Subordinate Legislation (Joint): Ms *Forrest*, Mrs *Hiscutt* and Ms *Ratray*.

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*, and Mrs *Hiscutt*.

Library Committee (Joint): Ms *Armitage*, Mr *Farrell*, Ms *Forrest*, Ms *Howlett*, Ms *Ratray* and Mr *Valentine*.

Gender and Equality Committee (Joint): Mr *Duigan*, Ms *Forrest*, Mr *Harriss* and Mr *Willie*.

Workplace Culture Oversight Committee (Joint): Mr *Farrell* (The President), Ms *Forrest*, Mrs *Hiscutt* and Ms *Lovell*.

Government Administration A: Mr *Duigan*, Mr *Edmunds*, Ms *Forrest*, Mr *Gaffney*, Mr *Harriss* and Ms *Lovell*.

Government Administration B: Ms *Armitage*, Ms *Howlett*, Ms *Ratray*, Mr *Valentine*, Ms *Webb* and Mr *Willie*.

SELECT COMMITTEES AND MEMBERS

University of Tasmania Act 1992: Mr *Duigan*, Mr *Gaffney*, Ms *Lovell*, Mr *Valentine* and Ms *Webb*.

Government Businesses Scrutiny Committee A: Mr *Duigan*, Mr *Edmunds*, Ms *Forrest*, Mr *Gaffney*, Mr *Harriss* and Ms *Lovell*.

Government Businesses Scrutiny Committee B: Ms *Armitage*, Ms *Howlett*, Ms *Ratray*, Mr *Valentine*, Ms *Webb* and Mr *Willie*.