



LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 19

TUESDAY, 17 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)

15 Ms Armitage to ask the Honourable Leader of the Government — It is noted that there are two options for an AFL stadium at Macquarie Point – option 1 being constructed by the government and option 2 being constructed by a private consortium with some government funding.

- (1) With regard to the recent plans provided for option 1, as the roof is to be constructed with laminated timber beams, what is the estimated life span of those laminated beams, given exposure of timber and glue to sun?
- (2) With regard to the necessity of a covered stadium at Macquarie Point for a Tasmanian AFL Team can the Leader please provide the reason the Tasmania Government will not give consideration to option 2 considering:
 - (a) public monies are capped and any over runs are covered by private investment;
 - (b) according to old maps it is located as part of Macquarie Point;
 - (c) it is supported by both the RSL and the HCC;
 - (d) has an urban mix including housing and health; and
 - (e) has a retractable roof?

- (3) As the Tasmania Planning Commission has not yet handed down its decision on a new stadium, how many FTE staff, including Board positions, are currently employed with regard to the proposed AFL Tasmania team and stadium?
- (4) What is the total cost to date with regard to the proposal for a new AFL Tasmania team including salaries, honorariums, consulting, architectural and any other costs?
- (5) (a) As the Tasmanian Government gave an election promise to cap state funding at \$375 million, please advise whether the monies already expended is included in that \$375 million; and
(b) if not, why not?

(asked 10.9.24)

16 Ms O'Connor to ask the Honourable Leader of the Government —

- (1) What is the current length of service of each member of the Tasmanian Heritage Council?
- (2) Are there defined terms of service for Heritage councillors in the Historic Cultural Heritage Act?
- (3) The current chair of the Tasmanian Heritage Council has been in the role for almost a decade, will her position be advertised at the end of her current term?
- (4) How many members of the Tasmanian Heritage Council are based in Tasmania, and how many live interstate?
- (5) What is the annual cost for interstate Heritage Council members to attend meetings in Tasmania?

(asked 11.9.24)

17 Ms O'Connor to ask the Honourable Leader of the Government — With respect to policy and legislative development regarding laws criminalising peaceful protest, beyond the broad public consultation process:

- (1) Which organisations and individuals were consulted by the Government in relation to the Workplaces (Protections from Protesters) Amendment Bill 2019 and Police Offences Amendment (Workplace Protection) Bill 2022?
- (2) What form did consultation take with specific organisations and individuals in relation to the Workplaces (Protections from Protesters) Amendment Bill 2019 and the Police Offences Amendment (Workplace Protection) Bill 2022?
- (3) How many communications or submissions did the Department of Premier and Cabinet, Department of Justice, Department of Police, Fire and Emergency Management, and Department of State Growth, receive from each of the following organisations regarding the development and introduction of the Workplaces (Protections from Protesters) Amendment Bill 2019 and the Police Offences Amendment (Workplace Protection) Bill 2022, namely: —
 - (a) Tasmanian Forest Products Association;
 - (b) Timberlands Pacifics;
 - (c) Forico; and
 - (d) Tasmanian Timber?
- (4) How many communications did the Department of Premier and Cabinet, Department of Justice, Department of Police, Fire and Emergency Management, and Department of State Growth, send to each of the following organisations regarding the introduction of the Workplaces (Protections from Protesters) Amendment Bill 2019 and the Police Offences Amendment (Workplace Protection) Bill 2022, namely: —
 - (a) Tasmanian Forest Products Association;
 - (b) Timberlands Pacifics;
 - (c) Forico; and
 - (d) Tasmanian Timber?

(asked 12.9.24)

ORDERS OF THE DAY

- 1 Forestry (Miscellaneous Amendments) Bill 2024 (Bill No. 20): Third reading.
- 2 Adjourned Debate (Mrs *Hiscutt*) on the Question proposed on 12 September 2024 — That the Budget Papers and Appropriation Bills (No. 1 and 2) 2024 be noted.
- 3 Validation (State Coastal Policy) Bill 2024 (Bill No. 37): Second reading.
- 4 Industrial Hemp Amendment Bill 2024 (Bill No. 17): Second reading.
- 5 Justice and Related Legislation (Miscellaneous Amendments) Bill 2024 (Bill No. 19): Second reading.
- 6 Historic Cultural Heritage Amendment Bill 2024 (Bill No. 32): Second reading.
- 7 Expungement of Historic Offences Amendment Bill 2024 (Bill No. 35): Second reading.
- 8 Electoral Amendment Bill 2024 (Bill No. 25): Second reading.
- 9 Sentencing Amendment (Presumption of Mandatory Sentencing) Bill 2024 (Bill No 30): Second reading.
- 10 Sentencing Amendment (Presumptive Sentencing for Assaults on Frontline Workers) Bill 2024 (Bill No. 23): Consideration in Committee.
- 11 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*)
- 12 Report of the Parliamentary Standing Committee of Public Accounts “Short Inquiry into the Tasmanian Government’s use of Provisions of the *Financial Management Act 2016* to Fund Election Commitments in 2021”: Consideration and noting. (Ms *Forrest*)
- 13 Report of the Parliamentary Standing Committee of Public Accounts “Statement of Understanding - Parliamentary Standing Committee of Public Accounts and Auditor-General of Tasmania”: Consideration and noting. (Ms *Forrest*)
- 14 Partition Amendment Bill 2024 (No. 2): Second reading.

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 —

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.

7 Mr *Gaffney* to move — That the Go Gentle Australia Voluntary Assisted Dying in Australia and New Zealand 2024 Report be considered and noted.

8 Mr *Gaffney* to move — That the Domestic, Family and Sexual Violence Commission’s Yearly Report on the progress of the National Plan to End Violence against Women and Children 2022-2032 be considered and noted.

9 Ms *O’Connor* to move — That Statutory Rules 2024, No. 31, Residential Tenancy Amendment Regulations 2024 dated 9 July 2024 made under the *Residential Tenancy Act 1997*, and laid upon the Table of the Council on 2 August 2024, be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

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. 25	Electoral Amendment
Bill No. 30	Sentencing Amendment (Presumption of Mandatory Sentencing)
Bill No. 32	Historic Cultural Heritage Amendment
Bill No. 35	Expungement of Historic Offences Amendment
Bill No. 37	Validation (State Coastal Policy)

Consideration of Bill in Committee of the Whole Council

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

Bill No. 20	Forestry (Miscellaneous Amendments)
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Read Third Time and Transmitted to House of Assembly

Bill No. 29	Disability Rights, Inclusion and Safeguarding
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Returned to House of Assembly with Amendments

Bill No. 33	Farm Debt Mediation
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Agreed to by Both Houses

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

Bill No. 26	Justice Miscellaneous (Commission of Inquiry)
Bill No. 28	Evidence (Children and Special Witnesses) Amendment
Bill No. 34	Tasmanian Development Amendment (<i>Act No. 13 of 2024</i>)

STANDING COMMITTEES AND MEMBERS

Committee of Privileges: Mr *Farrell*, Ms *Forrest*, Mr *Gaffney*, Mrs *Hiscutt* and Ms *Ratray*
 Standing Orders Committee: Mr *Farrell* (The President), Ms *Forrest* (The Chair of Committees), Ms *Armitage*, Mrs *Hiscutt* and Ms *Ratray*
 Parliamentary Standing Committee on Public Works (Joint): Mr *Harriss* and Ms *Ratray*
 Parliamentary Standing Committee on Subordinate Legislation (Joint): Mr *Harriss*, Mrs *Hiscutt* and Ms *Ratray*
 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 *Ratray* 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 *Ratray* 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*
 Estimates Committee A: Ms *Forrest*, Mr *Harriss* and Ms *Lovell*, Ms *Thomas* and Mr *Vincent*
 Estimates Committee B: Ms *Armitage*, Mr *Edmunds*, Mr *Gaffney*, Ms *O'Connor*, Ms *Ratray* and Ms *Webb*