



LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 44

WEDNESDAY, 20 NOVEMBER 2019

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 PETITION.— Ms *Ratray* brought up a Petition from 35 citizens of Tasmania supporting an inquiry by the Legislative Council into the issue of drinking water in the town of pioneer.

Ordered, That the Petition be received. (Mr *Ratray*)

3 LEAVE TO TABLE ANSWER TO QUESTION AND INCORPORATE ANSWER INTO HANSARD.—*Ordered*, That Mrs *Hiscutt* have leave to Table answer to Question No. 18 and have the answer incorporated into the Hansard record.

4 HOUSING TASMANIA TENANTS AND DISABILITY MODIFICATIONS.— Ms *Webb* asked the Honourable the Leader of the Government —

- (1) How many current Housing Tasmania tenants are National Disability Insurance Scheme (NDIS) participants?
- (2)
 - (a) How many Housing Tasmania tenants requested accessibility or disability modifications to their current accommodation in each of the years from 2014-15 to 2018-19;
 - (b) how many of these requests resulted in modifications being made to the tenant's property;
 - (c) how many of these requests were made by a current Housing Tasmania tenant who was also an NDIS participant; and
 - (d) of the requests made by tenants who were also NDIS participants, how many resulted in modifications being made?
- (3)
 - (a) Under Housing Tasmania policy, what process, other than tenant request, could initiate or trigger accessibility or disability modifications to be made to Housing Tasmania properties; and
 - (b) in how many instances have accessibility or disability modifications been made to Housing Tasmania properties as a result of a process other than tenant request in each of the years from 2014-15 to 2018-19?
- (4)
 - (a) How many Housing Tasmania properties have had accessibility or disability modifications made which were self-financed by the tenant in each of the years from 2014-15 to 2018-19; and
 - (b) in how many instances were these self-financed modifications made by a tenant who was also a NDIS participant?
- (5)
 - (a) In how many instances were tenants required to remove accessibility or disability modifications they had made to the property when exiting a Housing Tasmania lease in each of the years from 2014-15 to 2018-19;
 - (b) in how many of these instances were tenants moving to another Housing Tasmania property; and
 - (c) in how many of these instances was the tenant also an NDIS participant?

- (6) (a) How many Housing Tasmania tenants have requested to be moved from one Housing Tasmania property to another due to escalating accessibility or disability needs in each of the years from 2014-15 to 2018-19;
- (b) how many requests were made by a tenant who was also an NDIS participant;
- (c) how many requests made resulted in a move from one Housing Tasmania property to another; and
- (d) where a tenant moved to another Housing Tasmania property due to escalating accessibility or disability needs, in how many instances were modifications made to the property into which the tenant was moving?

The Leader answered,

- (1) Not all social housing is managed by Housing Tasmania. For example, a large number of Housing Tasmania properties for people with disability are leased from Housing Tasmania and managed by disability support providers. These providers manage tenancy arrangements for their clients and as a result it is not possible to provide an exact figure of the number of NDIS participants who are tenants of Housing Tasmania.

Out of the properties managed by Housing Tasmania, there are 701 tenants who are NDIS participants and a further 806 rooms in 273 supported accommodation properties for people in the NDIS. Not all of the 806 rooms will be occupied by people with disability, as a proportion of the rooms will be used by disability support workers or by people with disability who are over the age of 65 and therefore ineligible for the NDIS.

- (2) Housing Tasmania modifications are not classified into categories such as “disability” modification. Therefore it is not possible to separate general modification requests from disability or accessibility modifications.
- (3) A tenant request is the most common source of a request for a modification to a particular property and these must be accompanied by an assessment from an Occupational Therapist. However, accessibility or disability modifications can arise from the planned maintenance processes such as when:
- Additional funding may become available that could be best spent on a related set of modifications, eg, a general upgrade on an ageing property
 - A general review may be conducted of a particular aspect of many properties, such as heating or access issues, which could initiate an upgrade of that particular attribute across a range of properties; or
 - A regular inspection of a property could conclude that some aspect of the property is not suitable for the target cohort and it would be upgraded accordingly
- (4) Under the current policy, if a request for accessibility or disability modification is assessed as appropriate, they are approved and the work is undertaken by Housing Tasmania. If the modifications are not approved, then the tenant would not be able to have the work undertaken in line with the tenant alteration policy and therefore would not be paying for the alterations themselves.

There have been occasions where historical arrangements have allowed for some level of tenancy alteration in the past. However, these requests have been approved on a case by case basis for the particular arrangement. Unfortunately, there is no way to identify the number of modifications of this type.

Some minor works are permitted to be undertaken by tenants following approval such as installing picture hooks and internal painting.

- (5) It is not possible to determine on how many occasions a tenant has been required to return the property to its original state.
- (6) The Department does not record the request in a way that allows these specific instances to be distinguished from other reasons.

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

6 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Huon, (Mr *Armstrong*) be granted leave of absence from the service of the Council for this day's sitting. (Mrs *Hiscutt*)

7 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 11.05 o'clock a.m. and resumed at 12.01 o'clock p.m.

8 BILL NO. 27. — The Magistrates Court (Criminal and General Division) Bill 2019 was read the Third time and passed.

9 BILL NO 27.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled — ‘A Bill for an Act to establish a criminal and general division of the Magistrates Court, to provide for the conduct of proceedings in that division and to provide for related matters’.

Legislative Council, 20 November 2019

C.M FARRELL, *President*

10 BILL NO. 28. — The Magistrates Court (Criminal and General Division) (Consequential Amendments) Bill 2019 was read the Third time and passed.

11 BILL NO 27.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled — ‘A Bill for an Act to Act to consequentially amend certain Acts on the enactment of the *Magistrates Court (Criminal and General Division) Act 2019*’.

Legislative Council, 20 November 2019

C.M FARRELL, *President*

12 BILL NO. 51.— The Order of the Day was read for the Second reading of the Gaming Control Amendment (Wagering) Bill 2019.

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

A Debate arose thereupon.

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 7 agreed to.

13 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.

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

15 BILL NO. 51.— The Council again resolved itself into a Committee on the Gaming Control Amendment (Wagering) Bill 2019.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 8 to 26 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

16 BILL NO. 46.— The Order of the Day was read for the Second reading of the Inland Fisheries Amendment (Royalties) Bill 2019

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

A Debate arose thereupon.

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 8 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Ms *Howlett*)

17 BILL NO. 29.— The Order of the Day was read for resuming the Debate on the Question, That the Restraint Orders Bill 2019 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 36 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

18 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Thursday, 21 November 2019.

It was resolved in the Affirmative.

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

The Council adjourned at 7.00 o'clock p.m.

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

Briefing:

- *Gaming Control Amendment (Wagering) Bill 2019*