



LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 6

TUESDAY, 18 JUNE 2024

(At 11.00 o'clock a.m.)

NOTICES OF MOTION

1 Ms *Webb* to move — That Environmental Standards for Tasmanian Marine Finfish Farming 2023 made under Section 96Q of the Environmental Management and *Pollution Control Act 1994*, effective from 18 October 2023, and laid upon the Table of the Council on 19 October 2023 be disallowed in accordance with the provisions of Section 96T of the Environmental Management and *Pollution Control Act 1994*.

2 Ms *Webb* to move — That the Office of the Custodial Inspector Tasmania: Annual Report 2022-2023 be considered and noted.

3 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.

4 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.

5 Ms *Webb* to move —

- (1) That the Legislative Council Notes:-
 - (a) Recommendation 12.1 contained in the *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings Final Report* dated August 2023, which states, "*The Tasmanian Government should close Ashley Youth Detention Centre as soon as possible*";
 - (b) That in correspondence to the Premier dated the 6th of October 2023, from fifteen (15) community and social justice organisation signatories, they expressed extreme concern for

the safety of the children held at Ashley Youth Detention Centre (AYDC), particularly in light of the Commission of Inquiry's Final Report's assessment of 'current and live risks' for detainees and recommendation for urgent closure, and requested:

- (i) The urgent appointment of specialist forensic experts to assess all detained children and identify their treatment needs to plan for their care in community; and
 - (ii) The development of a multidisciplinary working group.
- (c) That on the 11th of October 2023, a coalition of justice and social service organisations including TasCOSS, Prisoners' Legal Service Tasmania, and 54 reasons, publicly released an open letter to the Premier in which they called for the urgent closure of the AYDC, along with the appointment of specialist forensic experts to assess all detained children and identify their treatment needs to plan for their care in community; and the development of a multidisciplinary working group;
- (d) The public statement made by the Commissioner for Children and Young People on Wednesday 22 May 2024 in which the Commissioner:
- (i) Revealed that at the beginning of the week of Monday the 20th of May this year, there were 26 children and young people held at the AYDC, the highest number the Commissioner had ever seen; and
 - (ii) Called for urgent action from the Government, including the establishment of a special taskforce to reduce the numbers of children held on remand at the AYDC.
- (e) The public statement issued by TasCOSS also on 22 May 2024 in support of the Commissioner for Children and Young People's assessment of the safety risks posed to children and young people by the AYDC, and reiterated the Commissioner's call for an urgent taskforce to address the number of children at AYDC to be established; and
- (2) That the Legislative Council calls upon the government to immediately form a multidisciplinary taskforce to design and implement interim measures to remove children on remand from AYDC, while the Youth Justice Blueprint continues to be developed as a more permanent reform.

6 Ms *Hiscutt* to move — That the Legislative Council recognises the service of the former Member for Hobart, Rob Valentine from 2012 to 2024 to the Parliament and the people of Hobart and acknowledges his contributions to the Legislative Council, the Parliament of Tasmania and the constituents of his electorate.

NOTICES OF QUESTION

1 Ms *Ratray* to ask the Honourable the Leader of the Government — Recent written advice provided by the Department of Justice, Consumer Building and Occupational Services (CBOS) to a member of the public indicated that CBOS is unable to provide assistance through mediation when residential building works are not covered under a residential building works contract. Mediation can only be administered through CBOS for contracted residential building works to which the Residential Building Work Contracts and Dispute Resolution Act 2016 applies.

- (1) Does the Government support the role of CBOS in not providing mediation services for building works disputes without a contract given the important role CBOS should have to provide confidence to those in our community undertaking building works?
- (2) Given the plethora of building disputes where there has been no contract offered or entered into, will the Government commit to supporting CBOS to provide independent mediation services outside of requiring legal representation for these cases, in particular to settle less substantial financial claims?
- (3) Will the Government consider amendments to the Residential Building Work Contracts and Dispute Resolution Act 2016 to facilitate less substantial claims where a written contract between parties has not been entered into?

2 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to a statement by Macquarie Point Development Corporation (MPDC) confirming the appointment of Cox Architecture and stating that, Stadiums Tasmania would be the owner and operator of the stadium as detailed on the MPDC website:

- (1) What, if any, arrangements have been entered into with Plenary Partners under the public-private-partnership (PPP) arrangements?
- (2) Who are parties to the arrangement?
- (3) (a) Has a contract been signed: and
(b) if so, what are the general terms and conditions of the contract and the timelines for delivery of staged and final components of the contract, excluding commercial in confidence information?
- (4) Given there are a variety of forms of public private partnerships involving different combinations of design, building, transfer, managing and/or operating, what form of partnership combination has been negotiated and/or agreed with Plenary Partners?
- (5) According to the MPDC website, MPDC is overseeing the project, Cox Architecture have been contracted to design the stadium, a construction firm will build the multipurpose facility and it is intended that Stadiums Tasmania will be future owners and operators, what will Plenary Partners' ongoing role be and future interest in the development; and
- (6) What interest will MPDC have in the project, under what terms and conditions, and how will MPDC achieve a return sufficient to satisfy the persons and institutions providing financial support for the project?

3 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to the reported engagement of Cox Architecture as lead design consultant for the Macquarie Point stadium, noting the media have suggested the contracted amount for the contract with Cox Architecture is in the region of \$38 million:

- (1) Is this a correct estimate of the value of the contract?
- (2) Who are the parties to any contract(s) that have been signed in respect of this arrangement?
- (3) What are the terms of engagement for the parties including the estimated timelines for delivery of all project milestones, excluding commercial and in confidence terms?
- (4) Does the design fee form part of the \$715 million budget for the stadium?
- (5) Why was it necessary to replace the design consultants who have been engaged to date in formulating designs for the stadium?
- (6) How much has been paid to date for Macquarie Point stadium design work?

4 Ms *Forrest* to ask the Honourable Leader of the Government — With regard to the announced inquiry into the proposed Macquarie Point Stadium by economist Dr. Nicholas Gruen:

- (1) Has a contract been signed in respect of this agreement?
- (2) Who are parties to the agreement?
- (3) What Terms of Reference has Dr Gruen being provided to prepare his report?
- (4) To whom and when will Dr Gruen report?
- (5) Will the report be completed in time for Saul Eslake to consider in his report on State finances?

- (6) Will Saul Eslake be provided with a copy of the Report?
- (7) Will the report be released publicly or tabled in Parliament?
- (8) What financial modelling will Dr Gruen consider in his report including and not limited to, assumptions and drivers to validate financial sustainability and valuations; and
- (9) Will Dr Gruen report on the original plan proposal involving MPDC overseeing the planning and delivery of the stadium and Stadiums Tasmania becoming the owners and operators, or is Dr Gruen being asked to consider other models, such as the arrangement with Plenary Partners which has been mentioned in the media?

5 Mr *Edmunds* to ask the Honourable Leader of the Government —

- (1) Can the Government provide an update on its promise to return social pub poker to pubs and clubs in Tasmania within 100 days of the election?
- (2) Has the Government consulted and collaborated with Poker League owner-operators to deliver this promise?
- (3) At what date does the Government expect that pub poker will make its return to Tasmania's pubs and clubs?

ORDERS OF THE DAY

1 Consideration of the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 23 May 2024: -

- (1) That a Joint Sessional Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of both Houses, and with leave to adjourn from place to place to inquire into and report upon matters related to the Recommendations made in the Final Report of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings, including:
 - (a) the Tasmanian Government's response and plan to implement the Recommendations;
 - (b) the Tasmanian Government's progress in implementing the Recommendations;
 - (c) outcomes related to implementation of the Recommendations, both partially and fully implemented;
 - (d) monitoring progress reports provided to Parliament, as provided for by Recommendation 22.1 by the independent Child Safety Reform Implementation Monitor (when appointed);
 - (e) overseeing the performance and proper execution of functions of the Commissioner for Children and Young People, as provided for by Recommendation 18.9;
 - (f) any other relevant matters that either House may refer to the Sessional Committee; and
 - (g) any other matters incidental thereto; and
- (2) The number of Members to serve on the said Committee on the part of the Legislative Council be four.

The House of Assembly has appointed four Members to serve on the said committee and set Wednesday 19 June at 9:15 o'clock a.m. as the time, and Committee Room 1 as the place, for holding the first meeting of the said Committee.

House of Assembly, 13 June 2024

MICHELLE O'BYRNE, Speaker

2 Consideration of the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 21 May 2024:-

That a Joint Sessional Gender and Equality Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon –

- (1) (a) Any bill referred to it by either House in order to examine gender and equality impacts and any such Bill so referred shall be reported upon within 10 sitting days of its referral;
(b) Any matter related to gender and equality referred to it by either House; and
(c) Any matter related to gender and equality, initiated by its own motion; and
- (2) That Notice of any own Motion Inquiry shall be reported to both Houses within two (2) sitting days of the Committee’s Resolution; and
- (3) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

with the following Amendment:-

“(4) That the Committee be authorised to receive all evidence and papers received by the Joint Sessional Committee on this subject in the previous Parliament”

The House of Assembly has appointed four Members to serve on the said committee and set Thursday, 20 June next at 9.15 o’clock a.m. as the time, and Committee Room 3 as the place, for holding the first meeting of the said Committee.

House of Assembly, 13 June 2024

MICHELLE O’BYRNE, *Speaker*

3 Consideration of the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 21 May 2024:-

- “(1) That a Joint Sessional Workplace Culture Oversight Committee be appointed with power to send for persons and papers and with leave to report from time to time, to oversee the implementation of any recommendations, by the relevant employer, contained in the report Motion for Respect – Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services (August 2022).
- (2) That the number of Members to be appointed to serve on the said Committee on the part of the Legislative Council be 4.”

with the following Amendment

“(3) After paragraph (2), inserting ‘(3) That the Committee be authorised to receive all evidence and papers received by the Joint Sessional Committee on this subject in the previous Parliament’”

The House of Assembly has appointed four Members to serve on the said committee and set Thursday, 20 June next at 1.10 o’clock p.m. as the time, and Committee Room 3 as the place, for holding the first meeting of the said Committee.

House of Assembly, 13 June 2024

MICHELLE O’BYRNE, *Speaker*

4 Consideration of the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 23 May 2024: -

- (1) That a Joint Standing Committee on Electoral Matters, be appointed for the term of the 51st Parliament with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon —
 - (a) Such matters as may be referred to it by either House of the Parliament or a Minister, or established by the Committee's own motion that relate to:
 - (i) the *Electoral Act 2004*;
 - (ii) the *Electoral Disclosure and Funding Act 2023*;
 - (iii) provisions of the *Constitution Act 1934* that relate to the procedures for, and conduct of, elections for members of the House of Assembly and the Legislative Council; and
 - (iv) the administration, operation, and practices associated with, the aforementioned electoral laws, and any other law relating to electoral matters; and
 - (b) Any Bill relating to the electoral laws referred to in paragraph 1(a) and any other law relating to electoral matters as may be referred to it by either House of Parliament or a Minister.
- (2) Any aspects of the administration, operation and conduct of the 23 March 2024 General Election of Members of the Assembly and the 2024 Legislative Council periodic elections, shall stand referred to the Committee for any inquiry the Committee may wish to make;
- (3) The Committee shall report on the outcome of any such inquiry pursuant to paragraph (2) within 18 months of the date of this Resolution being agreed to by both Houses;
- (4) Notice of any own motion Inquiry shall be reported to both Houses within two (2) sitting days of the Committee's Resolution; and
- (5) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

The House of Assembly has appointed four Members to serve on the said committee and set Thursday 20 June next at Two o'clock p.m. as the time, and Committee Room 3 as the place, for holding the first meeting of the said Committee.

House of Assembly, 13 June 2024

MICHELLE O'BYRNE, Speaker.

5 Consideration of the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 23 May 2024:—

- (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 and with leave to adjourn from place to place to inquire into and report upon energy prices and related matters in Tasmania with the following Terms of Reference —
 - (a) Factors that impact energy prices for Tasmanian household and small and medium business customers, with particular reference to energy generation, distribution and retail costs.
 - (b) The challenges related to energy supply and energy costs in Tasmania including —
 - i) Role and participation 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) Opportunities related to energy supply and energy costs in Tasmania including —
 - i) Role and participation 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.
 - (d) Tasmania’s past, current, and future participation in the National Electricity Market with a focus on impacts for Tasmania, including matters related to the national renewable energy transition:
 - i) Current and future energy demand;
 - ii) Costs, risks and benefits; and
 - iii) Resource opportunities.
 - (e) 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’.
 - (f) Any other matters incidental thereto.
- (2) That the said Committee be authorised to receive all submissions received by the Legislative Council Sessional Committee Government Administration ‘A’ Inquiry into Energy Prices in Tasmania from the Third Session of the Fiftieth Parliament.
 - (3) That the said Committee be authorised to receive all submissions and related correspondence and papers received by the Joint Select Committee on Energy Matters from the Third Session of the Fiftieth Parliament.
 - (4) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

The House of Assembly has appointed four Members to serve on the said committee and set Friday, 28 June 2024 at Two o’clock p.m. as the time, and Committee Room 1 as the place, for holding the first meeting of the said Committee.

House of Assembly, 13 June 2024

MICHELLE O’BYRNE, Speaker

- 6** Surveyors Amendment Bill 2024 (No. 12): Second Reading
- 7** Taxation Legislation (Affordable Housing and Employment Support) Bill 2024 (No. 13): Second Reading
- 8** Child Safety Reform Implementation Monitor Bill 2024 (No. 14): Second Reading
- 9** State Litigator (Consequential Amendments) Bill 2024 (No. 8): Second Reading
- 10** Sentencing Amendment (Alcohol Treatment Order) Bill 2024 (Bill No 7): Second Reading
- 11** Partition Amendment Bill 2024 (No. 2): Second reading.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 5

SUMMARY OF BILLS

Read First Time

Bill No. 2	Partition Amendment (<i>pro forma</i>).
Bill No. 7	Sentencing Amendment (Alcohol Treatment Order)
Bill No. 8	State Litigator (Consequential Amendments)
Bill No. 12	Surveyors Amendment
Bill No. 13	Taxation Legislation (Affordable Housing and Employment Support)
Bill No. 14	Child Safety Reform Implementation Monitor

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>)

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*), 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*.

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*, Mrs *Hiscutt*, Ms *Ratray* and Mr *Vincent*.

Government Administration A: Ms *Forrest*, Mr *Harriss* and Ms *Lovell*, Ms *Thomas* and Mr *Vincent*.

Government Administration B: Ms *Armitage*, Mr *Edmunds*, Mr *Gaffney*, Ms *O'Connor*, Ms *Ratray* and Ms *Webb*.

SELECT COMMITTEE AND MEMBERS

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