



LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

VOTES AND PROCEEDINGS

No. 9

THURSDAY, 20 JUNE 2024

UNCORRECTED PROOF

- 1 COUNCIL MEETS.**— The Council met at 11.00 o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 PRAYERS.**— The President read Prayers.
- 4 COX ARCHITECTURE PLENARY PARTNERS AND PUBLIC-PRIVATE PARTNERSHIP.**— Ms *Forrest* asked the Honourable the 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?

The Leader answered,

The Government notes and welcomes the interest expressed by Plenary Partners, among others in the private sector, to invest in the Macquarie Point site, and the State more broadly.

The Government has neither entered into a contract with Plenary for the development of the Macquarie Point site nor is it currently negotiating a contract with Plenary Group.

5 COX ARCHITECTURE CONTRACT— Ms *Forrest* asked the Honourable the 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?

The Leader answered,

The Macquarie Point Development Corporation appointed COX Architecture as the Lead Design Consultant following a market testing process.

The value of the contract is \$37.9 million, which is included in the project budget of \$715 million. The inclusion of statutory approval costs, consultancies and related costs in project budgets is standard practice. The work has been commissioned over 5 phases:

- Concept design \$2.1M
- Schematic design \$5.5M
- Furthering designs to prepare plans to issue for construction \$19.1M
- Preparation of construction documentation \$2.8M
- Construction (35 months) \$8.0M
- Defects and liability period (12 months) \$0.4M

The progression through these phases will be overseen and coordinated by the Corporation and will be in line with the relevant approval processes. The current estimated timelines will see the construction phase be in the period of approximately January 2026 to December 2028.

There were no existing design consultants working with the Corporation on the multipurpose stadium project prior to this appointment.

The market testing process that led to this appointment was undertaken to identify suitable experts for this specialised work.

Previous block-and-stack style work undertaken during the business case was indicative only. The various artist interpretations that have been shared in the media were not produced or commissioned by the Government.

6 DR. NICHOLAS GRUEN REPORT ON THE MACQUARIE POINT STADIUM.— Ms *Forrest* asked the Honourable the 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?

The Leader answered,

The Government welcomes the independent assessment of the financial modelling to build the Mac Point Multipurpose Precinct by Dr Nicholas Gruen.

The contract for services is between Dr Gruen and the State, per the agreement with JLN. I understand that as of 20 June 2024, the contract has not been signed however it is in final stage of negotiation Dr Gruen has already undertaken initial meetings and scoping of his work.

Dr Gruen will complete his work consistent with the Terms of Reference, which are publicly available, with the review to be completed within six months. Upon completion the report will be provided to the Department and the JLN Members. The report will subsequently be made public and tabled in Parliament, and the Government will carefully consider its recommendations and seek appropriate advice at that time to inform a response.

I am advised that the Secretary of State Growth has discussed this matter with Dr Gruen who has indicated that he has already commenced discussions of his inquiry with Mr Saul Eslake, in the context of the broader independent review into the States Finances, and will continue to do so if appropriate to both parties.

7 SOCIAL POKER IN PUBS AND CLUBS.— Mr *Edmunds* asked the Honourable the 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?

The Leader answered,

The Tasmanian Liberal Government is on track to get social poker back up and running in pubs as quickly as possible as we committed to do in our 2030 Strong Plan for Tasmania's Future.

In good news, what was expected to need legislative change to the *Gaming Control Act 1993* can instead be achieved through a direction to the Liquor and Gaming Commission ensuring we deliver on our commitment to ensure Tasmanians can again enjoy a game of social poker.

The direction will be for the Commission to consider social poker an exempt game under the Act. This direction will be given within our first 100 days.

Non-tournament poker - that operates like a casino table game - would remain lawful only when conducted in a casino.

Tournament poker is a genuine social activity for many Tasmanians and we want them to be able to enjoy a night out like they used to be able to do. It is a vibrant and thriving social scene that fosters community connection.

I am advised that the Minister for Finance, Hon Nic Street MP's office has been working with the operators of tournament poker in Tasmania to discuss what limits and controls should be put in place to allow tournaments to operate effectively and responsibly.

8 PAPERS.— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Tasmanian Audit Office: Report of the Auditor-General No. 6 of 2023-2024. Management of major office accommodation.
- (2) University of Tasmania: Annual Report 2023.
- (3) *Marine and Safety Authority Act 1997*: Statutory Rules 2023, containing Marine and Safety (Limits of Operational Areas of Vessels) By-Laws 2023.
- (4) *Heavy Vehicle National Law (Tasmania) Act 2013*: Statutory Rules 2023, No. 95, containing Heavy Vehicle National Law (Tasmania) Regulations 2023.

9 REPORT OF THE GOVERNMENT ADMINISTRATION COMMITTEE 'A'.— Ms *Forrest* presented a Special Report of the Government Administration Committee 'A' on its Resolution to Re-establish an Inquiry into Tasmanian Ports Corporation Pty Ltd (TasPorts).

Ordered, That the Report be received. (Ms *Forrest*)

10 REPORT OF THE GOVERNMENT ADMINISTRATION COMMITTEE 'A'.— Ms *Forrest* presented a Special Report of the Government Administration Committee 'A' on its Resolution to Re-establish an Inquiry into matters related to workers compensation insurance within the racing industry.

Ordered, That the Report be received. (Ms *Forrest*)

11 REPORT OF THE GOVERNMENT ADMINISTRATION COMMITTEE 'A'.— Ms *Forrest* presented a Special Report of the Government Administration Committee 'A' on Special Report on Resolution to Re-establish an Inquiry into TasTAFE.

Ordered, That the Report be received. (Ms *Forrest*)

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

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

14 BILL NO. 12.— The Surveyors Amendment Bill 2024 was read the Third time and passed.

15 BILL NO. 12.— A Message to the House of Assembly:—

HONOURABLE SPEAKER,

The Legislative Council having this day agreed, without Amendment, to a Bill intituled — 'A Bill for an Act to amend the *Surveyors Act 2002*'.

Legislative Council, 20 June 2024

C.M. FARRELL, *President*

16 BILL NO. 13. — The Taxation Legislation (Affordable Housing and Employment Support) Bill 2024 was read the Third time and passed.

17 BILL NO. 13.— A Message to the House of Assembly:—

HONOURABLE SPEAKER,

The Legislative Council having this day agreed, without Amendment, to a Bill intituled — ‘A Bill for an Act to amend the *Duties Act 2001*, the *Land Tax Act 2000*, the *Land Tax Rating Act 2000* and the *Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Act 2017*’.

Legislative Council, 20 June 2024

C.M. FARRELL, *President*

18 BILL NO. 14.— The Order of the Day was read for the consideration of the Child Safety Reform Implementation Monitor Bill 2024 as amended in Committee of the Whole Council.

Ordered, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendment was read the First time.

The said Amendment, being read the Second time, was agreed to.

Ordered, That the Bill as amended in the Committee, be now read the Third time. (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

19 BILL NO. 14.— A Message to the House of Assembly:—

HONOURABLE SPEAKER,

The Legislative Council having this day agreed, with Amendment, to a Bill intituled —

‘A Bill for an Act to establish an independent monitor to monitor and report to Parliament on the implementation of the recommendations of the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings, any recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that have been accepted by the State but not yet implemented, and certain other relevant recommendations and for related purposes’,

now returns the same to the House of Assembly, and requests its concurrence therein.

Legislative Council, 20 June 2024

C.M. FARRELL, *President*

20 BILL NO. 8.— The Order of the Day was read for the Second reading of the State Litigator (Consequential Amendments) Bill 2024.

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 18 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 Forrest*)

21 BILL NO. 7.— The Order of the Day was read for the Second reading of the Sentencing Amendment (Alcohol Treatment Order) Bill 2024.

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

A Debate arose thereupon.

22 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.

23 QUESTION TIME.— The President called for Questions without Notice. There were eight Questions asked.

Ordered, That *Mrs Hiscutt* have leave to Table and incorporate into the Hansard record:

- 1) Responses to Questions relating to Supply Bill No.1 2024 operating and capital expenditure; and
- 2) Responses to a Question relating to oversight by the Integrity Commission of the State Litigator.

Ordered, That *Ms Forrest* have leave to Table and incorporate into the Hansard record a document listing Arthur-Pieman Conservation Area Track Assessments as of December 2022.

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

25 SUSPENSION OF STANDING ORDER.— *Ordered*, That Standing Order No. 49 be suspended to allow for the continuation of Questions without Notice. (*Mrs Hiscutt*)

26 QUESTION TIME.— The President called for further Questions without Notice. There were a further five Questions asked.

27 BILL NO. 7.— The Council resumed the Debate on the Question, That the Sentencing Amendment (Alcohol Treatment Order) Bill 2024 be now read the Second time.

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 33 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 *Forrest*)

28 BILL NO. 14.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly doth agree to the Amendment made by the Legislative Council to the Bill, intituled — ‘A Bill for an Act to establish an independent monitor to monitor and report to Parliament on the implementation of the recommendations of the Commission of Inquiry into the Tasmanian Government’s Responses to Child Sexual Abuse in Institutional Settings, any recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse that have been accepted by the State but not yet implemented, and certain other relevant recommendations and for related purposes’.

House of Assembly, 20 June 2024

MICHELLE O’BYRNE, *Speaker*

29 BILL NO. 18.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Human Tissue Act 1985*’,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 20 June 2024

MARK SHELTON, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

30 ADJOURNMENT.— *Resolved*, That the Council will, at its rising adjourn until 9.30 o’clock a.m. on Friday, 2 August 2024. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council do now adjourn.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

The Council adjourned at 4.11 o’clock p.m.

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

Briefings:

- *State Litigator (Consequential Amendments) Bill 2024*
- *Sentencing Amendment (Alcohol Treatment Order) Bill 2024*