



No. 165

THURSDAY, 19 OCTOBER 2017

- 1 The House met at Ten o'clock a.m.
- 2 PRAYERS. – The Speaker read Prayers.
- 3 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 4 PETITION. – Dr *Woodruff* presented a Petition from one citizen of Tasmania, requesting that the House act on behalf of the Citizens Against Salmonid Farming to strike the following areas from the list of preferred sites for salmonid farming by the government and the proponents; Hunter Group of Islands, Stanley and Rocky Cape, which include – Hunter Island, Three Hummock Island, Albatross Island, Bird Island, Black Pyramid Rock, Nares Rocks, Penguin Islet, South Black Rock, Steep Island, Stack Island, Walkers Island, Robins Island, Perkins Island, Trefoil Island, Little Trefoil Island and Doughboy Islands.

Which Petition was read and received.

- 5 PAPERS. – The Premier laid upon the Table of the House the following Papers:-
 - (1) Tasmanian State Service: Annual Report 2016-17.
 - (2) Tasmanian Community Fund: Annual Report 2017.
- 6 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
 - (1) Tasracing Pty Ltd: Annual Report 2017.
 - (2) Tasmanian Irrigation Pty Ltd: Annual Report 2016-17.
 - (3) Inland Fisheries Service: Annual Report 2016-2017.
 - (4) Veterinary Board of Tasmania: Annual Report 2016-2017.
 - (5) Land Acquisition Act 1993: Notice of Acquisition of Land:
 - (i) Dated 20 September 2017, land situate in the Town of Strahan, Municipal Area of West Coast Lot 2 on Plan of Survey P172518, registered in the name of Troy Donald Grining for road purposes; and
 - (ii) Dated 20 September 2017, land situate in the Parish of Maxwell, District of Somerset, Municipal Area of Southern Midlands Lot 28 on Plan of Survey P173376, registered in the names of Phillip Winchester and Iain Gerald Maxwell Burbury for road purposes.

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7 PAPERS. – The Treasurer laid upon the Table of the House the following Papers:-

- (1) Tasmania Development and Resources: Annual Report 2016-17.
- (2) Department of State Growth: Annual Report 2016-17.
- (3) Tasmanian Planning Commission: Annual Report 2016-2017.

8 PAPERS. – The Minister for Infrastructure laid upon the Table of the House the following Papers:-

- (1) TasPorts: Annual Report 2016-2017
- (2) Tasmanian Railway Pty Ltd (TasRail): Annual Report 2016-17.
- (3) Tasmania Fire Service: State Fire Commission Annual Report 2016-17.
- (4) Department of Police, Fire and Emergency Management: Annual Report 2016-17.

9 PAPERS. – The Minister for Building and Construction laid upon the Table of the House the following Papers:-

- (1) Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011: First Five Yearly Review.
- (2) Aurora Energy: Annual Report 2017.
- (3) Hydro Tasmania: Annual Report 2017.

10 PAPERS. – The Clerk of the House laid upon the Table of the House the following Paper:-

Integrity Commission: Annual Report 2016-2017.

11 BILL NO. 38. - A Message from the Legislative Council -

Mr SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Mineral Resources Development Act 1995".

Legislative Council, 18 October 2017.

J. S. WILKINSON, *President.*

12 JOINT HOUSE COMMITTEE. - A Message from the Legislative Council -

Mr SPEAKER,

The Legislative Council has appointed Mrs *Hiscutt* to serve on the Joint House Committee to control Parliament House and grounds".

Legislative Council, 18 October 2017.

J. S. WILKINSON, *President.*

13 BILL NO. 54. – The Minister for Justice presented -

“A Bill for an Act to amend the Sentencing Act 1997” (Bill No. 54)

And Ms *Archer* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

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14 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Health have leave to make a Motion without Notice. (The Minister for Health)

15 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 31 October next. (The Minister for Health)

16 MATTER OF PUBLIC IMPORTANCE: PLANS FOR TASMANIA'S FUTURE. - Mr *Brooks*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Plans for Tasmania's Future.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

17 BILL NO. 47. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Finfish Farming Environmental Regulation Bill 2017.

(In the Committee)

Amendments

Clause 10

First amendment

Page 30, proposed new section 27AA, heading to the proposed section, at the end of the heading.

Insert "or where Director refers proposal for variation to Board".

Second amendment

Page 32, proposed new section 27AA, after subsection (4).

Insert the following subsection:

- (5) If a proposal to vary an environmental licence in relation to an activity is referred to the Board under section 42P(6), (7) or (8), the Board must –
 - (a) notify the holder of the licence; and
 - (b) undertake, in accordance with the Environmental Assessment Principles and Division 1A, an assessment of the activity.

Clause 13

Page 42, paragraph (b).

Leave out "or section 42O".

Insert instead ", section 42O or section 42P(6), (7) or (8)".

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Clause 14

Same page.

Leave out "or section 27AA".

Insert instead "section 27AA or section 42P(6), (7) or (8)".

Clause 15

Same page.

Leave out "or section 27AA".

Insert instead "section 27AA or section 42P(6), (7) or (8)".

Clause 18

First amendment

Page 59, proposed new section 42E, after subsection (4).

Insert the following subsection:

(4A) If an existing authorisation relates to an area of land, or State waters, that had not, within the 10 year period ending on the day 3 months before the day on which this Act commences, been used for the purposes of marine farming, or inland fish farming, of finfish, a licence granted by the Director under this section in relation to the existing authorisation is not to be taken to have been granted in relation to that area.

Second amendment

Page 69, proposed new section 42I, subsection (3).

Leave out "A decision by the Director under subsection (2) as to whether to refer an application to the Board for assessment under section 27AA is to be made".

Insert instead "The Director must decide under subsection (2) whether to refer an application to the Board for assessment under section 27AA and must make that decision".

Third amendment

Page 74, proposed new section 42K, subsection (3).

Leave out "27AA".

Insert instead "27AA(3)".

Fourth amendment

Page 86, proposed new section 42O, subsection (2).

Leave out "A decision by the Director under subsection (1) as to whether to refer an application to the Board for assessment under section 27AA is to be made".

Insert instead "The Director must decide under subsection (1) whether to refer an application to the Board for assessment under section 27AA and must make that decision".

Fifth amendment

Page 90, proposed new section 42P, after subsection (4).

Insert the following subsections:

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- (5) The Director may not vary under subsection (1) an environmental licence if –
- (a) the licence is a licence in relation to an activity to which subsection (6)(a) and (b), or subsection (7)(a) and (b), relates; and
 - (b) the Director is permitted under subsection (6) or (7) to refer to the Board a proposal for such a variation.
- (6) The Director may refer to the Board a proposal, prepared by the Director, to vary an environmental licence in relation to an activity if –
- (a) a permit is not required in relation to the activity; and
 - (b) there is a marine farming licence, or a permit issued under section 12 or 14 of the *Living Marine Resources Management Act 1995*, in force in relation to the activity; and
 - (c) were the variation contained in an application to which section 42O(1) applies, the Director would be required, under section 42O(2), to refer the application to the Board under section 42O(1).
- (7) The Director may refer to the Board a proposal, prepared by the Director, to vary an environmental licence in relation to an activity if –
- (a) a permit is not required in relation to the activity; and
 - (b) subsection (6)(b) does not apply in relation to the activity; and
 - (c) were the variation contained in an application to which section 42O(3) relates, the Director would be required under section 42O to determine that the variation is a major variation.
- (8) The Director must prepare, and refer to the Board, a proposal requiring the Board to conduct an environmental assessment in relation to an area to which an environmental licence relates (whether or not the area comprises all or part of all of the area to which the licence relates) if marine farming, or inland fish farming, of finfish under the licence has not occurred in the area for a period of not less than 10 years.
- (9) If a proposal to vary a licence is referred to the Board under subsection (6), (7) or (8), the Board may only vary under section 42Q(3) the environmental licence to which the proposal relates after assessing the proposal in accordance with section 27AA(5), if the Board –
- (a) has, at least 14 days before varying the licence under section 42Q(3), issued a notice to the holder of the environmental licence –
 - (i) specifying the proposed variation; and
 - (ii) specifying the reasons why the Board proposes to vary the licence; and
 - (iii) inviting the holder of the environmental licence to provide to the Board, within 14 days after receiving the notice, written reasons as to why the licence ought not be varied as set out in the proposal; and
 - (b) has considered any written reasons provided to the Board under subsection (10).
- (10) The holder of an environmental licence to whom a notice is issued under subsection (9) may provide to the Board, within 14 days after receiving the notice, written reasons as to why the licence ought not be varied as proposed.

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Sixth amendment

Page 91, proposed new section 42Q, subsection (1), definition of *relevant assessment*, paragraph (b) of the definition.

Leave out "section 42O;".

Insert instead "section 42O; or".

Amendments agreed to

SUSPENSION OF SITTING. - At One o'clock the Chair of Committees left the Chair.
At half-past Two o'clock the Chair of Committee resumed the Chair.

Seventh amendment

Same page, same proposed section, same subsection, same definition, after paragraph (b) of the definition.

Insert the following paragraph of the definition:

- (c) under section 27AA(5) in relation to a proposal that is referred to the Board by the Director under section 42P(6), (7) or (8);

Eighth amendment

Page 94, proposed new section 42R, after subsection (2).

Insert the following subsection:

- (2A) The Board must, as soon as practicable after making a decision under section 42Q(3) in relation to a proposal, for a variation of an environmental licence, that is referred to the Board in accordance with section 42P(6), (7) or (8), give a relevant notice to the person who is the holder of the licence.

Ninth amendment

Page 134, proposed new section 42ZI, subsection (3), paragraph (d), after "environmental licence".

Insert "but, if the variation is made after an assessment conducted under section 27AA(5), only if the person provided the Board under section 42P(10) with written reasons why the licence ought not be so varied".

Clause 22

Page 142, proposed new paragraph (ba).

Leave out "section 27AA".

Insert instead "section 27AA(3) or (4)".

Amendments agreed to.

Resolution to be reported.

The House being resumed, Mr *Brooks* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

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Resolved, That the said Resolution be agreed to. (The Deputy Premier)

18 BILL NO. 47. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to amend the Environmental Management and Pollution Control Act 1994, the Inland Fisheries Act 1995, the Living Marine Resources Management Act 1995, the Marine Farming Planning Act 1995 and the Resource Management and Planning Appeal Tribunal Act 1993, so as to enable the appropriate regulation of the environmental impact of finfish farming, and for related purposes”.

House of Assembly, 19 October 2017.

MARK SHELTON, *Speaker.*

19 BILL NO. 49. - A Message from the Legislative Council. -

MR SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

“A Bill for an Act to amend the Local Government Act 1993”

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

Legislative Council, 19 October 2017.

J. S. WILKINSON, *President*

Ordered, That the said Message be taken into consideration tomorrow. (The Deputy Premier)

20 BILL NO. 55. - The Sentencing Amendment (Phasing out of Suspended Sentences) Bill 2017 was, according to Order, read the Second time, and committed to a Committee of the whole House.

And the Speaker having left the Chair, the House resolved itself into the said Committee.

(In the Committee)

Mr *Brooks* took the Chair.

Clauses 1 to 5 agreed to.

Clause 6 read.

Amendment proposed (Dr *Woodruff*) in paragraph (c), in proposed new subsection (2), by leaving out paragraph (a).

Question put – That the words proposed to be left out be so left out;

It pass in the Negative.

Question put – That the clause, as read, stand part of the Bill;

It was resolved in the Affirmative.

Clause 7 agreed to.

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Clause 8 read.

Question put – That the clause, as read, stand part of the Bill;

The Committee divided.

AYES 14

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Groom
Mr Gutwein
Mr Hidding
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mrs Rylah
Mr Shelton
Mr Street (Teller)

NOES 10

Mr Bacon
Ms Dawkins
Ms Giddings
Mr Llewellyn
Ms O'Byrne
Ms O'Connor
Ms Ogilvie
Ms White
Dr Woodruff
Dr Broad (Teller)

It was resolved in the Affirmative.

Clause 9 read

Question put – That the clause, as read, stand part of the Bill;

The Committee divided.

AYES 14

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Groom
Mr Gutwein
Mr Hidding
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mrs Rylah
Mr Shelton
Mr Street (Teller)

NOES 10

Mr Bacon
Ms Dawkins
Ms Giddings
Mr Llewellyn
Ms O'Byrne
Ms O'Connor
Ms Ogilvie
Ms White
Dr Woodruff
Dr Broad (Teller)

It was resolved in the Affirmative.

Uncorrected Proof

Clause 10 read.

Question put – That the clause, as read, stand part of the Bill;

The Committee divided.

AYES 14

Ms Archer

Mr Barnett

Ms Courtney

Mr Ferguson

Mr Groom

Mr Gutwein

Mr Hidding

Mr Hodgman

Mrs Petrusma

Mr Rockliff

Mrs Rylah

Mr Shelton

Mr Street

Mr Jaensch (Teller)

NOES 10

Mr Bacon

Ms Dawkins

Ms Giddings

Mr Llewellyn

Ms O'Byrne

Ms O'Connor

Ms Ogilvie

Ms White

Dr Woodruff

Dr Broad (Teller)

It was resolved in the Affirmative.

Clauses 11 to 13 agreed to.

Clause 14 read.

To report progress.

The House being resumed, Mr *Brooks* reported that the Committee had made progress in the Bill.

21 ADJOURNMENT. - The time being Six o'clock, the Speaker proposed - That the House do now adjourn and called for issues to be raised;

22 PAPERS. – Dr *Woodruff*, by leave, laid upon the Table of the House a document in relation to Citizens Against Salmonid Farming.

The House adjourned at twenty minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House*.

MEMBERS. - All present during the day.