



HOUSE OF ASSEMBLY

SESSION OF 2014 - 2017

(FIRST SESSION OF THE FORTY-EIGHTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 171

THURSDAY, 30 NOVEMBER 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 commenced.
- 4 MEMBER SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Denison, Ms *O'Connor*, to withdraw from the House until half past Two o'clock owing to repeated interjections.
- 5 QUESTIONS SEEKING INFORMATION. – Questions without notice continued.

Questions without notice concluded.

- 6 PETITION. - Mr *Llewellyn* presented a Petition from approximately 929 citizens of Tasmania, requesting that the House moves to ensure the Minister for Police and Emergency Management, Hon *Rene Hidding* MP considers reintroducing permanent staffing for the New Norfolk Police Station. (HA14/2017)

Which Petition was read and received.

- 7 PETITION. - Mr *Llewellyn* presented a Petition from approximately 116 citizens of Tasmania, requesting that the House moves to ensure the Minister for Infrastructure, Hon *Rene Hidding* MP considers a formal crossing point between the Campbell Town District High School and the Campbell Town Recreation Grounds, preferably an under pass or overpass to improve community safety. (HA13/2017)

Which Petition was read and received.

- 8 PAPERS. – The Premier laid upon the Table of the House the following Paper:s-
 - (1) Workforce Profile: Appendix 1 to the Tasmanian State Service Annual Report 2016-17 Revised November 2017.
 - (2) Official Gifts Received Register 2017.
 - (3) Official Gifts Given Register 2017.
- 9 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
 - (1) National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman: Annual Report 2016-17.
 - (2) Australian Children's Education and Care Quality Authority: Annual Report 2016-2017.

- 10** PAPERS. – The Minister for Health laid upon the Table of the House the following Papers:-
- (1) Council of Obstetric & Paediatric Mortality & Morbidity: Annual Report 2015.
 - (2) Health Act 1997: Health (Fees) Regulations 2017 (Statutory Rules 2017, No. 67)
 - (3) Australian Health Practitioner Regulation Authority: Annual Report 2016/17.
- 11** PAPERS. – The Minister for Justice laid upon the Table of the House the following Papers:-
- (1) Magistrates Court: Annual Report 2016-2017.
 - (2) Legal Aid Commission of Tasmania: Annual Report 2016-2017.
 - (3) Tasmanian Museum and Art Gallery: Annual Report 2016-17.
 - (4) Equal Opportunity Tasmania: Annual Report 2016-17.
- 12** PAPERS. – The Minister for Resources laid upon the Table of the House the following Papers:-
- (1) Forest Practices Act 1985:
 - (a) State of The Forests Tasmania 2017 Report; and
 - (b) Forest Practices Authority: Annual Report 2016-17.
 - (2) The Asbestos Compensation Tribunal: Annual Report 2016-17.
 - (3) The Workers Rehabilitation & Compensation Tribunal: Annual Report 2016-17.
 - (4) PricewaterhouseCoopers Review of the Operation of Section 27 of the Workers Rehabilitation and Compensation Act 1988.
- 13** INTEGRITY, JOINT STANDING COMMITTEE ON: REPORTS BROUGHT UP. – Ms *Giddings* brought up the following Reports of the Joint Standing Committee on Integrity:-
- (1) Annual Report 2017 (Paper No. 41).
 - (2) A Code of Conduct for Members of the Parliament of Tasmania – Report No. 2 (Paper No. 42)

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

- 14** PAPERS. – The Clerk of the House of Assembly laid upon the Table of the House the following Paper:-

Tasmanian Audit Office: Report of the Auditor-General No. 7 of 2017-18 - Financial Statements of State Entities, Vol 1 - Treasurer's Annual Financial Report and results of General Government Sector Entities 2016-17.

- 15** BILL NO. 64. - 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 Workers Rehabilitation and Compensation Act 1988”

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

Legislative Council, 29 November 2017.

J. S. WILKINSON, *President*

Ordered, That the said Message be taken into consideration at a later hour. (The Minister for Health)

16 LEAVE TO MAKE MOTIONS WITHOUT NOTICE. - *Ordered*, That the Minister for Health have leave to make Motions without Notice regarding this day's sitting, the next day's sitting, and the suspension of Standing Orders to enable a debate on the following motion – That the House expresses its gratitude for the service of retiring Members. (The Minister for Health)

17 SITTING TIMES AND ADJOURNMENT. *Ordered*, That for this day's sitting the House not stand adjourned at Six o'clock and that the House continue to six past Six o'clock and that the House at its rising, adjourn til Tuesday, 6 March next at 10.00 a.m. (The Minister for Health)

18 SUSPENSION OF STANDING ORDERS. - *Ordered* - That so much of Standing Orders be suspended as would prevent: -

- (a) The debate on any question before the Chair at 1.00 pm. from standing adjourned;
- (b) A motion expressing the gratitude of the House for the service of retiring Members from being dealt with at 2.30 p.m.;
- (c) That Mr *Groom*, Ms *Giddings*, and Mr *Llewellyn* shall not exceed 30 minutes in speaking to the motion;
- (d) That no other Member shall exceed 5 minutes in speaking to the motion;
- (e) That the debate on the motion be concluded by 4.35 p.m.
- (f) That immediately following the vote on the motion, the House proceed to Government Business. (The Minister for Health)

19 MATTER OF PUBLIC IMPORTANCE: TASMANIA'S ECONOMIC RESURGENCE AND PLANS FOR THE FUTURE. - Ms *Courtney*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Tasmania's Economic Resurgence and Plans for the Future.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

20 BILL NO. 67. - The Threatened Species Protection Amendment Bill 2017 was, according to Order, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

Ordered, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

21 BILL NO. 67. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled "A Bill for an Act to amend the Threatened Species Protection Act 1995",

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

House of Assembly, 30 November 2017.

MARK SHELTON, *Speaker*.

22 BILL NO. 64. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Workers Rehabilitation and Compensation Amendment (Presumption of cause of Disease) Bill 2017.

(In the Committee)

Amendments

Clause 4

First amendment

Page 4, after paragraph (b).

Insert the following paragraph:

(x) by inserting “or an occupational fire-fighter” after “career fire-fighter” in subsection (2)(a);

Second amendment

Page 5, paragraph (c).

Leave out “subsection (8).”.

Insert instead “subsection (8);”.

Third amendment

Same page, after paragraph (e).

Insert the following paragraphs:

(f) by omitting from paragraph (b) of the definition of *fire-fighter* in subsection (8) “fire-fighter;” and substituting “fire-fighter; and”

(g) by inserting after paragraph (b) of the definition of *fire-fighter* in subsection (8) the following paragraph:

(c) an occupational fire-fighter;

(h) by inserting “or an occupational fire-fighter” after “volunteer fire-fighter” in paragraph (a) of the definition of *fire-fighting operations* in subsection (8);

(i) by inserting in subsection (8), after the definition of *fire prevention operations*, the following definition:

“occupational fire-fighter” means –

(a) a State Service employee, or State Service Officer, employed in an Agency, within the meaning of the State Service Act 2000, a significant function of which is to manage forests or parks or;

(b) an employee of a Government Business Enterprise, within the meaning of the Government Business Enterprises Act 1995, a significant function of which is to manage forests or parks –

who is employed, in whole or in part, in the Agency or Government Business Enterprise, to perform fire-fighting operations or fire prevention operations or who engages, during his or her employment in the Agency or

Government Business Enterprise, in fire-fighting operations or in fire prevention operations that are related to forests or parks;

Amendments agreed to.

Resolution to be reported.

The House being resumed, Mrs *Rylah* 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.

Resolved, That the said Resolution be agreed to. (The Minister for Police and Emergency Management)

23 BILL NO. 64. - 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 Workers Rehabilitation and Compensation Act 1988”.

House of Assembly, 30 November 2017.

MARK SHELTON, *Speaker*.

24 SUSPENSION OF SITTING. - At fifty-seven minutes past Twelve o'clock, the Speaker announced that he would resume the Chair at the ringing of the Division Bells.

At half-past past Two o'clock the Speaker resumed the Chair.

25 RETIRING MEMBERS. – A Motion being made and the Question being proposed—That the House expresses its gratitude for the service of retiring Members. (The Premier)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

26 SUBORDINATE LEGISLATION, PARLIAMENTARY STANDING COMMITTEE ON: REPORT BROUGHT UP. – Mr *Jaensch*, *by leave*, brought up the following Report of the Parliamentary Standing Committee on Subordinate Legislation:-

Report on Firearms Amendment Regulations 2017 (S.R. No. 51) (Paper No. 40).

Ordered, That the said Report be received. (Mr *Jaensch*)

27 PAPERS. – Ms *O'Connor*, *by leave* laid upon the Table of the House the following Paper:-

Document entitled “The reasons of the Governor of Tasmania, the Honourable Peter Underwood AC, for the commissioning of the Honourable David Bartlett to form a government following the 2010 House of Assembly election.”

28 BILLS. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has agreed, without Amendment, to the Bills, intituled -

“A Bill for an Act to amend the Limitation Act 1974” (Bill No. 57);

“A Bill for an Act to establish a system of peer review of applications for assistance in the cultural and creative industries, to repeal the Tasmanian Arts Advisory Board Act 1975 and for related matters” (Bill No. 21); and

“A Bill for an Act to amend the Land Tax Act 2000” (Bill No. 58).

Legislative Council, 30 November 2017.

J. S. WILKINSON, *President.*

29 BILL NO. 60. - 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 Dog Control Act 2000".

Legislative Council, 30 November 2017.

J. S. WILKINSON, *President.*

30 SUSPENSION OF SITTING. - At thirty-seven minutes past Four o'clock, the Speaker announced that he would resume the Chair at the ringing of the Division Bells.

At forty-six minutes past Four o'clock the Speaker resumed the Chair.

The House adjourned at four minutes past Five o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day except Ms *Dawkins*.

BILL NO. 54. - 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 Sentencing Act 1997".

Legislative Council, 30 November 2017.

J. S. WILKINSON, *President.*

MESSAGE.

C. A. WARNER, *Governor.*

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 (Bill No. 47 (*Act No. 46 of 2017*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bill.

Government House, Hobart, 4 December 2017.

MESSAGE.

C. A. WARNER, *Governor.*

A Bill for an Act to amend the Evidence Act 2001 and the Criminal Code Act 1924 (Bill No. 45 (*Act No. 49 of 2017*))

A Bill for an Act to amend the Family Violence Act 2004 (Bill No. 51 (*Act No. 50 of 2017*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bill.

Government House, Hobart, 12 December 2017.

MESSAGE.

C. A. WARNER, *Governor.*

A Bill for an Act to establish a system of peer review of applications for assistance in the cultural and creative industries, to repeal the Tasmanian Arts Advisory Board Act 1975 and for related matters (Bill No. 21 (*Act No. 53 of 2017*))

A Bill for an Act to amend the Sentencing Act 1997 (Bill No. 54 (*Act No. 56 of 2017*))

A Bill for an Act to amend the Sentencing Act 1997 to remove the power of courts to make community service orders and probation orders, to include a power for courts to make home detention orders and community correction orders, to restrict the power of courts to suspend certain sentences of imprisonment, to amend the Interstate Transfer (Community-based Sentences) Act 2009, and for related purposes (Bill No. 55 (*Act No. 51 of 2017*))

A Bill for an Act to amend the Limitation Act 1974 (Bill No. 57 (*Act No. 52 of 2017*))

A Bill for an Act to amend the Land Tax Act 2000 (Bill No. 58 (*Act No. 54 of 2017*))

A Bill for an Act to amend the Dog Control Act 2000 (Bill No. 60 (*Act No. 55 of 2017*))

A Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1988 (Bill No. 64 (*Act No. 57 of 2017*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bill.

Government House, Hobart, 20 December 2017.

PARLIAMENT OF TASMANIA
A PROCLAMATION

WHEREAS it is expedient that the Parliament of Tasmania should be prorogued, I, PROFESSOR THE HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, exercising the power and authority vested in me by the Constitution Act 1934, hereby prorogue the Parliament effective from 9.30 am this day.

GIVEN under my hand, at Hobart, in Tasmania aforesaid, this 28th day of January 2018.

C. A. WARNER, Governor.

By Her Excellency's Command,
W. E. F. HODGMAN, Premier.

PARLIAMENT OF TASMANIA
A PROCLAMATION

WHEREAS it is expedient that the House of Assembly of the Parliament of Tasmania should be dissolved, I, PROFESSOR THE HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, exercising the power and authority vested in me by the Constitution Act 1934, hereby dissolve the said House of Assembly effective from 9.31 am this day.

GIVEN under my hand, at Hobart, in Tasmania aforesaid, this 28th day of January 2018.

C.A WARNER, Governor.

By Her Excellency's Command,
W. E. F. HODGMAN, Premier.