



TASMANIA

# LEGISLATIVE COUNCIL

SESSION OF 2014 - 2017

(FIRST SESSION OF THE FORTY-EIGHTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 154

THURSDAY, 22 JUNE 2017

UNCORRECTED PROOF

**1 COUNCIL MEETS.**— The Council met at 10.00 o'clock in the forenoon and the President read Prayers.

**2 PAPER.**— The Clerk of the Council laid upon the Table the Report of the Auditor-General: No. 13 of 2016-17 – Gambling revenue and managing harm from gambling.

**3 BILL NO. 22** — The Criminal Code Amendment (Sexual Assault) Bill 2017 was read the Third time and passed.

**4 BILL NO. 22.**— 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 amend the *Criminal Code Act 1924*'.

*Legislative Council, 22 June 2017*

J.S. WILKINSON, *President*

**5 BILL NO. 6.**— The Order of the Day was read for the consideration of the Forestry (Unlocking Production Forests Bill) 2017 as amended in Committee of the Whole.

*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 Amendments were read the First time.

The said Amendments, being read the Second time, were agreed to.

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

And the Question being put,

The Council divided.

AYES 5

NOES 7

*Mr Armstrong*  
*Mr Dean* (Teller)  
*Mr Hall*  
*Mrs Hiscutt*  
*Ms Rattray*

*Mrs Armitage*  
*Mr Farrell*  
*Mr Finch* (Teller)  
*Ms Forrest*  
*Mr Gaffney*  
*Ms Lovell*  
*Mr Valentine*

Pair: *Dr Goodwin*

*Mr Willie*

The Question passed in the Negative.

**6 BILL NO. 37.**— The Order of the Day was read for the Second reading of the Fire Service (Extension of Regulations) Bill 2017.

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.

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(In the Committee)

Ms *Rattray* in the Chair.

Clauses 1 to 5 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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

*Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

*Ordered*, That Standing Order No. 279 be suspended in respect of this Bill, in order that the Bill may be now read the Third time. (Mrs *Hiscutt*)

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

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

*Ordered*, That the Bill be now read the Third time (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

**7 BILL NO. 37.**— 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 provide for the retrospective postponement of the repeal of the *Fire Service (Finance) Regulations 2006* and for related purposes'.

*Legislative Council, 22 June 2017*

J.S. WILKINSON, *President*

**8 BILL NO. 40.**— The Order of the Day was read for the Second reading of the Land Use Planning and Approvals Amendment (Transitional Provisions) Bill 2017.

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

A Debate arose thereupon.

*Ordered*, That the Debate be adjourned. (Mrs *Hiscutt*)

**9 SITTING SUSPENDED.**— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells for the purpose of a briefing on the Land Use Planning and Approvals Amendment (Transitional Provisions) Bill 2017 (No. 40). (Mrs *Hiscutt*)

The Sitting was suspended at 12.09 o'clock p.m. and resumed at 12.46 o'clock p.m.

**10 BILL NO. 40.**— The Council, according to Order, resumed the Debate on the Question, That the Land Use Planning and Approvals Amendment (Transitional Provisions) Bill 2017 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.

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(In the Committee)

Ms *Ratray* in the Chair.

Clauses 1 to 5 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The Council being resumed, Ms *Ratray* 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 Tuesday next. (Mrs *Hiscutt*)

**11 BILL NO. 8.**— The Order of the Day was read for the Second reading of the Neighbourhood Disputes About Plants Bill 2017.

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

A Debate arose thereupon.

**12 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.

**13 QUESTION TIME.**— The President called for Questions without Notice. There were ten Question asked.

**14 BILL NO. 8.**— The Council resumed the Debate on the Question, That the Neighbourhood Disputes About Plants Bill 2017.

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

A Debate arose thereupon.

*Ordered*, That the Debate be adjourned. (Mrs *Hiscutt*)

**15 SITTING SUSPENDED.**— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells for the purpose of a briefing on the Neighbourhood Disputes About Plants Bill 2017 (No. 8). (Mrs *Hiscutt*)

The Sitting was suspended at 3.15 o'clock p.m. and resumed at 4.18 o'clock p.m.

**16 BILL NO. 8.**— The Council, according to Order, resumed the Debate on the Question, That the Neighbourhood Disputes About Plants Bill 2017 be now read the Second time.

*Ordered*, That Mrs *Hiscutt*, have leave to Table a Questions and Answers document in relation to the Neighbourhood Disputes About Plants Bill 2017.

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.

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(In the Committee)

Mr *Hall* in the Chair.

Clauses 1 to 6 agreed to.

Clause 7, Amendment made. (Mrs *Hiscutt*)

Page 13, subclause (2), paragraph (b), after "photovoltaic panel,".

*Insert* "a solar collector for a solar hot water system,".

Clause, as amended, agreed to.

Clauses 8 to 15 agreed to.

Clause 16, Amendments made. (Ms *Ratray*)

**First amendment**

Page 22, subclause (1), penalty.

*Leave out* "400".

*Insert instead* "200".

**Second amendment**

Same page, subclause (2), penalty.

*Leave out* "400".

*Insert instead* "200".

Clause, as amended, agreed to.

Clause 17, Amendment made (Mr *Dean*)

Page 24, after subclause (5).

*Insert* the following subclause:

(6) Subsection (5) does not apply in relation to –

- (a) an owner of land, if the owner of land did not know, or ought not reasonably be expected to know, that he or she had been given a copy of an application or order; or
- (b) a person who was acting for the owner of the land and who prepared the contract of sale in relation to the land, if the person did not know, or ought not reasonably be expected to know, that the owner had been given a copy of an application or order.

Clause, as amended, agreed to.

Clauses 18 to 44 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The Council being resumed, Mr *Hall* reported that the Committee had gone through the Bill, and directed him to report the same to the Council without Amendment.

*Ordered*, That the consideration of the Bill as amended in Committee be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**17 ADJOURNMENT.**— *Resolved*, That the Council will, at its rising adjourn until 9.00 o'clock a.m. on Friday, 11 August 2017. (Mrs *Hiscutt*)

**18 ADJOURNMENT.**— 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 6.15 o'clock p.m.

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

*Briefings:*

- *Gun Storage*
- *Land Use Planning and Approvals Amendment (Transitional Provisions) Bill 2017 (No. 40):*
- *Neighbourhood Disputes About Plants Bill 2017 (No. 8)*