



LEGISLATIVE COUNCIL

SESSION OF 2014 - 2015

(FIRST SESSION OF THE FORTY-EIGHTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 158

THURSDAY, 17 AUGUST 2017

UNCORRECTED PROOF

1 COUNCIL MEETS.— The Council met at 12.00 o'clock noon and the Deputy President read Prayers.

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

- (1) Report of the Independent Reviewer – Damian Bugg AM QC. Independent Review of Part 9 Crime (Confiscation of Profits) Act 1993. Dated 30 June 2017.
- (2) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law National Regulations (Queensland Fatigue Provisions) Variation Regulations 2017.
- (3) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017.
- (4) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law National Regulations (Miscellaneous) Variation Regulations 2017.
- (5) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law (South Australia) (Miscellaneous No. 3) Amendment Act 2017.

3 GAS SUPPLY CONTRACT. — Ms *Armitage* to ask the Honourable the Leader of the Government — With regard to Tasmania's gas supply contract —

- (1) What is the situation with regard the renegotiation of the contract?
- (2) Can the Government confirm that Hydro Tasmania proposes to use Liquefied Natural Gas (LNG) in the Tamar Valley Power station?
- (3) (a) Will construction of any new infrastructure be required, for example new tanks?
(b) If so, what are the estimated costs of these upgrades?
- (4) Does the Government consider that domestic and commercial natural gas users in Tasmania will be negatively affected in any way should the contract not be renegotiated?

Mrs *Hiscutt* replied

- (1) The Government has made clear to both Hydro Tasmania and the pipeline owner our expectation that they engage in good faith commercial negotiations to secure a fair outcome as soon as possible. In the event that the parties aren't able to reach a fair outcome, there are new rules in place that allow an arbitration process to be utilised.
- (2) Hydro Tasmania does not propose to use LNG at the Tamar Valley Power Station.
- (3) Not applicable.

(4) The Government is confident that a fair outcome for Tasmanian gas users will be secured either through commercial negotiation or an arbitrated outcome.

4 BILL NO. 16. — The Removal of Fortifications Bill 2017 was read the Third time and passed.

5 BILL NO. 16.— 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 removal or modification of fortifications on premises that are connected to certain criminal offences and to consequentially amend the *Police Offences Act 1935*'.

Legislative Council, 17 August 2017

G.R. HALL, *Deputy President*

6 BILL NO. 32.— The Council, according to Order, again resolved itself into a Committee on the Tasmanian Museum and Art Gallery Bill 2017.

(In the Committee)

Ms Rattray in the Chair.

Postponed Clause 8 as amended

Further amendment to amended clause 8 proposed (Ms *Forrest*)

Page 13, subclause (2).

Leave out the subclause.

Insert instead the following subclause:

- (2) The Board is to oversee –
- (a) the control and management of TMAG, including TMAG property, infrastructure and equipment; and
 - (b) the performance of any other managerial and administrative functions of the Director.

Further Amendment withdrawn.

Clause 8 as amended postponed.

Postponed Clause 20

Amendment proposed (Ms *Forrest*)

Page 32, after subclause (7).

Insert the following subclause (8):

- (8) The Minister is to cause a copy of a Ministerial direction to be laid before each House of Parliament within 10 sitting days after it is given.

Amendment agreed to.

Postponed Clause 24

Amendment proposed (Ms *Forrest*)

Page 37, subclause (1), after "administration".

Leave out "and management of TMAG".

Insert instead ", control and management of TMAG, including TMAG property, infrastructure and equipment".

Clause postponed.

To report progress and seek leave to sit again.

The Council being resumed, Ms *Rattray* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, at a later hour, again resolve itself into the said Committee.

7 BILL NO.54.— The Order of the Day was read for resuming the Debate on the Question, That the *Anti-Discrimination Amendment Bill 2016* be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

8 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.

9 QUESTION TIME.— The President called for Questions without Notice. There were four Questions asked.

10 BILL NO. 54.— The Order of the Day was read for resuming the Debate on the Question, That the *Anti-Discrimination Amendment Bill 2016* be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

And the Question being put,

The Council divided.

AYES 4

NOES 7

Mr *Armstrong*

Ms *Armitage*

Mrs *Hiscutt*

Mr *Finch*

Ms *Rattray*

Ms *Forrest*

Mr *Dean* (Teller)

Mr *Gaffney*

Ms *Lovell*

Mr *Willie*

Mr *Valentine* (Teller)

pairs

Dr *Goodwin*

Mr *Farrell*

So it passed in the Negative.

11 BILL NO. 32.— The Council, according to Order, again resolved itself into a Committee on the *Tasmanian Museum and Art Gallery Bill 2017*.

(In the Committee)

Ms *Rattray* in the Chair.

Postponed Clause 8 as amended.

Further amendment made to Clause 8 as amended (*Ms Forrest*)

Page 13, subclause (2).

Leave out the subclause.

Insert instead the following subclause:

- (2) The Board is to oversee –
 - (a) the control and management of TMAG, including TMAG property, infrastructure and equipment; and
 - (b) the performance of any other managerial and administrative functions as may be given by this or any other Act.

Clause 8 as further amended agreed to.

Postponed Clause 24 as read further considered and agreed to.

Schedule 1 agreed to.

Schedule 2 Amendments proposed. (*Ms Forrest*)

First amendment.

Page 51, clause 3, subclause (3), paragraph (b).

Leave out "voting; and"

Insert instead "voting."

Second amendment.

Same page, same subclause, paragraph (c).

Leave out the paragraph.

Schedule 2 as amended agreed to.

Schedule 3

Schedule 3, Amendments proposed (*Mr Valentine*)

First amendment.

Page 57, clause 7.

Leave out "To avoid"

Insert instead "(1) To avoid"

Second amendment.

Page 58, same clause, after paragraph (e).

Insert the following subclause:

- (2) To avoid doubt, the Deed dated 10 January 2008 entered into by the Royal Society of Tasmania and the Trustees of the Tasmanian Museum continues in force according to its terms.

Schedule 3 as amended agreed to.

Schedules 4 and 5 agreed to.

Title agreed to.

Bill to be reported with Amendments.

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 with Amendments.

Ordered, That the Bill as amended in Committee be taken into consideration tomorrow. (Mrs *Hiscutt*)

12 BILL NO. 5.— The Order of the Day was read for the Second reading of the Vehicle and Traffic Amendment (Probationary Licences) 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 Acting Deputy President (Ms *Ratray*) having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Mrs *Armitage* in the Chair.

Clauses 1 to 7 agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Clauses 10 to 11 agreed to

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Mrs *Armitage* 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 (Mrs *Hiscutt*)

13 BILL NO. 9.— The Order of the Day was read for the Second reading of the Court Security 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 Deputy President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms *Ratray* in the Chair.

Clauses 1 to 3. agreed to.

Clauses 4 to 7 agreed to.

Clauses 8 to 11 agreed to

Clause 12 agreed to.

Clause 13 agreed to.

Clause 14 postponed.

Clauses 15 to 20.

Clauses 21 to 24.

Clauses 25 to 34.

Clause 14.

To report progress and seek leave to sit again.

The Council being resumed, Ms *Ratray* reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, at a later hour, again resolve itself into the said Committee.

14 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (*Mrs Hiscutt*)

The Sitting was suspended at 5.03 o'clock p.m. and resumed at 5.22 o'clock p.m.

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

15 BILL NO. 9.— The Order of the Day was read for the further consideration in Committee of the Court Security Bill 2017.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms *Ratray* in the Chair.

Postponed Clause 14 , Amendment proposed (*Ms Lovell*)

Page 28, subclause (1), paragraph (b).

Leave out the paragraph.

Question put, That the Amendment be agreed to.

It passed in the negative.

Clause 14 as read agreed to.
Schedules 1 and 2, agreed to
Title agreed to.
Bill to be reported without Amendment.

The Council being resumed, Ms Rattray reported that the Committee had gone through the Bill, and directed him 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*)

16 BILL NO. 46.— 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 Educations Act 2016, and to validate the collection of certain fees under the Education Act 1994”, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 17 August 2017

E.N. ARCHER, *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*)

17 ADJOURNMENT.— *Resolved*, That the Council will at its rising adjourn until 11.00 o'clock am on Tuesday, 22 August 2017. (Mrs *Hiscutt*)

Resolved, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 5.43 o'clock p.m.

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

Briefing:

- *Anti-Discrimination Bill 2017 (No 16)*