



No. 27

THURSDAY, 27 SEPTEMBER 2018

1 The House met at Ten o'clock a.m.

2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.

3 PRAYERS AND REFLECTION. – The Speaker read Prayers.

4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.

5 BILL NO. 22. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Land Titles Act 1980".

Legislative Council, 25 September 2018.

J. S. WILKINSON, President.

6 BILL NO. 26. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Health Complaints Act".

Legislative Council, 25 September 2018.

J. S. WILKINSON, President.

7 BILL NO. 23. - A Message from the Legislative Council. -

MADAM SPEAKER

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

“A Bill for an Act to amend the Anzac Day Observance Act 1929 and the Shop Trading Hours Act 1984 and to revoke the Shop Trading Hours Order 2010”,

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

Legislative Council, 25 September 2018.

J. S. WILKINSON, President

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

8 BILL NO. 43 . – The Attorney-General presented -

A Bill for an Act to amend the Mental Health Act 2013

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

8 BILL NO. 44. – Ms *O'Connor* presented -

A Bill for an Act to amend the Police Offences Act 1935

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

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

10 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 16 October next. (The Minister for Health)

11 LEAVE TO MAKE MOTION WITHOUT NOTICE. – A Motion being made and the Question being proposed that Ms *White* have leave to make a Motion without notice. (Ms *White*)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

13 SUSPENSION OF STANDING ORDERS. – A Motion being made and the Question being proposed - That so much of Standing Orders be suspended as would prevent a Motion of Want of Confidence in the Minister for Health from being brought on for debate forthwith. (Ms *White*)

A debate arose thereupon.

An Amendment was proposed to the Question by the Deputy Premier after “forthwith” by inserting the following:-

“and that debate on the motion be completed by One o'clock p.m., that the Premier and the Leader of the Opposition shall speak for no longer than 20 minutes each and all other Members speak for not longer than 10 minutes each in speaking to the motion, and that immediately following a vote on the motion the House proceeds to Government Business.”

A debate arose thereupon.

And the Question being put;

The House divided.

Uncorrected Proof

AYES 11

Ms Archer
Mr Barnett
Mr Brooks
Mr Ferguson
Mr Gutwein
Mr Hidding
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton (Teller)

NOES 11

Mr Bacon
Dr Broad
Ms Butler
Ms Haddad
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Ms Dow (Teller)

PAIRS

Ms Courtney

Ms Houston

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The numbers being equal, I vote with the Ayes.”

It was resolved in the Affirmative.

And the Main Question as amended being put;

It was resolved in the Affirmative.

14 WANT OF CONFIDENCE IN THE MINISTER FOR HEALTH – A Motion being made and the Question being proposed—That the House has no confidence in the Minister for Health for the following reasons:—

- (1) Despite five years of cover-ups, reports from independent consultants KPMG and RDME reveal the Minister for Health has systematically underfunded the Tasmanian health and hospital system.
- (2) The Report shows that there is a \$100 million black hole every year in Tasmanian hospital funding.
- (3) The Report shows that despite increasing demand, the Minister for Health Hon. *Michael Ferguson* MP had a savings program to cut 100 full time jobs in 2017-18.
- (4) The Report shows that although Tasmania has experienced significant growth in GST funding from the Commonwealth, health spending has not increased in line with this.
- (5) The Minister for Health, Hon. *Michael Ferguson* MP has failed as Minister for Health and the Tasmanian community are suffering. (*Ms White*)

A debate arose thereupon.

15 MEMBER SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Denison, Mr *Bacon*, to withdraw from the House until One o'clock owing to repeated interjections.

16 WANT OF CONFIDENCE IN THE MINISTER FOR HEALTH – And the Question being again proposed;

The House resumed the Debate.

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17 MEMBER SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Franklin, Ms *Standen*, to withdraw from the House until One o'clock owing to repeated interjections.

18 WANT OF CONFIDENCE IN THE MINISTER FOR HEALTH – And the Question being again proposed;

The House resumed the Debate.

19 MEMBERS SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Denison, Ms *Haddad*, the Honourable Member for Lyons, Ms *Butler*, the Honourable Member for Braddon, Dr *Broad*, and the Honourable Member for Lyons, Ms *White*, to withdraw from the House until One o'clock owing to repeated interjections.

20 WANT OF CONFIDENCE IN THE MINISTER FOR HEALTH – And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

The Houses divided.

AYES 11

Mr *Bacon*
Dr *Broad*
Ms *Dow*
Ms *Haddad*
Mr *O'Byrne*
Ms *O'Byrne*
Ms *O'Connor*
Ms *Standen*
Ms *White*
Dr *Woodruff*
Ms *Butler* (Teller)

NOES 11

Ms *Archer*
Mr *Barnett*
Mr *Ferguson*
Mr *Gutwein*
Mr *Hidding*
Mr *Hodgman*
Mr *Jaensch*
Mrs *Petrusma*
Mr *Rockliff*
Mr *Shelton*
Mr *Brooks* (Teller)

PAIRS

Ms *Houston*

Ms *Courtney*

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The numbers being equal, I vote with the Noes.”

It passed in the Negative.

21 SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.
At half-past Two o'clock the Speaker resumed the Chair.

22 BILL NO. 37. - A Message from the Legislative Council. -

MADAM SPEAKER

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

“A Bill for an Act to amend the Police Offences Act 1935 in relation to consorting and for related purposes

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

Legislative Council, 27 September 2018.

J. S. WILKINSON, *President*

Ordered, That the said Message be taken into consideration forthwith. (The Minister for Health)

23 BILL NO. 37. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Bill 2001.

(In the Committee)

Amendments

Clause 5

First Amendment

Page 5, proposed new section 20A, proposed definition of *family member*, after proposed paragraph (e).

Insert the following paragraph:

- (ea) if the defendant is an Aboriginal person within the meaning of the *Aboriginal Lands Act 1995*, a person who, under Aboriginal tradition, is regarded as a person who is, in relation to the defendant, a person referred to in any of paragraphs (a) to (e)

Second Amendment

Page 11, proposed new section 20D, proposed new subsection (1), paragraph (b).

Leave out "the offender".

Insert instead "the offender; and".

Third Amendment

Same page, same proposed new section, same proposed new subsection, after paragraph (b).

Insert the following paragraph:

- (c) the person may, within 28 days of receiving the notice, request under section 20D(3) of this Act, a review of the decision to authorise the official warning to be given to the person.

Fourth Amendment

Page 14, proposed new section 20E, proposed new subsection (2), proposed new paragraph (c).

Leave out "Subdivisions 2 and 3".

Insert instead "Subdivision 3".

Fifth Amendment

Page 15, same proposed new section, proposed new subsection (5).

Leave out the proposed new subsection.

Insert instead the following subsections:

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- (5) In dealing with an application for a review under subsection (1), the Magistrates Court (Administrative Appeals Division) –
- (a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose the existence or content of any information that –
 - (i) is information, the disclosure of which may prejudice the operations of the police service or the safety of any person; or
 - (ii) has been withdrawn under subsection (8)(b); and
 - (b) in order to prevent the disclosure of information to which paragraph (a) applies, is to receive evidence, and hear argument, in relation to whether the information is such information, in the absence of the public, the applicant for the review and the applicant's representative; and
 - (c) if the information may prejudice the operations of the police service or the safety of any person, is to receive such evidence, and hear argument, in relation to the information in the absence of the public, the applicant for the review and the applicant's representative; and
 - (d) if information has been withdrawn under subsection (8)(b) –
 - (i) is not to take the information into account in determining the application for the review; and
 - (ii) is not to disclose the information to the public, the applicant for the review or the applicant's representative.
- (6) The Commissioner, or a commissioned police officer, may provide to the Magistrates Court (Administrative Appeals Division) a statement identifying, in relation to an application for review under subsection (1), the information, the disclosure of which, in his or her opinion, may prejudice the operations of the police service or the safety of any person.
- (7) The Magistrates Court (Administrative Appeals Division) is, in determining for the purposes of subsection (5) whether information is not to be disclosed, to have regard to whether the information has been identified in a statement provided to the Court under subsection (6).
- (8) If information has been identified in a statement provided to the Magistrates Court (Administrative Appeals Division) under subsection (6) –
- (a) the Court must, before disclosing the information, give the Commissioner, or a commissioned police

Uncorrected Proof

officer, the opportunity to have the information withdrawn; and

- (b) the Commissioner, or a commissioned police officer, may notify the Court that the information is withdrawn.

Amendments agreed to.

Resolution to be reported.

The House being resumed, Mr *Shelton* 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)

24 BILL NO. 37. - 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 Police Offences Act 1935 in relation to consorting and for related purposes”.

House of Assembly, 27 September 2018.

SUE HICKEY, *Speaker*.

25 BILL NO. 23. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Anzac Day Observance Amendment Bill 2018.

(In the Committee)

Amendment

Page 9, proposed new section 5A, subsection (6), paragraph (a).

Leave out that paragraph.

Insert instead the following paragraph:

- (a) Is to be published before the notice is to have effect –
- (i) In the Gazette; and
 - (ii) In at least one daily newspaper generally circulating in each municipal area where a shop, to which the notice relates, operates; and
 - (iii) On a website that is accessible by the public; and
 - (iv)

Amendment agreed to.

Resolution to be reported.

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

Uncorrected Proof

To agree to the Amendments of the Legislative Council.

Resolved, That the said Resolution be agreed to. (The Minister for Veteran's Affairs)

26 BILL NO. 23. - 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 Anzac Day Observance Act 1929 and the Shop Trading Hours Act 1984 and to revoke the Shop Trading Hours Order 2012”.

House of Assembly, 27 September 2018.

SUE HICKEY, *Speaker*.

27 BILL NO. 35. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Wednesday, 26 September 2018 - That the Justice and Related Legislation (Miscellaneous Amendments) Bill 2018 be now read the Second time;

And the Question being again proposed;
The House resumed the said adjourned Debate.

A motion being made and the Question being proposed – that the debate be adjourned until tomorrow (Ms O'Connor)

A debate arose thereupon;

And the Question being put;

AYES 11

NOES 11

Mr Bacon

Ms Archer

Ms Butler

Mr Barnett

Ms Dow

Mr Brooks

Ms Haddad

Mr Ferguson

Ms Houston

Mr Gutwein

Mr O'Byrne

Ms Hickey

Ms O'Connor

Mr Hidding

Ms Standen

Mr Hodgman

Ms White

Mrs Petrusma

Dr Woodruff

Mr Rockliff

Dr Broad (Teller)

Mr Jaensch (Teller)

PAIRS

Ms O'Byrne

Ms Courtney

DEPUTY SPEAKER GIVES CASTING VOTE. – The Speaker said: “The numbers being equal, I vote with the Noes.”

It passed in the Negative.

And the Question being again proposed – That the Bill be now read the Second time;

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The House resumed the Debate.

And the Question being put;

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

And the Bill was, accordingly, 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.

28 BILL NO. 35. - 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 Acts Interpretation Act 1931, the Bail Act 1994, the Classification (Publications, Films and Computer Games) Enforcement Act 1995, the Coroners Act 1995, the Court Security Act 2017, the Criminal Code Act 1924, the Criminal Law (Detention and Interrogation) Act 1995, the Criminal Procedure (Attendance of Witnesses) Act 1996, the Evidence Act 2001, the Forensic Procedures Act 2000, the Guardianship and Administration Act 1995, the Long Service Leave Act 1976 the Oaths Act 2001, the Registration to Work with Vulnerable People Act 2013, the Sentencing Act 1997, the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017, the Trustee Companies Act 1953 and the Water Management Act 1999 and to repeal the Long Service Leave (Casual Wharf Employees) Act 1982”,

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

House of Assembly, 27 September 2018.

SUE HICKEY, *Speaker*.

29 BILL NO. 33. - The Corrections Amendment Bill 2018 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.

30 BILL NO. 33. - 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 Corrections Act 1997”,

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

House of Assembly, 27 September 2018.

SUE HICKEY, *Speaker*.

31 BILL NO. 30. - The Traffic and Related Legislation Amendment Bill 2018 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.

32 BILL NO. 30. - A Message to the Legislative Council. -

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MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to amend Traffic Act 1925 and the Local Government (Highways) Act 1982”

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

House of Assembly, 27 September 2018.

SUE HICKEY, *Speaker.*

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

SHANE DONNELLY, *Clerk of the House.*

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