



HOUSE OF ASSEMBLY
SESSION OF 2018
(FIRST SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 35

WEDNESDAY, 28 NOVEMBER 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 **PAPERS.** – The Deputy Premier laid upon the Table of the House the following Papers:-
 - (1) National Education & Care Services Freedom of Information & Privacy Commissioners & Ombudsman: Annual Report 2017-2018.
 - (2) National Heavy Vehicle Regulator: Annual Report 2017-2018.
- 6 **PAPERS.** – The Minister for Health laid upon the Table of the House the following Papers:-
 - (1) Ombudsman Tasmania: Report on inspections under the Police Powers (Surveillance Devices) Act 2006 and the Police Powers (Controlled Operations) Act 2006.
 - (2) Chief Civil Psychiatrist, Chief Forensic Psychiatrist: Annual Report 2017-2018.
- 7 **PAPERS.** – The Treasurer laid upon the Table of the House the following Paper:-

Tasmanian Liquor and Gaming Commission: Annual Report 2017-2018.
- 8 **PAPERS.** – The Attorney-General laid upon the Table of the House the following Papers:-
 - (1) Health Complaints Commissioner Tasmania: Annual Report 2017-2018.
 - (2) Ombudsman Tasmania: Annual Report 2017-2018.
 - (3) The Health Practitioners Tribunal: Annual Report 2017-2018.
 - (4) Guardianship and Administration Board: Annual Report 2017-2018.
 - (5) Legal Aid Commission of Tasmania: Annual Report 2017-2018.
 - (6) The Public Guardian: Annual Report 2017-2018.
- 9 **PAPERS.** – The Minister for Resources laid upon the Table of the House the following Paper:-

Forest Practices Authority: Annual Report 2017-2018.

10 INTEGRITY, JOINT STANDING COMMITTEE ON: REPORT BROUGHT UP. – Mr *Hidding* brought up the following Report of the Joint Standing Committee on Integrity:-

Annual Report 2018 (Paper No. 20)

Ordered, That the said Report be received and printed. (Mr *Hidding*)

11 BILL NO. 25. - 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 Emergency Management Act 2006".

Legislative Council, 27 November 2018.

J. S. WILKINSON, *President*.

12 BILL NO. 30. - 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 Traffic Act 1925 and the Local Government (Highways) Act 1982".

Legislative Council, 27 November 2018.

J. S. WILKINSON, *President*.

13 BILL NO. 34. - 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 Crime (Confiscation of Profits) Act 1993 and the Crime (Confiscation of Profits) Regulations 2014".

Legislative Council, 27 November 2018.

J. S. WILKINSON, *President*.

14 BILL NO. 63. – The Minister for Justice presented -

“A Bill for an Act to amend the Children, Young Persons and Their Families Act 1997, the Criminal Code Act 1924, the Evidence (Children and Special Witnesses) Act 2001 and the Sentencing Act 1997.”

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

15 BILL NO. 61. – The Minister for Resources presented -

“A Bill for an Act to amend the Forest Practices Act 1985.”

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

16 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.

17 SUSPENSION OF SITTING – At twenty-two minutes past Eleven o’clock the Speaker announced that she would resume the Chair at the ringing of the Bells.

At fifty-five minutes past Eleven o'clock the Speaker resumed the Chair.

18 LEAVE TO MAKE MOTION WITHOUT NOTICE. – And the Question being put;

It was resolved in the Affirmative.

19 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 to refer the Honourable Member for Braddon, Mr *Brooks* to the Standing Committee of Privileges, of which notice has been given this day, from being brought on for debate forthwith. (Ms *White*)

A debate arose thereupon.

An amendment was proposed to the Question by the Minister for Health after “forthwith” to insert “and that debate on the motion be completed by 1.00 p.m., and that immediately following a vote on the motion the House proceeds to Government Private Members’ Business”.

A debate arose thereupon;

And the Question being put – That the amendment be agreed to;

It was resolved in the Affirmative.

And the Main Question, as amended, being put;

It was resolved in the Affirmative.

20 PRIVILEGES, COMMITTEE OF: REFERRAL TO. – A Motion being made and the Question being proposed — That the House:—

- (1) Refers the Honourable Member for Braddon, Mr *Brooks*, to the Standing Committee of Privileges to consider and report whether the findings of the Report of the Integrity Commission No. 5 of 2018 constitute a breach of privileges or the Standing Orders of the House.
- (2) The Privileges Committee be given the powers to consider matters of conduct and compliance with the Code of Ethical Conduct in Standing Order 2(d).
- (3) That the Committee be given the power to send for persons and papers.
- (4) That for the remainder of this Session, Standing Order 325 be amended as follows:-
 - (a) After “Privileges” insert “and Conduct”; and
 - (b) After “Privilege” insert “or the provisions of the Code of Ethical Conduct”.
- (5) That the Committee report to the House by 12 March 2019. (Ms *White*)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

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 LIBERAL GOVERNMENT PLAN. – A Motion being made and the Question being proposed—That the House:—

- (1) Notes that on 3 March 2018 the Tasmanian people re-elected a majority Liberal Government to deliver on its plan to take Tasmania to the next level.
- (2) The plan that was overwhelmingly supported by Tasmanians is delivering positive results, including the most confident business environment in the country, the fastest growing economy in a decade and over 15,000 new jobs.

- (3) Due to responsible budget management the majority Liberal Government is continuing to deliver on its plan to rebuild essential services, invest in infrastructure to support our growing economy and continue our strong focus on law and order.
- (4) The Labor-Green opposition has failed to articulate any clear plan or policies that will improve the lives of Tasmanians. (Mr *Hidding*)

A debate arose thereupon.

And Ms *O'Connor* was addressing the Chair.

23 PUBLIC SECTOR WAGE CAP. – A Motion being made and the Question being proposed—
That the House:—

- (1) Supports nurses, teachers, park rangers, allied health workers and other public sector workers in their right to take industrial action.
- (2) Agrees that the actions of these workers have been responsible, measured and designed to demonstrate the value they provide to the community.
- (3) Recognises that the 2 per cent state wages policy was introduced in 2011 following the Global Financial Crisis and in response to contracting revenues.
- (4) Acknowledges that State taxes and GST receipts are growing again and private sector wages increased by 2.8 per cent in the year to September 2018.
- (5) Further recognises that CPI is increasing at 2.7 per cent, which means the 2 per cent wage offer from Government is actually a wage cut.
- (6) Further recognises that Tasmanians deserve a pay rise that keeps up with the cost of living.
- (7) Calls on the Government to scrap the wage cap. (Ms *White*)

A debate arose thereupon.

An Amendment was proposed by the Treasurer by leaving out all words after “That the House” and inserting instead the following words:

- (1) Recognises and appreciates the role of Tasmania’s public sector employees and that it is in the best interests of the State and all Tasmanians that an agreement is reached.
- (2) Calls on the Tasmanian public sector Unions representing public sector employees and the Government to sit down at the table and negotiate a wage agreement that will deliver a positive outcome for the whole of Tasmania.

A debate arose thereupon.

And the Question being put – That the amendment be agreed to;

The House divided.

AYES 11

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Hidding (Teller)

NOES 11

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

PAIRS

Mr Brooks

Ms Houston

DEPUTY SPEAKER GIVES CASTING VOTE. – The Deputy 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;

The House divided.

AYES 11

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Hidding (Teller)

NOES 11

Dr Broad
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Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Mr Bacon (Teller)

PAIRS

Mr Brooks

Ms Houston

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

It was resolved in the Affirmative.

Resolved, That the House:—

- (1) Recognises and appreciates the role of Tasmania's public sector employees and that it is in the best interests of the State and all Tasmanians that an agreement is reached.
- (2) Calls on the Tasmanian public sector Unions representing public sector employees and the Government to sit down at the table and negotiate a wage agreement that will deliver a positive outcome for the whole of Tasmania.

24 BILL NO. 62. - The Order of the Day being read for the Second reading of the Misuse of Drugs Amendment (Drug Analysis) Bill 2018.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (Dr *Woodruff*)

A Debate arose thereupon.

And the Question being put;

The House divided.

AYES 2

Ms *O'Connor*
Dr *Woodruff* (Teller)

NOES 20

Ms *Archer*
Mr *Bacon*
Mr *Barnett*
Dr *Broad*
Ms *Butler*
Ms *Courtney*
Ms *Dow*
Mr *Ferguson*
Mr *Gutwein*
Ms *Haddad*
Ms *Hickey*
Mr *Hodgman*
Mr *Jaensch*
Mr *O'Byrne*
Ms *O'Byrne*
Mrs *Petrusma*
Mr *Rockliff*
Ms *Standen*
Ms *White*
Mr *Hidding* (Teller)

It passed in the Negative.

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

26 PAPERS. – Ms *O'Connor*, *by leave*, laid upon the Table of the House a document in relation to a proposal to provide world heritage protection for takayna/Tarkine.

The House adjourned at fifty-five minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day except Mr *Brooks* and Ms *Houston*.