



HOUSE OF ASSEMBLY

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 8

WEDNESDAY, 1 MAY 2019

- 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 commenced.
- 5 MEMBER SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Franklin, Mr *O'Byrne*, to withdraw from the House for the remainder of Question Time owing to repeated interjections.
- 6 QUESTIONS SEEKING INFORMATION. – Questions without notice continued and concluded.
- 7 PETITION. – The Minister for Energy presented a Petition from approximately 620 citizens of Tasmania, requesting that the House support calls for the ANZ Bank to strongly reconsider the decision to close the Deloraine Branch (HA2/2019).

Which Petition was read and received.

- 8 PAPERS. – The Treasurer laid upon the Table of the House the following Paper:-
Fee Units Act 1997: Department of Communities Tasmania – Schedule of Fees for 2019-20.
- 9 PAPERS. – The Attorney-General laid upon the Table of the House the following Paper:-
Environmental Management and Pollution Control Act 1994: Environmental Management and Pollution Control Order 2019 (Statutory Rules 2019, No. 12).
- 10 PAPERS. – The Clerk of the House laid upon the Table of the House the following Papers:-
 - (1) Parliamentary (Disclosure of Interests) Act 1996: Primary Return for Mr *Tucker*.
 - (2) Integrity Commission: Report of the Integrity Commission No. 2 of 2019, summary report of an investigation into alleged misconduct by Hon. *Michael Ferguson* MP and Hon. *William Hodgman* MP in relation to Cricket Australia employee, Angela Williamson.
- 11 BILL NO. 20. – The Minister for Police, Fire and Emergency Management presented -

“A Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1988 to remove certain restrictions in relation to weekly payments in respect of police officers injured while on active duty”.

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

12 BILL NO. 16. – The Minister for Building and Construction presented -

“A Bill for an Act to enable the disposal of certain uncollected goods, to repeal the Disposal of Uncollected Goods Act 1968, and for related purposes”.

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

13 LEAVE TO MAKE MOTION WITHOUT NOTICE. – *Ordered*, that the Premier have leave to make a Motion without notice. (The Premier)

14 SUSPENSION OF STANDING ORDERS. – *Ordered*, That so much of Standing Orders be suspended as would prevent a motion concerning the Sri Lanka Easter Attacks from being debated forthwith. (The Premier)

15 SRI LANKA EASTER ATTACKS. – *Resolved, nemine contradicente*, - That the House:-

- (1) Condemns the shocking act of terrorism in on Easter Sunday in Sri Lanka which resulted in the death of in excess of 250 innocent people, and injured at 450 more.
- (2) Extends our deepest condolences to the families of those killed, and all impacted by this hateful act.
- (3) Extends our support to the Government and the people of Sri Lanka in dealing with the tragic aftermath of this act of terror.
- (4) Affirms our resolve to unite against intolerance, racism, violence and instead promote harmony, multi-culturalism and peace in our community. (The Premier)

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

17 SITTING TIMES. - *Ordered*, That for this day's sitting the House not stand adjourned at Six o'clock and that the House continue to sit past Six o'clock. (The Minister for Health)

18 MATTER OF PUBLIC IMPORTANCE: NORTH WEST SKILLS AND TRAINING. - Ms *Dow*, in accordance with Standing Orders, moved - That the House take note of the following matter:

North West Skills and Training.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

19 BILL NO. 5 of 2018. - The Order of the Day being read for the Second reading of the Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill 2018.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (The Attorney-General)

A Debate arose thereupon.

An Amendment was proposed to the Question by Ms *Haddad*, by leaving out all the words after ‘That’ and inserting:-

- (1) The Bill be referred to a Select Committee with power to send for persons and papers to inquire into and report upon:
 - (a) The provisions of the Bill in relation to the following matters:
 - (i) sentencing options for child sex offences; and
 - (ii) current and recent sentencing trends in Tasmanian courts for sex offences against children.
 - (b) Alternative sentencing options to those provided in the Bill.
 - (c) Other matters incidental thereto.
- (2) That the following Members be appointed to serve on the committee:-
 - (a) three Members nominated by the Premier;
 - (b) two Members nominated by the Leader of the Opposition; and
 - (c) one Member nominated by the Leader of the Tasmanian Greens.
- (3) A quorum for any meeting of the committee shall be three, one of whom one is the Chair of the Committee or Deputy Chair.
- (4) That the committee report by 28 November 2019.
- (5) That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.

And the Question being proposed - That the Amendment be agreed to;

A debate arose thereupon.

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

21 PRIVATE MEMBERS BUSINESS. - In accordance with Standing Order 42, Mrs *Rylah* indicated that the time for Government Private Members' Business for this day would be waived.

22 BILL NO. 5 of 2018. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on this day - That the Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill 2018 be now read the Second time;

To which the following amendment has been proposed by Ms *Haddad*, by leaving out all the words after 'That' and inserting: -

- (1) The Bill be referred to a Select Committee with power to send for persons and papers to inquire into and report upon:
 - (a) The provisions of the Bill in relation to the following matters:
 - (i) sentencing options for child sex offences; and
 - (ii) current and recent sentencing trends in Tasmanian courts for sex offences against children.
 - (b) Alternative sentencing options to those provided in the Bill.
 - (c) Other matters incidental thereto.
- (2) That the following Members be appointed to serve on the committee:-

- (a) three Members nominated by the Premier;
 - (b) two Members nominated by the Leader of the Opposition; and
 - (c) one Member nominated by the Leader of the Tasmanian Greens.
- (3) A quorum for any meeting of the committee shall be three, one of whom one is the Chair of the Committee or Deputy Chair.
- (4) That the committee report by 28 November 2019.
- (5) That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.

And the Question being again proposed;

The House resumed the debate.

And Mrs *Rylah* was addressing the Chair.

23 SELECT COMMITTEE ON HOUSING AFFORDABILITY. – A Motion being made and the Question being proposed—That:—

- (1) A Select Committee be appointed, with power to send for persons and papers and records, to inquire into and report upon housing affordability in Tasmania with particular reference to:—
 - (a) the experiences of Tasmanians in housing stress or homelessness;
 - (b) the management of social housing and delivery of new stock by Housing Tasmania and community housing providers;
 - (c) the impact of a lack of affordable housing on the broader economic and social wellbeing of the Tasmanian community;
 - (d) the impact of a lack of affordable housing on the implementation and outcomes of other State Government programs;
 - (e) the effectiveness and limitations of current State and Federal Government strategies and services to alleviate the impact of poor housing affordability in the Tasmanian community;
 - (f) the impact of historic housing debt on the management and delivery of social housing;
 - (g) strategies to address the \$73 million maintenance liability of Housing Tasmania and community housing providers;
 - (h) the impact of population growth on housing supply;
 - (i) the relationship between housing, health and education;
 - (j) successful strategies in other Australian states that could be effective in improving affordability in Tasmania; and
 - (k) any other matters incidental thereto.
- (2) The Committee shall consist of five Members, being two from the Government nominated by the Leader of the House, two from the Opposition nominated by the Leader of the Opposition and one from the Tasmanian Greens nominated by the Leader of the Greens.
- (3) The Committee report by 15 October 2019. (*Ms Standen*)

A debate arose thereupon.

Amendments proposed (*Dr Woodruff*)

In Clause (1)

First Amendment

In paragraph (h), by inserting “and market developments” after “growth”.

Second Amendment

Following paragraph (i), by inserting the following new paragraph:

() changes to Tasmania's residential tenancy laws that could improve housing affordability, security and living standards in Tasmania;

Third Amendment

In paragraph (j), by leaving out "Australian states" and inserting instead "jurisdictions".

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

It was resolved in the Affirmative.

And the Main Question, as amended, being put;

It was resolved in the Affirmative.

Resolved, That:—

- (1) A Select Committee be appointed, with power to send for persons and papers and records, to inquire into and report upon housing affordability in Tasmania with particular reference to:—
 - (a) the experiences of Tasmanians in housing stress or homelessness;
 - (b) the management of social housing and delivery of new stock by Housing Tasmania and community housing providers;
 - (c) the impact of a lack of affordable housing on the broader economic and social wellbeing of the Tasmanian community;
 - (d) the impact of a lack of affordable housing on the implementation and outcomes of other State Government programs;
 - (e) the effectiveness and limitations of current State and Federal Government strategies and services to alleviate the impact of poor housing affordability in the Tasmanian community;
 - (f) the impact of historic housing debt on the management and delivery of social housing;
 - (g) strategies to address the \$73 million maintenance liability of Housing Tasmania and community housing providers;
 - (h) the impact of population growth and market developments on housing supply;
 - (i) the relationship between housing, health and education;
 - (j) changes to Tasmania's residential tenancy laws that could improve housing affordability, security and living standards in Tasmania;
 - (k) successful strategies in other jurisdictions that could be effective in improving affordability in Tasmania; and
 - (l) any other matters incidental thereto.
- (2) The Committee shall consist of five Members, being two from the Government nominated by the Leader of the House, two from the Opposition nominated by the Leader of the Opposition and one from the Tasmanian Greens nominated by the Leader of the Greens.
- (3) The Committee report by 15 October 2019.

24 SUPPORT FOR FISH FARM OPERATIONS. – A Motion being made and the Question being proposed—That the House:—

- (1) Acknowledges that the Hodgman Liberal Government has supported:—
 - (a) current stocking levels of salmon in Macquarie Harbour;
 - (b) expansion of fish farm operations into Okehampton Bay;
 - (c) enlivening of a decade old fish farm lease in Norfolk Bay;
 - (d) exploration of fish farm expansion off King Island; and

- (e) large scale expansion of salmon farming into Storm Bay.
- (2) Calls on the Labor Opposition, ahead of the Federal Election, to articulate their policy on, and support for, the aforementioned. (Dr Woodruff)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

25 BILL NO. 5 of 2018. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on this day - That the Sentencing Amendment (Mandatory Sentencing for Serious Sexual Offences Against Children) Bill 2018 be now read the Second time;

To which the following amendment has been proposed by Ms *Haddad*, by leaving out all the words after 'That' and inserting: -

- (1) The Bill be referred to a Select Committee with power to send for persons and papers to inquire into and report upon:
 - (a) The provisions of the Bill in relation to the following matters:
 - (i) sentencing options for child sex offences; and
 - (ii) current and recent sentencing trends in Tasmanian courts for sex offences against children.
 - (b) Alternative sentencing options to those provided in the Bill.
 - (c) Other matters incidental thereto.
- (2) That the following Members be appointed to serve on the committee:-
 - (a) three Members nominated by the Premier;
 - (b) two Members nominated by the Leader of the Opposition; and
 - (c) one Member nominated by the Leader of the Tasmanian Greens.
- (3) A quorum for any meeting of the committee shall be three, one of whom one is the Chair of the Committee or Deputy Chair.
- (4) That the committee report by 28 November 2019.
- (5) That should the House not be sitting, a report may be presented to the Speaker of the House, or in their absence, the Clerk of the House, and any report so presented is taken to have been published by order of the House of Assembly.

And the Question being again proposed;

The House resumed the said adjourned Debate.

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

The House divided.

AYES 9

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

NOES 13

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mrs Rylah
Mr Tucker
Dr Woodruff
Mr Shelton (Teller)

PAIRS

Ms O'Byrne

Ms O'Connor

So it passed in the Negative.

And the Main Question being again proposed;

The House resumed the debate.

And the Question being put;

The House divided.

AYES 11

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mrs Rylah
Mr Shelton (Teller)

NOES 11

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

PAIRS

Mr Tucker

Ms O'Connor

“SPEAKER GIVES CASTING VOTE. – The Speaker said: “The result of the division is 11 Ayes and 11 Noes. I therefore have to use a casting vote pursuant to standing order 167.

This has been an extremely interesting and informative debate and I congratulate everybody on both sides for doing their best to pursue their views. I have given this matter much thought, have read the

briefing papers, and followed the debate. I was very surprised to see a Bill, already defeated in the Legislative Council, presented again to Parliament without any changes. There are significant concerns from those in the legal profession who do not support this removal of authority from the judges. It is the judges who understand the complexity of the case before them.

In this regard, I take the view of the legal professionals who know a lot more about the law and who believe this is bad law that does not give effect to desired outcomes of better ends. It may have those unintended consequences to the detriment of the victims.

Every single person in this Parliament wants the best laws to punish those who offend against our vulnerable children. I sincerely would have liked to have seen the Committee put in place. This Bill could have been investigated, amended if necessary, and given strength.

Parliament should never make laws based on popular opinion. Whilst we have these statistics of how many people think this is a great idea, it should only ever be made law on informed advice. It would have been so much easier for me to support a popular choice, but it is braver and truer to my own conscience not to support this bill in its current form.

In accordance with standing order 167, I therefore cast my vote with the Noes.”

So it passed in the Negative.

26 BILL NO. 66 of 2018. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Thursday, 11 April 2019 - That the Short Stay Accommodation Bill 2018 be now read the Second time;

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

27 BILL NO. 66 of 2018. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to assist in enabling the enforcement of certain permits under the Land Use Planning and Approvals Act 1993, and the collection and use of information, in relation to short stay premises, and for related purposes”,

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

House of Assembly, 1 May 2019.

SUE HICKEY, *Speaker.*

28 BILL NO. 6 of 2018. – The Sentencing Amendment (Assaults on Off-Duty Police) 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;

And the Question being put - That the Bill be now read the Third time;

The House divided.

AYES 11

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mrs Rylah
Mr Shelton (Teller)

NOES 11

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

PAIRS

Mr Tucker

Ms O'Connor

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The result of the division is 11 Ayes and 11 Noes. Therefore, I have to use my casting vote pursuant to Standing Order 167. Again, I am heavily conflicted because this is another case of mandatory sentencing which I do not agree with. However, I have had numerous requests from the police force and ex-policemen begging for support on this because it adds to their PTSD and secondary wounding when they are identified for something that was in the line of their duty.

While I do have reservations, I am called upon to make a decision. In this case, it is a technical loophole in the existing bill so I will be casting my vote with the Ayes.

It was resolved in the Affirmative.

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

29 BILL NO. 6 of 2018. - 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 Sentencing Act 1997”,

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

House of Assembly, 1 May 2019.

SUE HICKEY, *Speaker.*

30 BILL NO. 11. - The Order of the Day being read for the Second reading of the Greater Hobart Bill 2019.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (The Minister for State Growth)

A Debate arose thereupon.

Ordered, That the Debate be adjourned until tomorrow (The Minister for State Growth)

The House adjourned at thirty minutes past Ten o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day except Ms *O'Connor*.