



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 7

TUESDAY, 9 APRIL 2019

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 E-PETITION.— Mr *Dean* brought up an E-Petition from 422 citizens of Tasmania who draw to the attention of the House the extremely serious consequences and undue haste of the Justice and Related Legislation (Marriage Amendments) Bill 2018 and request that the House defer debate until the Legislation is fully considered by a Parliamentary inquiry and/or the Tasmanian Law Reform Institute.

Ordered, That the Petition be received. (Mr *Dean*)

3 BASS STRAIT ISLANDS CONCESSIONS.— Ms *Forrest* asked the Honourable the Leader of the Government —

According to the DHHS and other Government websites there are a number of concessions available to residents of the Bass Strait Islands who need to travel off island for medical and education/training services.

With regard to these concessions —

- (1) What concessions exist for residents of the Bass Strait Islands;
- (2) Are any concessions means tested; and
 - (a) if so, which concessions do they apply to; and
 - (b) how is the means test applied;
- (3) How many individuals avail themselves of these concessions on King Island and Flinders Islands listed separately; and
- (4) What is the cost to the Government per annum?

Mrs *Hiscutt* answered

- (1) The transport concessions for medical and education/training services available for residents of the Bass Strait islands are -
 - (a) Conveyance Allowance Air Travel Program; and
 - (b) Age Pension Air Travel Concession Program.

The programs offer financial assistance toward the cost of transport from their home on a Bass Strait island to mainland Tasmania. The Conveyance Allowance Air Travel program offers financial assistance to school students to attend an educationally appropriate school, or grades 11 or 12, on mainland Tasmania. The Age Pension Air Travel Concession program offers financial assistance of 50 per cent of the airfare for one return trip to northern Tasmania per financial year.

- (2) Only the Age Pension Air Travel Concession is means-tested, as the pensioner must hold a current Centrelink Concession Card endorsed 'Age' (for age pension).

- (3) The number of residents of the Bass Strait islands who have applied and been found eligible for the programs in 2018 are -
- (a) for the Conveyance Allowance Air Travel program -
 - 22 students who live on Flinders Island received the concession; and
 - 15 students who live on King Island received the concession.
 - (b) for the Age Pension Air Travel Concession program -
 - 37 pensioners who live on Flinders Island received the concession; and
 - 19 pensioners who live on King Island received the concession.
- (4) The cost to government for these two programs in 2018 was -
- (a) for the Conveyance Allowance Air Travel program, around \$145 000; and
 - (b) for the Age Pension Air Travel Concession program, around \$11 000.

4 PAPER.— The Clerk of the Council laid upon the Table the Department of Justice: Schedule of Fees 2019-2020. Fees set in accordance with Fee Units Act 1997.

5 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:

MESSAGE

Kate Warner, Governor

A Bill for an Act to regulate gas activities, to repeal the Gas Act 2000 and the Gas Pipelines Act 2000, and for related purposes (Bill No 40 of 2018 (*Gas Industry Act 2019; Act No. 1 of 2019*))

A Bill for an Act to regulate the gas industry, to provide for safety and technical standards that ensure that the gas supply industry, gas facilities, gas installations, gas appliances, gas storage systems and gas conditioning systems are constructed, maintained and operated to a high standard of safety and in a manner that protects persons and property, and for related purposes (Bill No 41 of 2018 (*Gas Safety Act 2019; Act No. 2 of 2019*))

A Bill for an Act to amend certain legislation consequent on the enactment of the Gas Industry Act 2019 and the Gas Safety Act 2019 (Bill No 42 of 2018(*Gas (Consequential Amendments) Act 2019; Act No. 3 of 2019*))

A Bill for an Act to amend the Energy Co-ordination and Planning Act 1995 (Bill No 57 of 2018; (Energy Co-ordination and Planning Amendment Act 2019; Act No. 4 of 2019))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bills.

Government House, Hobart, 9 April 2019

6 STATEMENT BY THE PRESIDENT – WELCOME TO NEW STAFF MEMBERS.— The President said —

“Honourable Members, before proceeding to the business of the day it is with pleasure that I formally and very warmly welcome recent additions to the staff of the Legislative Council, Leigh Noye and Jacinta Antoniazzi

Leigh has been appointed Electorate Officer to the Honourable Member for Huon. He holds a Diploma of Community Services (Financial Counselling) and an Advanced Diploma of Agribusiness Management. He has over 17 years’ experience in banking and financial services, including 10 years in the Huon area.

Jacinta has been engaged on a casual basis to assist the Committee Secretariat during the period of Jenny Mannering’s maternity leave. Jacinta has administrative experience and is currently studying a Bachelor of Legal studies at the University of Tasmania.

Leigh and Jacinta will be observing proceedings in the Legislative Council today as part of their orientation to the Council. On behalf of all Members I extend to them a very warm welcome.”

7 SPECIAL INTEREST MATTERS.— The President advised the Chamber of six Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Mr *Willie* – Glenorchy Lions Club;
- (2) Ms *Forrest* - Marion Sticht Necklace;
- (3) Mr *Finch* – The Frank McDonald Memorial Prize;
- (4) Mr *Gaffney* – Bowls;
- (5) Ms *Howlett* – Saving Shark Park; and
- (6) Ms *Siejka* – Lindisfarne Football Club.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

8 ASSISTANCE ANIMALS.— A Motion was made (Ms *Siejka*) and the Question was proposed,

That the Legislative Council:

- (1) Recognises the important role of assistance animals in supporting many Tasmanians living with a range of disabilities and impairments;
- (2) Understands the valuable therapeutic benefit that assistance animals provide;
- (3) Recognises the challenges associated with gaining eligibility for assistance animal accreditation and registration; and
- (4) Calls on the Government to commit to a review of the accreditation and registration process for assistance animals.

A Debate arose thereupon.

Amendment made. (Mrs *Hiscutt*)

Delete paragraph (4) and insert instead

- (4) Calls on the Government to commit to participating in the national working group so as to achieve a nationally consistent approach towards assistance dogs in order to alleviate the barriers around training recognition, accreditation, identification travelling between jurisdictions and any biosecurity risks

And the Question being put, That the Motion as amended be agreed to,

It was resolved in the Affirmative.

9 BILL NO. 47 OF 2018. — The Order of the Day was read for taking into consideration the Justice and Related Legislation (Marriage Amendments) Bill 2018 as amended in the Committee of the Whole Council.

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

The Council, accordingly, proceeded to take the same into consideration.

Ordered, That so much of Standing Order No. 284 be suspended in respect of this Bill so as to allow the amended clauses and new clause references only to be called without a need for the amendments to be read again in full. (Mrs *Hiscutt*)

The amended clauses and new clause references were read.

The said amendments were agreed to.

And the Question was proposed, That the Bill as amended in the Committee, be now read the Third time

A Debate arose thereupon.

Ordered, That Mr *Dean*, have leave to Table correspondence from the Commissioner of Police to Mr *Dean* dated 8 April 2019.

Ordered, That Ms *Armitage*, have leave to Table correspondence from the former Attorney-General Dr *Goodwin* to Ms *Armitage* dated 11 January 2016.

And the Question being put,

The Council divided.

AYES 7

NOES 6

Mr *Farrell*

Ms *Armitage*

Mr *Finch*

Mr *Armstrong*

Mr *Gaffney*

Mr *Dean*

Ms *Lovell*

Mrs *Hiscutt*

Ms *Siejka*

Ms *Howlett* (Teller)

Mr *Valentine* (Teller)

Ms *Rattray*

Mr *Willie*

It was resolved in the Affirmative.

The Bill was read a Third time and passed.

10 BILL NO. 47 of 2018.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having this day agreed, with Amendments, to a Bill intituled — ‘A Bill for an Act to amend the *Adoption Act 1988*, the *Anti-Discrimination Act 1998*, the *Births, Deaths and Marriages Registration Act 1999*, the *Civil Liability Act 2002*, the *Conveyancing and Law of Property Act 1884*, the *Criminal Code Act 1924* and the *Status of Children Act 1974*’,

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

Legislative Council, 9 April 2019

J.S. WILKINSON, *President*

11 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

12 ORDER OF BUSINESS.— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 5. (Mrs *Hiscutt*)

13 BILL NO. 4.— The Order of the Day was read for the Second reading of the Motor Accident (Liabilities and Compensation) Amendment Bill 2019.

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

A Debate arose thereupon.

14 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.

15 QUESTION TIME.— The President called for Questions without Notice. There were nine Questions asked.

16 BILL NO. 4.— The Council resumed the Debate on the Question, That the Motor Accident (Liabilities and Compensation) Amendment Bill 2019 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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 6 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Forrest* 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*)

17 PREMIER'S ADDRESS.— The Order of the day was read for resuming the Debate on the Question, That the Premier's Address be noted (Mrs *Hiscutt*)

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

Ordered, That the Debate be adjourned. (Ms *Rattray*)

18 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock a.m. on Wednesday, 10 April 2019.

And It was resolved in the Affirmative.

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

The Council adjourned at 5.28 o'clock p.m.

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