



TASMANIA

# LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 9

THURSDAY, 11 APRIL 2019

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

**2 STATEMENT IN DEBATE: BILL NO 47 OF 2018.**— Mr *Dean* asked the Honourable Member for Murchison (Ms *Forrest*) —

With regard to the following statement made by the Honourable Member for Murchison during debate surrounding the Justice and Related Legislation (Marriage Amendments) Bill 2018:

*"I do not support the referral to Government Administration Committee B because this has been consulted widely. In fact, I was going to mention in my second reading contribution that the previous Attorney-General, our own Member, the Honourable Vanessa Goodwin, was in support of a number of these changes. Unfortunately, she was unable to proceed with them. Let us show her some respect".*

- (1) What are the changes in the Bill that the late the Honourable Vanessa Goodwin was supporting?
- (2)
  - (a) What evidence do you rely on in making that statement; and
  - (b) If from a written document(s) can they be produced?
- (3)
  - (a) Does the Member stand by the statement made indicating that people were being "verballed"; and
  - (b) If so, who was verballed and by whom?

Ms *Forrest* answered,

Questions 1 and 2.

I refer the Member for Windermere to my adjournment speech last night where this matter is responded to fully.

Question 3.

At the time I made this comment, Ms Robin Banks had been verballed by the Member for Windermere and I note Ms Banks emailed members to reflect her concern as she was watching the live feed asking that the record be corrected as it was.

**3 STATEMENT IN DEBATE BILL: NO 47 OF 2018.**— Mr *Dean* asked the Honourable Member for Murchison (Ms *Forrest*) —

During my Second Reading speech on the Justice and Related Legislation (Marriage Amendments) Bill 2018 I made reference to a letter of 10 January 2019 from the Police Commissioner, Darren Hine after I had asked him for his comments on the Bill.

The Commissioner said:-

*“Whilst Tasmania Police is a strong supporter of gender equality, there has been limited time to consider the practical implications of the amendments included in the Bill given their development in a short timeframe and outside the usual policy development process.*

*An immediate concern is how the amendments will impact on operational policing. However, full analysis has not been undertaken on this issue. Preliminary, high level comments have been provided to the Department of Justice on this issue.*

*The amendments need significant consideration before they become law and advice on this should be sought from the Department of Justice.”*

The Honourable Member for Murchison made the following comment during debate:—

*“I was also hoping to chase up the letter the Member for Windermere got from him as well just as fiercely, because I am not sure that he has entirely represented that correctly. With some of the comments, we need to see it in its entirety if that is the case.”*

- (1) (a) What was the basis for having made that statement; and
- (b) Does the Member concede that such comment challenges my integrity?
- (2) (a) Is the Member satisfied that I entirely represented the Commissioner’s statement correctly; and
- (b) that your suggestion I had not ‘entirely represented’ the Commissioner, was without any foundation whatsoever?

*Ms Forrest* answered,

Question 1 (a)

As we had not seen a copy of the letter I was unable to be sure the entire letter had been read into Hansard. That letter was subsequently tabled clarifying that the entire contents were read by the Member for Windermere.

Question 1 (b)

No.

Question 2 (a) and (b)

It was only possible to clarify that the entire letter had been read into Hansard once the letter was tabled. I am satisfied that the letter from the Commissioner was read in full into Hansard.

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

- (1) Australian Criminal Intelligence Commission: Chair Annual Report 2016-2017.
- (2) Road Safety (Alcohol and Drugs) Act 1970: Statutory Rules 2018, No. 71, containing Road Safety (Alcohol and Drugs) Regulations 2018.

- (3) Community Protection (Offender Reporting) Act 2005: Statutory Rules 2018, No. 78, containing Community Protection (Offender Reporting) Amendment Regulations 2018.
- (4) Living Marine Resources Management Act 1995: Statutory Rules 2019, No. 5, containing Fisheries (Mackerel) Rules 2019.
- (5) Heavy Vehicle National Law (Tasmania) Act 2013: Statutory Rules 2019, No. 7, containing Heavy Vehicle National Law (Tasmania) Amendment Regulations 2019.

**5 SPECIAL REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE 'B'.**— Ms *Armitage* presented a Report of Government Administration Committee 'B' on Resolution to Reappoint Inquiry on the tourism opportunities provided by the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016* in relation to Tasmania's North East Railway Corridors.

*Ordered*, That the Report be received. (Ms *Armitage*)

**6 BILL NO. 43 OF 2018.** — The Mental Health Amendment Bill 2018 was read the Third time and passed.

**7 BILL NO. 43 OF 2018.**— 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 amend the *Mental Health Act 2013*'.

*Legislative Council, 11 April 2019*

J.S. WILKINSON, *President*

**8 BILL NO. 7.**— A Message from the House of Assembly:—

MADAM SPEAKER,

The House of Assembly hath passed a Bill intituled, 'A Bill for an Act to amend the *Workers Rehabilitation and Compensation Act 1988* in relation to post traumatic stress disorder', to which the House desires the concurrence of the Legislative Council

*House of Assembly, 10 April 2019*

S. HICKEY, *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*)

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

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

And the Question being put,

It was resolved in the Affirmative.

**10 BILL NO. 51 OF 2018.**— The Order of the Day was read for the Second reading of the Security and Investigations Agents Amendment Bill 2018.

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

A Debate arose thereupon.

*Ordered*, That the Debate be adjourned. (Mrs *Hiscutt*)

**11 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 12.50 o'clock p.m. and resumed at 2.30 o'clock p.m.

**12 QUESTION TIME.**— The President called for Questions without Notice. There was one Question asked.

**13 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 2.33 o'clock p.m. and resumed at 3.31 o'clock p.m.

**14 BILL NO. 51 OF 2018.**— The Council, according to Order, resumed the Debate on the Question, That the Security and Investigations Agents Amendment Bill 2018 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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 5 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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*)

**15 BILL NO. 52 OF 2018.** — The Order of the Day was read for the Second reading of the Supreme Court Civil Procedure Amendment Bill 2018.

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

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 1 agreed to.

Clause 2 Amendment made. (Mrs *Hiscutt*)

Page 3, after “commences on”.

*Leave out* “the day on which this Act receives the Royal Assent.”.

*Insert instead* “a day to be proclaimed.”.

Clause as amended agreed to.

Clauses 3 to 13 agreed to.

Title agreed to.

Bill to be reported with Amendment.

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The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed him to report the same to the Council with Amendment.

*Ordered*, That the consideration of the Bill as amended in Committee be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

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

**17 ORDER OF BUSINESS.**— *Ordered*, That intervening business be postponed until after consideration of Notice of Motion No. 5. (Mrs *Hiscutt*)

**18 SECTION 19 RETURN SEPTEMBER QUARTER 2018.**— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council approve, in accordance with subsection 12(4) of the *Public Account Act 1986*, additional Recurrent Services and Works and Services expenditure in 2018-19 for the purposes detailed in the Section 19 Return for the September Quarter 2018.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**19 BILL NO. 9.**— A Message from the House of Assembly:—

MADAM SPEAKER,

The House of Assembly hath passed a Bill intituled, ‘A Bill for An Act for the appropriation of money out of the Consolidated Fund for the service of the financial year ending on 30 June 2019 for the purpose of making contributions to Division 1, Department of Communities Tasmania, Division 3, Finance-General, Division 4, Department of Health and Division 5, Department of Justice, of Part 2 of Schedule 1 to the Consolidated Fund Appropriation Act (No. 1) 2018’, to which the House desires the concurrence of the Legislative Council

*House of Assembly, 11 April 2019*

S. HICKEY, *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*)

**20 ADJOURNMENT.**— A Motion was made (*Mrs Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 9.00 o'clock am on Friday, 3 May 2019.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

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

The Council adjourned at 5.17 o'clock p.m.

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

*Briefing:*

- *Security and Investigations Agents Amendment Bill 2018*