



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 36

TUESDAY, 15 OCTOBER 2019

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

2 REGULATION OF DRONES — Ms *Webb* asked the Honourable the Leader of the Government — In relation to the 16 Remotely Piloted Aircraft, or drones, recently purchased for deployment across Tasmania as announced by Mark Shelton, Minister for Police, Fire and Emergency Management in his media release of 6 July 2019.

- (1) In the media statement from the Minister of 6 July 2019, reference is made to ‘official authorization’ – what is the ‘official authorization’ referred to?
- (2) What source of legal authority does the government rely upon for using drones to:
 - (a) surveil the community; and
 - (b) maintain ‘public order’?
- (3) Noting Civil Aviation Safety Authority (CASA), rules extend to the physical safety of people, aircraft and property but not privacy: what provisions are being put in place to stop unjustified invasions of privacy by the police?
- (4) What permissions do police require for:
 - (a) surveilling people who are on private property;
 - (b) using thermal imaging of people who are on private property; and
 - (c) surveilling public spaces?
- (5) In regards to permissions referred to in 4 (a), (b), and (c):
 - (a) who or what gives this permission;
 - (b) is that decision reviewable;
 - (c) if reviewable, who can request a review; and
 - (d) what is the legal authority police rely on?
- (6) In relation to drone footage and data held by Tasmanian authorities:
 - (a) what will happen to the digital or physical records of drone footage taken in:
 - (i) public spaces; and
 - (ii) private spaces?
 - (b) what security measures will be used to protect the footage and data?
 - (c) who will be responsible for:
 - (i) data security; and
 - (ii) reviewing access to the data or footage?
 - (d) what format will the footage or data be stored in and where will it be stored;
 - (e) How long will the footage be retained;
 - (f) How will data retention be managed;
 - (g) How will the data be deleted and on who’s authority;
 - (h) does the public have a right to review the footage; and

- (i) do any other authorities have the right to review the footage and if yes, please specify all the authorities or individuals that have this right?
- (7) When drone footage is collected, will the people in that footage be notified:
 - (a) before the footage is collected;
 - (b) after the footage is collected; and
 - (c) if not, why not?
- (8) Will people captured by drone footage or thermal imaging have a right to have that material removed from the record if taken in:
 - (a) a private space; and
 - (b) a public space?
- (9) If the answer to either 8(a) or (b) is yes, what is the procedure for having the material removed or deleted and on what basis can it be removed?
- (10) If the answer to either 8(a) or (b) is no, will police be able to use footage that was incidental to a police operation or captured as part of general surveillance?
- (11) How will drone footage be used in policing activities and prosecutions?
- (12)
 - (a) Will the drones be deployed to public gatherings on public land, for example street marches;
 - (b) if so, on what grounds; and
 - (c) how will any drone footage from public gatherings be used?
- (13) In what places can Tasmanians reasonably expect they will not be observed by police surveillance?

The Leader answered,

The Government value the rights of all Tasmanians to go about their private business with minimal interference or intrusion. However, Tasmania Police acknowledge that various developments in technology assist them to keep Tasmanians safe.

The use of 'drone' technology (or more accurately Remote Piloted Aircraft System) is another means by which Tasmania Police intend to improve public safety. Recognising that there is a necessity to use this technology in an accountable and safe manner, various safeguards and processes have been implemented.

As with any new initiative, the systems and processes in place will be constantly monitored to ensure that they are being used appropriately and effectively in the pursuit of public safety.

- (1) Any request to operate a Remote Piloted Aircraft System from front-line members or investigators is considered by senior police within those areas. The requests are discussed with Remote Piloted Aircraft System pilots and also the Chief Remote Pilot prior to authorisation. Every aspect must be lawful prior to the flight being approved.
- (2) There are various ways in which legal authority to use Remote Piloted Aircraft System may be gained - this could include consent, crime scene declaration under the Police Offences Act 1935 or by search warrant, as examples.

Police Remote Piloted Aircraft Systems have recently been used very effectively at the scene of serious and fatal crashes. These examples have included use over public land and roads to assist in determining the cause of the crash and providing evidence of the aftermath.

Permission would be sought from a member of the public recorded by a Remote Piloted Aircraft System camera, or private land owners, where such permission is appropriate. However, there are clear examples of where seeking permission is not sought due to operational reasons such

as the urgent protection of life or property, or where unlawful behaviour is the subject of investigation.

Where legally required, persons would be notified of their capture on Remote Piloted Aircraft System footage. Again, I would like to point out that the footage is very specific and is of particular incidents, not of general members of our community going about their daily business.

As an example, when compared with CCTV footage, where CCTV is supplied to police as evidence of a crime (for example, an armed hold-up in a service station) every person depicted in that footage may not be notified unless they can assist with that specific investigation.

- (a) Remote Piloted Aircraft System are not being used for random or general surveillance. This resource is being used lawfully and safely under strict guidelines, to assist policing functions and ultimately help keep all Tasmanians safe.

Police Remote Piloted Aircraft Systems have not been utilised to conduct general surveillance on the community, rather they are tasked to provide aerial support at live police incidents.

- (b) Police Remote Piloted Aircraft Systems have not been utilised to maintain public order. However, if a Remote Piloted Aircraft System was utilised for this purpose the vision would be no different to CCTV footage which is often provided to police by businesses and from private residences. Whilst the vision captured by Remote Piloted Aircraft Systems is viewable by the operator in real time, it is only recorded where specific vision is requested.

- (3) Tasmania Police has appointed a Civil Aviation Safety Authority (CASA) approved and appropriately qualified Chief Remote Pilot. The Chief Remote Pilot is required to authorise every Remote Piloted Aircraft System deployment.

Any request to operate a Remote Piloted Aircraft System from front-line members or investigators is considered by senior police within those areas. The requests are discussed with Remote Piloted Aircraft System pilots and also the Chief Remote Pilot prior to authorisation.

- (4) Permission would be sought from a member of the public recorded by a Remote Piloted Aircraft System camera, or private land owners, where such permission is appropriate. However, there are clear examples of where seeking permission is not sought due to operational reasons such as the urgent protection of life or property, or where unlawful behaviour is the subject of investigation.

Where legally required, persons would be notified of their capture on Remote Piloted Aircraft System footage. Again, I would like to point out that the footage is very specific and is of particular incidents, not of general members of our community going about their daily business.

As an example, where compared with CCTV footage, where CCTV is supplied to police as evidence of a crime (for example, an armed hold-up in a service station) every person depicted in that footage may not be notified unless they can assist with that specific investigation.

In relation to thermal imaging, this technology is highly valuable for incidents such as search and rescue or searching for suspects evading police. Thermal imaging reveals a heat signature that can be interpreted and the size and shape of the signature indicates whether the object is human or otherwise. A person cannot be identified from thermal images alone.

- (5) Tasmania Police have strong processes in place to ensure data security. Members are trained in relation to the lawful processes for access to various forms of information and the accountability processes that surround this access. Audit processes are in place to ensure compliance, and members are subject to review by senior managers as well as the Professional Standards Command. Members are also subject to review by the Integrity Commission, if requested.

- (6) There are strong safeguards in place for the security of Remote Piloted Aircraft System footage. Systems have been implemented to ensure the security of Remote Piloted Aircraft System footage - both by means of secure database, as well as processes to allow for use of the footage (for example, providing evidence in court or to create a three-dimensional representation of a motor vehicle crash scene).

Still images are saved to the secure Tasmania Police Forensic Register application. Video footage and three-dimensional maps are provided to investigators on non-rewritable discs for attachment to court and coroner's files.

Data retention is managed in the same way as all other data requirements are managed by Tasmania Police, including existing legislated requirements, such as the Evidence Act 2001, Forensic Procedures Act 2000, Archives Act 1983, and internal practices authorised by the Commissioner of Police.

The footage recorded is subject to Right to Information legislation. Some footage may be shared with other organisations (for example, Tasmania Fire Service or Parks and Wildlife Service) where a joint operation is occurring.

- (7) Where legally required, persons would be notified of their capture on Remote Piloted Aircraft System footage. Again, I would like to point out that the footage is very specific and is of particular incidents, not of general members of our community going about their daily business.

As an example, when compared with CCTV footage, where CCTV is supplied to police as evidence of a crime (for example, an armed hold-up in a service station) every person depicted in that footage may not be notified unless they can assist with that specific investigation.

- (8) and (9)

Data retention is managed in the same way as all other data requirements are managed by Tasmania Police, including existing legislated requirements, such as the Evidence Act 2001, Forensic Procedures Act 2000, Archives Act 1983, and internal practices authorised by the Commissioner of Police.

The footage recorded is subject to Right to Information legislation.

The premise of questions (10), (11), (12) and (13) are covered by the answers already given.

As I have outlined, Remote Piloted Aircraft System are not being used for random or general surveillance. This resource is being used lawfully and safely under strict guidelines, to assist policing functions and ultimately help keep all Tasmanians safe.

3 MEDICAL FITNESS TO DRIVE ASSESSMENTS — Mr *Valentine* asked the Honourable the Leader of the Government — Will the Government please provide information with regard to the Registrar of Motor Vehicles (RMV) Medical Fitness to Drive Assessment (MFDA) process and outcomes for older drivers given Tasmania's population is ageing and the independence of individuals is very important in helping them maintain an active lifestyle.

- (1) How many drivers currently licenced in Tasmania are over 75 years of age?
- (2) How many drivers aged over 75 years have been directed by the RMV to undertake an MFDA during the period of 1 July 2017 to 30 June 2019?
- (3) Following an MFDA, what number of drivers in that period -
- (a) were able to retain their driver licence without any condition or restriction;
 - (b) were able to retain their driver licence with an added condition or restriction; or
 - (c) had their driver licence cancelled or suspended?

- (4) What are the possible conditions or restrictions that can be applied to a driver license under the MFDA process?
- (5) Is there a prescribed time period from the date of the MFDA within which the driver should receive the RMV's Statement of Reason as to the decision made?
- (6) Does the RMV allow the driver to seek a second independent medical opinion to inform the RMV decision to cancel, suspend or apply a condition or restriction to the licence?
- (7) In the event of a decision by the RMV to cancel or suspend a driver licence, can the Government please outline:
 - (a) the process available to the licence holder to apply for an internal review of the decision;
 - (b) the number of drivers who applied for an internal review of the decision over the period 1 July 2017 to 30 June 2019;
 - (c) the number of internal reviews over that period resulting in a revised outcome;
 - (d) the number of internal reviews over that period that did not satisfy the applicant, resulting in an appeal to the Magistrates Court; and
 - (e) the number of appeals to the Magistrates Court over that period which resulted in a revised outcome?

The Leader answered,

- (1) There are currently 33 536 drivers licensed in Tasmania who are over 75 years of age.
- (2) Registration and Licensing Services does not record data that specifically relates to total numbers of MDFA requests.
- (3) (a) and (b)
While Registration and Licensing Services record driver licence conditions and restrictions, it is not possible to determine if the decision was as a direct outcome of an MDFA.
- (c)
While Registration and Licensing Services record driver licence cancellations and suspensions, it is not possible to determine if the decision was as a direct outcome of an MDFA.
- (4) Licence conditions may be applied in accordance with the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010, 'Regulation 24. Conditional licences'. Clients are managed on a case-by-case basis and in accordance with the Driver Licensing Case Management Framework.
- (5) The time period is not prescribed; however, following receipt of the MDFA form by Registration and Licensing Services, the client should receive advice regarding a decision within approximately seven to 14 days.
- (6) A client may seek a second independent medical opinion. The RMV (or their delegate) will assess additional medical information provided on a case-by-case basis.
- (7)(a) The right of review for certain licensing decisions is regulated by the Vehicle and Traffic (Review of Decisions) Regulations 2010. Only eligible persons may apply for review and only specific decisions are reviewable.

A decision to suspend or cancel a driver licence is, in most circumstances, a reviewable decision under the regulations.

Holders are advised of their right to seek a review at the time they are advised of the decision to suspend or cancel their licence, in accordance with the requirements of the review regulations.

Applications for internal review must be in writing and lodged with the Secretary of the Department of State Growth either by post or by email. The department has an electronic mailbox specifically for this purpose - ir@stategrowth.tas.gov.au.

Under the regulations, applications must clearly state the decision appealed from and the applicant's reasons for seeking the review.

The reviewing authority must decide to either affirm the original decision, vary the original decision or set aside the original decision and make a new decision in its place.

Internal review decisions must be made within 14 days of receipt of the application by the reviewing authority. This period may be extended by up to 28 days by notice to the applicant. If a review decision is not made within the required time frame, the original decision is deemed to have been affirmed.

There is no fee for making an internal review application.

(b) Forty-six applications for review of a decision to suspend or cancel a driver licence were received over the period from 1 July 2017 to 30 June 2019.

(c) Two internal reviews over the period from 1 July 2017 to 30 June 2019 resulted in a different outcome, with the original decision being set aside.

(d) There were seven applications for external review by the Magistrates Court made over the period from 1 July 2017 to 20 June 2019.

(e) No Magistrates Court appeals over the period from 1 July 2017 to 30 June 2019 resulted in a revised outcome.

4 ELECTRONIC GAMING MACHINES — Mr *Gaffney* asked the Honourable the Leader of the Government —

- (1) What is the maximum number of electronic gaming machines (EGMs) allowed in Tasmania?
- (2) Of that number, what is the maximum number of EGMs allowed in -
 - (a) casinos;
 - (b) TT Line;
 - (c) hotels/motels;
 - (d) RSLs; and
 - (e) other
- (3) What is the actual number of EGMs currently located in -
 - (a) Wrest Point Casino – Hobart;
 - (b) Country Club Casino – Launceston;
 - (c) TT Line;
 - (d) Hotels/Motels;
 - (e) RSLs; and
 - (f) Other
- (4)
 - (a) Which RSL Clubs in Tasmania have EGMs; and
 - (b) how many EGMs are located in each venue?
- (5)
 - (a) Which Hotels/Motels in Tasmania have EGMs; and
 - (b) how many EGMs are located in each venue?
- (6) How many EGMs are currently located in each Local Government area in Tasmania (excluding Casinos and TT Line)?

The Leader answered,

The information below is currently publicly available on the Liquor and Gaming Branch website - www.treasury.gov.au, under Liquor and Gaming/legislation and data/gambling industry data - and is current as at 16 September 2019.

- (1) The maximum number of electronic gaming machines allowed in Tasmania is 3680.
- (2) Of the 3680 EGM limit, the maximum number of EGMS that can be installed in hotels and clubs (including RSLs) is 2500 in total statewide, with no more than 30 to be installed at any one hotel and no more than 40 to be installed at any one club. The residual EGMS may be installed in casinos and the TT-Line.
- (3) The actual number of EGMS currently located in -
 - Wrest Point Hotel Casino, Hobart is 650
 - Country Club Casino, Launceston is 535
 - TT-Line is 36
 - Hotels/motels is 2218
 - RSLs is 82
 - Other clubs is 15.

- (4) Currently Tasmanian RSL clubs operating EGMS -

Venue name	Number of EGMS
Devonport RSL	20
Dover RSL Club	12
Sheffield RSL and Citizens Club	15
St Helens RSL and Ex-Servicemen's Club	15
Ulverstone Returned Servicemen's Club	20

- (5) Current Tasmanian hotels/motels operating EGMS

Venue name	Number of EGMS
Alexander Hotel	30
All Year Round Tavern	20
Argosy Motor Inn	30
Beach Hotel	30
Beachfront at Bicheno	20
Beauty Point Waterfront Hotel	20
Beltana Hotel	30
Black Buffalo Hotel	30
Bridge Hotel Motel	30
Bridport Hotel	15
Brooker Inn	30
Burnie Central Townhouse Hotel	20
Campbell Town Hotel	20
Carlyle Hotel	30
Central Hotel Hobart	30
Claremont Hotel Motel	30
Club Hotel Glenorchy	30
Cock and Bull Hotel	20
Commercial Hotel	21
Cooleys Hotel	30
Deloraine Hotel	20
Derwent Tavern	30
Dodges Ferry Café and Bar	20

Dunally Hotel	15
Edgewater Hotel	30
Elimatta Hotel	30
Elwick Hotel	30
Empire Hotel - Queenstown	15
Exeter Hotel	15
Foreshore Tavern	30
Formby Hotel	30
Furness Hotel	30
Granada Hotel	30
Grand Hotel	25
Gray's Hotel	25
Heemskirk Hotel Motel	20
Hotel Federal	30
Hotel Tasmania	30
Kendalls Hotel Motel	20
Kings Meadows Hotel	30
Kingston Hotel	30
Lighthouse Hotel	30
Lords Hotel	10
Mackeys Royal Hotel	30
Maquis of Hastings Hotel	15
Midway Point Tavern	25
Molly Malones	30
Mornington Inn	30
Mowbray Hotel	30
Neptune Grand Hotel	25
New Norfolk Hotel	24
Newstead Hotel and Bottleshop	30
Old Tudor Motor Inn	30
Orford Blue Waters Hotel	15
Park Tavern	30
Pembroke Hotel	30
Pier Hotel	30
Plough Inn, Launceston	30
Quality Hotel Gateway	30
Queens Arms Hotel	30
Queens Head Hotel	25
Queens Head Inn	20
Queenstown Railway Hotel	10
Regatta Point Tavern	10
Regent Hotel	30
Risdon Brook Hotel	30
River Arms Hotel	30
Riverside Hotel Motel	30
RJ's Westbury Hotel	15
Seabrook Hotel Motel	30
Shearwater Tavern	20
Shoreline Motor Hotel	30
Snug Tavern	20
Somerset Hotel	30
St Helens Bayside Inn	30
Star and Garter Hotel	24
Sunnyhill Tavern	20
Tall Timbers Hotel Motel	20
The Black Stallion Hotel	30
The Brighton Hotel Motel	30
The Top Pub	10

Top of the Town Hotel Motel	30
TRC Hotel	30
Valern Hotel	30
Waratah Hotel	15
Waterfront Hotel	30
Welcome Stranger Hotel	24
Wharf Hotel Wynyard	20

- (6) Number of EGMS located in local Government areas (excluding casinos and the TT-Line) -

LGA	Number of EGMS
Break-O-Day	45
Brighton	60
Burnie	110
Central Coast	135
Circular Head	50
Clarence	180
Derwent Valley	48
Devonport	230
Dorset	45
George Town	55
Glamorgan-Spring Bay	35
Glenorchy	240
Hobart	139
Huon Valley	37
Kentish	15
Kingborough	50
Latrobe	50
Launceston	366
Meander Valley	35
Northern Midlands	60
Sorell	90
Waratah/Wynyard	110
West Coast	65
West Tamar	65

5 LEAVE TO TABLE ANSWERS TO QUESTIONS AND INCORPORATE ANSWERS INTO HANSARD.—*Ordered*, That Mrs *Hiscutt* have leave to Table answer to Questions on Notice Nos. 7, 9 and 10 and have the answers incorporated into the Hansard record.

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

- (1) Integrity Commission: Annual Report 2018-19.
- (2) Return Under Section 19 of the Public Account Act 1986: June Quarter 2019.
- (3) Section 12A Supplementary Estimates: Public Accounts Act 1986. Additional Expenditure for the Financial Year ended 30 June 2019.
- (4) Aboriginal Lands Act 1995: Statutory Rules 2019, No. 18, containing Aboriginal Lands (Settlement Point Cemetery) Regulations 2019.
- (5) Births, Deaths and Marriages Registration Act 1999: Statutory Rules 2019, No. 53, containing Births, Deaths and Marriages Registration Regulations 2019.
- (6) Latrobe Council: Camping By-Law No. 1 of 2019.

7 PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS
ANNUAL REPORT 2018-19.— Mr *Dean* presented the Parliamentary Standing Committee of Public Accounts Annual Report 2018-19.

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

Ordered, That the Report be printed. (Mr *Dean*)

8 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 amend the *Corrections Act 1997* in relation to remissions from sentences
Corrections Amendment (Prisoner Remission) Act 2019
(Bill No 15 of 2018; *Act No. 32 of 2019*)

A Bill for an Act to amend the *Land Acquisition Act 1993*
Land Acquisition Amendment Act 2019
(Bill No 59 of 2018; *Act No. 31 of 2019*)

A Bill for an Act to amend the Litter Act 2007
Litter Amendment Act 2019
(Bill No 60 of 2018; *Act No. 30 of 2019*)

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*
Criminal Code and Related Legislation Amendment (Child Abuse) Act 2019
(Bill No 63 of 2018; *Act No. 29 of 2019*)

A Bill for an Act to amend the *Local Government (Highways) Act 1982*
Local Government (Highways) Amendment Act 2019
(Bill No 17; *Act No. 28 of 2019*)

A Bill for an Act in relation to government procurement and for related purposes
Government Procurement Review (International Free Trade Agreements) Act 2019
(Bill No 23; *Act No. 27 of 2019*)

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

Government House, Hobart, 2 October 2019

9 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 amend the Criminal Code Act 1924, the *Community Protection (Offender Reporting) Act 2005*, the *Family Violence Act 2004* and the Justices Act 1959
Criminal Code Amendment (Bullying) Act 2019
(Bill No 5; *Act No. 34 of 2019*)

A Bill for an Act to wind up the Fruit and Nut Research, Development and Extension Trust Fund and to repeal the *Fruit and Nut Industry (Research, Development and Extension Trust Fund) Act 2012*
Fruit and Nut Industry (Research, Development and Extension Trust Fund) Repeal Act 2019
(Bill No 6; *Act No. 35 of 2019*)

A Bill for an Act to amend the *Civil Liability Act 2002*
Civil Liability Amendment Act 2019
(Bill No 30; Act No. 33 of 2019)

A Bill for an Act to amend the *Historic Cultural Heritage Act 1995*
Historic Cultural Heritage Amendment Act 2019
(Bill No 31; Act No. 36 of 2019)

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

Government House, Hobart, 8 October 2019

10 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) Ms Lovell - Tasmanian Junior Beekeepers;
- (2) Mr Finch - Medicinal Cannabis;
- (3) Mrs Armitage- Marillac House;
- (4) Mr Willie— West Moonah Community House Mens Shed;
- (5) Ms Forrest - Mishca. Linden, Organiser of Climate Strike Rally in Wynyard; and
- (6) Ms Rattray - Avoca Primary School.

At the conclusion of Special Interest Matters the Council suspended.

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 11.43 o'clock a.m. and resumed at 2.30 o'clock p.m.

12 QUESTION TIME.— The President called for Questions without Notice. There were six Questions asked.

Ordered, That Mrs *Hiscutt* have leave to Table a copy of a letter from the Hon Josh Frydenberg MP Federal Treasurer to the Hon Peter Gutwein MP Tasmanian Treasurer dated 6 October 2019 regarding the Australian Government's waiver of outstanding housing related loans.

13 REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE "B" ON TASMANIA'S NORTH EAST RAILWAY CORRIDOR.— A Motion was made (Ms *Armitage*) and the Question was proposed, That the Report of Government Administration Committee "B" on Tasmania's North East Railway Corridor be considered and noted.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

14 TASMANIAN ANTI-DISCRIMINATION ACT 1998 AND PROPOSED FEDERAL GOVERNMENT RELIGIOUS DISCRIMINATION BILL.— A Motion was made (Ms *Webb*) and the Question was proposed,

That the Legislative Council:

- (1) Acknowledges that Tasmanians enjoy the strongest and most comprehensive anti-discrimination protections in Australia and that the *Tasmanian Anti-Discrimination Act 1998* sets a standard for protection that has fostered a fairer and more inclusive society that is applauded by other Australian States and Territories and around the world.
- (2) Supports Section 17 of the Tasmanian Act which prohibits *any* conduct which offends, humiliates, intimidates, insults or ridicules a person based on certain attributes including

age, race, gender, disability, marital status, pregnancy, family responsibilities, gender identity and sexual orientation.

- (3) Notes that twice in recent years, attempts have been made in this Parliament to weaken the protections available under section 17 of the Anti-Discrimination Act to Tasmanians who are vulnerable to hateful, humiliating and intimidating language and that both times this chamber said No, not least because the biggest proportion of complaints under section 17 come from people with disability.
- (4) Is concerned that the federal government wants to weaken the right of this Parliament to make human rights laws for Tasmanians by proposing a Religious Discrimination Bill that will weaken section 17 in the same way this chamber has refused to countenance.
- (5) Notes that the proposed Federal Governments Religious Discrimination Bill will make Section 17 of the Tasmanian Act unworkable so that it would no longer offer the protections we currently enjoy.
- (6) Is concerned about other provisions of the Religious Discrimination Bill that appear to allow bullying and abusive statements in the workplace, and in the classroom, and discrimination in the provision of health care and in the provision of other services.
- (7) Believes people of faith should be protected from discrimination, as they are under the Tasmanian Anti-Discrimination Act, but does not believe statements that purport to be religious should have a special legal status over and above other forms of communication.
- (8) Condemns the Federal Government for its attempt to weaken protections for Tasmanian women, LGBTIQ people, Aboriginal people, ethnic and religious minorities and people with disabilities.
- (9) Calls on the State Government to consult with affected communities so that Tasmanian people who may be negatively impacted by the proposed Bill can have their views heard and considered before forming its response.
- (10) Calls on the State Government to defend Tasmanians who are vulnerable to discrimination, hatred and abuse, by rejecting the proposed Federal Bill.

A Debate arose thereupon.

Ordered, That the Debate be adjourned. (Ms Forrest)

15 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 5.58 o'clock p.m. and resumed at 7.04 o'clock p.m.

16 TASMANIAN ANTI-DISCRIMINATION ACT 1998 AND PROPOSED FEDERAL GOVERNMENT RELIGIOUS DISCRIMINATION BILL.— The Council, according to Order, resumed the Debate on the Question,

That the Legislative Council:

- (1) Acknowledges that Tasmanians enjoy the strongest and most comprehensive anti-discrimination protections in Australia and that the *Tasmanian Anti-Discrimination Act 1998* sets a standard for protection that has fostered a fairer and more inclusive society that is applauded by other Australian States and Territories and around the world.
- (2) Supports Section 17 of the Tasmanian Act which prohibits *any* conduct which offends, humiliates, intimidates, insults or ridicules a person based on certain attributes including age, race, gender, disability, marital status, pregnancy, family responsibilities, gender identity and sexual orientation.
- (3) Notes that twice in recent years, attempts have been made in this Parliament to weaken the protections available under section 17 of the Anti-Discrimination Act to Tasmanians who are vulnerable to hateful, humiliating and intimidating language and that both times this chamber said No, not least because the biggest proportion of complaints under section 17 come from people with disability.

- (4) Is concerned that the federal government wants to weaken the right of this Parliament to make human rights laws for Tasmanians by proposing a Religious Discrimination Bill that will weaken section 17 in the same way this chamber has refused to countenance.
- (5) Notes that the proposed Federal Governments Religious Discrimination Bill will make Section 17 of the Tasmanian Act unworkable so that it would no longer offer the protections we currently enjoy.
- (6) Is concerned about other provisions of the Religious Discrimination Bill that appear to allow bullying and abusive statements in the workplace, and in the classroom, and discrimination in the provision of health care and in the provision of other services.
- (7) Believes people of faith should be protected from discrimination, as they are under the Tasmanian Anti-Discrimination Act, but does not believe statements that purport to be religious should have a special legal status over and above other forms of communication.
- (8) Condemns the Federal Government for its attempt to weaken protections for Tasmanian women, LGBTIQ people, Aboriginal people, ethnic and religious minorities and people with disabilities.
- (9) Calls on the State Government to consult with affected communities so that Tasmanian people who may be negatively impacted by the proposed Bill can have their views heard and considered before forming its response.
- (10) Calls on the State Government to defend Tasmanians who are vulnerable to discrimination, hatred and abuse, by rejecting the proposed Federal Bill.

An Amendment was proposed to be made to the Motion (Ms *Armitage*):—

Leave out the words

“(8) Condemns the Federal Government for its attempt to weaken protections for Tasmanian women, LGBTIQ people, Aboriginal people, ethnic and religious minorities and people with disabilities.”

A Debate arose thereupon.

The proposed Amendment was by leave withdrawn.

The Council resumed Debate on the Motion.

An Amendment was proposed to be made to the Motion (Mr *Valentine*):—

Part 8 Leave out the words

“Condemns the Federal Government for its”

Insert instead

“Rejects the Federal Government’s”

Motion made and Question put, That the Amendment be agreed to.

It was resolved in the Affirmative.

Debate resumed on the Question, That the Motion as amended be agreed to.

Ordered, That Mrs *Hiscutt*, have leave to Table a copy of a letter from the Tasmanian Attorney-General the Hon Elise Archer MP to the Federal Attorney-General the Hon Christian Porter MP dated 11 October 2019.

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

The Council divided.

AYES 9

NOES 5

Ms *Armitage*
Mr *Finch*

Mr *Armstrong*
Mr *Dean*

Ms Forrest
Mr Gaffney
Ms Lovell (Teller)
Ms Siejka
Mr Valentine
Ms Webb
Mr Willie

Mrs Hiscutt
Ms Howlett (Teller)
Ms Rattray

It was resolved in the Affirmative.

17 BILL NO. 42.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to make provision for the establishment and management of cemeteries and crematoria, to provide for, and regulate, the handling and storage of human remains and to repeal the *Burial and Cremation Act 2002*’,

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

House of Assembly, 15 October 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)

18 BILL NO. 16.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘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’,

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

House of Assembly, 15 October 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)

19 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 am on Wednesday, 16 October 2019.

It was resolved in the Affirmative.

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

The Council adjourned at 9.26 o’clock p.m.

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

Briefing:

- *Public Health Amendment (Prevention Of Sale Of Smoking Products To Under-Age Persons) Bill 2018*