



No. 21

THURSDAY, 30 AUGUST 2018

- 1 The House met at Ten o'clock a.m.
- 2 PRAYERS. – The Speaker read Prayers.
- 3 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 4 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
  - (1) Marine and Safety Authority Act 1997:
    - (a) Marine and Safety (General) Amendment (Label) Amendment Regulations 2018 (Statutory Rules 2018, No. );
    - (b) Marine and Safety (Infringement Notices) Amendment Regulations 2018 (Statutory Rules 2018, No. )
- 5 PUBLIC ACCOUNTS, PARLIAMENTARY STANDING COMMITTEE OF: REPORTS BROUGHT UP. – Mr *Brooks* brought up the following Reports of the Parliamentary Standing Committee of Public Accounts:-
  - (1) Review of Selected Public Works Committee Reports (Paper No. 6)
  - (2) Public Accounts Committee Annual Report 2016-17 (Paper No. 3)
  - (3) Public Accounts Committee Annual Report 2017-18 (Paper No. 5)
- Ordered*, That the said Report be received. (Mr *Brooks*)
- 6 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Health have leave to make certain Motions without Notice. (The Minister for Health)
- 7 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 18 September next. (The Minister for Health)
- 8 SUSPENSION OF STANDING ORDERS. – *Ordered*, That so much of Standing Orders be suspended as would prevent Notice of Motion Number 84 from being brought on for debate forthwith. (The Minister for Health)
- 9 AMENDMENT TO STANDING ORDERS. – A Motion being made and the Question being proposed:—

That Standing Orders 22 and 23 be repealed and the following new Standing Order be inserted:—

"22 Acknowledgment of traditional people, Prayer & Reflection"

The Speaker upon taking the Chair each day shall read the following statement:—

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“We acknowledge and pay respect to the Tasmanian Aboriginal people as the traditional and original owners and continuing custodians of this land on which we gather today and acknowledge elders, past and present.”

following which, the Speaker shall read the following statement:—

“I now invite Members to join me in reciting the Lord’s Prayer or to stand in silence and pray or reflect on their responsibilities to the people of the Tasmania.”

following which, the Speaker shall recite the following Prayers:—

“Almighty God, we humbly ask You to grant Your blessing upon this Parliament.  
Lead our deliberations and make them succeed for Your Glory and the true welfare of the people of Tasmania.”

“Our Father, Who art in Heaven, hallowed be Thy name.  
Thy kingdom come, Thy will be done on Earth, as it is in Heaven.  
Give us this day our daily bread and forgive us our trespasses,  
as we forgive those who trespass against us.  
And lead us not into temptation but deliver us from evil.  
For Thine is the kingdom, the power, and the glory, for ever and ever. Amen.”

(The Minister for Health)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**10** MATTER OF PUBLIC IMPORTANCE: DAMAGE IN PROTECTED AREAS. - Ms O’Connor, in accordance with Standing Orders, moved - That the House take note of the following matter:

Damage in Protected Areas

And the Question being proposed;

A Debate arose thereupon.

**11** PAPERS. – Ms O’Connor, *by leave* laid upon the Table of the House the following Papers:-

Two photographs of the Three Capes Track.

**12** MATTER OF PUBLIC IMPORTANCE: DAMAGE IN PROTECTED AREAS. - And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

It was resolved in the Affirmative.

**13** BILL NO. 24. - A Message from the Legislative Council -

MADAM SPEAKER,

## Uncorrected Proof

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Water and Sewerage Corporation Act 2012 to enable certain resolutions, for the purpose of increasing Crown engagement with the Corporation, to be made".

*Legislative Council, 30 August 2018.*

J. S. WILKINSON, *President.*

**14** BILL NO. 21. - A Message from the Legislative Council. -

MADAM SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

“A Bill for an Act to amend the Police Offences Act 1935”,

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

*Legislative Council, 30 August 2018.*

J. S. WILKINSON, *President*

*Ordered,* That the said Message be taken into consideration forthwith. (The Minister for Health)

**15** BILL NO. 21. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Police Offences Amendment (Prohibited Insignia) Bill 2018.

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(In the Committee)

Mr *Hidding* took the Chair.

Amendments

Clause 8

First amendment

Page 7, proposed new section 6A, proposed subsection (2), paragraph (b).

*Leave out* “places”.

*Insert instead* “places; and”.

Second amendment

Same page, same proposed new section, same proposed subsection, after paragraph (b).

*Insert* the following paragraph:

- (c) to reduce the membership of organisations, members of which may, by wearing or carrying prohibited items –
  - (i) cause members of the public to feel threatened, fearful or intimidated; or
  - (ii) have an undue adverse affect on the health or safety of members of the public; or
  - (iii) increase the likelihood of public disorder or acts of violence.

Third amendment

Same page, same proposed new section, after proposed subsection (4).

*Insert* the following subsections:

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- (4A) The Minister may recommend that an organisation be prescribed to be an identified organisation, but only if he or she has –
  - (a) received from the Commissioner a recommendation under subsection (4B) in relation to the organisation, together with the document required, in accordance with subsection (4C), to accompany the Commissioner’s recommendation; and
  - (b) received from the Attorney-General a recommendation under subsection (4E) in relation to the organisation, together with the document required, in accordance with subsection (4F), to accompany the Attorney-General’s recommendation.
- (4B) The Commissioner may, by notice to the Minister, recommend that an organisation be prescribed to be an identified organisation.
- (4C) A recommendation of the Commissioner under subsection (4B) is to be accompanied by a document setting out –
  - (a) reasons for the recommendation; and
  - (b) a summary of the evidence taken into account by the Commissioner in deciding whether to make the recommendation.
- (4D) The Commissioner is to provide to the Attorney-General –
  - (a) a copy of a recommendation made under subsection (4B); and
  - (b) a copy of the document that, in accordance with subsection (4C), accompanied the Commissioner’s recommendation.
- (4E) The Attorney-General, after having considered –
  - (a) the document that, in accordance with subsection (4D), was provided to the Attorney-General; and
  - (b) any other evidence that the Attorney-General thinks fit –may, by notice to the Minister, recommend to the Minister that the organisation be prescribed to be an identified organisation.
- (4F) A recommendation of the Attorney-General under subsection (4E) is to be accompanied by a document setting out –
  - (a) reasons for the recommendation; and
  - (b) a summary of the other evidence, if any, that, in addition to the evidence received by the Attorney-General under subsection (4D), was, in accordance with subsection (4E)(b), taken into account in deciding whether to make the recommendation.

Fourth amendment

Same page, same proposed new section 6A, proposed subsection (5).

*Leave out* “The Minister may only recommend that an organisation be prescribed to be an identified organisation if the Minister is satisfied, having regard to the advice of the Commissioner, that”.

*Insert instead* “The Minister, the Commissioner and the Attorney-General may only make a recommendation under this section that an organisation be prescribed to be an identified organisation if the Minister, the Commissioner or the Attorney-General, respectively, is satisfied that”.

Fifth amendment

Page 8, same proposed new section, same proposed subsection, paragraph (b).

*Leave out* “violence”.

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*Insert instead* “violence; or”.

Sixth amendment

Same page, same proposed new section, same proposed subsection, after paragraph (b).

*Insert* the following paragraph:

- (c) may encourage persons to become or remain members of an organisation, the members of which may, by wearing or carrying proposed prohibited items –
  - (i) cause members of the public to feel threatened, fearful or intimidated; or
  - (ii) have an undue adverse affect on the health or safety of members of the public; or
  - (iii) increase the likelihood of public disorder or acts of violence.

Seventh amendment

Same page, same proposed new section, proposed subsection (6).

*Leave out* “whether or not the regulations ought to prescribe an organisation under subsection (3), the Minister”.

*Insert instead* “whether to make a recommendation under this section, the Minister, the Commissioner and the Attorney-General, respectively,”.

Amendments agreed to.

Eighth amendment

Same page, same proposed new section, after proposed subsection (6).

*Insert* the following subsection:

- (6A) Regulations, for the purpose of subsection (3), that prescribe an organisation to be an identified organisation are of no effect until a notice, setting out that the regulations have been made and the effect of the regulations, appears in as many daily Tasmanian newspapers as circulate generally in the State.

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

Eighth amendment further considered.

Amendment agreed to.

Resolution to be reported.

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The House being resumed, Mr *Hidding* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Police, Fire and Emergency Management)

## Uncorrected Proof

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to amend the Police Offences Act 1935”.

*House of Assembly, 30 August 2018.*

SUE HICKEY, *Speaker.*

**17** BILL NO. 29. - The Order of the Day being read for the Second reading of the Surveillance Legislation Amendments (Personal Police Cameras) Bill 2018.

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

A Debate arose thereupon.

An Amendment was proposed (Dr *Woodruff*) to leave out all words after “That” and insert instead:

“the Bill be withdrawn and redrafted for the following reasons:

- (a) The Bill as drafted does not deal with significant issues, including rules regarding when body worn cameras must be activated and the duration for which they must remain activated, as well as rules regarding footage storage and access; and
- (b) The New South Wales review of the policy body-worn video provisions of the Surveillance Devices Act 2007 (NSW) is currently underway and will likely provide salient observations and recommendations regarding these issues.”

And the Question being proposed – that the Amendment be agreed to;

A debate arose thereupon.

And the Question being put;

The House divided.

## Uncorrected Proof

AYES 2

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

NOES 19

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

It passed in the Negative.

And the Main Question being again proposed;

The House resumed the debate;

And a Motion being made and the Question being proposed – That the Debate be adjourned until a later hour (*Ms White*)

A Debate arose thereupon.

And the Question being put;

The House divided.

## Uncorrected Proof

AYES 10

NOES 10

*Mr Bacon*

*Ms Archer*

*Dr Broad*

*Mr Barnett*

*Ms Dow*

*Mr Ferguson*

*Ms Haddad*

*Mr Gutwein*

*Mr O'Byrne*

*Ms Hickey*

*Ms O'Connor*

*Mr Hidding*

*Ms Standen*

*Mr Hodgman*

*Ms White*

*Mrs Petrusma*

*Dr Woodruff*

*Mr Rockliff*

*Ms Butler (Teller)*

*Mr Jaensch (Teller)*

PAIRS

*Ms O'Byrne*

*Ms Courtney*

*Ms Houston*

*Mr Shelton*

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

It was resolved in the Negative.

And the Main Question being again proposed;

It was resolved in the Affirmative.

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.

**18** BILL NO. 29. - 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 Listening Devices Act 1991, and the Police Powers (Surveillance Devices) Act 2006, to allow for the use of cameras worn or held by police officers (Bill No. 29)

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

*House of Assembly, 30 August 2018.*

SUE HICKEY, *Speaker*.

**19** BILL NO. 27. - The Building Legislation (Miscellaneous Amendments) 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;

*Ordered*, That the Bill be now read the Third time.

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



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**20** BILL NO. 27. - 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 Building Act 2016, the Occupational Licensing Act 2005, the Building Regulations 2016, the Occupational Licensing (Building Services Work) Regulations 2016, the Residential Building Work Contracts and Dispute Resolution Regulations 2016, and the Urban Drainage (General) Regulations 2016”,

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

*House of Assembly, 30 August 2018.*

SUE HICKEY, *Speaker.*

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

The House adjourned at thirty-eight minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House.*

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