



# LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 9

WEDNESDAY, 25 AUGUST 2021

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

**2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.”

**3 PRAYERS.**— The President read Prayers.

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

- (1) Duties Act 2001: Statutory Rules 2021, No. 37, containing Duties Regulations 2021.
- (2) Rail Safety National Law National Regulations (Modification of FOI Act) Variation Regulations 2021.
- (3) Irrigation Clauses Act 1973: North Esk Irrigation District By-Laws 2020.
- (4) Irrigation Clauses Act 1973: Duck Irrigation District By-Laws 2020.
- (5) Living Marine Resources Management Act 1995: Fisheries (Commercial Dive Management Plan) Order 2021.

**5 BILL NO. 27.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Food Act 2003*’, to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 24 August 2021*

MARK SHELTON, *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)

**6 BILL NO. 26.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Living Marine Resources Management Act 1995* and the *Fishing (Licence Ownership and Interest) Registration Act 2001*’,

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

*House of Assembly, 24 August 2021*

MARK SHELTON, *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)

**7 BILL NO. 32.**— 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 interim provision for the appropriation of \$1 650 703 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2022’,

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

*House of Assembly, 24 August 2021*

MARK SHELTON, *Speaker*

**8 BILL NO. 33.**— 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 interim provision for the appropriation of \$9 849 000 out of the Public Account for the services of the Government in respect of Parliament and Statutory Offices for the financial year ending on 30 June 2022’,

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

*House of Assembly, 24 August 2021*

MARK SHELTON, *Speaker*

The Bills were read the First time.

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

**10 SUSPENSION OF STANDING ORDERS.**— A Motion was made (Mrs *Hiscutt*) and the Question was proposed — That so much of Standing Orders be suspended to allow the Bills to pass through their remaining stages at such time as the Council may appoint.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

*Ordered*, That the Second Reading of the Bills be made an Order of the Day for a later hour. (Mrs *Hiscutt*)

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

**12 ESTIMATES COMMITTEES: ESTABLISHMENT.**— *Ordered*, That the Legislative Council establish two Estimates Committees and that Committee A shall consist of 6 members and Committee B shall consist of 6 members.

And that –

Mr *Duigan*,  
Ms *Forrest*,  
Mr *Gaffney*,  
Ms *Lovell*,  
Dr *Seidel* and  
Ms *Webb*  
be of Committee A

and

Ms *Armitage*,  
Ms *Palmer*,  
Ms *Rattray*,  
Ms *Siejka*,

Mr *Valentine* and  
Mr *Willie*  
be of Committee B

That the Estimates Committees report upon the proposed expenditures contained in the Appropriation Bills (No. 1 and No. 2) and budget papers by no later than Friday, 17 September 2021.

And that the schedule emailed to Members on Tuesday, 24 August 2021 be adopted as the Estimates Committees timetable.

The Schedule is as follows:

## LEGISLATIVE COUNCIL – ESTIMATES COMMITTEE TIMETABLE 2021

Monday 6 September 2021			
Commencing at 9.00 am	Committee A (Chamber)	Hon Michael Ferguson MP	Minister for Finance Minister for Infrastructure and Transport Minister for State Development, Construction and Housing Minister for Science and Technology
Commencing at 9.00 am	Committee B (Committee Room No. 2)	Hon Jacquie Petrusma MP	Minister for Police, Fire and Emergency Management Minister for Parks Minister for the Prevention of Family Violence
Commencing at 2.45 pm		Hon Jane Howlett MLC	Minister for Women Minister for Small Business Minister for Sport and Recreation Minister for Racing
Tuesday 7 September 2021			
Commencing at 9.00 am	Committee A (Chamber)	Hon Peter Gutwein MP	Premier Treasurer Minister for Tourism Minister for Climate Change
Commencing at 9.00 am	Committee B (Committee Room No. 2)	Hon Guy Barnett MP	Minister for Primary Industries and Water Minister for Veterans Affairs Minister for Energy and Emissions Reduction Minister for Trade Minister for Resources
Wednesday 8 September 2021			
Commencing at 9.00 am	Committee A (Chamber)	Hon Jeremy Rockliff MP	Minister for Health Minister for Mental Health and Wellbeing Minister for Advanced Manufacturing and Defence Industries Minister for Community Services and Development

Commencing at 9.00 am	Committee B (Committee Room No. 2)	Hon Sarah Courtney MP	Minister for Education Minister for Skills, Training and Workforce Growth Minister for Disability Services Minister for Children and Youth Minister for Hospitality and Events
<b>Thursday 9 September 2021</b>			
Commencing at 9.00 am	Committee A (Chamber)	Hon Roger Jaensch MP	Minister for State Growth Minister for Local Government and Planning Minister for Aboriginal Affairs Minister for Environment Minister for Heritage
Commencing at 9.00 am	Committee B (Committee Room No. 2)	Hon Elise Archer MP	Attorney-General and Minister for Justice Minister for Corrections Minister for Workplace Safety and Consumer Affairs Minister for Arts

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

**14 ESTIMATES COMMITTEES OF THE COUNCIL: REQUEST FOR MINISTERS IN THE ASSEMBLY TO ATTEND.**— *Ordered*, That the Legislative Council having appointed two Estimates Committees reflecting the distribution of Government Ministers' portfolio responsibilities, requests that the House of Assembly give leave to all Ministers to appear before and give evidence to the relevant Council Estimates Committee in relation to the Budget Estimates and related documents. (Mrs *Hiscutt*)

*Ordered*, That a Message be transmitted to the House of Assembly acquainting that House accordingly. (Mrs *Hiscutt*)

**15 ESTIMATES COMMITTEES OF THE COUNCIL: REQUEST FOR MINISTERS IN THE ASSEMBLY TO ATTEND.** — A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council having passed the following Resolution now transmits the same to the House of Assembly, and requests its concurrence therein: —

*Resolved*, That the Legislative Council having appointed two Estimates Committees reflecting the distribution of Government Ministers' portfolio responsibilities, requests that the House of Assembly give leave to all Ministers to appear before and give evidence to the relevant Council Estimates Committee in relation to the Budget Estimates and related documents.

*Legislative Council, 25 August 2021*

C.M. FARRELL, *President*

**16 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 11.10 o'clock a.m. and resumed at 11.48 o'clock a.m.

**17 ESTIMATES COMMITTEES OF THE COUNCIL: REQUEST FOR MINISTERS IN THE ASSEMBLY TO ATTEND.—** A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly doth agree to the following Resolution communicated to it by the Legislative Council on 25 August 2021:—

*Resolved*, That the Legislative Council having appointed two Estimates Committees reflecting the distribution of Government Ministers' portfolio responsibilities, request that the House of Assembly give leave to all Ministers to appear before and give evidence to the relevant Council Estimate Committee in relation to the Budget Estimates and related documents.

*House of Assembly, 25 August 2021*

M. SHELTON, *Speaker*

**18 TASMANIAN BUDGET 2020-21: ESTIMATES COMMITTEE OF THE HOUSE REQUEST FOR MINISTER IN THE COUNCIL TO ATTEND.—** A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly having passed the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein—

*Resolved*, That the House of Assembly requests that: —

- (1) All Members of the Legislative Council attend in the House of Assembly Chamber following the First reading of the Appropriation Bills (No.1 and No.2) 2021 for the purpose of listening to the speech by the Premier and the Treasurer in relation to the Tasmanian Budget 2021-22.
- (2) The Legislative Council gives leave to the Honourable the Minister for Racing, Minister for Sport and Recreation, Minister for Small Business and Minister for Women to appear before and give evidence to, the relevant Estimates Committee of the House of Assembly in relation to the Budget Estimates and related documents.

*House of Assembly, 25 August 2021*

M. SHELTON, *Speaker*

*Ordered*, That the Message be taken into consideration forthwith (Mrs *Hiscutt*).

*Ordered*, That the Honourable Member for Prosser, as Minister for Racing, Minister for Sport and Recreation, Minister for Small Business and Minister for Women be given leave to appear before and give evidence to the relevant Assembly Estimates Committee in relation to the Budget Estimates and related documents. (Mrs *Hiscutt*)

*Ordered*, That a Message be transmitted to the House of Assembly acquainting that House accordingly. (Mrs *Hiscutt*).

**19 ATTENDANCE OF MINISTER IN THE COUNCIL AT HOUSE OF ASSEMBLY ESTIMATES COMMITTEE. —** A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council desires to inform the House of Assembly that it agrees to the request of the Assembly in its Message dated 25 August 2021 and has given leave for the Honourable Jane Howlett MLC, Minister for Racing, Minister for Sport and Recreation, Minister for Small Business and Minister for Women to appear before and give evidence to the relevant Estimates Committee in relation to the Budget Estimates and related documents.

*Legislative Council, 25 August 2021*

C.M. FARRELL, *President*

**20 BILL NO. 32.—** The Order of the Day was read for the Second reading of the Supply Bill (No.3) 2021.

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.

Clauses 1 to 3 agreed to.

Clauses 4 and 5 postponed.

Clauses 6 and 7 agreed to.

Schedule 1 agreed to without Request and without Amendment.

Postponed Clauses 4 and 5 further considered and agreed to.

Title agreed to.

Bill to be reported without Request and 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 Request and without Amendment.

*Ordered*, That the Bill be now read the Third time. (*Mrs Hiscutt*)

The Bill was read the Third time and passed

**21 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.

**22 QUESTION TIME.**— The President called for Questions without Notice. There were eight Questions asked.

*Ordered*, That *Mrs Hiscutt* have leave to Table answers to Questions and have the Answers incorporated into the Hansard record in relation to Questions from: —

The Hon Member for Murchison (*Ms Forrest*) in relation to the employment of school nurses.

The Hon Member for Elwick (*Mr Willie*) in relation to retention and attainment data for year 11 and year 12 students in Tasmanian Extension Schools and Colleges.

The Hon Member for Elwick (*Mr Willie*) in relation to the number of language teachers and language curriculum in State Government schools.

**23 BILL NO. 33.**— The Order of the Day was read for the Second reading of the Supply Bill (No. 4) 2021.

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.

Clauses 1 to 3 agreed to.

Clauses 4 and 5 postponed.

Clauses 6 and 7 agreed to.

Schedule 1 agreed to without Request.

Postponed Clauses 4 and 5 further considered and agreed to.

Title agreed to.

Bill to be reported without Request.

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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 Request and without Amendment.

*Ordered*, That the Bill be now read the Third time. (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

## **24 BILLS.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council having this day agreed, without Request and without Amendment, to the Bills intituled —

‘A Bill for an Act to make interim provision for the appropriation of \$1 650 703 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2022 (Bill No. 32); and

A Bill for an Act to make interim provision for the appropriation of \$9 849 000 out of the Public Account for the services of the Government in respect of Parliament and Statutory Offices for the financial year ending on 30 June 2022 (Bill No. 33)’,

now returns the same to the House of Assembly.

*Legislative Council, 25 August 2021*

C.M. FARRELL, *President*

## **25 BILL NO. 15.**— The Order of the Day was read for the Second reading of the Justice Miscellaneous (Increasing Judicial Retirement Age) Bill 2021.

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.

Clauses 1 to 10 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*)

**26 BILL NO. 14.**— The Order of the Day was read for the Second reading of the Guardianship and Administration Amendment (Advance Care Directives) Bill 2021.

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

A Debate arose thereupon.

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

**27 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 in the forenoon on Thursday, 26 August 2021.

It was resolved in the Affirmative.

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

The Council adjourned at 4.44 o'clock p.m.

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

*Briefing:*

- *Guardianship and Administration Amendment (Advance Care Directives) Bill 2021 (No. 14)*