



HOUSE OF ASSEMBLY

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 44

WEDNESDAY, 27 NOVEMBER 2019

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 5 PETITION. – Ms *O'Connor* presented a Petition from approximately 2493 residents of Tasmania, requesting that the House vote against the Workplaces (Protection of Protesters) Amendment Bill 2019 (HA13/2019).

Which Petition was read and received.

- 6 PETITION. – Ms *O'Connor* presented a Petition from approximately 254 residents of Tasmania, requesting that the House vote against the Workplaces (Protection of Protesters) Amendment Bill 2019 (HA12/2019).

Which Petition was read and received.

- 7 PAPERS. – The Treasurer laid upon the Table of the House the following Paper:-
Tasmanian Heritage Council: Annual Report 2018-2019.
- 8 PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-
 - (1) Legal Aid Commission of Tasmania: Annual Report 2018-2019.
 - (2) Parole Board of Tasmania: Annual Report 2018-2019.
 - (3) Tasmanian Museum and Art Gallery: Annual Report 2018-2019.
- 9 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-
 - (1) NRM South: Annual Report 2018-2019.
 - (2) NRM North: Annual Report 2018-2019.
 - (3) Cradle Coast Authority: Annual Report 2018-2019.
 - (4) Answer to Question on Notice: No. 26 of 2019 Legislative Council.

(5) Land Acquisition Act 1993: Section 18:

- (i) Notice of Acquisition dated 2 October 2018, Parish of Apslawn, Land District of Glamorgan, Municipality of Glamorgan-Spring Bay, Lots 1 and 2 on Plan of Survey P175439, registered in the name of Patricia Ann Greenhill for road purposes;
- (ii) Notice of Acquisition dated 2 October 2018, Parish of Apslawn, Land District of Glamorgan, Municipality of Glamorgan-Spring Bay, Lots 3, 4 and 5 on Plan or Survey P175439, registered in the name of Adam Geoffrey Greenhill for road purposes;
- (iii) Notice of Acquisition dated 21 February 2019, Parish of Kingborough, Land District of Buckingham, Municipal Area of Kingborough, Lot 100 on Plan of Survey P176088, registered in the names of Patrick John Leslie and Maria Jane Gale for road purposes; and
- (iv) Notice of Acquisition dated 9 April 2019, Town of Sorell, Municipal Area of Sorell, Lot 1 on Plan of Survey P176605, registered in the name of Corval Ingham Pty Ltd for road purposes.

10 PAPERS. – The Minister for Police, Fire and Emergency Management laid upon the Table of the House the following Paper:-

Police Offences Act 1935: Police Offences Amendment (Prohibited Insignia) Regulations 2019 (Statutory Rules 2019, No. 68).

11 FIREARMS LEGISLATION AND POLICY, HOUSE OF ASSEMBLY SELECT COMMITTEE ON: REPORT. – Mrs *Petrusma* brought up the Final Report of the House of Assembly Select Committee on Firearms Legislation and Policy (Paper No. 26).

Ordered, That the said Report be received and printed. (Mrs *Petrusma*)

12 SITTING TIMES. - *Ordered*, Pursuant to Sessional Order 18A, that for this day's sitting the House not stand adjourned at Six o'clock and that the House continue to sit past Six o'clock (The Minister for Infrastructure and Transport)

13 MATTER OF PUBLIC IMPORTANCE: HOUSING AFFORDABILITY. - Ms *Standen*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Housing Affordability.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

14 BILL NO. 54. - The Order of the Day being read for the Second reading of the Workplaces (Protection from Protesters) Amendment Bill 2019.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (The Minister for Primary Industries and Water)

A Debate arose thereupon.

And the Minister for Primary Industries and Water was addressing the Chair.

15 ADVANCE CARE LEGISLATION. – A Motion being made and the Question being proposed—That the House:—

- (1) Recognises the importance of contemporary laws supporting health care provision, end of life decisions and advance care planning.
- (2) Notes that in 2017 the House of Assembly Standing Committee on Community Development, Inquiry into Palliative Care recommended codifying in legislation the common law position on end of life decision making and providing a legislative basis for advance care planning.
- (3) Understands that the Tasmanian Law Reform Institute supported the recommendations of the Inquiry into Palliative Care, further recommending the above steps be undertaken.
- (4) Endorses the above matters, and requests the Attorney General, Hon. *Elise Archer* MP refer the proposed law reform to the Office of Parliamentary Counsel for the preparation of Bills.
- (5) Calls on the Government to bring on such Bills for debate in the House as a matter of priority in 2020. (Ms *Ogilvie*)

A debate arose thereupon.

An Amendment was proposed by Ms *White*:

- (1) By leaving out paragraph (3) and inserting instead “(3) Notes the Tasmanian Law Reform Institute Review of the Guardianship and Administration Act 1995, recommending the adoption of a legislative framework for Advance Care Directives.”
- (2) Add the following new paragraphs:
 - “(6) Notes the critical work of Palliative Care Tasmania in ensuring all Tasmanians have access to quality palliative care support and services.
 - (7) Further notes that Palliative Care Tasmania is the only state palliative care peak body that does not receive state government funding.
 - (8) Calls on the Government to commit to funding Palliative Care Tasmania in 2020-2021 and beyond.”

A debate arose thereupon.

An Amendment to the Amendment was proposed by Ms *Ogilvie*:

- (1) In proposed new paragraph (3) by leaving out “Directives” and inserting instead “Planning”.
- (2) By leaving out proposed new paragraph (8).

A debate arose thereupon.

And the Question being put – That the Amendment to the Amendment be agreed to;

The House divided.

AYES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Tucker
Mrs Rylah (Teller)

NOES 12

Dr Broad
Ms Butler
Ms Haddad
Ms Hickey
Ms Houston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Ms Dow (Teller)

DEPUTY SPEAKER GIVES CASTING VOTE. – The Deputy Speaker said: “The result of the division is 12 Ayes and 12 Noes. I cast my vote with the Ayes.

It was resolved in the Affirmative.

And the Question being put – That the Amendment, as amended, be agreed to;

It was resolved in the Affirmative.

And the Question being put – That the Main Question, as amended, be agreed to;

It was resolved in the Affirmative.

Resolved, That the House:—

- (1) Recognises the importance of contemporary laws supporting health care provision, end of life decisions and advance care planning.
- (2) Notes that in 2017 the House of Assembly Standing Committee on Community Development, Inquiry into Palliative Care recommended codifying in legislation the common law position on end of life decision making and providing a legislative basis for advance care planning.
- (3) Notes the Tasmanian Law Reform Institute Review of the Guardianship and Administration Act 1995, recommending the adoption of a legislative framework for Advance Care Planning.
- (4) Endorses the above matters, and requests the Attorney General, Hon. *Elise Archer* MP refer the proposed law reform to the Office of Parliamentary Counsel for the preparation of Bills.
- (5) Calls on the Government to bring on such Bills for debate in the House as a matter of priority in 2020.
- (6) Notes the critical work of Palliative Care Tasmania in ensuring all Tasmanians have access to quality palliative care support and services.
- (7) Further notes that Palliative Care Tasmania is the only state palliative care peak body that does not receive state government funding.

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

17 PRIVATE MEMBERS BUSINESS. – In accordance with Standing Order 42, Mr *Tucker* indicated that the time for Government Private Members' Business for this day would be waived.

18 BILL NO. 54. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Wednesday, 27 November 2019 - That the Workplaces (Protection from Protestors) Amendment Bill 2019 be now read the Second time;

And the Question being again proposed;
The House resumed the said adjourned Debate.

And Ms *O'Connor* was addressing the Chair.

19 IMPLEMENTATION OF RECOMMENDATIONS FROM FIRE REVIEWS. — A Motion being made and the Question being proposed—That the House:—

- (1) Recognises the current bushfire season is forecast to be potentially catastrophic due to dryer than usual conditions.
- (2) Notes with concern that the recommendations from the 2019 Australian Fire and Emergency Service Authorities Council (AFAC) Independent Operational Review, the 2016 AFAC Independent Operational Review and the House of Assembly Standing Committee on Community Development Inquiry into the State Fire Commission 2016 have not been implemented in full.
- (3) Further notes senior firefighters have drawn attention to the State's unpreparedness for the current bushfire season, warning that it is "just luck getting us by."
- (4) Calls on the Liberal Government to table a comprehensive timeline for the full implementation of recommendations from the 2016 and 2019 reviews, no later than 28 November 2019. (Ms *Butler*)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

Dr Broad
Ms Butler
Ms Dow
Ms Haddad
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Ms Houston (Teller)

NOES 13

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Tucker
Mrs Rylah (Teller)

So it passed in the Negative.

20 TASMANIAN FOREST AGREEMENT SECOND TRANCHE. — A Motion being made and the Question being proposed—That the House:—

- (1) Recognises that in a time of accelerating climate change and increasing CO2 emissions, natural carbon stores must be protected.
- (2) Agrees that in a climate emergency and biodiversity crisis there is no economic, social or environmental justification for logging old forests and releasing their carbon stores into the atmosphere.
- (3) Understands that Tasmanian natural, carbon rich forests are being logged at an accelerating pace under the Liberals, with hundreds of thousands of hectares more available for logging in April 2020.
- (4) Commits to protecting the 356,000 ha Tasmanian Forest Agreement second tranche reserve forests. (Ms *O'Connor*)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 2

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

NOES 22

Ms *Archer*
Mr *Barnett*
Dr *Broad*
Ms *Butler*
Ms *Courtney*
Ms *Dow*
Mr *Ferguson*
Mr *Gutwein*
Ms *Haddad*
Ms *Hickey*
Mr *Hodgman*
Ms *Houston*
Mr *Jaensch*
Mr *O'Byrne*
Ms *O'Byrne*
Ms *Ogilvie*
Mr *Rockliff*
Mr *Shelton*
Ms *Standen*
Mr *Tucker*
Ms *White*
Mrs *Petrusma* (Teller)

So it passed in the Negative.

21 BILL NO. 36. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Civil Liability Act 2002 in relation to the liability of organisations for child abuse and to amend the Limitation Act 1974 in relation to settlements of certain actions in respect of child abuse, and for related purposes".

Legislative Council, 27 November 2019.

C.M. FARRELL, President.

22 BILL NO. 47. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Long Service Leave (State Employees) Act 1994".

Legislative Council, 27 November 2019.

C.M. FARRELL, President.

23 BILL NO. 54. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Wednesday, 27 November 2019 - That the Workplaces (Protection from Protesters) Amendment Bill 2019 be now read the Second time;

And the Question being again proposed;

The House resumed the said adjourned Debate.

An Amendment was proposed to the Question by Ms *O'Connor* by leaving out all the words after "That" and inserting instead "the Bill be withdrawn and redrafted to repeal the Workplaces (Protection from Protesters) Act 2014 on the basis that the Principal Act to which the Amendment Bill relates is not constitutional, the Amendment Bill does not correct this unconstitutionality, and the unconstitutional Act should be struck from the statutes as soon as practicable."

A debate arose thereupon.

And the Question being put – That the Amendment be agreed to;

The House divided.

AYES 12

NOES 12

Dr Broad

Ms Archer

Ms Dow

Mr Barnett

Ms Haddad

Ms Courtney

Ms Hickey

Mr Ferguson

Ms Houston

Mr Gutwein

Mr O'Byrne

Mr Hodgman

Ms O'Byrne

Mr Jaensch

Ms O'Connor

Ms Ogilvie

Ms Standen

Mr Rockliff

Ms White

Mr Shelton

Dr Woodruff

Mr Tucker

Ms Butler (Teller)

Mrs Rylah (Teller)

DEPUTY SPEAKER GIVES CASTING VOTE. – The Deputy Speaker said: "The numbers being equal, I cast my vote with the Noes".

So it passed in the Negative.

And the Main Question being again proposed;

The House resumed the Debate.

24 SUSPENSION OF SITTING. - At twenty-one minutes past Ten o'clock, the Speaker announced that she would resume the Chair at the ringing of the Division Bells.

At forty-eight minutes past Ten o'clock the Speaker resumed the Chair.

25 BILL NO. 54. - And the Question being again proposed;

The House resumed the Debate.

And the House having continued to sit after Twelve o'clock midnight;

THURSDAY, 28 NOVEMBER 2019

And the Question being put;

The House divided.

AYES 13

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Hodgman
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mrs Rylah (Teller)

NOES 11

Dr Broad
Ms Butler
Ms Haddad
Ms Houston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Ms Dow (Teller)

It was resolved in the Affirmative.

Ordered, That the Bill be read the Second time and committed to a Committee of the whole House.

The House adjourned at thirty-one minutes past Two o'clock.

SHANE DONNELLY, *Clerk of the House*.

MEMBERS. - All present during the day.