



No. 15

TUESDAY, 21 SEPTEMBER 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 E-PETITION.— Ms *Forrest* brought up an E-Petition from 3,506 citizens of Tasmania requesting the House, as a case study, to consider an inquiry into the dealings on the cable car over the past decade to provide the Tasmanian community with reassurance that the Hobart City Council has been acting responsibly, ethically and legally in all its dealings with the cable car proponent, and in its responsibilities to the broader community as planning authority.

Ordered, That the Petition be received. (Ms *Forrest*)

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

- (1) Ombudsman’s Report: Police Powers (Surveillance Devices) Act 2006 and the Police Powers (Controlled Operations) Act 2006.
- (2) Tasmanian Health Service 2021-22 Service Plan and Instrument of Amendment to the Service Plan.
- (3) Poisons Act 1971: Statutory Rules 2021, containing Poisons (Application of Uniform Standard) Order 2021.
- (4) Environmental Management and Pollution Control Act 1994: Statutory Rules 2021, No. 66, containing Environmental Management and Pollution Control (Noise) Amendment Regulations 2021.
- (5) Rail Safety National Law National Regulations (Fees) Variation Regulations 2021.
- (6) Notice Under Section 13: COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 – Land Use Planning and Approvals Act.
- (7) Notice Under Section 15: COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 – Land Use Planning and Approvals Act.
- (8) Notice Under Section 19: COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 – Land Use Planning and Approvals Act.
- (9) Notice Under Section 19: COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 – Land Use Planning and Approvals Act.

(10) Notice Under Section 20: COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 - Resource Management and Planning Appeal Tribunal Act.

(11) Notice Under Section 20: COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 - Guardianship and Administration Act.

(12) Huon Valley Council: Miscellaneous Amendments By-Law. By-Law No. 1 of 2021.

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

7 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Pembroke, (Ms *Siejka*) be granted leave of absence from the service of the Council for this day's sitting. (Mrs *Hiscutt*)

8 SPECIAL INTEREST MATTERS.— The President advised the Chamber of five Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Ms *Howlett* – Paradise Gorge Closure – support for small business;
- (2) Dr *Seidel* – Print Radio Tasmania;
- (3) Ms *Armitage* - Launceston Hazara Afghan Community;
- (4) Ms *Forrest* – The Unconformity; and
- (5) Mr *Gaffney* – The Role of Nurse Practitioners.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

9 BILL NO. 14.— The Order of the Day was read for the consideration of the Guardianship and Administration Amendment (Advance Care Directives) Bill 2021 as amended in Committee of the Whole Council.

Ordered, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendments were read the First time.

The said Amendments, being read the Second time, were agreed to.

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

The Bill was read the Third time and passed.

10 BILL NO. 14.— A Message to the House of Assembly:—

MR SPEAKER,

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

‘A Bill for an Act to ‘amend the *Guardianship and Administration Act 1995*’.

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

Legislative Council, 21 September 2021

C.M. FARRELL, *President*

11 BILL NO. 27.— The Food Amendment Bill 2021 was read the Third time and passed.

12 BILL NO. 27.— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Food Act 2003*’.

Legislative Council, 21 September 2021

C.M. FARRELL, *President*

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

14 APPROPRIATION BILL (NO 1) 2021 AND APPROPRIATION BILL (NO 2) 2021: PERMISSIVE INSTRUCTION.— *Ordered*, With regard the Appropriation Bills (No. 1 and No. 2) 2021 (Nos. 36 and 37) That—

The Committee of the Whole Council be empowered to consider Output and other expenditure detail contained in the document – *Government Services Volumes 1 and 2*;

And further, That the Committee be empowered to exercise a vote on each proposed Output as part of the process of approving appropriations contained within the Appropriation Bills (Nos. 1 and 2) of 2021 under the two line Operating Services and Capital Services appropriation;

And further, That the Committee of the Whole Council be empowered to consider the Outputs as recommended in the Reports of Estimates Committees ‘A’ and ‘B’ and that the Outputs recommended in those Reports be not subject to debate and only those Outputs recommended and listed as being subject to further consideration be open to debate in Committee;

Provided – That should any Member require further consideration of any Output then the procedural mechanism of *recommittal* is to be used.” (Ms *Forrest*)

15 BILL NO. 36.— The Order of the Day was read for the Second reading of the Appropriation Bill (No. 1) 2021.

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

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.

(In the Committee)

Ms *Forrest* in the Chair.

16 STATEMENT BY THE CHAIR: APPROPRIATION BILLS: SCOPE OF DEBATE.— The Chair said —

“Members, I would like to make a brief statement in regard to the way that the Committee is to be run.

The stages of the Bill are intended to achieve two primary objects: first, to enable full discussion of both the substance and form of the legislation; second, to ensure that decisions already made at one stage are not reopened for discussion at a subsequent stage and do not, as a result, prolong a Bill's passage unnecessarily. In the context of debate on the Appropriation Bills, Members are reminded that the purpose of the consideration in the Committee of the Whole Council is to report to the House as to whether the Bills should pass and whether clauses and items in the schedule to the Bills should be, first, agreed to; second, subject to a request; or third, amended where the item is not for the ordinary annual services of the Government.

The consideration of the Budget Papers during the Estimates process is intended to assist the efficient consideration of the Appropriation Bills by resolving issues prior to the debate of the Bills in the Committee of the Whole. This facilitates the efficient consideration of the Bills as in accordance with the permissive instruction only those outputs that are recommended for further debate may be addressed in detail during the Committee stage, unless the output is recommitted. I have directed that a list of the outputs recommended for further debate in each of the Estimates Committees reports be provided to Members. You will note that the list specifies the matters that gave rise to

the recommendation for further debate. In addressing these outputs Members should confine their questioning to those particular matters.

The permissive instruction to enable the Committee of the Whole to consider and vote on the items under output groups in the Budget Papers is to facilitate debate on the proposed appropriation of public money contained in the Appropriation Bills. The instruction does not broaden the scope for debate which may take place in the Committee of the Whole. It is not an invitation to make statements unrelated to the proposed appropriation, to revisit the second reading debate or to introduce issues unrelated to the proposed appropriation. I remind Members that debate in Committee of the Whole is not a grievance-type debate. I therefore ask Members to be succinct and to keep these comments in mind when speaking to the items in the Budget Papers.

Members may also note that the Deputy Clerk will not call items where there is no appropriation for this financial year and Members will note some of the COVID-19 related appropriations from last financial year still appear in the Budget papers but there are no appropriations against them. These will not be called but there is an exception where one item has been left open for further debate.”

Clauses 1 to 3 agreed to.

Clauses 4 and 5 postponed.

Clause 6 agreed to.

Schedule 1.

Division 1 – Brand Tasmania

Premier

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Division 2 - Department of Communities Tasmania

Minister for Sport and Recreation

Operating Services

Output Group 4

Output 4.7 considered and agreed to.

Ordered, That Ms *Rattray*, have leave to Table additional information provided by the Minister for Sport and Recreation, in relation to Output Group 4.7, to be included as part of the Report of Estimates Committee B.

Output Group 90

Output 90.17 agreed to.

Grants and Subsidies agreed to.

Capital Services

Capital Investment Program considered and agreed to.

Minister for Aboriginal Affairs

Operating Services

Output Group 4

Output 4.4 agreed to.

Minister for Women

Operating Services

Output Group 4

Output 4.5 agreed to.

Minister for Disability Services

Operating Services

Output Group 4

Output 4.2 agreed to.

Minister for Veterans Affairs

Operating Services

Output Group 4

Output 4.6 agreed to.

Output Group 90

Output 90.9 agreed to.

Minister for the Prevention of Family Violence

Operating Services

Output Group 5

Output 5.1 agreed to.

Minister for Community Services and Development

Operating Services

Output Group 4

Output 4.1 considered and agreed to.

Output 4.3 agreed to.

Output Group 90

Outputs 90.2, 90.4, 90.15 and 90.16 agreed to.

Minister for Children and Youth

Operating Services

Output Group 1

Output 1.1 considered and agreed to.

Output Group 2

Output 2.1 agreed to.

Output Group 90

Output 90.6 agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for State Development, Construction and Housing

Operating Expenses

Output Group 3

Output 3.1 agreed to.

Output Group 90

Output 90.1 and 90.10 agreed to

Capital Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment.

Division 3 - Department of Education

Minister for Education and Training

Operating Services

Output Group 1

Output 1.1 considered and agreed to.

Output 1.2 agreed to.

Output Group 2

Output 2.1 agreed to.

Output Group 3

Output 3.1 agreed to.

Grants and Subsidies agreed to.

Capital Services

Capital Investment Program considered and agreed to.

Ordered, That Mrs *Hiscutt* have leave to Table an answer to a Question from the Hon Member of Hobart (Mr *Valentine*) about the nature and value of capital works at Goulburn Street Primary School, Albuera Street Primary School, Campbell Street Primary School and South Hobart Primary School and have the answer incorporated into the Hansard record.

Division agreed to without Request and without Amendment.

Division 4 - Finance General

Treasurer

Operating Services

Output Group 1

Outputs 1.1 and 1.2 agreed to.

Output Group 3

Outputs 3.1, 3.2 and 3.4 agreed to.

Output Group 4

Outputs 4.2, 4.3, 4.4 and 4.9 agreed to.

Output Group 90

Outputs 90.2 and 90.8 agreed to.

Grants and Subsidies agreed to.

Minister for Finance

Operating Services

Output Group 2

Output 2.1 agreed to.

Output Group 4

Outputs 4.1, 4.7 and 4.8 agreed to.

Output Group 89

Output 89.1 agreed to.

Capital Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment.

Division 5 - Department of Health

Minister for Health

Operating Services

Output Group 1

Output 1.1 agreed to.

Output Group 2

Output 2.1 considered and agreed to.

Outputs 2.2, 2.3, 2.4, 2.6 and 2.7 agreed to.

Output Group 90

Outputs 90.6 and 90.7 agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Mental Health and Wellbeing

Operating Services

Output Group 1

Output 1.2 agreed to.

Output Group 2

Output 2.5 considered and agreed to.

Capital Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment

Division 6 - Department of Justice

Attorney-General and Minister for Justice

Operating Services

Output Group 1

Outputs 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7 and 1.8 agreed to..

Output 1.9 considered and agreed to.

Outputs 1.10, 1.11, 1.12 and 1.13 agreed to.

Output Group 2

Output 2.1 and 2.2 agreed to.

Output Group 3

Output 3.3 agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Local Government and Planning

Operating Services

Output Group 4

Output 4.2 read.

17 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.

18 QUESTION TIME.— The President called for Questions without Notice. There were six 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 Member for Elwick (Mr *Willie*) regarding the Tasmanian Government School Infrastructure Priority List.

The Member for Murchison (Ms *Forrest*) regarding the availability of ventilators and staff to care for ventilated patients in intensive care units in Tasmania's three major hospitals.

19 BILL NO. 36.— The Council again resolved itself into a Committee on the Consolidated Fund Appropriation Bill (No. 1) 2021.

(In the Committee)

Ms *Forrest* in the Chair.

Ordered, That Mrs *Hiscutt* have leave to Table answer to Question from the Hon Member for Hobart (Mr *Valentine*) regarding finalised case numbers in the Tasmanian Industrial Commission and have the answer incorporated into the Hansard record.

Schedule 1 further considered.

Division 6 - Department of Justice

Output Group 4

Output 4.2 as read further considered and agreed to.

Output 4.3 agreed to.

Minister for Corrections

Operating Services

Output Group 3

Outputs 3.1 and 3.2 agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Workplace Safety and Consumer Affairs

Operating Services

Output Group 4

Outputs 4.1 and 4.4 agreed to.

Division agreed to without Request and without Amendment.

Division 7- Ministerial and Parliamentary Support

Premier

Operating Services

Output Group 1

Outputs 1.1 and 1.2 agreed to.

Division agreed to without Request.

Division 8 – Department of Police, Fire and Emergency Management

Minister for Police, Fire and Emergency Service

Operating Services

Output Group 1

Output 1.1 agreed to.

Output Group 2

Outputs 2.1, 2.2, 2.3, and 2.4 agreed to.

Output Group 3

Output 3.1 agreed to.

Output Group 4

Output 4.1 and 4.2 agreed to.

Capital Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment

Division 9 - Department of Premier and Cabinet

Premier

Operating Services

Output Group 1

Output 1.1 agreed to.

Output Group 2

Output 2.1 considered and agreed to.

Outputs 2.2, 2.3, and 2.4 agreed to.

Output Group 3

Output 3.2 agreed to.

Output Group 4

Output 4.1 agreed to.

Output Group 5

Output 5.1 agreed to.

Output Group 90

Output 90.4 agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Local Government

Operating Services

Output Group 6

Output 6.1 considered and agreed to.

Minister for Science and Technology

Operating Services

Output Group 3

Output 3.1 agreed to.

Capital Services

Capital investment program agreed to.

Minister for Climate Change

Operating Services

Output Group 1

Output 1.2 considered and agreed to.

Division agreed to without Request and without Amendment.

Division 10 – Department of Primary Industries, Parks, Water and Environment

Minister for Primary Industries and Water

Operating Services

Output Group 2

Outputs 2.1, 2.2 and 2.3 agreed to.

Output Group 3

Output 3.1 agreed to.

Output Group 4

Output 4.1 agreed to.

Output Group 6

Outputs 6.1 and 6.2 agreed to.

Output Group 90

Outputs 90.2 and 90.6 agreed to.

Grants and Subsidies agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Environment

Operating Expenses

Output Group 3

Output 3.5 agreed to.

Output Group 7

Outputs 7.1 and 7.2 agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Aboriginal Affairs

Operating Expenses

Output Group 3

Output 3.3 agreed to.

Minister for Heritage

Operating Services

Output Group 3

Output 3.2 considered and agreed to.

Grants and subsidies agreed to.

Minister for Parks

Operating Services

Output Group 1

Outputs 1.1 and 1.2 agreed to.

Output Group 3

Output 3.4 agreed to.

Output Group 8

Outputs 8.1 and 8.2 agreed to.

Output Group 90

Output 90.5 agreed to.

Grant and subsidies agreed to.

Capital Services

Capital Investment Program agreed to.

Minister for Racing

Operating Services

Output Group 5

Output 5.1 agreed to.

Grants and subsidies agreed to.

Division agreed to without Request and without Amendment.

Division 11 – Department of State Growth

Minister for Infrastructure and Transport

Operating services

Output Group 2

Outputs 2.1, 2.2 and 2.3 agreed to.

Output Group 6

Outputs 6.1, 6.2, and 6.3 agreed to.

Output Group 90

Outputs 90.15, 90.16, 90.23 and 90.28 agreed to.

Grants and subsidies agreed to.

Capital Services

Capital Investment Program considered and agreed to.

Minister for Energy and Emissions Reduction

Operating Services

Output Group 3

Output 3.1 agreed to.

Minister for State Growth

Operating Services

Output Group 1

Output 1.1 considered and agreed to.

Output 1.2 considered and agreed to.

Output Group 90

Output 90.3 agreed to.

Minister for Resources

Operating Services

Output Group 4

Outputs 4.1 and 4.2 agreed to.

Grants and subsidies agreed to.

Minister for the Arts

Operating Services

Output Group 5

Outputs 5.1, 5.2 and 5.3 agreed to.

Grants and Subsidies agreed to,

Minister for Small Business

Operating Services

Output Group 90

Outputs 90.22 and 90.24 agreed to.

Minister for Hospitality and Events

Output Group 5

Output 5.4 considered and agreed to.

Ordered, That Ms *Rattray*, have leave to Table the additional information provided by the Minister for Hospitality and Events, in relation to Output Group 5.4, to be included as part of the Report of Estimates Committee B.

Minister for Tourism

Operating Services

Output Group 5

Output 5.5 agreed to.

Output Group 90

Output 90.21 agreed to.

Minister for Skills, Training and Workforce Growth

Output Group 1

Output 1.3 agreed to.

Output Group 90

Outputs 90.2, 90.25, 90.26 and 90.27 agreed to.

Division agreed to without Request and without Amendment.

Division 12 – Tourism Tasmania

Minister for Tourism

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Division 13 - Department of Treasury and Finance

Treasurer

Operating Services

Output Group 1

Outputs 1.1, 1.2 and 1.3 agreed to.

Output Group 2

Output 2.1, 2.3 and 2.4 agreed to.

Output Group 3

Output 3.5 agreed to.

Output Group 4

Output 4.1 agreed to.

Minister for Finance

Output Group 1

Output 1.4 agreed to.

Output 1.5 considered and agreed to.

Output Group 2

Output 2.2 agreed to.

Output Group 3

Output 3.1 considered and agreed to.

Outputs 3.2 and 3.4 agreed to.

Division agreed to without Request.

Schedule 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.

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 Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

20 BILL NO. 37.— The Order of the Day was read for the Second reading of the Appropriation Bill (No. 2) 2021

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

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 3 agreed to.

Clauses 4 and 5 postponed.

Clause 6 agreed to.

Schedule 1

Division 1- House of Assembly

Speaker of the House of Assembly

Operating Services

Output Group 1

Outputs 1.1, 1.2 and 1.3 agreed to.

Output Group 2

Output 2.1 agreed to.

Division agreed to without Request.

Division 2- Integrity Commission

Attorney-General and Minister for Justice

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Division 3 - Legislative Council

President of the Legislative Council

Operating Services

Output Group 1

Outputs 1.1 and 1.2 agreed to.

Output Group 2

Output 2.1 agreed to.

Division agreed to without Request.

Division 4 - Legislature-General

President of the Legislative Council and Speaker of the House of Assembly acting jointly

Operating Services

Output Group 1

Output 1.1 agreed to.

Output Group 2

Output 2.1 agreed to.

Output Group 3

Outputs 3.1 and 3.2 agreed to.

Output Group 4

Outputs 4.1, 4.2, 4.3 and 4.4 agreed to.

Division agreed to without Request.

Division 5 - The Office of the Director of Public Prosecutions

Attorney-General and Minister for Justice

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Division 6 – Office of the Governor

Premier

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Division 7 Office of the Ombudsman

Attorney-General and Minister for Justice

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Division 8 – Tasmanian Audit Office

Treasurer

Operating Services

Output Group 1

Output 1.1 agreed to.

Division agreed to without Request.

Schedule 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.

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.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

21 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 a.m. in the forenoon on Wednesday 22 September 2021. (Mrs *Hiscutt*).

It was resolved in the Affirmative.

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

The Council adjourned at 5.15 o'clock p.m.

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