



# LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 1

TUESDAY, 19 MARCH 2019

A SESSION OF THE PARLIAMENT OF TASMANIA, COMMENCED AND HOLDEN IN THE CITY OF HOBART ON TUESDAY THE NINETEENTH DAY OF MARCH IN THE SIXTY-EIGHTH YEAR OF OUR SOVEREIGN LADY, QUEEN ELIZABETH THE SECOND AND IN THE YEAR OF OUR LORD TWO THOUSAND AND NINETEEN.

### PARLIAMENT OF TASMANIA

**1 COUNCIL MEETS.**— On which day being the first day of this Session of Parliament for the despatch of business, pursuant to Proclamation hereunder annexed, the Council met at eleven o'clock in the forenoon.

**2 PARLIAMENT OPENED BY COMMISSION.**— Her Excellency's Commissioners, the Honourable *James Scott Wilkinson*, the Honourable *Leonie Anne Hiscutt* and the Honourable *Kerry Finch* appointed by Her Excellency the Governor, having been introduced to the Council Chamber by the Usher of the Black Rod, *Stuart MacGregor Wright*, and being seated on the dais, the Honourable *James Scott Wilkinson* in the centre with the Honourable *Leonie Anne Hiscutt* on his right hand, and the Honourable *Kerry Finch* on his left hand; the Clerk of the Council read Her Excellency's Proclamation, as follows:—

### A PROCLAMATION

WHEREAS it is expedient that the Parliament of Tasmania be prorogued, I Professor the Honourable Kate Warner, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, exercising the power and authority vested in me by the Constitution Act 1934, hereby prorogue the Parliament effective from 6.00pm this day.

And I hereby fix 11.00am on Tuesday 19 March 2019 in the Houses of Parliament situated in the City of Hobart in Tasmania as the time and place for the next Session of Parliament.

GIVEN under my hand at Hobart in Tasmania on 26 February 2019.

C. Warner, *Governor*.

By Her Excellency's Command,  
William E.F. Hodgman, Premier.

**3 MEMBERS OF THE HOUSE OF ASSEMBLY IN ATTENDANCE.**— The Senior Commissioner commanded the Usher of the Black Rod, *Stuart MacGregor Wright*, to let the Members of the House of Assembly know —

“The Commissioners desire their immediate attendance in the Council to hear the Commission read”.

Who being come;

The Honourable *James Scott Wilkinson* said:— “Honourable Members of the Legislative Council; Members of the House of Assembly: Her Excellency the Governor, not thinking fit to be here at this time, has been pleased to cause a Commission under the Seal of State to be prepared in order to the opening and holding of this Parliament. This will more fully appear by the Letters Patent themselves, which the Clerk of the Council will now read.”

**4 LETTERS PATENT READ.**— The said Letters Patent were read by the Clerk of the Council as follows:—

ELIZABETH THE SECOND, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

To the HONOURABLE JAMES SCOTT WILKINSON, The HONOURABLE LEONIE ANNE HISCUTT, The HONOURABLE KERRY FINCH being Members of Our Legislative Council; And to all to whom these presents shall come—

GREETING:

WHEREAS by a Proclamation under the hand of Her Excellency The HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, dated 26 February 2019, a session of Our Parliament of Tasmania was summoned to be held for the despatch of business on 19 March 2019.

And whereas it is expedient for the session of the Parliament of Our State to be opened by Commissioners:

We do by these Our Letters Patent, appoint you the said JAMES SCOTT WILKINSON, LEONIE ANNE HISCUTT, and KERRY FINCH or any two of you, to be Commissioners with full power in Our name in the name of Our Governor of Our said State to do things which are to be done on Their part in this Parliament.

AND further by these presents we command that all and every of the members of Our Legislative Council and House of Assembly, and all others whom they concern, meet in Our said Parliament there to diligently attend to the business thereof.

IN testimony whereof We have caused these Our Letters to be made Patent, and the Seal of Our said State to be hereunto affixed.

WITNESS Professor The HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia at Hobart in Tasmania on 14 March 2019, and in the sixty-eighth year of Our reign.

C WARNER, *Governor*

By Her Excellency's Command,

WILLIAM E.F. HODGMAN, Premier.

Then the Honourable JAMES SCOTT WILKINSON, said: “Honourable Members of the Legislative Council, Members of the House of Assembly: “We have it in command from Her Excellency the Governor to acquaint you that Her Excellency desires that you take into your earnest consideration such matters as may be submitted to you in this Second Session of the Forty-Ninth Parliament and I now declare the Session open”.

The Members of the House of Assembly withdrew.

**5 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “This being the first sitting day of the new session I acknowledge the traditional people of the land upon which we meet today, the Mouhencener People.”

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

**7 BILL NO. 2.**— *Ordered*, That Mrs *Hiscutt* have leave to bring in a Bill for an Act to amend the *Partition Act 1869*.

And Mrs *Hiscutt* having presented the said Bill, the same 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*)

**8 E-PETITION.**— Mr *Dean* brought up an E-Petition from 582 citizens of Tasmania opposing any proposal to increase the size of the Tasmanian Wilderness World Heritage Area and requesting an inquiry into the validity of calling the current or proposed area “wilderness”, when in 1981 environmental and heritage experts identified only 926, 934 ha of the State as wilderness.

*Ordered*, That the E-Petition be received. (Mr *Dean*)

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

- (1) Auditor-General: Report No. 7 of 2018-2019 – Performance Management in the Tasmanian State Service: A focus on quality conversations
- (2) Burial and Cremation Act 2002: Statutory Rules 2018, containing Burial and Cremation Amendment Regulations 2018.
- (3) Land Use Planning and Approvals Act 1993: Statutory Rules 2018, No. 52, containing Land Use Planning and Approvals Amendment Regulations 2018.
- (4) Legal Profession Act 2007: Statutory Rules 2018, No. 66, containing Legal Profession Regulations 2018.
- (5) Work Health and Safety Act 2012: Statutory Rules 2018, No. 68, containing Work Health and Safety Amendment Regulations 2018.
- (6) Architects Act 1929: Statutory Rules 2018, No. 72, containing Architects Regulations 2018.
- (7) Sentencing Act 1997: Statutory Rules 2018, No. 81, containing Sentencing Amendment Regulations 2018.
- (8) Occupational Licensing Act 2005: Statutory Rules 2018, No. 89, containing Occupational Licensing (Electrical Work) Regulations 2018.
- (9) Tasmanian Health Service Act 2018: Statutory Rules 2018, No. 92, containing Tasmanian Health Service Amendment Regulations 2018.
- (10) Registration to Work with Vulnerable People Act 2013: Statutory Rules 2019, No. 4, containing Registration to Work with Vulnerable People (Risk Assessment for Child-Related Activities) Amendment Order 2019.
- (11) Tasmanian Health Service 2018-19 Service Plan.
- (12) Ombudsman Tasmania: Investigation into a public interest disclosure concerning the sale of a property by the Meander Valley Council to recover unpaid rates. Dated 16 October 2018.
- (13) Legislative Council Government Businesses Scrutiny Committee ‘A’ 2018 Report with Minutes of Proceedings
- (14) Legislative Council Government Businesses Scrutiny Committee ‘B’ 2018 Report with Minutes of Proceedings

**10 RETIREMENT OF SENATOR DAVID BUSHBY: A LETTER FROM HER EXCELLENCY THE GOVERNOR.**— The President said:

Honourable Members, I have received a letter from Her Excellency the Governor which reads as follows —

31 January 2019

The Honourable Jim Wilkinson MLC  
President of the Legislative Council  
Parliament House  
HOBART TAS 7000

Dear Mr President,

I enclose a copy of a letter that I have received from the Governor-General of the Commonwealth of Australia notifying me that, pursuant to the provisions of Section 21 of the Commonwealth of Australia Constitution, a vacancy has occurred on 21 January 2019 in the representation of the State of Tasmania as a result of the resignation of Senator David Bushby.

I have also written to the Premier and the Speaker of the House of Assembly to advise them of the vacancy.

Yours sincerely.

C Warner  
Governor

Enclosed Letter from Government House, Canberra read as follows —

Her Excellency The Honourable Kate Warner AM  
Governor of Tasmania  
Government House  
GPO Box 1574  
HOBART TAS 7000

Your Excellency,

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency that a vacancy in the representation of the State of Tasmania caused by the resignation of Senator David Bushby on Monday 21 January 2019.

Yours sincerely

Sir Peter Cosgrove  
Governor-General of the Commonwealth of Australia  
23 January 2019

Further Letter from Her Excellency the Governor read as follows —

6 March 2019

The Honourable Jim Wilkinson MLC  
President of the Legislative Council  
Parliament House  
HOBART TAS 7000

Dear Mr President,

I write to inform you that, pursuant to Section 15 of the Constitution of the Commonwealth of Australia I have today, on the advice of my Executive Council, appointed Wendy Anne Askew to fill the vacancy in the representation of the State of Tasmania in the Senate that arose from the resignation of Senator David Bushby.

AS you are aware, the appointment will expire fourteen days from the commencement of the next session of the Parliament.

Yours sincerely.

C Warner  
Governor

**11 MOTION WITHOUT NOTICE.**— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice concerning a Joint Sitting of both Houses.

**12 SENATE VACANCY: JOINT SITTING.**— *Ordered*, That on Wednesday, 20 March 2019 at 9.30 o'clock in the forenoon the Legislative Council meet with the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator David Bushby. (Mrs *Hiscutt*)

*Ordered*, That the Joint Sitting Rules as distributed to Members in the House be adopted as the Rules for the Joint Sitting of both Houses. (Mrs *Hiscutt*)

*Ordered*, That a Message be transmitted to the House of Assembly requesting its concurrence therein and that such Message contain the proposed Rules for the Joint Sitting of both Houses. (Mrs *Hiscutt*)

**13 SENATE VACANCY: JOINT SITTING.**— A Message to the House of Assembly: —

MADAM SPEAKER,

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

That on Wednesday, 20 March 2019 at 9.30 o'clock in the forenoon the Legislative Council meet the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold a place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator David Bushby; and further, the Legislative Council proposes the following Rules for the Joint Sitting:—

1. PARLIAMENTARY USAGE TO BE FOLLOWED IN DEBATE —

That on any Debate arising, the same shall be conducted according to the Standing Rules and Orders of the House of Assembly. On all points of order, and on all questions arising during the proceedings for choosing a person to fill the vacant place in the Senate, the ruling of the Presiding Officer shall be absolute and final.

2. RULES OF PROCEDURE —

- (1) The Presiding Officer shall call for nominations of persons to fill the seat rendered vacant by the resignation of Senator David Bushby. Each nomination shall be in writing, signed by the proposer, who shall certify on the form of nomination that the person so nominated is willing to hold the seat if chosen and is not disqualified from so

doing. The proposer shall also certify that the nominee is a member of the Liberal Party. Nominations shall be handed to the Clerk, who upon being satisfied that they are in order, shall proceed with the preparation of the ballot paper. In the event that one or more nominees are certified to be members of the appropriate Party, those nominees only shall be taken to have been validly proposed to fill the vacancy, and no names other than theirs shall be included on the ballot paper as candidates for the vacant seat.

- (2) If only one person be nominated for the vacant seat, the Presiding Officer shall propose the Question "That (name of proposed person) be chosen to hold the place in the Senate rendered vacant by the resignation of Senator David Bushby and, should such Question be passed in the affirmative, shall so declare.
- (3) If more than one person be nominated for the vacant seat, a ballot shall be taken in the manner hereinafter provided to determine which of such persons shall be chosen to hold the vacant place. Each of such persons so duly nominated is hereinafter referred to as 'a candidate'.
- (4) The Presiding Officer shall announce the names of the candidates who have been nominated, and shall then direct that a ballot be proceeded with, after which no other person shall be nominated; and the Clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the division bells of the House of Assembly shall be rung, and the doors shall not be closed till after the lapse of two minutes, as indicated by the said sand-glass. The doors shall be locked as soon after the lapse of two minutes as the Presiding Officer shall think proper to direct, and, unless otherwise ordered, shall remain locked until it shall have been declared in the manner provided in Rule 2 that a candidate has been chosen to hold the vacant place: provided that the Clerk and two Scrutineers may retire from the Chamber in order to prepare the ballot papers, and subsequently, to count the votes.
- (5) The Presiding Officer shall appoint a Member of each House to be a Scrutineer to assist the Clerk of the Joint Sitting (herein referred to as the 'Clerk') in ascertaining the number of votes cast for each candidate.
- (6) As soon as practicable after the Presiding Officer has announced that the ballot will be proceeded with each Member present shall be provided with a ballot paper initialled by the Clerk.
- (7) Each Member voting shall forthwith mark on the ballot-paper the order of his or her preference for all candidates, and any ballot paper not so marked shall be rejected as informal.
- (8) The Member shall then fold and place the ballot paper so marked in the ballot box.
- (9) If there are only two candidates, the Clerk shall report to the Presiding Officer the number of valid votes cast for each candidate, and the Presiding Officer shall declare in the manner provided in Rule 2 that the candidate who has the larger number of votes has been chosen to hold the vacant place.
- (10) If there are more than two candidates, the method of counting the votes prescribed by Schedule 5 of the *Electoral Act 2004*, for cases in which only one Member is to be elected shall, so far as practicable, and not inconsistent with these rules, be observed.
- (11) As soon as it is ascertained that any candidate has obtained an absolute majority of the valid votes recorded by the Members voting, the Clerk shall so report to the Presiding Officer, and the Presiding Officer shall declare in the manner provided in Rule 2 that such candidate has been chosen to hold the vacant place.
- (12) If at any stage in the count, two or more of the candidates have an equal number of votes, and one of them has to be excluded, the Clerk shall forthwith report to the

Presiding Officer the results of the count at that stage. The Members shall thereupon proceed to a special ballot to ascertain which of such candidates shall be excluded, but so that if there are more than two of such persons with an equality of votes only one shall be excluded.

- (13) In all cases not provided for in these Rules resort shall be had to the procedure laid down in the *Electoral Act 2004*, so far as the same may in the opinion of the Presiding Officer be applicable and not inconsistent with these Rules.

*Legislative Council, 19 March 2019*

J.S. WILKINSON, *President*

**14 PRESIDENT’S AUTHORITY.**— The President said:—

“By my authority I have determined that advisers to the Honourable the Leader of the Government, be authorised to go onto the Floor of this House for the duration of the Session in order to advise and support that Honourable Member”.

**15 MOTION WITHOUT NOTICE.**— *Ordered*, That Mrs *Hiscutt* have leave to move various Motions without Notice relating to Committees and other matters.

**16 JOINT HOUSE COMMITTEE.**— *Ordered*, That the following Members of the Council be appointed to serve on a Joint Committee of both Houses (known as the House Committee) to control Parliament House and grounds and other matters:

The President;  
Ms *Forrest*; and  
The Mover (Mrs *Hiscutt*).

**17 JOINT HOUSE COMMITTEE APPOINTMENTS.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has made the following appointments to the Joint Committee of both Houses to control the Parliament House and grounds and other matters:—

The President;  
Ms *Forrest*; and  
Mrs *Hiscutt*.

*Legislative Council, 19 March 2019*

J.S. WILKINSON, *President*

**18 JOINT LIBRARY COMMITTEE.**— *Ordered*, That the following Members of the Council be appointed to serve on a Joint Committee of both Houses to manage the Library:—

The President;  
Mr *Farrell*;  
Mr *Finch*;  
Ms *Forrest*;  
Ms *Rattray*; and  
Mr *Valentine*. (Mrs *Hiscutt*)

**19 JOINT LIBRARY COMMITTEE APPOINTMENTS.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has made the following appointments to the Joint Committee of both Houses to manage the Library:—

The President;  
Mr *Farrell*;  
Mr *Finch*;  
Ms *Forrest*;  
Ms *Rattray*; and  
Mr *Valentine*.

*Legislative Council, 19 March 2019*

J.S. WILKINSON, *President*

**20 SESSIONAL ORDER: E-PETITIONS.**— *Ordered*, That the Sessional Orders relating to E-petitions which were in place in the First session of the Forty-Ninth Parliament, be again approved for this session.

The sessional orders were as follows: —

1. An E-Petition is a Petition:
  - (a) in the correct form, stating a grievance and containing a request for action by the Council;
  - (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
  - (c) persons may elect to indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and signifying their intention to join the Petition.
2. The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.
3. The Member sponsoring the E-Petition must provide the Clerk with the details of the Petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-Petition.
4. Once published on the Parliament's Internet Website an E-Petition cannot be altered.
5. Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament's Internet Website at the same time.
6. Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the Petition) and presented to the Council in the name of the Member that sponsored the E-Petition.
7. An E-Petition published on the Council's Internet Website, but not presented to the Council prior to the prorogation or dissolution of Parliament, shall be presented to the subsequent Parliament and becomes a Petition of the subsequent Parliament.
8. An E-Petition may be sponsored during any adjournment of the Legislative Council and during any period of prorogation.
9. Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
10. A person cannot sign or join an E-Petition more than once.
11. Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
12. The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the sponsoring Member accordingly.
13. The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
14. The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.



15. The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
16. The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
17. The Standing Orders for petitions have application to E-Petitions insofar as they can be applied. (Mrs *Hiscutt*)

**21 SESSIONAL ORDERS: IN LIEU OF STANDING ORDERS NOS. 29(2), 138(2) AND (4).—** *Ordered*, That the following Sessional Orders apply in lieu of Standing Orders 29(2), 138(2) and (4) —

**29. Adjournment for want of a Quorum when notice taken by Member**

- (2) At any time after the Council has proceeded to business, if a Member notices that seven Members including the President or Deputy President are not present, and so states, the Bells shall be rung as for a Division, and if a quorum is not present at the expiration of *four* minutes the President shall adjourn the Council without a Question first put, until the next ordinary sitting time.

**138. After division called —**

**How Division taken**

- (2) The President will order the division bells to be rung for *four* minutes.

**Locking of Doors**

- (4) After the *four* minutes have expired, or such lesser time at the discretion of the President, he or she will order the doors to be locked and no Member will enter or leave the Chamber until after the division. (Mrs *Hiscutt*)

**22 SESSIONAL ORDER: IN LIEU OF STANDING ORDER NO. 200. —** *Ordered*, That the following Sessional Order apply in lieu of Standing Order 200 —

- (1) The evidence taken by any Select Committee of the Council, and documents presented to such Committee, which have not been reported to the Council shall not, unless authorised by the Committee, be referred to in the Council by any Member or published or disclosed by any Member or by any other person.
- (2) Paragraph (1) does not apply to —
  - (a) any proceedings of the Committee that are open to the public and the news media;
  - (b) press releases or statements made by a Member of the Committee on the authority of the Committee; and
  - (c) written submissions presented to a Select Committee and authorised to be published by the Committee. (Mrs *Hiscutt*)

**23 SESSIONAL ORDER: SPECIAL INTEREST MATTERS. —** *Ordered*, That so much of Standing Order 39 be suspended for the duration of this Session to enable Special Interest Matters be called on each sitting Tuesday before Notices of Motion and Orders of the Day are proceeded with. (Mrs *Hiscutt*)

**24 DEPUTY CHAIRS OF COMMITTEES. —** *Ordered*, That the following Members be reappointed Deputy Chair of Committees of this Council:—

Ms *Rattray*;  
 Mr *Gaffney*; and  
 Ms *Armitage*. (Mrs *Hiscutt*)

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

**26 GOVERNMENT ADMINISTRATION SESSIONAL COMMITTEES ‘A’ AND ‘B’.** — *Ordered* That Government Administration Sessional Committees ‘A’ and ‘B’ be reappointed and that the Sessional Orders Nos. 1 to 32 which govern the operation of the two Government Administration Sessional Committees and agreed to in the First Session of the Forty-Ninth Parliament continue to have application for this Session. (Ms *Forrest*)

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

**28 REAPPOINTMENT OF LEGISLATIVE COUNCIL SELECT COMMITTEE ON SHORT STAY ACCOMODATION.**— *Ordered* That the Legislative Council Select Committee on Short Stay Accommodation in Tasmania appointed on 22 May 2018 with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place to inquire into and report upon the Short Stay Accommodation Industry in Tasmania, be reappointed; and that the Membership of the Committee and its Terms of Reference be those agreed to in the First Session of the Forty-Ninth Parliament and that the Minutes of Proceedings of, and evidence received by that Committee be referred to the Committee. (Ms *Armitage*)

**29 MOTION WITHOUT NOTICE.**— *Ordered*, That Mr *Dean* have leave to move a Motion without Notice.

**30 REAPPOINTMENT OF LEGISLATIVE COUNCIL SELECT COMMITTEE: AFL IN TASMANIA.**— *Ordered* That the Legislative Council Select Committee on AFL in Tasmania appointed on 20 November 2018 with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place to inquire into and report upon AFL in Tasmania be reappointed; and that the membership of the Committee and its Terms of Reference be those agreed to in the First Session of the Forty-Ninth Parliament and that the Minutes of Proceedings of that Committee be referred to the Committee (Mr *Dean*).

**31 MOTION WITHOUT NOTICE.**— *Ordered*, That Mr *Dean* have leave to move a Motion without Notice for the purpose of restoring a Bill to the Notice Paper.

**32 RESUMPTION OF BILL ON PROROGATION.**— *Ordered* That in accordance with Standing Order No. 317(1) the Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45 of 2018) which lapsed by reason of prorogation on 26 February 2019 be restored to the Notice Paper and be proceeded with as if its passage had not been interrupted by prorogation. (Mr *Dean*)

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

Mr *Finch* — The Australian Tourism Awards;  
Mr *Gaffney* - TANA;  
Ms *Siejka* — Young Leaders of Tasmania; and  
Ms *Armitage* — Donna McFarlane.

At the conclusion of the Special Interest Matters the Sitting of the Council was suspended.

**34 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 11.51 o'clock p.m. and resumed at 2.30 o'clock p.m.

**35 QUESTION TIME.**— The President called for Questions without Notice. There were four Questions asked.

**36 BILLS: RESUMPTION OF PROCEEDINGS.**— 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 in accordance with Standing Order No. 248, a message be transmitted to the Legislative Council requesting that the proceedings of the –

Corrections Amendment (Prisoner Remission) Bill (Bill No. 15 of 2018);  
Gas Industry Bill (Bill No. 40 of 2018);  
Gas Safety Bill (Bill No. 41 of 2018);  
Gas (Consequential Amendments) Bill (Bill No. 42 of 2018);  
Mental Health Amendment Bill (Bill No. 43 of 2018);  
Justice and Related Legislation (Marriage Amendments) Bill (Bill No. 47 of 2018);  
Security and Investigations Agents Amendment Bill (Bill No. 51 of 2018);  
Supreme Court Civil Procedure Amendment Bill (Bill No. 52 of 2018);  
Energy Co-ordination and Planning Amendment Bill (Bill No. 57 of 2018); and  
Community, Health, Human Services and Related Legislation Bill (Miscellaneous Amendments) (Bill No. 58 of 2018)

which were interrupted by the prorogation of Parliament on 26 February 2019, be resumed at stage at which they were so interrupted.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker*

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

*Ordered*, That in accordance with Standing Order No 317 (2)(b) the proceedings on the said Bills be resumed at the stage at which they were interrupted by the Prorogation of Parliament on 26 February

**37 BILLS: RESUMPTION OF PROCEEDINGS.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having taken into consideration the Message of the House of Assembly requesting resumption of proceedings on the following Bills of the last Session, has agreed to resume proceedings on the said Bills at the stage at which they were interrupted by the prorogation of Parliament on 26 February 2019 –

Corrections Amendment (Prisoner Remission) Bill (Bill No. 15 of 2018);  
Gas Industry Bill (Bill No. 40 of 2018);  
Gas Safety Bill (Bill No. 41 of 2018);  
Gas (Consequential Amendments) Bill (Bill No. 42 of 2018);  
Mental Health Amendment Bill (Bill No. 43 of 2018);  
Justice and Related Legislation (Marriage Amendments) Bill (Bill No. 47 of 2018);  
Security and Investigations Agents Amendment Bill (Bill No. 51 of 2018);  
Supreme Court Civil Procedure Amendment Bill (Bill No. 52 of 2018);  
Energy Co-ordination and Planning Amendment Bill (Bill No. 57 of 2018); and  
Community, Health, Human Services and Related Legislation Bill (Miscellaneous Amendments) (Bill No. 58 of 2018).

*Legislative Council, 19 March 2019*

J.S. WILKINSON, *President*

**38 SENATE VACANCY: JOINT SITTING.** — 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 19 March 2019:—

*Resolved*, That on Wednesday, 20 March 2019 at 9.30 o'clock in the forenoon the Legislative Council meet the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold a place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator David Bushby; and further, the Legislative Council proposes the following Rules for the Joint Sitting:—

1. PARLIAMENTARY USAGE TO BE FOLLOWED IN DEBATE –

That on any Debate arising, the same shall be conducted according to the Standing Rules and Orders of the House of Assembly. On all points of order, and on all questions arising during the proceedings for choosing a person to fill the vacant place in the Senate, the ruling of the Presiding Officer shall be absolute and final.

2. RULES OF PROCEDURE –

- (1) The Presiding Officer shall call for nominations of persons to fill the seat rendered vacant by the resignation of Senator David Bushby. Each nomination shall be in writing, signed by the proposer, who shall certify on the form of nomination that the person so nominated is willing to hold the seat if chosen and is not disqualified from so doing. The proposer shall also certify that the nominee is a member of the Liberal Party. Nominations shall be handed to the Clerk, who upon being satisfied that they are in order, shall proceed with the preparation of the ballot paper. In the event that one or more nominees are certified to be members of the appropriate Party, those nominees only shall be taken to have been validly proposed to fill the vacancy, and no names other than theirs shall be included on the ballot paper as candidates for the vacant seat.
- (2) If only one person be nominated for the vacant seat, the Presiding Officer shall propose the Question “That (name of proposed person) be chosen to hold the place in the Senate rendered vacant by the resignation of Senator David Bushby and, should such Question be passed in the affirmative, shall so declare.
- (3) If more than one person be nominated for the vacant seat, a ballot shall be taken in the manner hereinafter provided to determine which of such persons shall be chosen to hold the vacant place. Each of such persons so duly nominated is hereinafter referred to as ‘a candidate’.
- (4) The Presiding Officer shall announce the names of the candidates who have been nominated, and shall then direct that a ballot be proceeded with, after which no other person shall be nominated; and the Clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the division bells of the House of Assembly shall be rung, and the doors shall not be closed till after the lapse of two minutes, as indicated by the said sand-glass. The doors shall be locked as soon after the lapse of two minutes as the Presiding Officer shall think proper to direct, and, unless otherwise ordered, shall remain locked until it shall have been declared in the manner provided in Rule 2 that a candidate has been chosen to hold the vacant place: provided that the Clerk and two Scrutineers may retire from the Chamber in order to prepare the ballot papers, and subsequently, to count the votes.
- (5) The Presiding Officer shall appoint a Member of each House to be a Scrutineer to assist the Clerk of the Joint Sitting (herein referred to as the ‘Clerk’) in ascertaining the number of votes cast for each candidate.

- (6) As soon as practicable after the Presiding Officer has announced that the ballot will be proceeded with each Member present shall be provided with a ballot paper initialled by the Clerk.
- (7) Each Member voting shall forthwith mark on the ballot-paper the order of his or her preference for all candidates, and any ballot paper not so marked shall be rejected as informal.
- (8) The Member shall then fold and place the ballot paper so marked in the ballot box.
- (9) If there are only two candidates, the Clerk shall report to the Presiding Officer the number of valid votes cast for each candidate, and the Presiding Officer shall declare in the manner provided in Rule 2 that the candidate who has the larger number of votes has been chosen to hold the vacant place.
- (10) If there are more than two candidates, the method of counting the votes prescribed by Schedule 5 of the *Electoral Act 2004*, for cases in which only one Member is to be elected shall, so far as practicable, and not inconsistent with these rules, be observed.
- (11) As soon as it is ascertained that any candidate has obtained an absolute majority of the valid votes recorded by the Members voting, the Clerk shall so report to the Presiding Officer, and the Presiding Officer shall declare in the manner provided in Rule 2 that such candidate has been chosen to hold the vacant place.
- (12) If at any stage in the count, two or more of the candidates have an equal number of votes, and one of them has to be excluded, the Clerk shall forthwith report to the Presiding Officer the results of the count at that stage. The Members shall thereupon proceed to a special ballot to ascertain which of such candidates shall be excluded, but so that if there are more than two of such persons with an equality of votes only one shall be excluded.
- (13) In all cases not provided for in these Rules resort shall be had to the procedure laid down in the *Electoral Act 2004*, so far as the same may in the opinion of the Presiding Officer be applicable and not inconsistent with these Rules.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker*

**39 ATTENDANCE OF MEMBERS OF THE LEGISLATIVE COUNCIL:  
PREMIER'S ADDRESS.**— 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 Members of the Legislative Council to attend in the House of Assembly Chamber at 3 o'clock p.m. for the purpose of hearing the Premier give the Premier's Address 2019.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker*

**40 HOUSE COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House has appointed the following Members to serve on the Joint Committee of both Houses (known as the House Committee) to control Parliament House and grounds, including catering for Parliament: —

The Speaker;  
The Chair of Committees; and  
Mr O'Byrne.

*House of Assembly, 19 March 2019.*

S. HICKEY, *Speaker.*

**41 LIBRARY COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath appointed the following Members to serve on a Joint Committee of both Houses to manage the Library: —

The Speaker;  
The Chair of Committees;  
Dr Broad;  
Ms Dow;  
Mrs Rylah; and  
Mr Tucker.

*House of Assembly, 19 March 2019.*

S. HICKEY, *Speaker.*

**42 PUBLIC ACCOUNTS COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT

In accordance with the provisions of section 2 subsection (2) of the Public Accounts Committee Act 1970 (No. 54), the following Members have been appointed on the part of the House of Assembly to serve on the Parliamentary Standing Committee of Public Accounts:-

Mrs Rylah; and  
Mr Tucker.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker*

**43 SUBORDINATE LEGISLATION COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT,

In accordance with the provisions of section 3 of the Subordinate Legislation Committee Act 1969 (No. 44), the following Member has been appointed on the part of the House of Assembly to serve on the Subordinate Legislation Committee:-

Mr Tucker.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker*

**44 INTEGRITY COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT,

In accordance with section 23 subsection (4) of the Integrity Commission Act 2009 (No. 67), the following Member has been appointed on the part of the House of Assembly to serve on the Joint Standing Committee on Integrity:-

The Minister for Health.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker.*

**45 PUBLIC WORKS COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT,

In accordance with the provisions of section 3 subsection (2) of the Public Works Committee Act 1914 (No. 32), the following Member has been appointed on the part of the House to serve on the Parliamentary Standing Committee of Public Works:-

Mrs Rylah.

*House of Assembly, 19 March 2019*

S. HICKEY, *Speaker*

**46 ADJOURNMENT.**— *Resolved*, That the Council will, at its rising adjourn until 11.00 o'clock a.m. on Wednesday, 20 March 2019. (Mrs Hiscutt)

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

The Council adjourned at 2.50 o'clock p.m.

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

*Briefing:*

- *Justice and Related Legislation (Marriage Amendments) Bill 2018*