



# LEGISLATIVE COUNCIL

SESSION OF 2022

(SECOND SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 14

THURSDAY, 23 JUNE 2022

- 1 COUNCIL MEETS.**— The Council met at 10.00 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 Acting Clerk of the Council laid upon the Table the Nature Conservation Act 2002: Wildlife (Deer Farming) Regulations 2021.
- 5 JOINT SESSIONAL GENDER AND EQUALITY COMMITTEE.**— The Order of the Day was read for taking into consideration the following Message from the House of Assembly —  
“MR PRESIDENT  
  
The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 2 June 2022:—  
  
That a Joint Sessional Gender and Equality Committee be appointed with power to send for persons and papers, with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon —  
  
(1) (a) Any Bill referred to it by either House in order to examine gender and equality impacts and any such Bill so referred shall be reported upon within 10 sitting days of its referral by report back to the referring House;  
(b) Any matter related to gender and equality referred to it by either House; and  
(c) Any matter related to gender and equality, initiated by its own motion; and  
  
(2) That Notice of any own Motion Inquiry shall be reported to both Houses within two (2) sitting days of the Committee’s Resolution; and  
  
(3) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

with the following Amendment:—

In paragraph (1), sub-paragraph (a), by leaving out “by report back to the referring House”.

The House of Assembly has appointed four Members to serve on the said Committee and Tuesday, 16 August next at 1:15 o'clock p.m. as the time and Committee Room No. 1 as the place for holding the first meeting of the said Committee.

*House of Assembly, 16 June 2022*

MARK SHELTON, *Speaker*

A Motion was made (Mrs *Hiscutt*), and the Question was proposed,  
That the Amendment proposed by the House of Assembly to the Resolution be agreed to, and that —

Mr *Duigan*;  
Ms *Forrest*;  
Mr *Harriss*; and  
Mr *Willie*

be appointed to serve on the Joint Sessional Committee on the part of the Council.

And the Question being put,

It was resolved in the Affirmative.

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

**6 JOINT SESSIONAL GENDER AND EQUALITY COMMITTEE.** — A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed to the following resolution and acquaints the House of Assembly accordingly:— *Resolved*, That the Legislative Council having taken into consideration the Message from the House of Assembly dated 16 June 2022 relating to the establishment of a Joint Sessional Gender and Equality Committee does agree to the Amendment proposed by the House of Assembly and that —

Mr *Duigan*;  
Ms *Forrest*;  
Mr *Harriss*; and  
Mr *Willie*

be appointed to serve on the Joint Sessional Committee on the part of the Council.

*Legislative Council, 23 June 2022*

C.M. FARRELL, *President*

**7 BILL NO. 15.**— The Order of the Day was read for resuming the Debate on the Question, That the Police Offences Amendment (Workplace Protection) Bill 2022 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

**8 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.

**9 QUESTION TIME.**— The President called for Questions without Notice. There were six Questions asked.

**10 BILL NO. 15.**— The Council resumed the Debate on the Question, That the Police Offences Amendment (Workplace Protection) Bill 2022 be now read the Second time.

And the Question being put,

The Council divided.

AYES 11

NOES 3

Ms *Armitage*  
Mr *Duigan* (Teller)  
Ms *Forrest*

Mr *Gaffney*  
Mr *Valentine* (Teller)  
Ms *Webb*

Mr *Harriss*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Rattray*  
Ms *Siejka*  
Mr *Willie*

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.

Clause 4 Amendments made. (Mrs *Hiscutt*)

**First amendment**

Page 4, paragraph (b), proposed new paragraph (ea), after "unreasonably".

*Insert* "and substantially".

**Second amendment**

Same page, after paragraph (b).

*Insert* the following paragraph:

(ba) by inserting the following subsection after subsection (1):

(1A) Without limiting the generality of subsection (1)(ea), the circumstances where an obstruction, of the passage of vehicles or pedestrians on a street, may be reasonable includes, but is not limited to, an obstruction that –

(a) is authorised by, or is lawfully permitted under, a permit issued under section 49AB; or

(b) is authorised by, or is lawfully permitted under, another Act of the State or the Commonwealth including, but not limited to, the *Fair Work Act 2009* of the Commonwealth and the *Work Health and Safety Act 2012*.

**Third amendment**

Same page, paragraph (c).

*Leave out* that paragraph.

*Insert instead* the following paragraph:

(c) by omitting from subsection (3AA)(a) "subsection (1) or (3)" and substituting "subsection (1), other than subsection (1)(ea), or subsection (3)";

**Fourth amendment**

Same page, paragraph (d).

*Leave out* that paragraph.

*Insert instead* the following paragraph:

(d) by inserting the following paragraph after paragraph (a) in subsection (3AA):

(ab) a penalty not exceeding 10 penalty units or to imprisonment for a term not exceeding 3 months, in the case of an offence under subsection (1)(ea); or

**Fifth amendment**

Same page, paragraph (e).

*Leave out* that paragraph.

Question put, That clause 4 as amended be agreed to.

Committee divided.

AYES 8

Ms Armitage  
Mr Duigan  
Ms Forrest  
Mr Harriss  
Mrs Hiscutt  
Ms Howlett (Teller)  
Ms Palmer  
Ms Rattray

NOES 6

Mr Gaffney  
Ms Lovell  
Ms Siejka  
Mr Valentine (Teller)  
Ms Webb  
Mr Willie

It was resolved in the Affirmative.

Clause 5 Amendment proposed. (Ms Lovell)

Page 8, paragraph (d), after proposed new subsection (2AC).

*Insert* the following proposed new subsection:

(2AD) Subsections (2AA) and (2AC) do not apply to a person who is convicted by a court of an offence under this section if the offence was committed –

- (a) in the course of the person being engaged in –
  - (i) industrial action; or
  - (ii) an industrial dispute; or
  - (iii) an industrial campaign; or
- (b) at a workplace at which the person works at the request of an employer of the person; or
- (c) at a workplace owned, occupied, operated, or used, for the purposes of a business or undertaking, by an employer of the person.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 6

Ms Armitage  
Ms Forrest  
Mr Gaffney  
Ms Lovell

NOES 8

Mr Duigan  
Mr Harriss (Teller)  
Mrs Hiscutt  
Ms Howlett

Ms *Siejka* (Teller)  
Mr *Willie*

Ms *Palmer*  
Ms *Rattray*  
Mr *Valentine*  
Ms *Webb*

So it passed in the Negative.

Clause 5 as read further considered.

Question put, That the Clause be agreed to.

Committee divided.

AYES 8

Ms *Armitage*  
Mr *Duigan*  
Ms *Forrest*  
Mr *Harriss*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Palmer*  
Ms *Rattray* (Teller)

NOES 6

Mr *Gaffney*  
Ms *Lovell* (Teller)  
Ms *Siejka*  
Mr *Valentine*  
Ms *Webb*  
Mr *Willie*

It was resolved in the Affirmative.

Clauses 6 to 8 agreed to.

Schedule 1 agreed to.

Title agreed to.

Bill to be reported with Amendments.

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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 with Amendments.

*Ordered*, That the consideration of the Bill as amended in Committee be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**11 LEAVE TO TABLE ANSWERS TO QUESTIONS ON NOTICE AND INCORPORATE ANSWERS INTO HANSARD.**— *Ordered*, That Mrs *Hiscutt* have leave to Table answers to Question Nos 1, 2 and 3 on the Notice Paper and have the answers incorporated into the Hansard record.

**12 TASMANIAN RISK MANAGEMENT FUND.**— Ms *Forrest* asked the Honourable the Leader of the Government with regard to the Tasmanian Risk Management Fund—

- (1) The 2021-22 Budget Papers noted in Table 7.11 in that year a line titled 'Payables'. In the 2022-23 Budget Paper No. 1 in Table 7.12 the line is titled 'Payables and Employee entitlements':
  - (a) What is the reason for the change; and
  - (b) what do the provisions relate to?
- (2) On page 148 of the 2022-23 Budget Paper No. 1 it states that overall costs to agencies are increasing to meet increasing costs:
  - (a) Is this increase spread evenly across departments; and
  - (b) if not, do departments, eg. health, pay a higher rate?

- (3) With regard to the Balance Sheet on page 149 of the 2022-23 Budget Paper No. 1, will the Treasurer consider the inclusion of a Profit & Loss or cash flow statement to enable the reader to see the expected receipts in and payments out of the fund?

The Leader answered,

- (1) (a) The descriptor changed from 'Payables' in the 2021-22 Budget to 'Payables and Employee entitlements' in the 2022-22 Budget to better reflect the nature of the liabilities within the line item. The figures remain comparable between 2021-22 and 2022-23.
- (b) The Payables and Employee Entitlements line item includes unpaid leave entitlements for staff responsible for the administration of the Tasmanian Risk Management Fund; as well as claim costs, fund administration agent fees, actuarial fees and other administrative costs incurred but not yet paid in the financial year.
- (2) (a) The increase in contributions is not spread evenly across agencies.
- (b) The quantum of an agency's contribution is determined by an independent actuary and reflects specific consideration of each agency's coverage requirements, risk exposure, claims experience and nominated excess amounts.
- (3) The expected revenue and expense figures for the Tasmanian Risk Management Fund are included within Finance-General in the 2022-23 Budget.

Actual revenue and expense figures related to the activity of the TRMF are included within the Fund's Annual Reports, available publicly online.

**13 FISCAL STRATEGIC ACTION NO. 1 AS DESCRIBED IN THE 2022-23 BUDGET PAPERS.**—Ms *Forrest* asked the Honourable the Leader of the Government with regard to Fiscal Strategic Action No. 1 as described in the 2022-23 Budget Papers—

- (1) With regard to current Fiscal Strategic Action No. 1 as described in the 2022-23 Budget Papers:
- (a) (i) Does revenue include capital grants; and
- (ii) if so, why are they included when assessing a goal for an appropriate level of operating expenses?
- (b) Does the Treasurer accept that receiving grants for the Bridgewater Bridge does not indicate the State's financial position is more sustainable from an operations viewpoint?
- (2) With regard to current Fiscal Strategic Action No. 4 as described in the 2022-23 Budget Papers, this action requires government businesses to deliver services to Tasmanians at the lowest sustainable cost while also providing an appropriate financial return to the government:
- (a) How do the two projects Marinus and Battery of the Nation satisfy the specific expectations of Strategic Action No. 4;
- (b) How will these two projects lower electricity prices in Tasmania when the State is currently 100% self-sufficient;
- (c) (i) Will Marinus drive down local prices more than the extra burden of Marinus costs; and
- (ii) if so, how?
- (d) What are the expected returns to government from these two projects as required by Strategic Action No. 4?

The Leader answered,

- (1) (a) (i) and (ii)  
Consistent with calculation methodology since the introduction Fiscal Strategic Action 1, revenue growth is calculated based on total Revenue from transactions as per the General

Government Income Statement. In accordance with Accounting Standards, this incorporates all grants from the Australian Government, including capital grants. Capital grants from the Australian Government represents a small component of overall Grants, ranging from approximately one per cent to four per cent of total Revenue over the Budget and Forward Estimates period, depending on the year.

- (b) Over the long term, the receipts for the Bridgewater Bridge represent a small proportion of overall revenue growth.
- (2) (a) It is important to note that neither Project Marinus nor projects within the Battery of the Nation strategy have reached a Financial Investment Decision. At the appropriate time the Government will make an investment decision that is in the best interest of Tasmanians.
- (b) While there is some uncertainty on wholesale electricity price reductions, analysis conducted for TasNetworks by global consulting firm FTI in 2021 demonstrates that wholesale electricity prices in Tasmania are likely to be lower with Marinus Link in service.

Within Tasmania, the 1500 MW of Marinus Link is likely to be accompanied by at least 2500 MW of wind development in the state. The introduction of this additional low-cost supply into the Tasmanian market will help exert downward pressure on wholesale energy prices.

More broadly, Marinus Link (and Battery of the Nation) has the ability to put downward pressure on wholesale energy prices right across the NEM by introducing an additional 1500 MW of dispatchable capacity into the NEM, accessing the existing spare and refurbished dispatchable capacity in the Tasmanian hydro-electric system for the first stage of the link, and enabling the development of long-duration pumped hydro facilities with the second stage of the link. This lower cost dispatchable energy assists in minimising market volatility thereby suppressing energy price rises from more expensive solutions (like gas, diesel and shorter duration pumped hydro on mainland Australia) that are otherwise required in the NEM.

- (c) As noted previously, the analysis conducted for TasNetworks by global consulting firm FTI Consulting demonstrates that wholesale electricity prices in Tasmania are likely to be lower with Marinus Link in service.

In regard to the costs for Tasmanians, Marinus Link is currently progressing a Rule change proposal to the Australian Energy Market Commission, which would see Tasmanian customers only paying their fair share of Marinus Link costs. This is something the Government has remained committed to since the outset of the project.

The Rule change proposal is being finalised and is expected to be lodged with the Australian Energy Market Commission in the coming weeks.

- (d) As a regulated service, the returns from the Marinus Link project are expected to provide the owner a commercial return on investment. The Australian Energy Regulator (AER) determines regulated revenues.

More interconnection will unlock Tasmania's full renewable energy potential, providing clean, reliable and affordable energy to support a resilient future energy market. This will allow Hydro Tasmania greater access to market for its existing latent capacity and future investments in hydro upgrades and pumped hydro.

**14. IMPUTED RENTS FOR OWNER OCCUPIED HOUSING.**— Ms *Forrest* asked the Honourable the Leader of the Government with regard to imputed rents for owner occupied housing—

The Leader answered,

For the benefit of Members, imputed rents are a calculation by the Australian Bureau of Statistics to try to estimate the rent that owner-occupiers would pay on the housing that they own. This concept treats owner-occupiers as if they were renting from themselves. Imputed rents are included in ABS National Accounts data. While imputed rents and actual rents are separated out at a national level, they are not split this way on a state basis. Income from the ownership of dwellings accounts for around eight per cent of household income. However, this calculation includes both imputed and actual rents. This is a highly

complex area and further enquires on the detailed treatment of this matter would best be directed to the ABS, which has responsibility for the preparation and treatment of these data.

**15 ADJOURNMENT.**— *Resolved*, That the Council will, at its rising adjourn until 9.30 o'clock a.m. on Friday, 12 August 2022. (Mrs *Hiscutt*)

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

The Council adjourned at 6.10 o'clock p.m.

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

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**ROYAL ASSENT TO BILLS.**— Message from Her Excellency the Governor as follows:

MESSAGE

Barbara Baker, Governor

A Bill for an Act for the appropriation of \$6 993 286 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2023

*Appropriation Act (No. 1) 2022*

(Bill No 23; *Act No. 19 of 2022*)

A Bill for an Act for the appropriation of \$43 203 000 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 2023

*Appropriation Act (No. 2) 2022*

(Bill No 24; *Act No. 20 of 2022*)

having been presented to the Governor for the Royal Assent, she has in the name of Her Majesty the Queen, assented to the said Bills.

*Government House, Hobart, 30 June 2022*

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**PARLIAMENT OF TASMANIA  
A PROCLAMATION**

WHEREAS it is expedient that the Parliament of Tasmania be prorogued, I the Honourable Barbara Baker, 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 16 August 2022 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 1 August 2022.

Barbara Baker, Governor

By Her Excellency's Command,  
JEREMY ROCKLIFF, Premier