



**LEGISLATIVE COUNCIL**  
**SESSION OF 2018**  
**(FIRST SESSION OF THE FORTY-NINTH PARLIAMENT)**

**VOTES AND PROCEEDINGS**

No. 28

WEDNESDAY, 26 SEPTEMBER 2018

- 1 COUNCIL MEETS.**— The Council met at 12.00 o'clock noon and the President read Prayers.
- 2 PAPERS.**— The Clerk of the Council laid upon the Table the Tasmanian Dairy Industry Authority: Annual Report and Financial Statements 2017-2018.
- 3 REPORT OF THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON TASMANIAN IRRIGATION.**— Ms *Ratray* presented a Report of the Legislative Council Select Committee on Tasmanian Irrigation, together with evidence taken by the Committee.  
*Ordered*, That the Report be received. (Ms *Ratray*)  
*Ordered*, That the Report be printed. (Ms *Ratray*)  
*Ordered*, That consideration of the Report and its noting be made an Order of the Day for Tuesday next. (Ms *Ratray*)
- 4 BILL NO. 37.**— The Order of the Day was read for the Second reading of the Police Offences Amendment (Consorting) Bill 2018.  
A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.  
A Debate arose thereupon.
- 5 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.
- 6 QUESTION TIME.**— The President called for Questions without Notice. There were no Questions asked.
- 7 BILL NO. 37.**— The Council resumed the Debate on the Question, That the Police Offences Amendment (Consorting) Bill 2018 be now read the Second time.  
A Motion was made (Mr *Farrell*) and the Question was proposed, That the Debate be adjourned.  
A Debate arose thereupon.  
The Motion was, by leave, withdrawn and the Council resumed Debate on the Question, That the Police Offences Amendment (Consorting) Bill 2018 be now read the Second time.  
And the Question being put,  
It was resolved in the Affirmative.  
And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.  
And the President having left the Chair, the Council resolved itself into the said Committee.

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 1 read.

A Motion was made (Mr *Farrell*) and the Question was proposed, That the Chair do report progress and seek leave to sit again.

A Debate Arose thereupon,

And the Question being put,

It passed in the Negative.

Clause 1 further considered and agreed to.

Clauses 2 to 4 agreed to.

Clause 5 Amendment made. (Mrs *Hiscutt*)

**First Amendment**

Page 5, proposed new section 20A, proposed definition of *family member*, after proposed paragraph (e).

*Insert* the following paragraph:

- (ea) if the defendant is an Aboriginal person within the meaning of the *Aboriginal Lands Act 1995*, a person who, under Aboriginal tradition, is regarded as a person who is, in relation to the defendant, a person referred to in any of paragraphs (a) to (e)

To report progress and seek leave to sit again.

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The Council being resumed Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

*Resolved*, That the Council will, at a later hour, again resolve itself into the said Committee.

**8 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 7.01 o'clock p.m. and resumed at 8.45 o'clock p.m.

**9 BILL NO. 37.**— The Council, according to Order, again resolved itself into a Committee on the Police Offences Amendment (Consorting) Bill 2018.

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 5 as amended, further considered.

Further Amendments proposed. (Mr *Valentine*)

Page 7, proposed new section 20A, proposed definition of *serious offence*, paragraph (f).

*Leave out* "this definition."

*Insert instead* "this definition —".

Same page, same proposed new section, same proposed definition, after paragraph (f).

*Insert* the following:

"that is an offence punishable by imprisonment for a period of 10 years or more."

Question put, That the Amendments be agreed to.

It passed in the negative.

Clause as amended, further considered.

Further Amendments proposed (Mr *Dean*)

Page 7, proposed new section 20C, proposed new subsection (1).

Leave out "habitually".

Same page, same proposed new section, proposed subsection (2).

Leave out "habitually".

Ms *Rattray* in the Chair.

The proposed Amendments were, by leave, withdrawn.

Clause as amended, further considered.

Ms *Forrest* in the Chair.

Further Amendment proposed (Mr *Valentine*)

Page 11, proposed new section 20D, proposed new subsection (1).

*Leave out* "it is desirable to do so in furtherance of the objects of this Division, may authorise a convicted offender".

*Insert instead* "the commission of an offence is likely to be prevented if 2 or more convicted offenders are prevented from consorting with each other, may authorise each convicted offender".

The proposed Amendment was, by leave, withdrawn.

Clause as amended, further considered.

Further Amendments made (Mr *Dean*)

#### **Second amendment**

Page 11, proposed new section 20D, proposed new subsection (1), paragraph (b).

*Leave out* "the offender."

*Insert instead* "the offender; and".

#### **Third amendment**

Same page, same proposed new section, same proposed new subsection, after paragraph (b).

*Insert* the following paragraph:

- (c) the person may, within 28 days of receiving the notice, request under section 20D(3) of this Act, a review of the decision to authorise the official warning to be given to the person.

Ms *Rattray* in the Chair.

Clause as amended, further considered.

Further Amendment proposed (Ms *Forrest*)

#### **Fourth amendment**

Page 14, proposed new section 20E, proposed new subsection (2), proposed new paragraph (c).

*Leave out "Subdivisions 2 and 3".*

*Insert instead "Subdivision 3".*

And the Question being put,  
Committee divided.

AYES 8

NOES 6

Mr Farrell  
Ms Forrest Teller)  
Mr Gaffney  
Mr Lovell  
Ms Rattray  
Ms Seijka  
Mr Valentine  
Mr Willie

Ms Armitage  
Mr Armstrong  
Mr Dean  
Mr Finch  
Mrs Hiscutt  
Ms Howlett (Teller)

It was resolved in the Affirmative.  
Clause as amended, further considered.

Further Amendments made. (Ms Forrest)

**Fifth amendment**

Page 15, same proposed new section, proposed new subsection (5).

*Leave out* the proposed new subsection.

*Insert instead* the following subsections:

- (5) In dealing with an application for a review under subsection (1), the Magistrates Court (Administrative Appeals Division) –
- (a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose the existence or content of any information that –
    - (i) is information, the disclosure of which may prejudice the operations of the police service or the safety of any person; or
    - (ii) has been withdrawn under subsection (8)(b); and
  - (b) in order to prevent the disclosure of information to which paragraph (a) applies, is to receive evidence, and hear argument, in relation to whether the information is such information, in the absence of the public, the applicant for the review and the applicant's representative; and
  - (c) if the information may prejudice the operations of the police service or the safety of any person, is to receive such evidence, and hear argument, in relation to the information in the absence of the public, the applicant for the review and the applicant's representative; and
  - (d) if information has been withdrawn under subsection (8)(b) –

- (i) is not to take the information into account in determining the application for the review; and
  - (ii) is not to disclose the information to the public, the applicant for the review or the applicant's representative.
- (6) The Commissioner, or a commissioned police officer, may provide to the Magistrates Court (Administrative Appeals Division) a statement identifying, in relation to an application for review under subsection (1), the information, the disclosure of which, in his or her opinion, may prejudice the operations of the police service or the safety of any person.
- (7) The Magistrates Court (Administrative Appeals Division) is, in determining for the purposes of subsection (5) whether information is not to be disclosed, to have regard to whether the information has been identified in a statement provided to the Court under subsection (6).
- (8) If information has been identified in a statement provided to the Magistrates Court (Administrative Appeals Division) under subsection (6) –
  - (a) the Court must, before disclosing the information, give the Commissioner, or a commissioned police officer, the opportunity to have the information withdrawn; and
  - (b) the Commissioner, or a commissioned police officer, may notify the Court that the information is withdrawn.

Ms *Forrest* in the Chair

Clauses 5 as amended, agreed to.

Clauses 6 to 9 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 Bill, as amended in the Committee, be taken into consideration tomorrow.  
(Mrs *Hiscutt*)

## **10 BILL NO. 36.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Legal Profession Act 2007*’,

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

*House of Assembly, 26 September 2018*

S. HICKEY, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**11 ADJOURNMENT.**— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 noon on Thursday, 27 September 2018. (Mrs *Hiscutt*)

It was resolved in the Affirmative.

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

The Council adjourned at 10.34 o'clock pm.

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

*Briefings:*

- *Early Education Update briefing*
- *Police Offences Amendment (Consorting) Bill 2018*