



# HOUSE OF ASSEMBLY

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 43

TUESDAY, 26 NOVEMBER 2019

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 5 PAPERS. – The Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-
  - (1) National Heavy Vehicle Regulator: Annual Report 2018-19.
  - (2) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law National Regulations (Application of Law) Variation Regulations 2019.
- 6 PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-
  - (1) Ombudsman Tasmania: Annual Report 2018-19.
  - (2) Australian Criminal Intelligence Commission:
    - (a) Police Powers (Surveillance Devices) Act 2006 – Annual Report 2018-2019; and
    - (b) Police Powers (Controlled Operations) Act 2006 – Annual Report 2018-2019.
  - (3) Health Complaints Commissioner Tasmania: Annual Report 2018-2019
- 7 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-

Land Acquisition Act 1993: Section 18:

  - (i) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 10 on Plan of Survey P174260, registered in the name of Richmond Golf Club for road purposes;
  - (ii) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 6 on Plan of Survey P174260, registered in the names of Michael Henry McDermott and Mary McDermott for road purposes;

- (iii) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 7 on Plan of Survey P174260, registered in the name of Alec David Harper for road purposes;
- (iv) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 9 on Plan of Survey P174260, registered in the name of Christopher Hamilton Lawrence for road purposes;
- (v) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 3 on Plan or Survey P174260, registered in the name of Hathaway Trading Co. Pty Ltd for road purposes;
- (vi) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 2 on Plan of Survey P174260, registered in the names of John Malcom Carney and Suzanne Danielle Carney for road purposes;
- (vii) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 11 on Plan of Survey P174260, registered in the names of David Bruce Durno and Maureen Ann Durno for road purposes;
- (viii) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lots 1 and 4 on Plan of Survey P174260, registered in the name of The University of Tasmania for road purposes;
- (ix) Notice of Acquisition dated 28 February 2018, land situate in the Parish of Cambridge, Land District of Monmouth, Municipality of Clarence, Lot 12 on Plan of Survey P174260, registered in the names of John Richard Stevens and Diana Margaret Stevens for road purposes;
- (x) Notice of Acquisition dated 7 March 2018, land situate in the Parish of Forbes, Land District of Monmouth, Municipality of Clarence, Lots 7 and 8 on Plan of Survey P174286, registered in the names of George Karas and Annette Maria Karas for road purposes;
- (xi) Notice of Acquisition dated 7 March 2018, land situate in the Parish of Forbes, Land District of Monmouth, Municipality of Clarence, Lot 5 on Plan of Survey P174286, registered in the name of Peter Brian Smith for road purposes;
- (xii) Notice of Acquisition dated 7 March 2018, land situate in the Parish of Forbes, Land District of Monmouth, Municipality of Clarence, Lot 4 on Plan or Survey P274286, registered in the names of Jacqueline Ann Brown and Darren Leigh John Brown for road purposes;
- (xiii) Notice of Acquisition dated 15 May 2018, land situate in the Parish of Forbes, Land District of Monmouth, Municipality of Clarence, Lot 10 on Plan of Survey P174286, registered in the names of Penny Patricia Booth and Scott Peter Cordwell for road purposes; and
- (xiv) Notice of Acquisition dated 28 March 2018, land situate in the Parish of Forbes, Land District of Monmouth, Municipality of Clarence, Lots 3, 6, 9 and 11 on Plan of Survey 174286, registered in the names of Mary Murdoch Crisp, Campbell Gunn, and Robert James Gunn Trustees of the Estate of Arthur Gilbert Crisp for road purposes.

**8 PAPERS.** – The Clerk of the House laid upon the Table of the House the following Papers:-

- (1) Report of the Auditor-General:
  - (a) No. 3 of 2019-20: Tasmania Prison Service: Use of Resources;

(b) No. 4 of 2019-20: Rostering of Specialists in Tasmania's major hospitals; and

(c) No. 5 of 2019-20: Royal Hobart Hospital Redevelopment Project.

(2) Tasmanian Electoral Commission: Annual Report 2018-2019.

**9** BILL NO. 27. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to establish a criminal and general division of the Magistrates Court, to provide for the conduct of proceedings in that division and to provide for related matters".

*Legislative Council, 20 November 2019.*

*C.M. FARRELL, President.*

**10** BILL NO. 28. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to consequentially amend certain Acts on the enactment of the Magistrates Court (Criminal and General Division) Act 2019".

*Legislative Council, 20 November 2019.*

*C.M. FARRELL, President.*

**11** BILL NO. 51. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Gaming Control Act 1993".

*Legislative Council, 21 November 2019.*

*C.M. FARRELL, President.*

**12** BILL NO. 46. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Inland Fisheries Act 1995".

*Legislative Council, 21 November 2019.*

*C.M. FARRELL, President.*

**13** BILL NO. 29. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to provide for the issue and enforcement of restraint orders and for related matters".

*Legislative Council, 21 November 2019.*

*C.M. FARRELL, President.*

**14** LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

**15** GOVERNMENT BUSINESSES SCRUTINY COMMITTEE. — *Ordered*, That the House appoint a Government Businesses Scrutiny Committee, with leave to sit on 3 and 4 December 2019 to

inquire into Government Businesses (GBs) in accordance with the following schedule and rules.

For 2019 the following Government Businesses are allocated to the Committee as detailed below:—

Tuesday, 3 December 2019	Port Arthur Historic Site Management Authority: 0900 – 1000 (1 hour)  Tasmanian Public Finance Corporation: 1000 – 1100 (1 hour)  Aurora Energy Pty Ltd: 1100 – 1300 (2 hours)  Tasracing Pty Ltd: 1400 – 1600 (2 hours)
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Wednesday, 4 December 2019	Motor Accidents Insurance Board: 0900 – 1000 (1 hour)  Metro Tasmania Pty Ltd: 1000 – 1200 (2 hours)  Tasmanian Railways Pty Ltd: 1200 – 1300, 1400-1500 (2 hours)  Tasmanian Irrigation Pty Ltd: 1500 – 1600 (1 hour)  Tasmanian Water and Sewerage Corporation Pty Ltd: 1600-1800 (2 hours)
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#### MEMBERSHIP OF THE COMMITTEE—

- (1) The Committee shall consist of six Members appointed by the House as follows:—  
The Chair of Committees (Chair);  
Mrs *Rylah* (Deputy Chair);  
Mr *Tucker*  
Two Members nominated by the Leader of the Opposition; and  
One Member nominated by the Leader of the Greens.
- (2) During sittings, substitute Members may be allowed.
- (3) If a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee appointed by the House.
- (4) A Committee may proceed with business despite a vacancy in its membership.
- (5) The Chair of a Committee has a deliberative and a casting vote.
- (6) The quorum of a Committee is four of whom one is the Chair of the Committee or Deputy Chair.
- (7) If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
- (8) Any time lost for lack of a quorum shall be added to the time allocated to that session.
- (9) Members of the House who have not been appointed as Members of the Committee, may participate in proceedings by asking questions, but not more than two in succession; and may not vote, move any motion or be counted for the purposes of a quorum.
- (10) The responsible Minister and Chairperson of the Board of a GB shall be examined before a Committee for a maximum period of four hours.

#### SITTING TIMES

- (1) The Committee meets only in accordance with the time-table adopted by the House or as varied by the Chair.
- (2) A one hour period shall be provided each day at the discretion of the Chair for the purpose of a luncheon break.
- (3) The Committee may sit only when the House is not sitting.

#### HEARINGS

All hearings of the Committee are open to the public except that any evidence stated by a witness to be of a commercially sensitive or confidential nature shall, if requested by at least one Member of the Committee, be heard in camera. Any such evidence shall not be published or in any way divulged by any Member of a Committee or any other person unless the Committee recommends it to the House and the House resolves that the information be made public.

#### PROCEEDINGS OF A GOVERNMENT BUSINESS SCRUTINY COMMITTEE

- (1) When the activities of a GB are to be examined at a Committee hearing it shall be represented by the responsible Minister and the Chairperson of the Board.
- (2) Questions may be put directly to the responsible Minister and the Chairperson of the Board.
- (3) A Committee may ask for explanations relating to the activities, performance, practices and economic management of the GB.
- (4) The witnesses who are asked for explanations may be assisted where necessary by other officers of the GB in the provision of factual information.
- (5) Officers may answer questions at the request of the responsible Minister but shall not be required to comment on policy matters.
- (6) Time limits of one minute for a question and three minutes for an answer shall apply in a Committee.
- (7) Questions may be asked on a ratio of two Opposition, one Green, and one Government or in such form as the Committee determines.
- (8) A witness may advise a Committee that an answer to a question, or part of a question, will be given later to that Committee, and where possible that Committee sitting day.
- (9) Additional information may be provided to a Committee about an answer given.
- (10) Additional information—
  - (a) is to be written;
  - (b) given by a time decided by a Committee; and
  - (c) may be included in a volume of additional information laid on the Table of the House by the Committee.
- (11) If any Member persistently disrupts the business of a Committee, the Chair
  - (a) names the Member;
  - (b) if the Member named is a Member of the Committee, suspends the sittings of the Committee until he or she has reported the offence to the Speaker; and
  - (c) if the Member named is not a Member of the Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the Speaker;

as soon as practicable, the Chair advises the Speaker who then gives notice that the Member of the Committee be replaced.
- (12) If any objection is taken to a ruling or decision of the Chair,
  - (a) the objection must be taken at once and stated in writing;
  - (b) the Chair, as soon as practicable, advises the Speaker who makes a ruling on the matter; and
  - (c) the Committee may continue to meet but may not further examine the matter then under consideration.

- (13) Television coverage will be allowed, subject:—
- (a) to the foregoing provisions contained under “Hearings”; and
  - (b) to the same guidelines that apply to televising of the House of Assembly itself.

#### TRANSCRIPT

An unedited transcript of Committee proceedings is to be circulated, in a manner similar to that used for other Committee transcripts, as soon as practicable after the Committee's proceedings.

Evidence taken *in camera* shall be printed on coloured paper and shall only be circulated to the Committee Members and shall not be divulged in any way to any other person.

#### REPORTS OF COMMITTEES

A Report of the Committee is to be brought up by the Chair or the Deputy Chair to the House and shall be the transcript of the public hearings and the minutes of the meetings of the Committee.

#### LEAVE FOR MINISTERS TO ATTEND L.C. COMMITTEE

And that the House of Assembly give leave to Ministers of the Crown who have relevant portfolio responsibilities to attend any similar Committee established by the Legislative Council if requested by that Committee as follows:—

Thursday, 5 December 2019	The Minister for Energy and Minister for Resources
Friday, 6 December 2019	The Attorney-General and Minister for Justice The Minister for Infrastructure and Transport

(The Minister for Infrastructure and Transport)

**16** LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That Ms *Standen* have leave to make a Motion without Notice. (Ms *Standen*)

**17** HOUSING AFFORDABILITY, SELECT COMMITTEE ON: TIME FOR BRINGING UP REPORT. - *Ordered*, That:

- (1) The reporting date for the Select Committee on Housing Affordability be extended until 5 March 2020.
- (2) If the House is not sitting when the Committee completes its report, such report may be presented to the Speaker or to the Deputy Speaker and in that event, the report shall be deemed to have been presented to the House and ordered to be printed. (Ms *Standen*)

**18** MATTER OF PUBLIC IMPORTANCE: FAMILY VIOLENCE. - Ms *O'Byrne* in accordance with Standing Orders, moved - That the House take note of the following matter:

Family Violence.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**19** BILL NO. 56. - The Order of the Day being read for the Second reading of the Duties Amendment Bill 2019.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time.  
(The Treasurer)

A Debate arose thereupon.

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

**21** BILL NO. 56. - And the Question being again proposed;

The House resumed the Debate.

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 House.

And the Speaker having left the Chair, the House resolved itself into the said Committee.

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(In the Committee)

Mr *Tucker* took the Chair.

Clauses 1 to 12 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The House being resumed, Mr *Tucker* reported that the Committee had gone through the Bill, and had directed her to report the same to the House without Amendment.

*Ordered*, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

**22** BILL NO. 56. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled "A Bill for an Act to amend the Duties Act 2001",

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

*House of Assembly, 26 November 2019.*

SUE HICKEY, *Speaker*.

**23** BILL NO. 57. - The Order of the Day being read for the Second reading of the Justice Legislation (Mandatory Sentencing) Bill 2019.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time.  
(The Attorney-General)

A Debate arose thereupon.

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

25 BILL NO. 57. - And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

The House divided.

AYES 12

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

NOES 12

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

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

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time.

And the Question being put– that the Bill be read a Third time;

The House divided.

AYES 12

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

NOES 12

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



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

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Third time.

**26** BILL NO. 57. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to amend the Sentencing Act 1997”,

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

*House of Assembly, 26 November 2019.*

SUE HICKEY, *Speaker.*

**27** SECTION 19 RETURN FOR THE JUNE QUARTER 2019. – A Motion being made and the Question being proposed—That the House approves, in accordance with sub-sections 11(7) and 12(4) of the Public Account Act 1986, additional Recurrent Services and Works and Services expenditure in 2018-19 for the purpose detailed in the Section 19 Return for the June Quarter 2019. (The Treasurer)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

The House adjourned at sixteen minutes past Eight o'clock.

SHANE DONNELLY, *Clerk of the House.*

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MEMBERS. - All present during the day.