



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

VOTES AND PROCEEDINGS

No. 14

TUESDAY, 10 JULY 2018

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 ENVIRONMENT PROTECTION AGENCY AND BELL BAY AIR QUALITY.— Mr *Finch* asked the Honourable the Leader of the Government —

With regard to the Environment Protection Authority (EPA) Tasmania —

- (1) (a) Can the Government confirm that EPA Tasmania has not reviewed East Tamar Industry Temco's Environment Protection Notice since 2002; and
(b) If the answer to (a) above is yes, is the Government aware that EPA Tasmania's guidelines state that the Notice should be reviewed every five years.
- (2) (a) As the European Union and the World Health Organization have safe limits for particulate material PM10, PM 2.5, lead, arsenic and cadmium should there be testing by the EPA Tasmania at the Bell Bay industrial area given that these are believed to be by-products of some of their processes; and
(b) Can the Government confirm that the EPA Tasmania has not updated their Environment Protection Policy (Air Quality) since 2004?
- (3) (a) As East Tamar industries are close to residential areas how often is noise and air pollution measured and;
(b) In what locations are measurements taken?
- (4) As noise pollution from Bell Bay has been an ongoing issue for Clarence Point, Beauty Point and other residents on the West Tamar, what steps can be taken to reduce the allowable noise impact?

Mrs Hiscutt replied —

- (1) The TEMCO Environment Protection Notice - EPN - has been under review and is currently in draft.
- (2) (a) The EPA imposes regular air emissions monitoring on all regulated premises at Bell Bay. The parameters monitored are relevant to the activity of the site. All data is available to the public via the annual environmental review - AER.
(b) The Environment Protection Policy (Air Quality) 2004, which is a legislated government policy, not an EPA policy, is currently under review.

(3)(a) and (b)

All EPA-regulated activities within Bell Bay are required to undertake noise surveys to ensure compliance against permitted noise limits. The frequency of noise surveys varies between every 14 months to every three years. Noise is measured at a variety of locations on the East and West Tamar over a period of 24 hours.

All EPA-regulated activities in Bell Bay are required to undertake air emissions monitoring to ensure compliance with permitted emissions levels.

Emissions monitoring includes onsite and extensive offsite monitoring throughout the Tamar Valley. Offsite locations include Beauty Point, Low Head, Rowella, Kelso and George Town.

Some operations undertake continuous emissions monitoring of stack emissions allowing real time data. If an exceedence is detected, an alarm sounds so that immediate action can be taken.

(4) Noise propagation through the Tamar Valley is complex due to atmospheric and topographic conditions. The Tamar River creates an unusual environment for the transfer of noise. Noise is always generated from Bell Bay, but under certain atmospheric conditions it is not audible and under other conditions it is.

The EPA receives occasional noise complaints from residents at Beauty Point and Clarence Point. In the last 18 months, a noise complainant from Clarence Point has been particularly concerned about noise from Bell Bay.

In response to the complaint, the EPA has undertaken several investigations including the deployment of a noise logger to the Clarence Point property for a period of 10 days to measure the noise experienced at the property.

The EPA noise specialist has reviewed the data and determined that noise limits imposed on Bell Bay operators were not exceeded during that period.

The EPA is intending to redeploy three noise loggers during July throughout Clarence Point at the request of the complainant. This may provide further information regarding the nature of the noise.

The complaints relate to 'general noise' and as such, it is difficult to identify the source of the noise.

The EPA is in regular discussions with Bell Bay operators regarding the concerns of the complainant.

As reversing beepers were identified as a source of noise, a request has been sent to Bell Bay operators, including TasPorts, to convert their reversing beepers from high-pitched sirens to white noise sirens.

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

- (1) Review of the Disability Services Act 2011: Report of the Review Committee – 29 June 2018.
- (2) Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016: Statutory Rules 2018, containing Strategic Infrastructure Corridors (Strategic and Recreational Use) (Western Corridor from Cooe to Wynyard) Notice 2018.
- (3) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising an area of land containing 2.661 hectares situate in Blackmans Bay.

4 STATEMENT BY THE PRESIDENT –APPOINTMENT OF JOHNATHON HEATHER.— The President said —

“Honourable Members, before proceeding to the business of the day it is with pleasure that I formally and very warmly welcome to this Chamber Mr Jonathon Heather. Jonathon is a recent addition to the staff of the Legislative Council.

Jonathon took up his position as Electorate Officer to the Honourable Member for Prosser on 18 June. Jonathon has experience in working as Electorate officer and Assistant Adviser to Minister Guy Barnett MP and Electorate Officer to Senator Jonathon Duniam.

Jonathon will be observing proceedings in the Legislative Council as part of his orientation. On behalf of all Members I extend to Jonathon a very warm welcome.”

5 DISTINGUISHED VISITORS.— The President said “I would like to draw to the attention of Honourable Members the presence in the President’s Reserve of Belinda Kitto, Stuart Shultz and Dylan Pace from New Horizons Inc, a Sport and Recreation Club for people with disabilities.”

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

- (1) Mr *Finch* – AFL Inclusion Carnival;
- (2) Mr *Willie* - Luke Jackson;
- (3) Mrs *Hiscutt* - Ulverstone’s 7-Day Makeover project.

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

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

8 CONSOLIDATED FUND APPROPRIATION BILL (NO. 1) 2018 AND THE CONSOLIDATED FUND APPROPRIATION BILL (NO. 2) 2018: PERMISSIVE INSTRUCTION.— *Ordered*, With regard the Consolidated Fund Appropriation Bills (No. 1 and No. 2) 2018 (Nos. 16 and 17) 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 Consolidated Fund Appropriation Bills (Nos. 1 and 2) of 2018 under the two line Recurrent Services and Works and 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*)

9 BILL NO. 16.— The Order of the Day was read for the Second reading of the Consolidated Fund Appropriation Bill (No. 1) 2018.

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.

10 STATEMENT BY THE CHAIR: CONSOLIDATED FUND 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.”

Clauses 1 and 2 agreed to.

Clauses 3 and 4 postponed.

Clause 5 agreed to.

Schedule 1.

Division 1 – Department of Communities Tasmania

Premier

Recurrent Services

Output Group 7

Output 7.1 agreed to.

Minister for Sport and Recreation

Recurrent Services

Output Group 6

Output 6.7 agreed to.

Grants and Subsidies agreed to.

Works and Services

Capital Investment Program agreed to.

Minister for Human Services

Recurrent Services

Output Group 1

Output 1.1 further considered and agreed to.

Output Group 2

Output 2.1 agreed to.

Output Group 3

Ms *Rattray* in the Chair

Output 3.1 further considered and agreed to.

Output Group 6

Output 6.1 agreed to.

Works and Services

Capital Investment Program agreed to.

Minister for Aboriginal Affairs

Recurrent Services

Output 6.4 agreed to.

Minister for Women

Recurrent Services

Output 6.5 agreed to.

Minister for Housing

Recurrent Services

Ms *Forrest* in the Chair

Output Group 4

Output 4.1 further considered and agreed to.

Output Group 5

Output 5.1 agreed to.

Works and Services

Capital Investment Program agreed to.

Minister for Disability Services and Community Development

Recurrent Services

Output 6

Outputs 6.2 and 6.3 agreed to.

Minister for Veterans' Affairs

Recurrent Services

Output 6.6 agreed to.

Division agreed to without Request and without Amendment.

Division 2 – Department of Education

Minister for Education

Recurrent Services

Output Group 1

Output 1.1 further considered and agreed to.

Output 1.2 agreed to.

Outputs 1.3 and 1.4 agreed to.

Output Group 2

Outputs 2.1 and 2.2 agreed to.

Grants and Subsidies agreed to.

Works and Services

Capital Investment Program further considered agreed to.

Division agreed to without Request and without Amendment.

Mr *Gaffney* in the Chair.

Division 3 - Finance General

Treasurer

Recurrent Services

Output Group 1

Outputs 1.1 and 1.2 agreed to.

Output Group 2

Outputs 2.1 and 2.3 agreed to.

Output Group 3

Output 3.1 further considered and agreed to.

Output 3.2 agreed to.

Output 3.4 further considered and agreed to.

11 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.

12 QUESTION TIME.— The President called for Questions without Notice. There were ten Questions asked.

13 BILL NO. 16.— The Council again resolved itself into a Committee on the Consolidated Fund Appropriation Bill (No. 1) 2018.

(In the Committee)

Ms Rattray in the Chair

Division 3 - Finance General

Output Group 4

Output 4.3 further considered and agreed to.

Outputs 4.4, 4.7 and 4.8 agreed to.

Grants and Subsidies further considered and agreed to.

Ordered, That Ms *Forrest*, have leave to Table the letter from the Treasurer to the Chair of Estimates Committee A, including responses to Questions taken on notice before Budget Estimates Committee A on 25 June 2018.

Works and Services

Capital Investment Program further considered and agreed to.

Division agreed to without Request and without Amendment.

Division 4 - Department of Health

Minister for Health

Recurrent Services

Output Group 1

Output 1.1 agreed to.

Output Group 2

Output 2.1 further considered and agreed to.

Output 2.2 agreed to.

Output 2.3 further considered and agreed to.

Output 2.4 agreed to.

Output 2.5 further considered and agreed to.

Output 2.6 agreed to.

Output Group 3

Outputs 3.1 and 3.2 agreed to.

Works and Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment.

Division 5 - Department of Justice

Ms *Forrest* in the Chair.

Treasurer

Recurrent Services

Output Group 1

Output 1.9 agreed to.

Attorney-General and Minister for Justice

Recurrent Services

Output Group 1

Output 1.1 further considered and agreed to.

Output 1.2 further considered and agreed to.

Output 1.3 agreed to.

Output 1.4 further considered and agreed to.

Output 1.5 further considered and agreed to.

Outputs 1.6, 1.7 and 1.8 agreed to.

Output Group 2

Outputs 2.1 and 2.2 agreed to.

Output Group 3

Output 3.3 agreed to.

Works and Services

Capital Investment Program agreed to.

Minister for Corrections

Recurrent Services

Output Group 3

Output 3.1 further considered and agreed to.

Output 3.2 agreed to.

Works and Services

Capital Investment Program agreed to.

Minister for Building and Construction

Recurrent Services

Output Group 1

Output 1.10 further considered and agreed to.

Output 4.1 further considered and agreed to.

Output 4.4 further considered and agreed to.

Minister for Planning

Recurrent Services

Output Group 1

Output 1.11 agreed to.

Output Group 4

Outputs 4.2 and 4.3 agreed to.

Works and Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment.

To report progress and seek leave to sit again.

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 at a later hour.

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

14 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 4.20 o'clock p.m. and resumed at 4.32 o'clock p.m.

15 BILL NO. 16.— The Council, according to Order, again resolved itself into a Committee on the Consolidated Fund Appropriation Bill (No. 1) 2018.

(In the Committee)

Mr *Forrest* in the Chair.

Division 6 - Ministerial and Parliamentary Support

Premier

Recurrent Services

Output Group 1
Output 1.1 further considered and agreed to.
Output 1.2 agreed to.

Division agreed to without Request.

Division 7 - Department of Police, Fire and Emergency Management

Minister for Police, Fire and Emergency Management

Recurrent 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.
Outputs 4.1 and 4.2 agreed to.

Works and Services

Capital Investment Program agreed to.

Division agreed to without Request and without Amendment.

Division 8 - Department of Premier and Cabinet

Premier

Recurrent Services

Output Group 1
Output 1.1 further considered and agreed to.
Output Group 2

Ordered, That Ms *Seikja*, have leave to Table the letter from the Premier to the Chair of Estimates Committee B, including responses to Questions taken on notice before Budget Estimates Committee B on 26 June 2018.

Output 2.1 further considered and agreed to.
Outputs 2.2, 2.3 and 2.4 agreed to.
Output Group 3
Output 3.2 further considered and agreed to.
Output Group 4
Output 4.1 further considered and agreed to.
Output Group 5
Output 5.1 agreed to.

Works and Services

Capital Investment Program agreed to.

Minister for Science and Technology

Recurrent Services

Output Group 3
Output 3.1 agreed to.

Minister for Environment

Recurrent Services

Output Group 1

Output 1.2 agreed to.

Minister for Local Government

Recurrent Services

Output Group 6

Output 6.1 further considered and agreed to.

Division agreed to without Request and without Amendment.

To report progress and seek leave to sit again.

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, tomorrow, again resolve itself into the said Committee.

16 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 am on Wednesday, 11 July 2018. (Mrs *Hiscutt*)

It was resolved in the Affirmative.

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

The Council adjourned at 5.27 o'clock pm.

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