



# LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 28

MONDAY, 22 NOVEMBER 2021

**1 COUNCIL MEETS.**— The Council met at 11.00 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 E-PETITION.**— Dr *Seidel* brought up an E- Petition from 287 citizens of Tasmania calling on the Government to support the construction of a pedestrian pathway between Francistown Road and McNaughten Road on the Huon Highway, Dover.

*Ordered*, That the E-Petition be received. (Dr *Seidel*)

**5 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS REVIEW OF THE AUDITOR-GENERAL REPORT NO 8 of 2018-2019: STUDENT ATTENDANCE AND ENGAGEMENT, YEARS 7 TO 10.** — Ms *Forrest* presented a Report of the Report of the Parliamentary Standing Committee of Public Accounts Review of the Auditor-General Report No 8 of 2018-2019: Student Attendance and Engagement, Years 7 to 10.

*Ordered*, That the Report be received. (Ms *Forrest*)

*Ordered*, That the Report be printed. (Ms *Forrest*)

*Ordered*, That consideration of the Report and its noting be made an Order of the Day. (Ms *Forrest*)

**6 BILL NO. 57.**— The *Traffic Amendment (Personal Mobility Devices) Bill 2021* read the Third time and passed.

**7 BILL NO. 57.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Traffic Act 1925*’.

*Legislative Council, 22 November 2021*

C.M. FARRELL, *President*

**8 BILL NO. 45.**— The Order of the Day was read for further consideration in Committee of the Gaming Control Amendment (Future Gaming Market) Bill 2021.

And the President having left the Chair, the Council again resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 160 Read.

Clause 160 Request proposed (Ms Webb)

That the House of Assembly be requested to amend Clause 160 by increasing 0.91% in proposed new section 150AI(2) to 20.31%.

*Ordered*, That Mrs *Hiscutt* have leave to Table information about gaming tax rate modelling across states and territories and have the information incorporated into the Hansard record.

Question put, That the Request be agreed to.

Committee divided.

AYES 7

Ms *Armitage*  
Ms *Forrest*  
Mr *Gaffney* (Teller)  
Ms *Rattray*  
Dr *Seidel*  
Mr *Valentine*  
Ms *Webb*

NOES 7

Mr *Duigan* (Teller)  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Siejka*  
Mr *Willie*

The Votes being equal, it passed in the Negative.

Clause 160 as read further considered.

Further Request proposed (Ms Webb)

Page 211, That the House of Assembly be requested to amend Clause 160 by increasing 10.91% in proposed new section 150AI(4) to 33.91%.

The proposed Request was, by leave, withdrawn.

To report progress and seek leave to sit again.

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The Council being resumed Ms *Rattray* 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.

**9 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 12.29 o'clock p.m. and resumed at 2.00 o'clock p.m.

**10 BILL NO. 45.**— The Council, according to Order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 160 as read, further considered.

Further Request proposed (Ms Webb)

Page 211, That the House of Assembly be requested to amend Clause 160 by increasing 10.91% in proposed new section 150AI(4) to 33.91%.

**11 QUESTION TIME.**— At 2.30 o'clock p.m the President called for Questions without Notice. There were two Questions asked.

**12 BILL NO. 45.**— The Council, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

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(In the Committee)

*Ms Forrest* in the Chair.

Clause 160 proposed Request further considered.

Question put, That the Request be agreed to.

Committee divided.

AYES 7

*Ms Armitage*  
*Ms Forrest*  
*Mr Gaffney*  
*Ms Rattray*  
*Dr Seidel* (Teller)  
*Mr Valentine*  
*Ms Webb*

NOES 7

*Mr Duigan*  
*Mrs Hiscutt*  
*Ms Howlett*  
*Ms Lovell*  
*Ms Palmer*  
*Ms Siejka* (Teller)  
*Mr Willie*

The Votes being equal, it passed in the Negative.

Clause 160 as read further considered.

Request proposed (Webb)

Page 211, That the House of Assembly be requested to amend Clause 160 by deleting subsection (5) from proposed new section 150AI and amending subsection (4) of that proposed new section by inserting after “gaming machine games” the words “and FATG games”.

Question put, That the Request be agreed to.

Committee divided.

AYES 7

*Ms Armitage*  
*Ms Forrest*  
*Mr Gaffney*  
*Ms Rattray*  
*Dr Seidel*  
*Mr Valentine*  
*Ms Webb* (Teller)

NOES 7

*Mr Duigan*  
*Mrs Hiscutt*  
*Ms Howlett*  
*Ms Lovell* (Teller)  
*Ms Palmer*  
*Ms Siejka*  
*Mr Willie*

The Votes being equal, it passed in the Negative.

Clause 160 as read agreed to.

Clause 161 agreed to.

*Ms Rattray* in the Chair

Clause 162 Request proposed (*Ms Forrest*)

Page 214 That the House of Assembly be requested to amend Clause 162 by increasing 3% in proposed new section 151(2)(a) to 5%.

Question put, That the Request be agreed to.

Committee divided.

NOES 7

AYES 7

*Ms Armitage*  
*Ms Forrest*  
*Mr Gaffney* (Teller)  
*Ms Rattray*  
*Dr Seidel*  
*Mr Valentine*  
*Ms Webb*

*Mr Duigan*  
*Mrs Hiscutt*  
*Ms Howlett*  
*Ms Lovell* (Teller)  
*Ms Palmer*  
*Ms Siejka*  
*Mr Willie*

The Votes being equal, it passed in the Negative.

Clause 162 as read further considered.

Amendment proposed (*Ms Webb*)

Page 215, proposed new section 151A, subsection (2), after “Department”.  
Insert “responsible for the administration of the Tasmanian Community Fund Act 2005”.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 4

NOES 9

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

*Ms Armitage*  
*Mr Duigan* (Teller)  
*Ms Forrest*  
*Mrs Hiscutt*  
*Ms Howlett*  
*Ms Lovell*  
*Ms Palmer*  
*Ms Siejka*  
*Mr Willie*

So it passed in the Negative.

*Ms Forrest* in the Chair

Clause 162 as read agreed to.

Clauses 163 to 188 agreed to.

**New Clause A [Section 90A inserted]** brought up (*Ms Webb*) and read the First time as follows:—

**Section 90A inserted**

After section 90 of the Principal Act, the following section is to be inserted in Division 1:

90A. Conduct of simulated racing events in licensed premises

The holder of a Tasmanian gaming licence endorsed with a simulated racing event endorsement must not conduct, or permit the conduct of, a simulated racing event in licensed premises unless the simulated racing event –

- (a) is not readily visible to minors or from areas in the licensed premises where food may be served to minors; and
- (b) is conducted in an area of the licensed premises that minors are not permitted to enter.

Penalty: Fine not exceeding 1 000 penalty units.

Question put, That new Clause A be now read the second time.

Committee divided.

AYES 6

Ms *Forrest*  
Mr *Gaffney*  
Ms *Rattray* (Teller)  
Dr *Seidel*  
Mr *Valentine*  
Ms *Webb*

NOES 8

Ms *Armitage*  
Mr *Duigan*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Siejka* (Teller)  
Mr *Willie*

So it passed in the Negative.

**New Clause A [Section 124 amended (Membership of Commission)]** brought up (Ms *Webb*) and read the First time as follows:—

Section 124 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “one” and substituting “none”;
- (b) by inserting the following subsections after subsection (1A):
  - (1B) The Commission, in such manner and at such times as the Commission considers appropriate, may, with the assistance of the Department, call for expressions of interest by persons to be members of the Commission.
  - (1C) The Commission is to, for the purposes of subsection (1B), determine the skillset that a person requires to be a member of the Commission.
  - (1D) The Commission –
    - (a) is to consider any expressions of interest from a person to be a member of the Commission; and
    - (b) may, if satisfied that the person has the skillset referred to in subsection (1C), include the person on a list of persons who are suitable to be appointed to the Commission; and
    - (c) is to provide the Minister with the list referred to in paragraph (b).
  - (1E) If the Minister intends to recommend a person for appointment as a member of the Commission, the Minister is to notify that person.
  - (1F) A person notified under subsection (1E) is to provide the Minister with a comprehensive statement as to whether the person has, or may be perceived to have, any conflicts of interest in relation to their membership of the Commission.
  - (1G) If the Minister recommends for appointment as a member of the Commission a person that is not on the list provided to the Minister under subsection (1D)(c), the Minister is to cause the reasons for the appointment to be tabled in each House of Parliament within 20 sitting-days of that House after the recommendation.
- (c) by inserting in subsection (2) “and the person has provided a statement to the Minister under subsection (1F)” after “expertise to act as a member”;

- (d) by omitting from subsection (3) “2 years” and substituting “5 years”;
- (e) by omitting from subsection (4) “who is not a State Service officer or State Service employee is” and substituting “is to be”;

Question put, That new Clause A be now read the Second Time..

Committee divided.

AYES 5

Ms Armitage  
Mr Gaffney (Teller)  
Dr Seidel  
Mr Valentine  
Ms Webb

NOES 8

Mr Duigan  
Mrs Hiscutt  
Ms Howlett  
Ms Lovell  
Ms Palmer  
Ms Rattray (Teller)  
Ms Siejka  
Mr Willie

So it passed in the Negative.

**New Clause A [Section 125 amended (Functions of Commission)]** brought up (Ms Webb) and read the First time as follows:—

**A. Section 125 amended (Functions of Commission)**

Section 125 of the Principal Act is amended as follows:

- (a) by inserting the following paragraphs after paragraph (a):
  - (ab) to impartially, independently and in the public interest, advocate, research, promote, investigate and make recommendations about the impacts of gambling in Tasmania;
  - (ac) to foster the responsible service of gambling and minimise the harm from gambling;
- (b) by omitting paragraph (ea).

New Clause A was read the Second time.

Amendment made (Ms Lovell)

Page 20 of the amendments, proposed new paragraph (a), paragraph (ab) as inserted by proposed new paragraph (a).

*Leave out “advocate,”.*

New Clause A as amended agreed to and made part of the Bill (to follow Clause 20).

**13 ADJOURNMENT.**— *Ordered*, That the Council will at its rising adjourn until 10.00 o’clock am on Tuesday 23, November 2021. (Mrs Hiscutt)

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

The Council adjourned at 5.21 o’clock p.m.

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