



TASMANIA

# LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 25

TUESDAY, 16 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 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
  - (1) The Veterinary Board of Tasmania: Annual Report 2020-2021.
  - (2) Review of Workcover Board Tasmania. Dated August 2021.
  - (3) Economic Regulator Act 2009: Statutory Rules 2021, No. 79, containing Economic Regulator (MAIB Premiums) Order 2021.
- 5 ROYAL ASSENT TO BILLS.**— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Barbara Baker, Governor

A Bill for an Act to amend the Defamation Act 2005  
*Defamation Amendment Act 2021*  
(Bill No 34 of 2021; *Act No. 16 of 2021*)

A Bill for an Act to amend the Mutual Recognition (Tasmania) Act 1993  
*Mutual Recognition (Tasmania) Amendment Act 2021*  
(Bill No 42 of 2021; *Act No. 20 of 2021*)

A Bill for an Act to amend the Poisons Act 1971  
*Poisons Amendment Act 2021*  
(Bill 35 of 2021; *Act No. 21 of 2021*)

A Bill for an Act to amend the Children, Young Persons and Their Families Act 1997  
*Children, Young Persons and Their Families Amendment Act 2021*  
(Bill 20 of 2021; *Act No. 22 of 2021*)

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, 12 November 2021*

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

- (1) Ms *Seijka* – Volunteers;
- (2) Mr *Valentine* – The Mission to Seafarers Australian – Hobart Station Inc;
- (3) Ms *Webb* – Kingston Beach Surf Life Saving Club
- (4) Ms *Armitage* – Mamma Mia;
- (5) Ms *Forrest* – 2021 Women in Resources National Awards; and
- (6) Dr *Seidel* – Movember.

**7 GOVERNMENT BUSINESS SCRUTINY COMMITTEES.**— *Ordered*, That two Government Businesses Scrutiny Committees be established to inquire into Government Businesses in accordance with the schedule detailed below and rules as set out in the Standing Orders at Part 22.

That the Committees have leave to sit on Thursday, 2 December and Friday, 3 December 2021 between the hours of 9.00 a.m. and 5.00 p.m. or such other time as varied by the Chair and as necessary for the purpose of relevant stakeholder and deliberative meetings.

For 2021 Government Businesses are allocated to the Committees as follows —

**Committee “A”**

*Thursday, 2 December 2021      Hydro Tasmania, TasNetworks Pty Ltd, TT Line Company Pty Ltd*

**Committee “B”**

*Friday, 3 December 2021 Public Trustee, Sustainable Timber Tasmania, Tasmanian Ports Corporation Pty Ltd*

And that —

Mr *Duigan*,  
Ms *Forrest*,  
Mr *Gaffney*,  
Ms *Lovell*,  
Dr *Seidel*, and  
Ms *Webb*  
be of Committee A

and

Ms *Armitage*,  
Ms *Palmer*,  
Ms *Rattray*,  
Ms *Siejka*,  
Mr *Valentine*, and  
Mr *Willie*  
be of Committee B

And that the Committees report on the Government Businesses by no later than 17 December 2021.

If the Legislative Council is not sitting when the Government Businesses Scrutiny Committees complete their reports, those reports may be presented to the President or if the President is unable to act, to the Deputy President or other Office holder and in that event —

- (a) the reports shall be deemed to have been presented to the Council;
- (b) the publication of the reports is authorised by this Resolution;
- (c) the President, Deputy President or other Office holder, as the case may be, may give directions for the printing and circulation of the reports; and

- (d) the President, Deputy President or other Office holder, as the case may be, shall direct the Clerk to lay the reports upon the Table at the next sitting of the Council. (Mrs *Hiscutt*)

**8 LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE OPERATIONS OF TASWATER.**— A Motion was made (Ms *Rattray*) and the Question was proposed, That the Report of the Select Committee on the operations of TasWater be considered and noted.

A Debate arose thereupon.

**9 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.

**10 QUESTION TIME.**— The President called for Questions without Notice. There was one Question asked.

**11 LEGISLATIVE COUNCIL SELECT COMMITTEE ON THE OPERATIONS OF TASWATER.**— The Council resumed the Debate on the Question, That the Report of the Select Committee on the operations of TasWater be considered and noted.

And the Question being put,

It was resolved in the Affirmative.

**12 BILL NO. 52.**— The Order of the Day was read for the Second reading of the Justices (Validation) Bill 2021.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

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.

Clauses 1 to 6 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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 without Amendment.

*Ordered*, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**13 BILL NO. 49.**— The Order of the Day was read for the further consideration in Committee of the OPCAT Implementation Bill 2021.

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.

**New Clause A [Review of Act inserted]** brought up (Ms *Lovell*) and read the First time as follows:—

**A. Review of Act**

- (1) The Minister is to complete a review of the operations of this Act as soon as practicable after the fourth anniversary of the commencement of this section.
- (2) The Minister is to cause a report on the outcome of the review under subsection (1) to be tabled in each House of Parliament within 15 sitting days after the review is completed.

And the Question being put, That New Clause A be Read the Second time.

It passed in the Negative.

Schedule 1 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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 without Amendment.

*Ordered*, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**14 BILL NO. 51.**— The Order of the Day was read for the Second reading of the Housing Land Supply Amendment Bill 2021.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

And the Question being put,

Council divided.

**AYES 11**

Mr *Duigan*  
Ms *Forrest*  
Mr *Gaffney*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer* (Teller)  
Ms *Rattray*  
Dr *Seidel*  
Ms *Siejka*  
Mr *Willie*

**NOES 3**

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

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 4 agreed to.

Clause 5 Amendment proposed. (Mr *Valentine*)

Page 5, paragraph (a).

*Leave out* the paragraph.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 3

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

NOES 10

Mr *Duigan*  
Mr *Gaffney*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Rattray* (Teller)  
Dr *Seidel*  
Ms *Siejka*  
Mr *Willie*

So it passed in the Negative.

Clause 5 as read agreed to.

Clauses 6 to 13 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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 without Amendment.

*Ordered*, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**15 MOTION WITHOUT NOTICE.**— *Ordered*, That Mr *Valentine* have leave to move a Motion without Notice.

**16 BILL NO. 45 REFERRAL TO LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE ‘A’.**— A Motion was made (Mr *Valentine*) and the Question was proposed, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) be referred to Government Administration Committee A for Consideration and Report.

A Debate arose thereupon.

And the Question being put,  
Council divided.

AYES 4

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

NOES 10

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

So it passed in the Negative.

**17 MOTION WITHOUT NOTICE.**— *Ordered*, That Mr *Gaffney* have leave to move a Motion without Notice.

**18 BILL NO. 45 REFERRAL TO PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS.**— A Motion was made (Mr *Gaffney*) and the Question was proposed, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) as read the second time in the Legislative Council be referred to the Joint Parliamentary Standing Committee of Public Accounts for investigation and report with specific reference to:

- (a) the economic benefit and financial returns provided to the State in the Bill and the management, administration and use of those returns;
- (b) the socioeconomic impacts to the people and the State in the Bill;
- (c) the governance and regulatory changes proposed in the Bill; and
- (d) any other matters incidental thereto.

A Debate arose thereupon.

*Ordered*, That the Debate be adjourned. (Ms *Ratray*)

**19 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 6.31 o'clock p.m. and resumed at 7.37 o'clock p.m.

**20 BILL NO. 45 REFERRAL TO PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS.**— The Council according to order resumed the Debate on the Question, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 (No. 45) as read the second time in the Legislative Council be referred to the Joint Parliamentary Standing Committee of Public Accounts for investigation and report with specific reference to:

- (a) the economic benefit and financial returns provided to the State in the Bill and the management, administration and use of those returns;
- (b) the socioeconomic impacts to the people and the State in the Bill;
- (c) the governance and regulatory changes proposed in the Bill; and
- (d) any other matters incidental thereto.

Amendments were proposed to be made to the Motion (Ms *Webb*):—

First Amendment

Paragraph (a) by leaving out all the words after “Bill”.

Second Amendment

Paragraph (b) by leaving out all the words after “impacts” and inserting instead “of the Bill”.

Third Amendment

Paragraphs (c) and (d) by leaving out the paragraphs.

A Debate arose thereupon.

And the Question being put, That the Amendments be agreed to.

It was resolved in the Affirmative

And the Question being put, That the Motion as amended be agreed to.

Council 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* (Teller)  
*Ms Palmer*  
*Ms Siejka*  
*Mr Willie*

So it passed in the Negative.

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

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 agreed to.

Clause 2

Amendment proposed (*Ms Webb*)

Page 14, subsection (3).

*Leave out* the subsection.

*Insert instead* the following subsection:

- (3) The following provisions commence on 1 July 2023:
- (a) sections 4 (except for section 4(f)), 6, 9, 10, 11, 12, 22, 23 (except for section 23(b)) and 24;
  - (b) Parts 4 and 5.

Question put, That the Amendment be agreed to.  
Committee divided.

AYES 4

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

NOES 9

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

So it passed in the Negative.

Clause 2 as read agreed to.

Clause 3 agreed to.

Clause 4 Amendment proposed. (Ms Webb)

Page 15, paragraph (a).

*Leave out* the paragraph.

*Insert instead* the following paragraph:

- (a) by inserting the following definition after the definition of *foreign games permit holder* in subsection (1):

**"fully-automated table game machine"** means an electronic gaming system or equipment that allows one or more persons to play a game that –

- (a) imitates a type of game played at a gaming table; and
- (b) can be played –
- (i) from one or more terminals; and
- (ii) without being conducted by a casino employee;

Question put, That the Amendment be agreed to.  
Committee divided.

AYES 4

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

NOES 9

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



So it passed in the Negative.

Clause 4 as read agreed to.

Clauses 5 to 20 agreed to.

Clause 21 Amendments proposed. (Ms Webb)

**First amendment**

Page 26, proposed new section 127A, subsection (1).

*Leave out* the subsection.

**Second amendment**

Page 27, same proposed new section, subsection (3), paragraph (a).

*Leave out* the paragraph.

*Insert instead* the following paragraph.

- (a) to carry out, in relation to the relevant matters, an investigation into the implementation of all appropriate harm minimisation measures in casinos, hotels and clubs; and

**Third amendment**

Same page, same proposed new section, subsection (4), paragraph (a).

*Leave out* “technologies”.

*Insert instead* “measures”.

**Fourth amendment**

Page 28, same proposed new section, subsection (4), paragraph (a).

*Leave out* “problem”.

**Fifth amendment**

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

*Leave out* “technologies”.

*Insert instead* “measures”.

**Sixth amendment**

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

*Leave out* the paragraph.

**Seventh amendment**

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

*Leave out* “technologies”.

*Insert instead* “measures”.

**Eighth amendment**

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

*Leave out “technologies”.*

*Insert instead “measures”.*

**Ninth amendment**

Page 29, same proposed new section, subsection (6), paragraph (a).

*Leave out “technologies”.*

*Insert instead “measures”.*

Question put, That the Amendments 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*

And the Votes being equal it passed in the Negative.

Clause as read agreed to.

Clause 22 read.

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, tomorrow, again resolve itself into the said Committee.

**22 ADJOURNMENT.**— *Ordered*, That the Council will at its rising adjourn until 11.00 o'clock am on Wednesday, 17 November 2021. (Mrs *Hiscutt*)

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

The Council adjourned at 10.27 o'clock p.m.

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