



# HOUSE OF ASSEMBLY

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 27

THURSDAY, 25 NOVEMBER 2021

- 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 commenced.
- 5 PAPERS. - The Minister for Police, Fire and Emergency Management laid upon the Table of the House the following Paper:-

Tasmanian Government: Safe Homes Families and Communities – Responding and Reporting 2021 – Achievements in the delivery of Safe Homes, Families, Communities: Tasmania's Action Plan for Family and Sexual Violence 2019-2022 – November 2021.
- 6 QUESTIONS SEEKING INFORMATION. - Questions without notice continued and concluded.
- 7 PAPERS. - The Premier laid upon the Table of the House the following Papers:-
  - (1) Official Gifts Received Register 2020-2021.
  - (2) Official Gifts Given Register 2020-2021.
- 8 PAPERS. - The Deputy Premier laid upon the Table of the House the following Papers:-
  - (1) Administrator National Health Funding Pool: Annual Report 2020-2021.
  - (2) National Health Funding Body: Annual Report 2020-2021.
  - (3) National Health Practitioner Ombudsman: Annual Report 2020-2021.
  - (4) Answer to Question on Notice No. 7 of 2021.
  - (5) Answer to Question on Notice No. 9 of 2021.
- 9 PAPERS. - The Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-
  - (1) Tasmanian Liquor and Gaming Commission: Annual Report 2020-2021.
  - (2) Response to Petition No. 12 of 2021.

- 10** PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-
- (1) Magistrates Court of Tasmania: Annual Report 2020-2021.
  - (2) Property Agents Board: Annual Report 2020-2021.
  - (3) Sentencing Advisory Council: Review Under Section 2 of the Sentencing Amendment (Phasing out of Suspended Sentences) Act 2017, Final Report No. 11 – November 2021.
- 11** PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-
- (1) Tasmanian Dairy Industry Authority: Annual Report and Financial Statements 2020-2021.
  - (2) Forest Practices Authority: Annual Report 2020-2021.
- 12** PAPERS. – The Minister for Environment laid upon the Table of the House the following Papers:-
- (1) Answer to Question on Notice No. 5 of 2021.
  - (2) Answer to Question on Notice No. 12 of 2021.
- 13** PAPERS. – The Minister for Parks laid upon the Table of the House the following Papers:-
- (1) Answer to Question on Notice No. 8 of 2021.
  - (2) Answer to Question on Notice No. 4 of 2021.
  - (3) Crown Lands Act 1976: Crown Lands Regulations 2021 (Statutory Rules 2021, No. )
  - (4) Land Acquisition Act 1993 (Notice of Acquisition pursuant to Section 18):
    - (i) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lot 1 on Plan of Survey P181426, registered in the name of Lewisham Pty Ltd for road purposes;
    - (ii) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lot 10 on Plan of Survey P181426, registered in the name of Frank Geoffrey Chester for road purposes;
    - (iii) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lots 2 and 3 on Plan of Survey P181426, registered in the name of Camelford Pty Ltd for road purposes;
    - (iv) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lot 5 on Plan of Survey P181426, registered in the name of Camelford Pty Ltd for road purposes;
    - (v) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lot 8 on Plan of Survey P181426, registered in the name of Crosby Donald John Lyne for road purposes;
    - (vi) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lot 4 on Plan of Survey P181426, registered in the name of Camelford Pty Ltd for road purposes; and
    - (vii) Dated 29 October 2021, land situate in, Parish of Wincanton, Land District of Somerset, Municipal Area of Northern Midlands, Lot 9 on Plan of Survey P181426, registered in the names of Henry Francis Foster and Simon Francis Foster for road purposes.
- 14** INTEGRITY, JOINT STANDING COMMITTEE ON: REPORT BROUGHT UP. – Ms *O'Byrne* brought up the following Report of the Joint Standing Committee on Integrity:

Annual Report 2021 (Paper No. 35).

*Ordered*, That the said Report be received and printed. (Ms O'Byrne)

**15** PUBLIC ACCOUNTS, PARLIAMENTARY STANDING COMMITTEE OF: REPORT BROUGHT UP. – Mr *Street* brought up the following Report of the Parliamentary Standing Committee of Public Accounts:

Review of Auditor-General's Report No. 1 of 2016-17 – Ambulance Emergency Services (Paper No. 34).

*Ordered*, That the said Report be received. (Mr *Street*)

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

- (1) Integrity Commission Report No. 2 of 2021: A Review of Tasmania Police's new Conduct and Complaint Management Policy, Abacus.
- (2) Tasmanian Audit Office: Report of the Auditor-General No. 4 of 2021-2022 – Financial Statements of State Entities Vol 1 - November 2021.
- (3) Legislature-General: Annual Report 2020-21.

**17** BILL NO. 45. - A Message from the Legislative Council -

MR SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

“A Bill for an Act to amend the Gaming Control Act 1993 and the TT-Line Gaming Act 1993”,

now returns the same to the House of Assembly, and requests its concurrence therein.

*Legislative Council, 24 November 2021.*

C.M. FARRELL, *President.*

*Ordered*, That the said Message be taken into consideration at a later hour. (The Minister for Infrastructure and Transport)

**18** LEAVE TO MAKE MOTIONS WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make certain Motions without Notice. (The Minister for Infrastructure and Transport)

**19** ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 1 March next. (The Minister for Infrastructure and Transport)

**20** GOVERNMENT BUSINESSES SCRUTINY COMMITTEE. – *Ordered*, That the House of Assembly appoint a Government Businesses Scrutiny Committee, with leave to sit on 30 November and 1 December 2021 to inquire into Government Businesses (GBs) in accordance with the following schedule and rules.

For 2021 the following Government Businesses are allocated to the Committee as detailed below: —

Tuesday, 30 November 2021	0900-1000: Tasmanian Public Finance Corporation (1 hour) 1000-1300: TasRacing Pty Ltd (3 hours) 1400-1500: Port Arthur Historic Site Management Authority (1 hour) 1500-1700: Tasmanian Irrigation Pty Ltd (2 hour) 1700-1800: Aurora Energy Pty Ltd (1 hour)
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Wednesday, 1 December 2021	0900-1200: Tasmanian Water and Sewerage Corporation Pty Ltd (3 hours) 1200-1300: Tasmanian Railways Pty Ltd (1 hour) 1400-1500: Metro Tasmania Pty Ltd (1 hour) 1500-1600: Motor Accidents Insurance Board (1 hour)
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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);  
Mr *Ellis* (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, 2 December 2021	The Minister for Energy and Emissions Reduction The Minister for Infrastructure and Transport
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Friday, 3 December 2021	The Attorney-General and Minister for Justice The Minister for Resources The Minister for Infrastructure and Transport
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(The Minister for Infrastructure and Transport)

**21** MATTER OF PUBLIC IMPORTANCE: SECURING TASMANIA’S FUTURE. - Ms *Ogilvie* in accordance with Standing Orders, moved - That the House take note of the following matter:

Securing Tasmania’s Future.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**22** MINISTERIAL STATEMENT: PATHWAY TO RECONCILIATION. – The Premier made a Statement to the House in relation to Pathway to Reconciliation.

**23** PAPERS. – The Premier laid upon the Table of the House the following Paper:-

Pathway to Truth-Telling and Treaty: Report to Premier Hon. *Peter Gutwein* MP, November 2021.

**24** MINISTERIAL STATEMENT NOTED. – A Motion was made and the Question proposed – That the Ministerial Statement made by the Premier be noted. (Ms *White*)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**25** BILL NO. 60. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Wednesday, 24 November 2021 - That the Justice and Related Legislation (Miscellaneous Amendments) Bill 2021 be now read the Second time;

And the Question being again proposed;

The House resumed the said adjourned Debate.

And the Question being put;  
It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

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

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

**26** BILL NO. 60. - 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 Justices Act 1959 and other justice-related legislation”,

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

*House of Assembly, 25 November 2021.*

MARK SHELTON, *Speaker*.

**27** BILL NO. 45. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Gaming Control Amendment (Future Gaming Market) Bill 2021.

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(In the Committee)

The Chair of Committees took the Chair.

Amendments

Clause 33

Page 45, proposed new section 2A, paragraph (b), before “protect people”.

Insert “take a public health and consumer protection approach to”.

Clause 39

Page 62, proposed new section 11, subsection (4), after paragraph (b).

Insert the following paragraph:

(x) FATG games;

Clause 44

Page 75, proposed new section 23, subsection (2), after paragraph (h).

Insert the following paragraphs:

(ha) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety; and

(hb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a person engaged or employed by the applicant, if the person provides information relating to –

(i) the compliance of the applicant with the requirements of this Act; or

- (ii) conduct of the applicant; and

Clause 68

Page 95, proposed new section 43B, subsection (2).

Leave out paragraph (b).

Insert instead the following paragraph:

- (b) if renewed, the renewal takes effect from the day on which the current licence was due to expire.

Clause 73

Page 116, proposed new section 48I, subsection (2), after paragraph (g).

Insert the following paragraphs:

- (ga) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety; and
- (gb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a person engaged or employed by the applicant, if the person provides information relating to –
  - (i) the compliance of the applicant with the requirements of this Act; or
  - (ii) conduct of the applicant; and

New Clause A

To follow clause 20.

**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, 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 B

To follow clause 21.

**B. Section 127AC inserted**

After section 127A of the Principal Act, the following section is inserted in Part 7:

**127AC. Directions to be given in relation to simulated racing events and FATG machines**



- (1) The Minister must, 12 months after the day on which the Gaming Control Amendment (Future Gaming Market) Act 2021 receives the Royal Assent, give to the Commission a direction under section 127.
- (2) The direction given in accordance with subsection (1) is to direct the Commission –
  - (a) to carry out, in relation to the relevant matters, an investigation into the introduction of gaming in simulated racing events at and from approved locations and approved outlets under the authority of Tasmanian gaming licences; and
  - (b) to provide to the Minister, within 6 months of the direction being given, a report in relation to the results of the investigation.
- (3) The investigation under subsection (2) in relation to the relevant matters is to be an investigation –
  - (a) into the impact of gambling on simulated racing events on total gambling losses and the level of gambling harm in the community in Tasmania; and
  - (b) into the impact of gambling on simulated racing events on participation in, and engagement with, other forms of gambling; and
  - (c) into the impact of the introduction of simulated racing events on employment in the gambling industry in Tasmania.
- (4) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation under subsection (2), the report is to include –
  - (a) the Commission's recommendations on policy considerations, harm minimisation measures and regulatory considerations in relation to the conduct of simulated racing events and their implementation; and
  - (b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.
- (5) The Minister must, 12 months after the day on which Part 4 of the Gaming Control Amendment (Future Gaming Market) Act 2021 commences, give to the Commission a direction under section 127.
- (6) The direction given in accordance with subsection (5) is to direct the Commission –
  - (a) to carry out, in relation to the relevant matters, an investigation into the introduction of fully-automated table game machines (FATG machines) in casinos in Tasmania; and
  - (b) to provide to the Minister, within 6 months of the direction, a report in relation to the results of the investigation.
- (7) The investigation under subsection (6) in relation to the relevant matters is to be an investigation –

- (a) into the impact of gambling on FATG machines on total gambling losses and the level of gambling harm in the community in Tasmania; and
  - (b) into the impact of gambling on FATG machines on participation in, and engagement with, other forms of gambling; and
  - (c) into the impact of the introduction of FATG machines on employment in the gambling industry in Tasmania.
- (8) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation under subsection (6), the report is to include –
- (a) the Commission’s recommendations on policy considerations, harm minimisation measures and regulatory considerations in relation to the introduction of FATG machines in casinos and their implementation; and
  - (b) the steps that the Commission proposes to take to implement those recommendations as soon as reasonably practicable.
- (9) An investigation under this section is to include consultation with such persons involved in the gambling industry, and such persons with an interest in the gambling industry, as the Commission thinks fit.

New Clause C

To follow clause 60.

**C. Section 38 further amended (Matters to be considered in determining application)**

Section 38(2) of the Principal Act is amended by inserting after paragraph (e) the following paragraphs:

- (ea) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety; and
- (eb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a person engaged or employed by the applicant, if the person provides information relating to –
  - (i) the compliance of the applicant with the requirements of this Act; or
  - (ii) conduct of the applicant; and

Question proposed – That the Amendments of the Legislative Council be agreed to;

SUSPENSION OF SITTING. - At One o'clock the Chair of Committees left the Chair.  
At half-past Two o'clock the Chair of Committees resumed the Chair.

And the Question being again proposed;

The Committee resumed the Debate.

Question put – That the Amendments of the Legislative Council be agreed to;

It was resolved in the Affirmative.

Amendment

Clause 65

Page 93, proposed new section 42, subsection (10).

Leave out the subsection.

Insert instead the following subsections:

- (10) If, during a licencing period, an application for a venue licence is granted under this section, that venue licence –
- (a) is granted for a period –
    - (i) commencing on the day on which the venue licence takes effect under this section; and
    - (ii) expiring at the end of that licensing period; and
  - (b) is in force for such period unless sooner cancelled or surrendered under this Act; and
  - (c) is granted subject to the conditions, and for the licensed premises, specified in the licence.
- (11) For the purposes of subsection (10) –
- “**licensing period**”, in respect of a venue licence, means –
- (a) the period of 20 years commencing on 1 July 2023; and
  - (b) each subsequent 20 year period commencing on the expiry of the immediately preceding licensing period.

Amendments to the Legislative Council Amendment proposed (Ms O'Connor):

First Amendment

Proposed new subsection (11), paragraph (a).

Leave out “20”.

Insert instead “7”.

Second Amendment

Proposed new subsection (11), paragraph (b).

Leave out “20”.

Insert instead “7”.

Question put - That the Amendments to the Legislative Council Amendment be agreed to;

The Committee divided.

AYES 3

NOES 20

*Ms Johnston*

*Mr Barnett*

*Ms O'Connor*

*Dr Broad*

*Dr Woodruff (Teller)*

*Ms Butler*

*Ms Courtney*

*Ms Dow*

*Mr Ferguson*

*Ms Finlay*

*Mr Gutwein*

*Ms Haddad*

*Mr Jaensch*

*Mr O'Byrne*

*Ms O'Byrne*

*Ms Ogilvie*

*Mrs Petrusma*

*Mr Rockliff*

*Mr Shelton*

*Mr Tucker*

*Ms White*

*Mr Winter*

*Mr Ellis (Teller)*

So it passed in the Negative.

Amendment agreed to.

Resolution to be reported.

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The House being resumed, Mr *Street* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Finance)

**28** BILL NO. 45. - A Message to the Legislative Council:-

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to amend the Gaming Control Act 1993 and the TT-Line Gaming Act 1993”.

*House of Assembly, 25 November 2021.*

MARK SHELTON, *Speaker.*

**29** BILL NO. 40. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Alcohol and Drug Dependency Repeal Bill 2021.

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(In the Committee)

Mr *Ellis* took the Chair.

Amendment

Clause 9

Page 7, paragraph (b).

Leave out the paragraph.

Amendment agreed to.

Resolution to be reported.

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The House being resumed, Mr *Ellis* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Health)

**30** BILL NO. 40. - A Message to the Legislative Council:-

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to repeal the Alcohol and Drug Dependency Act 1968 and to amend certain Acts, and rescind or revoke certain legislative instruments, consequent on that repeal”.

*House of Assembly, 25 November 2021.*

MARK SHELTON, *Speaker*.

**31** 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)

**32** SUSPENSION OF SITTING. - At eleven minutes past Four o'clock, the Speaker announced that he would resume the Chair at the ringing of the Division Bells.

At twenty-one minutes past Five o'clock the Speaker resumed the Chair.

**33** STATEMENT BY THE SPEAKER. – The Speaker said:- “I refer to the ‘Tweet’ issued by the Honourable Member for Clark, Ms *Johnston* at 4:35 p.m. today which stated:-

“During the final opportunity to put on the record the very human cost of the life destroying pokies bill I was told to keep my contribution relevant. This is the way the Libs and Labor see it – apparently human lives are irrelevant. Shame on them.”

The Chair of Committees has taken this as a clear reflection on his conduct of the final proceedings in Committee of the whole House, who was simply applying the fundamental rule pertaining to relevancy.

It is a fundamental tenant of Parliamentary practice that a Presiding Officer's actions may only be criticised by a substantive motion being moved in the House. Any adverse reflection inside or outside the House is highly disorderly.

Accordingly I call on you to unreservedly withdraw the assertions you made in the Tweet and apologise. In the absence of such action on your part, I will have no option other than to name you."

And the Honourable Member for Clark, Ms *Johnston*, withdrew the comments referred to and apologised.

**34** BILL NO. 56. - A Message from the Legislative Council. -

MR SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

“A Bill for an Act to continue TasTAFE as an organisation to provide vocational education and training that benefits the Tasmanian community by contributing to the Tasmanian economy and providing skilled workers for the Tasmanian workforce”,

now returns the same to the House of Assembly, and requests its concurrence therein.

*Legislative Council, 25 November 2021.*

C.M. FARRELL, *President.*

*Ordered,* That the said Message be taken into consideration forthwith. (The Minister for Skills, Training and Workforce Growth)

**35** BILL NO. 56. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the TasTAFE (Skills and Training Business) Bill 2021.

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(In the Committee)

The Chair of Committee took the Chair.

Amendments

Clause 6

First Amendment

Page 13, subclause (2).

Leave out that subclause.

Second Amendment

Same page, subclause (4).

Leave out “director, other than a TasTAFE director who is also the TasTAFE CEO,”.

Insert instead “director”.

Clause 18

First Amendment

Page 24, subclause (1).

Leave out “of TasTAFE”.

Insert instead “of TasTAFE, if the Minister is satisfied that it is in the public interest to do so”.

## Second Amendment

Same page, after subclause (1).

Insert the following subclause:

- (A) Before making a direction under subsection (1), the Minister is to consult with the TasTAFE Board.

## Third Amendment

Page 25, subclause (4), after “under subsection (1)”.

Insert “must specify the date on which the direction is to take effect and”

## Fourth Amendment

Same page, after subclause (4).

Insert the following subclauses:

- (5) Within 21 days after being given a direction under subsection (1), the TasTAFE Board may object to the direction.
- (6) An objection under subsection (5) is to –
  - (a) be in writing; and
  - (b) specify the grounds on which the TasTAFE Board objects to the direction; and
  - (c) be provided to the Minister.
- (7) If the Minister receives an objection under subsection (5) to a direction and the direction is not, or has not been, amended or revoked, the Minister is to cause a copy of the direction and the objection to be laid before each House of Parliament within 5 sitting days after the receipt of the objection.

## Clause 30

Page 33, subclause (2), paragraph (c), sub-paragraph (ii).

Leave out “any action taken by”.

Insert instead “each action taken, or why no action has been taken,”.

## Schedule 1

Page 56, Part 2, clause 2, subclause (2).

Leave out “director, other than the TasTAFE CEO,”.

Insert instead “director”.

New Clause A to follow Clause 46:

### A. Reviews of Act

(1) In this section

“**independent review**” means a review carried out by two or more persons who –

- (a) in the Minister's opinion, hold the appropriate qualifications and skills to perform the review; and
- (b) include one or more persons who are not –
  - (i) State Service officers or State Service employees; or
  - (ii) TasTAFE directors or TasTAFE employees.
- (2) As soon as practicable after the 6 month anniversary of the commencement of section 4, the Minister is to cause a review into the implementation of this Act and its impact on the operation of TasTAFE.
- (3) As soon as practicable after the 30 month anniversary, and after the 6 year anniversary of the commencement of section 4, the Minister is to commission an independent review into –
  - (a) the operation of this Act, and the scope and the potential scope of this Act, since its commencement; and
  - (b) the operation of TasTAFE, and its organisational and administrative structure, under this Act.
- (4) The Minister is to ensure that a written report on a review, conducted under subsection (2) is prepared as soon as practicable after the completion of the review.
- (5) As soon as practicable after the completion of an independent review under subsection (3), a written report of the review is to be provided to the Minister.
- (6) The Minister is to cause a copy of each report, prepared under subsection (4), or provided to the Minister under subsection (5), to be tabled in each House of Parliament within 10 sitting-days after the report is given to the Minister.

Amendments agreed to.

Resolution to be reported.

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The House being resumed, Mr *Street* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

A Motion being made and the Question being proposed - That the Resolution be agreed to. (The Minister for Skills, Training and Workforce Growth)

A debate arose thereupon.

And the Question being put;

The House divided.



AYES 12

*Ms Archer*

*Mr Barnett*

*Ms Courtney*

*Mr Ferguson*

*Mr Gutwein*

*Mr Jaensch*

*Ms Ogilvie*

*Mrs Petrusma*

*Mr Rockliff*

*Mr Street*

*Mr Tucker*

*Mr Ellis (Teller)*

NOES 12

*Ms Butler*

*Ms Dow*

*Ms Finlay*

*Ms Haddad*

*Ms Johnston*

*Mr O'Byrne*

*Ms O'Byrne*

*Ms O'Connor*

*Ms White*

*Mr Winter*

*Dr Woodruff*

*Dr Broad (Teller)*

SPEAKER GIVES CASTING VOTE. – The Speaker said: 'The numbers being equal, I cast my vote with the Ayes.'

It was resolved in the Affirmative.

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

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to continue TasTAFE as an organisation to provide vocational education and training that benefits the Tasmanian community by contributing to the Tasmanian economy and providing skilled workers for the Tasmanian workforce”.

*House of Assembly, 25 November 2021.*

MARK SHELTON, *Speaker.*

**37** SUSPENSION OF SITTING. - At ten minutes past Six o'clock, the Speaker announced that he would resume the Chair at the ringing of the Division Bells.

At Eight o'clock the Speaker resumed the Chair.

**38** ADJOURNMENT. – A Motion being made - That the House do now adjourn. (The Premier)

The Speaker proposed – That the House do now adjourn and called for issues to be raised;

The House adjourned at thirty-five minutes past Eight o'clock.

SHANE DONNELLY, *Clerk of the House.*

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MEMBERS. - All present during the day.