



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 56

THURSDAY, 30 APRIL 2020

1 COUNCIL MEETS.— The Council met at 2.30 o'clock in the afternoon in accordance with the following Proclamation from Her Excellency the Governor: —

PARLIAMENT OF TASMANIA A PROCLAMATION

WHEREAS the sittings of the House of Assembly and of the Legislative Council of the Parliament of Tasmania now stand adjourned until 18 August 2020 And whereas it is desirable that the said Parliament should be called together for the despatch of business before the expiration of such adjournment: Now therefore I, PROFESSOR THE HONOURABLE KATE WARNER, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, in pursuance of the power and authority vested in me by the *Constitution Act 1934*, do declare that the said Parliament shall meet for the despatch of business on 30 April 2020, at 10:00 am in the House of Assembly of the said Parliament, and at 2:30 pm in the Legislative Council of the said Parliament, situated in the City of Hobart, in Tasmania, and the Members of the said Parliament are hereby required to give their attendance at the same time and place accordingly.

GIVEN under my hand at Hobart in Tasmania on 21 April 2020.

C. WARNER, Governor.

By Her Excellency's Command,
PETER GUTWEIN, Premier.

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, present and emerging. We recognise them as the traditional and original owners and the continuing custodians of this land."

3 PRAYERS.— The President read Prayers.

4 LEAVE TO TABLE ANSWER TO QUESTION AND INCORPORATE ANSWER INTO HANSARD.— *Ordered*, That Mrs *Hiscutt* have leave to Table answer to Question No. 28 and have the answer incorporated into the Hansard record.

5 SURGICAL SERVICES IN TASMANIA.— Ms *Armitage* asked the Honourable the Leader of the Government —

With regard hospital services —

- (1) Despite the Government's claims of record funding growth resulting in "the second highest rate of any state in Australia", why has there been a reduction of 17 per cent in surgical services in Tasmania during 2019?
- (2) Given the reduction in surgical services has caused a commensurate rise in waiting lists, what is the Government's plan to address the elective surgery waiting list?
- (3) The Launceston General Hospital has lost training accreditation in Medicine and Emergency Medicine in recent years. With the reduction of surgical activity and only complex cases being performed (as opposed to the more "typical" cases from which trainees can best learn) there is concern over ongoing training accreditation in the very near future. What is the Government's plan to ensure that no additional training is lost in Tasmania?
- (4) What specific plans does the Government have in place to leverage the opportunities being presented to the health sector in northern Tasmania, given the significant health and training projects that are under way, such as the University of Tasmania redevelopment and the hospital co-location project?
- (5) What are the Government's plans to attract and retain talented and able health professionals to Tasmania in the years ahead?

The Leader answered,

Questions (1) and (2)

The health and wellbeing of Tasmanians continues to be our number one priority as we face the challenges presented by the COVID-19 pandemic.

We acknowledge there has been growing demand across our health system for some time, including elective surgery. This is borne out in the number of people added to the waiting list during the last financial year, which is up more than 3,000 people when compared with just five years ago.

This is exactly why the Government fought so hard to have the Federal Government bring forward funding for more elective surgery and more endoscopies. This \$20 million of funding, agreed to in December, will help thousands of Tasmanians to get elective surgeries and endoscopies and help patients who have been waiting the longest receive treatment more quickly.

This funding continues to build on our investments over the past five years, with more than \$100 million of additional state-based funding - as well as significant commonwealth funding - which has delivered improvements to waiting times.

Unfortunately, due to the impacts of COVID-19, we are not yet in the position to return to normal elective surgery levels. There will be a gradual, progressive restart to our surgical program, and we are now working through our surgery plans and capacity with local hospital management and senior clinicians, as well as the private sector.

Question (3)

The Government values the important role that medical trainees provide in our health system. Trainees not only provide valuable services to patients, they are also training to be the specialty workforce of the future.

We also know that investing in training locally means that the Tasmanian community is more likely to be able to recruit the medical specialty workforce.

The Government will continue to work through the Department of Health and the Tasmanian Health Service on issues of accreditation to ensure that we get the balance right between providing services, training and educating the workforce of the future.

Question (4)

Although this project has been delayed due to COVID-19, the Launceston General Hospital (LGH) Masterplan and associated clinical services planning are key parts of our broader commitment to growing health services in the North and planning for our future.

This work will set out a clear path for the future of health facilities in the LGH precinct and inform the delivery of future health services. Public submissions for the LGH Masterplan have been received, with further work and a community forum planned for the period following the COVID-19 response.

More broadly, the developing health precinct in Northern Tasmania provides an opportunity to work more closely with the University and the private sector to build our training capacity in the North.

We know that attracting and retaining medical practitioners to live and work in regional centres can be difficult, and that providing high quality education and training opportunities is a key factor in improving this.

Providing employment opportunities that allow medical practitioners to work across the public sector, the private sector and with educational institutions can often be a drawcard and assist in recruiting to specialty positions.

Question (5)

This Government has established a Health Workforce Planning Unit that is looking at how best we attract and retain the health professionals Tasmania needs to continue to provide high class health services to the community.

The Department of Health, Tasmanian Health Service and clinicians meet regularly with the University of Tasmania - College of Medicine staff to discuss ways to improve our medical school program.

Similarly, there is ongoing close dialogue with the Medical Colleges in relation to our training programs in Tasmania.

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

- (1) Legislative Council Government Administration Committee 'A' – Interim Report on finfish farming in Tasmania.
- (2) Office of the Tasmanian Economic Regulator: Comparison of Regulated Standing Offer Electricity Prices and of Gas Prices in Australia. Dated March 2020.
- (3) Greater Hobart Act 2019: Statutory Rules 2019, No. 83, containing Greater Hobart Regulations 2019.
- (4) State Service Act 2000: Statutory Rules 2020, containing State Service Amendment Regulations 2020.
- (5) Poisons Act 1971: Statutory Rules 2020, No. 3, containing Poisons Amendment Regulations 2020.
- (6) Poisons Act 1971: Statutory Rules 2020, No. 22, containing Poisons Amendment (Miscellaneous) Regulations 2020.
- (7) Public Health Act 1997: Statutory Rules 2020, No. 23, containing Public Health (Infringement Notices) Amendment Regulations 2020.
- (8) Covid-19 Disease Emergency (Miscellaneous Provision) Act 2020: Notice under Section 17.

- (9) Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020: Notice under Sections 18 and 19.
- (10) Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020: Notice under Section 23.
- (11) Hobart City Council: Single-Use Plastics By-Law No. 1 of 2020

7 ROYAL ASSENT TO BILL.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Kate Warner, Governor

A Bill for an Act to make provision to deal with certain risks, arising from the disease, known as coronavirus disease 2019 (COVID-19), to the effective performance and exercise of judicial, administrative or legislative functions and powers in relation to the State, to mitigate in certain circumstances the financial and social effects related to those risks, to amend the *Emergency Management Act 2006* and the *Residential Tenancy Act 1997* and for related purposes
Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020
(Bill No. 14 of 2020; *Act No. 11 of 2020*)

having been presented to the Governor for the Royal Assent, she has, in the name of Her Majesty the Queen, assented to the said Bill.

Government House, Hobart, 27 March 2020

8 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:

MESSAGE

Kate Warner, Governor

A Bill for an Act to establish the Place Names Advisory Panel, to make provision for the naming and registration of certain place names in Tasmania, to wind up the Nomenclature Board and to consequentially amend other Acts
Place Names Act 2020
(Bill 38 of 2020; *Act No. 1 of 2020*)

A Bill for an Act to enable the disposal of certain uncollected goods, to repeal the *Disposal of Uncollected Goods Act 1968*, and for related purposes
Disposal of Uncollected Goods Act 2020
(Bill No 16 of 2020; *Act No. 2 of 2020*)

A Bill for an Act to amend the *Duties Act 2001*
Duties Amendment Act 2020
(Bill No 56 of 2020; *Act No. 3 of 2020*)

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, 30 March 2020

9 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:

MESSAGE

Kate Warner, Governor

A Bill for an Act for the appropriation of money out of the Public Account for the service of the financial year ending on 30 June 2020 for the purpose of making contributions to each of Division 1, Brand Tasmania, Division 2, Department of Communities Tasmania, Division 3, Department of Education, Division 4, Finance-General, Division 5, Department of Health,

Division 6, Department of Justice, Division 7, Ministerial and Parliamentary Support, Division 8, Department of Police, Fire and Emergency Management, Division 9, Department of Premier and Cabinet, Division 10, Department of Primary Industries, Parks, Water and Environment, Division 11, Department of State Growth, Division 12, Tourism Tasmania, and Division 13, Department of Treasury and Finance, of Schedule 1 to the *Appropriation Act (No. 1) 2019*

Appropriation (Supplementary Appropriation for 2019-20) Act 2020
(Bill No 10 of 2020; *Act No. 4 of 2020*)

A Bill for an Act to make interim provision for the appropriation of \$3 019 438 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2021

Supply Act (No. 1) 2020
(Bill No. 11 of 2020; *Act No. 5 of 2020*)

A Bill for an Act to make interim provision for the appropriation of \$17 765 000 out of the Public Account for the services of the Government in respect of Parliament and Statutory Offices for the financial year ending on 30 June 2021

Supply Act (No. 2) 2020
(Bill 12 of 2020; *Act No. 6 of 2020*)

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, 6 April 2020

10 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

11 SUSPENSION OF STANDING ORDER: QUESTIONS WITHOUT NOTICE.— *Ordered*, That so much of Standing Order No. 49 be suspended for this day's sitting to allow a period of one hour for Questions without Notice. (Mrs *Hiscutt*)

12 QUESTION TIME.— The President called for Questions without Notice. There were 15 Questions asked.

13 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

14 FURTHER SUSPENSION OF STANDING ORDER: QUESTIONS WITHOUT NOTICE.— *Ordered*, That so much of Standing Order No. 49 be further suspended for this day's sitting to allow a further period of 30 minutes for Questions without Notice. (Mrs *Hiscutt*)

15 QUESTION TIME.— The President called for Questions without Notice. There were a further 12 Questions asked.

16 LEAVE TO TABLE ANSWERS TO QUESTIONS AND INCORPORATE ANSWERS INTO HANSARD.— *Ordered*, That Mrs *Hiscutt* have leave to Table answers to the following Questions and have the answers incorporated into the Hansard record:

Member for Nelson (Ms *Webb*) regarding infringements and enforcement under the *Public Health Act 1997* and the *Emergency Management Act 2006*.

Member for Nelson (Ms *Webb*) regarding the health risks of COVID-10 for vulnerable groups and measures to address those risks.

Member for Windermere (Mr *Dean*) regarding fuel pricing.

Member for Rosevears (Mr *Finch*) regarding a cull of wild fallow deer.

Member for McIntyre (Ms *Ratray*) regarding the application of the *Right to Information Act 2009* to Government Business Enterprises and State-Owned Companies.

Member for Windermere (Mr *Dean*) regarding foreign ownership of land and businesses in Tasmania.

Member for Windermere (Mr *Dean*) regarding Tasmania Police's Special Operations Group.

17 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:

MESSAGE

Kate Warner, Governor

A Bill for an Act to amend the *Evidence Act 2001*
Evidence Amendment Act 2020
(Bill No 4 of 2020; Act No. 7 of 2020)

A Bill for an Act to amend the *Criminal Code Act 1924* and to consequentially amend other relevant legislation
Criminal Code Amendment (Sexual Abuse Terminology) Act 2020
(Bill No 5 of 2020; Act No. 8 of 2020)

A Bill for an Act to amend the *First Home Owner Grant Act 2000*, the *Payroll Tax Act 2008* and the *Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Act 2017*
Taxation and Related Legislation (Miscellaneous Amendments) Act 2020
(Bill No 13 of 2020; Act No. 9 of 2020)

A Bill for an Act to amend the *Criminal Code Act 1924* and the *Sentencing Act 1997*
Justice Legislation Amendments (Criminal Responsibility) Act 2020
(Bill No 3 of 2020; Act No. 10 of 2020)

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, 6 April 2020

18 LEAVE TO TABLE REPORT.— *Ordered*, That Ms Rattray have leave to present a Report of the Parliamentary Standing Committee on Subordinate Legislation in relation to the scrutiny of Notices issued under the *COVID-19 Disease Emergency (Miscellaneous Provision) Act 2020*.

19 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION.— Ms Rattray presented a Report of the Parliamentary Standing Committee on Subordinate Legislation in relation to the scrutiny of Notices issued under the *COVID-19 Disease Emergency (Miscellaneous Provision) Act 2020* – Report 1.

Ordered, That the Report be received. (Ms Rattray)

Ordered, That the Report be printed. (Ms Rattray)

20 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 4.08 o'clock p.m. and resumed at 7.02 o'clock p.m.

21 BILL NO. 17.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — 'A Bill for an Act to provide for special measures, related to the social effect of, and the risk of the spread of, COVID-19 disease in the State, by amending, or modifying the application of, the *Constitution Act 1934*, the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, the *Electoral Act 2004*, the *Emergency Management Act 2006*, the *Public Health Act 1997*, the *Tasmanian Health Service Act 2018*, the *Taxi and Hire Vehicle Industries Act 2008* and the *Vehicle and Traffic Act 1999*',

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

House of Assembly, 30 April 2020

S. HICKEY, Speaker

The Bill was read the First time.

22 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

23 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of Standing Orders be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint. (Mrs *Hiscutt*)

24 BILL NO. 17.— A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No. 2) 2020 be now read the Second time.

A Debate arose thereupon.

Ordered, That Ms *Forrest*, have leave to Table a letter to the President of the Legislative Council from the Tasmanian Electoral Commission dated 17 April 2020 and notes prepared by the Tasmanian Electoral Commissioner for Members of Legislative Council and have the letter and the notes incorporated into the Hansard record.

And the Question being 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 *Ratray* in the Chair.

Clause 1, Motion made (Ms *Webb*) and Question proposed, that the Deputy Chair of Committees report progress and seek leave to sit again.

A debate arose thereupon.

And the Question being put,

It passed in the negative.

Clause 1 agreed to.

Clauses 2 to 31 agreed to.

New Clause A [Section 60A amended] brought up (Ms *Webb*) and read the First time as follows:—

Section 60A of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) Despite the provisions of the *Personal Information Protection Act 2004*, no personal information protection principles, apart from those specified in clauses 3, 4, 5 and 6 of Schedule 1 to that Act, apply under that Act in relation to the disclosure, collection, exchange, or use, of relevant information, related to the coronavirus disease (COVID-19), by a relevant body or person, for the relevant purposes, during the period on and from the day on which this subsection commences until the end of the COVID-19 state of emergency.

And the Council having continued to sit after 12 o'clock midnight Friday, 1 May 2020.

Proposed New Clause A was, by leave, withdrawn. (Ms *Webb*)

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Ratray* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

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

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

The Bill was read the Third time and passed.

25 BILL NO. 17.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an A Bill for an Act to provide for special measures, related to the social effect of, and the risk of the spread of, COVID-19 disease in the State, by amending, or modifying the application of, the *Constitution Act 1934*, the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*, the *Electoral Act 2004*, the *Emergency Management Act 2006*, the *Public Health Act 1997*, the *Tasmanian Health Service Act 2018*, the *Taxi and Hire Vehicle Industries Act 2008* and the *Vehicle and Traffic Act 1999*’.

Legislative Council, 1 May 2020

C.M. FARRELL, *President*

26 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 10.00 o’clock am on Friday 8 May 2020.

A Debate arose thereupon.

Amendment proposed (Ms *Forrest*)

Leave out the words “That the Council will at its rising adjourn until 10.00 o’clock am on Friday 8 May 2020.”

Insert instead “That the Council will at its rising adjourn until 11am on Thursday 7 May 2020”

A Debate arose thereupon.

And the Question being put, That the Amendment be agreed to

It was resolved in the Affirmative.

The Motion as amended was agreed to.

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

The Council adjourned at 12.51 o’clock a.m.

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

Briefing

- *COVID-19 Disease Emergency (Miscellaneous Provisions) Bill (No 2) 2020*