



# LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 72

TUESDAY, 13 OCTOBER 2020

- 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, 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 **PETITION: GOVERNMENT RESPONSE.**— Mrs *Hiscutt* laid upon the Table of the Council the Government Response to the following Petition: Transfer of Drivers Licence Photos to the National Driver Licence Facial Recognition Solution.
- 5 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
  - (1) Tasmanian Electoral Commission: Annual Report 2019-20.
  - (2) Tourism Tasmania: Annual Report 2019-20.
  - (3) TasRail: Annual Report 2019-20.
  - (4) TasPorts: Annual Report 2019-20.
  - (5) Public Trustee: Annual Report 2019-20.
  - (6) Legal Profession Board of Tasmania: Annual Report 2019-20.
  - (7) Motor Accidents Insurance Board (MAIB): Annual Report 2019-20.
  - (8) Tasmanian Public Finance Corporation (TASCORP): Annual Report 2019-20.
  - (9) Brand Tasmania: Annual Report 2019-20.
  - (10) Teachers Registration Board: Annual Report 2019.
  - (11) Marine and Safety Tasmania (MAST): Annual Report 2019-20.
  - (12) Metro Tasmania Pty Ltd: Annual Report 2019-20.
  - (13) Inland Fisheries Service: Annual Report 2019-20.
  - (14) Director of Gas Safety: Operations Implemented under the Gas Act 2000 – Annual Report 2019/20.
  - (15) Environmental Management and Pollution Control Act 1994: Statutory Rules 2020, No. 46, containing Environmental Management and Pollution Control (Rescission) Regulations 2020.
  - (16) Living Marine Resources Management Act 1995: Statutory Rules 2020, No. 47, containing Inland Fisheries (Inland Waters) Amendment Order 2020.

- (17) Inland Fisheries Act 1995: Statutory Rules 2020, No. 48, containing Inland Fisheries (Seasons and Waters) Amendment Order 2020.
- (18) Inland Fisheries Act 1995: Statutory Rules 2020, No. 51, containing Inland Fisheries Amendment Regulations 2020.
- (19) Legal Profession Act 2007: Statutory Rules 2020, No. 55, containing Legal Profession (Solicitors' Conduct) Rules 2020.
- (20) Legal Profession Act 2007: Statutory Rules 2020, No. 56, containing Rules of Practice Amendment Rules 2020.

**6 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE ON PUBLIC ACCOUNTS IN RELATION TO AN INQUIRY INTO THE TASMANIAN FISCAL SUSTAINABILITY REPORT 2016.**— Mr *Dean* presented a Report of the Parliamentary Standing Committee of Public Accounts into the Tasmanian Fiscal Sustainability Report 2016.

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

*Ordered*, That the Report be printed. (Mr *Dean*)

**7 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 certain legislation consequent on the commencement of the *Biosecurity Act 2019* and the repeal, under that Act, of certain other Acts *Biosecurity (Consequential and Transitional Provisions) Act 2020* (Bill No. 20 of 2020; *Act No. 18 of 2020*)

A Bill for an Act to amend the Sentencing Act 1997, the *Criminal Law (Detention and Interrogation) Act 1995* and the *Criminal Code Justice Legislation Miscellaneous Amendments Act 2020* (Bill No. 39 of 2019; *Act No. 19 of 2020*)

A Bill for an Act to amend the *Community Protection (Offender Reporting) Act 2005*, the *Police Offences Act 1935*, the *Police Powers (Vehicle Interception) Act 2000* and the *Road Safety (Alcohol and Drugs) Act 1970 Police Legislation Miscellaneous Amendments Act 2020* (Bill No. 44 of 2019; *Act No. 20 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, 28 September 2020*

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

MESSAGE

Kate Warner, Governor

A Bill for an Act to amend the *Land Use Planning and Approvals Act 1993* to provide for major projects and for related purposes and, consequential on those amendments, the *Environmental Management and Pollution Control Act 1994* and the *Historic Cultural Heritage Act 1995 Land Use Planning Approvals (Major Projects) Amendment Act 2020* (Bill No. 26 of 2020; *Act No. 21 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, 13 October 2020*

**9 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 *Ratray* – St Helens Neighbourhood House – National Suicide Prevention trial;
- (2) Ms *Palmer* – Country Women’s Association of Tasmania;
- (3) Dr *Seidel* – Franklin Velodrome;
- (4) Ms *Armitage* – Youngtown ABCDE Learning Site;
- (5) Ms *Howlett* – Hon John Fahey AC; and
- (6) Ms *Forrest* – Saints Superfans.

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

**10 ROLE OF PHARMACISTS IN DELIVERY OF HEALTH CARE IN TASMANIA.**— A Motion was made (Ms *Forrest*) and the Question was proposed, That the Council notes:

- (1) The broad and vital role pharmacists have in the delivery of quality, evidenced based health care in Tasmania;
- (2) The opportunity to utilise pharmacists to improve medicines safety and the quality use of medicines;
- (3) The importance of medicine safety in all health care settings;
- (4) The unacceptably high rate of medicine-related hospital admissions and presentations to emergency departments;
- (5) The impact on healthcare costs associated with these hospital admissions and presentations;
- (6) The unacceptably high levels of medicine-related problems in aged care; and
- (7) The Council of Australian Governments (COAG) Health Council Meeting in Perth on Friday, 31 October 2019 where Ministers agreed to make Medicines Safety and the Quality Use of Medicines the 10th National Health Priority Area.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**11 BILL NO. 30.**— The Order of the Day was read for consideration in Committee of the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

**12 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.

**13 QUESTION TIME.**— The President called for Questions without Notice. There were five Questions asked.

*Ordered*, That Mrs *Hiscutt* have leave to Table answer to Mr Dean’s Question regarding the Arthurs Lake Fishery and have the answer incorporated into the Hansard record.

**14 BILL NO. 30.**— The Council resolved itself into a Committee on the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 1 agreed to.

Ms *Ratray* in Chair

Clause 2 Amendment proposed (Gaffney)

**First Amendment**

Page 9.

*Leave out* “the first anniversary of”.

*Insert instead* “18 months after”.

Amendment to the main proposed Amendment (Ms *Forrest*)

Page 1 of proposed amendments.

*Leave out* “18 months after”.

*Insert instead* “2 years after”.

Question put, That the Amendment to the main proposed Amendment be agreed to.

Committee divided.

AYES 7

Ms *Armitage*  
Ms *Forrest*  
Mrs *Hiscutt* (Teller)  
Ms *Howlett*  
Ms *Palmer*  
Ms *Ratray*  
Mr *Valentine*

NOES 7

Mr *Dean*  
Mr *Gaffney*  
Ms *Lovell* (Teller)  
Dr *Seidel*  
Ms *Siejka*  
Ms *Webb*  
Mr *Willie*

So it passed in the Negative.

Question put, That the main proposed Amendment be agreed to.

It was resolved in the Affirmative.

Further Amendment made. (Mr *Gaffney*)

**Second amendment**

Page 9.

*Leave out* “on that first anniversary”.

*Insert instead* “at the end of that 18-month period”.

Clause 2 as amended agreed to.

Clause 3 agreed to.

Clause 4 postponed.

Ms *Ratray* in Chair.

Clause 5 Amendment proposed (Ms *Forrest*)

**First amendment**

Page 20, subclause (1), definition of *relevant medical condition*.

*Leave out* the definition.

*Insert instead* the following definition:

**"relevant medical condition"**, in relation to a person, means a disease, illness, injury, or medical condition, of the person that –

(a) is advanced, incurable and irreversible; and

(b) is expected to cause the death of the person; and

(c) except if the person is exempted from this requirement under subsection (3), is expected to cause the death of the person –

(i) within 6 months; or

(ii) if the disease is neurodegenerative – within 12 months.

Amendments to the main proposed Amendment (Mr *Gaffney*)

**First Amendment**

Page 4 of the proposed amendments, proposed First Amendment, proposed amendment to definition of **relevant medical condition**, proposed paragraph (c), after “expected”.

*Insert* “, on the balance of probabilities,”

**Second Amendment**

Page 4 of proposed amendments, proposed First Amendment, proposed amendment to the definition of **relevant medical condition**, proposed paragraph (c).

*Leave out* all the words after “death of”.

*Insert instead* “the persons within 2 years”.

Mr *Gaffney* sought leave to withdraw the Amendments to the main proposed Amendment. Leave was not granted.

Question put, That the Amendments to the main proposed Amendments be agreed to

Committee divided.

AYES 4

Mr *Dean*  
Mr *Gaffney*  
Mrs *Hiscutt*  
Ms *Webb* (Teller)

NOES 10

Ms *Armitage*  
Ms *Forrest*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Ratray*  
Dr *Seidel*  
Ms *Siejka*  
Mr *Valentine* (Teller)  
Mr *Willie*

So it passed in the Negative.

Question put, That the main proposed Amendment be agreed to.

Committee divided.

AYES 11

Ms *Armitage*  
Mr *Dean*  
Ms *Forrest* (Teller)  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Ratray*  
Dr *Seidel*  
Ms *Siejka*  
Mr *Valentine*  
Mr *Willie*

NOES 3

Mr *Gaffney*  
Mrs *Hiscutt* (Teller)  
Ms *Webb*

It was resolved in the Affirmative.

Clause 5 as amended postponed.

Ms *Forrest* in the Chair

Clause 6 agreed.

Clause 7 Amendments proposed (Ms *Lovell*)

**First amendment**

Page 22.

*Leave out* “in a form approved by the Commissioner”.

*Insert instead* “in an approved form”.

**Second amendment**

Page 23, paragraph (c).

*Leave out* “Commissioner” (twice occurring).

*Insert instead* “Commission”.

Ms *Ratray* in the Chair

Ms *Forrest* in the Chair

Question put, That the Amendments be agreed to

Committee divided.

AYES 9

Ms *Armitage*  
Ms *Forrest*  
Ms *Howlett* (Teller)  
Ms *Lovell*  
Ms *Palmer*  
Ms *Ratray*  
Dr *Seidel*  
Ms *Siejka*  
Mr *Willie*

NOES 5

Mr *Dean*  
Mr *Gaffney*  
Mrs *Hiscutt*  
Mr *Valentine* (Teller)  
Ms *Webb*

It was resolved in the Affirmative.

Clause 7 as amended agreed to.

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, at a later hour, again resolve itself into the said Committee.

**15 LEAVE TO TABLE REPORT ABOUT THE GREAT EASTERN DRIVE TASMAN HIGHWAY DIANAS BASIN TO ST HELENS OVERTAKING FACILITIES.**—*Ordered*, That Mrs *Hiscutt* have leave to Table a Report Supporting a Planning Permit Application in relation to the Great Eastern Drive, Tasman Highway Dianas Basin to St Helens Overtaking Facilities in answer to Question asked by Ms *Ratray* during Question time.

**16 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 7.36 o'clock p.m. and resumed at 8.38 o'clock p.m.

**17 BILL NO. 30.**— The Council, according to Order, again resolved itself into a Committee on the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020.

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 8 Amendments made (Dr *Seidel*)

**First Amendment**

Page 23, paragraph (a).

*Leave out* “a medical practitioner with at least 5 years’ experience as a medical practitioner after being”.

**Second Amendment**

Page 23, after paragraph (a).

*Insert* the following paragraphs:

- (ba) the person –
  - (i) is a vocationally registered general practitioner; or
  - (ii) holds a fellowship with a specialist medical college; and
- (bb) the person has relevant experience in treating or managing the medical condition expected to cause the death of the person; and

Ms *Rattray* in the Chair.

Ms *Forrest* in the Chair.

Clause 8 Further Amendment proposed (Dr *Seidel*)

Page 23, paragraph (b).

*Leave out* “within the 5-year period immediately”.

Ms *Rattray* in the Chair.

Ms *Forrest* in the Chair.

Question put, That the Amendment be agreed to.

It passed in the Negative.

Further Amendment made (Dr *Seidel*)

**Third Amendment**

Page 24, paragraph (d).

*Leave out* all the words after “indirectly,”.

*Insert instead* “benefit from, or directly or indirectly receive a financial benefit as a result of, the death of the person, other than by receiving reasonable fees for the provision of services as the PMP, CMP or AHP of the person”.

Clause 8 as amended agreed to.

Clause 9 agreed to.

Clause 10 Amendments made. (Ms *Lovell*)

**First amendment**

Page 26, subclause (2).

*Leave out* “Commissioner”.

*Insert instead* “Commission”.

**Second amendment**

Page 26, subclause (3).

*Leave out* “Commissioner”.

*Insert instead* “Commission”.

**Third amendment**

Page 26, subclause (4).

*Leave out* “Commissioner”.

*Insert instead* “Commission”.

**Fourth amendment**

Page 27, subclause (4), paragraph (b).

*Leave out* “Commissioner”.

*Insert instead* “Commission”.

Clause 10 as amended agreed to.

Clauses 11 to 13 agreed to.

Ms Rattray in the Chair

Clause 14 Amendment made (Ms *Lovell*)

**First Amendment**

Page 36, subclause (4), after paragraph (b).

*Insert* the following paragraph:

- (ba) the other person –
  - (i) is not a member of the family of the VAD person; and
  - (ii) where subsection (3) applies in relation to the other person – is a person who is accredited by a prescribed body as a translator in the relevant language; and
  - (iii) does not know or believe that he or she is likely to directly or indirectly benefit from, or receive a financial benefit, directly or indirectly, as a result of the death of, the VAD person; and
  - (iv) is not a residential care provider in relation to the VAD person; and
  - (v) is not directly involved in providing health services or professional care services to the VAD person; and

Further amendment made (Ms *Forrest*)

**Second Amendment**

Page 36, after subclause (4).

Insert the following subclause:



- (4A) Despite subsection (4)(ba), subparagraph (i) or (ii), or both, of that subsection do not apply in relation to a person if the Commission is satisfied that there are reasonable grounds why the subparagraph ought not to apply in relation to the person.

Clause 14 as amended, Further considered.

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, tomorrow, again resolve itself into the said Committee.

**18 BILL NO. 37.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Residential Tenancy Act 1997*’,

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

*House of Assembly, 13 October 2020*

S. HICKEY, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**19 BILL NO. 52 of 2019.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *State Service Act 2000* and the *State Service Regulations 2011*’,

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

*House of Assembly, 13 October 2020*

S. HICKEY, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**20 BILL NO. 33.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the *Anzac Day Observance Act 1929*’,

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

*House of Assembly, 13 October 2020*

S. HICKEY, *Speaker*

The Bill was read the First time.

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**21 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, 14 October 2020.

It was resolved in the Affirmative.

A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council do now adjourn.

It was resolved in the Affirmative.

The Council adjourned at 11.07 o'clock p.m.

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