



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 4

WEDNESDAY, 24 AUGUST 2022

- 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 **COMMITTEE REPORT: GOVERNMENT RESPONSE.**— Mrs *Hiscutt* laid upon the Table of the Council the Government Response to the Short Inquiry Process Report of the Legislative Council Government Administration Committee “A” on the Roy Fagan Centre.
- 5 **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 11.08 o'clock a.m. and resumed at 11.39 o'clock a.m.
- 6 **BILL NO. 15.**— The Order of the Day was read for the consideration of the Police Offences Amendment (Workplace Protection) Bill 2022 as amended in Committee of the Whole Council.
A Motion was made (Ms *Forrest*) and the Question was proposed, That the Order of the Day be discharged and the Bill be recommitted to a Committee of the Whole Council for the purpose of reconsidering Clause 4 as amended and Clause 5.
A Debate arose thereupon.
And the Question being put.
It was resolved in the Affirmative.
And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Recommittal

Ms *Ratray* in the Chair.

Clause 4 as amended recommitted.

Motion made and Question proposed (Ms *Forrest*) that the First Amendment to Clause 4 previously agreed be disagreed to.

Question put.

Committee divided.

AYES 8

Ms Armitage
Ms Forrest
Mr Harriss
Mrs Hiscutt
Ms Howlett
Ms Lovell (Teller)
Ms Palmer
Mr Willie

NOES 3

Mr Gaffney
Mr Valentine (Teller)
Ms Webb

It was resolved in the Affirmative.

Clause 4 as amended, further considered.

Further amendment proposed. (*Ms Forrest*)

Page 4, paragraph (b), proposed new paragraph (ea).

Leave out the proposed new paragraph.

Insert instead the following new paragraph:

- (ea) unreasonably and substantially obstruct the passage of vehicles or pedestrians on a street, if –
 - (i) the obstruction impedes, or prevents, the entry, onto a place at which a business or undertaking is carried on, of another person who was intending to carry out lawful work at the place; and
 - (ii) the person intended that the obstruction impede, or prevent, the entry, onto the place, of a person who was intending to carry out lawful work at the place; or

Question put, That the further Amendment be agreed to.

Committee divided.

AYES 8

Ms Armitage
Ms Forrest
Mr Harriss
Mrs Hiscutt
Ms Howlett (Teller)
Ms Lovell
Ms Palmer
Mr Willie

NOES 3

Mr Gaffney (Teller)
Mr Valentine
Ms Webb

It was resolved in the Affirmative.

7 SITTING SUSPENDED.— It being 1.04 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

8 QUESTION TIME.— The President called for Questions without Notice. There were seven Questions asked.

9 BILL NO. 15.— The Council, again resolved itself into a Committee to consider the Police Offences Amendment (Workplace Protection) Bill 2022 as amended.

(In the Committee)

Ms *Rattray* in the Chair.

Clause 4 as amended further considered.

Question put, That Clause 4 as amended be agreed to.

Committee divided.

AYES 5

Mr *Harriss*
Mrs *Hiscutt*
Ms *Howlett* (Teller)
Ms *Palmer*
Ms *Rattray*

Pair: Mr *Duigan*

NOES 6

Ms *Armitage*
Ms *Forrest*
Mr *Gaffney* (Teller)
Ms *Lovell*
Mr *Valentine*
Ms *Webb*

Pair: Mr *Willie*

So it passed in the Negative.

Clause 4, as further amended, disagreed to.

Clause 5 recommitted.

Clause 5, Amendment proposed. (Ms *Forrest*)

First amendment

Page 6, paragraph (d), proposed new subsection (2AA).

Leave out “is satisfied that the person, by or while committing the offence -” and paragraphs (a) and (b).

Insert instead the following:

is satisfied that –

- (a) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
- (b) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

Question put, That the Amendment be agreed to.

Committee divided.

AYES 10

Ms *Armitage*
Ms *Forrest* (Teller)
Mr *Gaffney*
Mr *Harriss*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray*
Mr *Willie*

NOES 2

Mr *Valentine*
Ms *Webb* (Teller)

It was resolved in the Affirmative.

Further Amendment proposed. (Mr *Gaffney*)

Page 6, paragraph (d), proposed new subsection (2AA).

Leave out “50 penalty units or imprisonment for a term not exceeding 12 months”.

Insert instead “30 penalty units or imprisonment for a term not exceeding 8 months”.

10 SITTING SUSPENDED.— It being 4.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 4.30 o'clock p.m.

11 BILL NO. 15.— The Council, again resolved itself into a Committee to consider the Police Offences Amendment (Workplace Protection) Bill 2022 as amended.

(In the Committee)

Ms *Rattray* in the Chair.

Clause 5, proposed Amendment further considered.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 5

Mr *Gaffney* (Teller)
Mr *Harriss*
Ms *Lovell*
Mr *Valentine*
Ms *Webb*

Pair: Mr *Willie*

NOES 6

Ms *Armitage*
Ms *Forrest* (Teller)
Mrs *Hiscutt*
Ms *Howlett*
Ms *Palmer*
Ms *Rattray*

Pair: Mr *Duigan*

So it passed in the Negative.

Further Amendment proposed. (Ms *Forrest*)

Second amendment

Page 7, paragraph (d), after proposed new subsection (2AA).

Insert the following proposed new subsection:

(2ABA) Subsection (2AA) does not apply in relation to an offence committed by a natural person if the court that convicts the person of the offence is satisfied that –

- (a) the offence was committed in the course of the person being engaged in an industrial dispute or an industrial campaign; and
- (b) the person did not, by or while committing the offence –
 - (i) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
 - (ii) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.

Amendment proposed to the main proposed further amendment. (Ms *Webb*)

Page 3 of proposed amendments, proposed second amendment, proposed new subsection (2ABA), paragraph (b).

Leave out the paragraph.

Insert instead the following paragraphs:

- (b) the person did not, by or while committing the offence, engage in conduct that caused serious danger of death, or injury, to another person; and
- (c) if the person did engage in the conduct referred to in paragraph (b), the person –
 - (i) did not intend the conduct to cause serious danger of death, or injury, to another person; and
 - (ii) was not reckless as to whether the conduct was likely to cause serious danger of death, or injury, to another person.

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

Committee divided.

AYES 4

Mr *Gaffney*
Ms *Lovell* (Teller)
Mr *Valentine*
Ms *Webb*

Pair: Mr *Willie*

NOES 7

Ms *Armitage*
Ms *Forrest*
Mr *Harriss*
Mrs *Hiscutt* (Teller)
Ms *Howlett*
Ms *Palmer*
Ms *Rattray*

Pair: Mr *Duigan*

So it passed in the Negative.

The main proposed further Amendment was further considered.

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

Committee divided.

AYES 7

Ms *Armitage*
Ms *Forrest*
Mrs *Hiscutt*
Ms *Howlett* (teller)
Ms *Lovell*
Ms *Palmer*
Mr *Willie*

NOES 5

Mr *Gaffney*
Mr *Harriss*
Ms *Rattray*
Mr *Valentine* (teller)
Ms *Webb*

It was resolved in the Affirmative.

Further Amendment proposed. (Ms *Webb*)

Page 7, paragraph (d), proposed new subsection (2AB).

Leave out “that the person, by or while committing the offence – ” and paragraphs (a) and (b).

Insert instead the following:

that –

- (a) the person, by or while committing the offence, engaged in conduct that caused serious danger of death, or injury, to another person; and
- (b) the person –
 - (iii) intended the conduct to cause serious danger of death, or injury, to another person; or
 - (iv) was reckless as to whether the conduct was likely to cause serious danger of death, or injury, to another person –

Question put, That the Amendment be agreed to.

Committee divided.

AYES 4

Mr *Gaffney*
Ms *Lovell*
Mr *Valentine*
Ms *Webb*

Pair: Mr *Willie*

NOES 7

Ms *Armitage*
Ms *Forrest*
Mr *Harriss*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Palmer*
Ms *Ratray*

Pair: Mr *Duigan*

So it passed in the Negative.

Further Amendment proposed. (Mr *Gaffney*)

Page 7, paragraph (d), proposed new subsection (2AB).

Leave out “the person is - ” and paragraphs (c) and (d).

Insert instead “the person is liable to a penalty not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months.”.

The proposed Amendment was, by leave, withdrawn.

To report progress and seek leave to sit again.

The Council being resumed Ms *Ratray* 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.

12 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 6.26 o'clock p.m. and resumed at 7.53 o'clock p.m.

13 BILL NO. 15.— The Council, again resolved itself into a Committee to consider the Police Offences Amendment (Workplace Protection) Bill 2022 as amended.

(In the Committee)

Ms *Rattray* in the Chair.

Clause 5 as amended further considered.

Further Amendment proposed (Mr *Gaffney*)

Third amendment

Page 7, paragraph (d), proposed new subsection (2AB), paragraph (c).

Leave out “75”.

Insert instead “50”.

Question put, That the further Amendment be agreed to.

Committee divided.

AYES 8

NOES 3

Ms *Armitage*
Ms *Forrest*
Mr *Gaffney*
Mr *Harriss*
Ms *Lovell*
Ms *Rattray*
Mr *Valentine*
Ms *Webb*

Mrs *Hiscutt*
Ms *Howlett*
Ms *Palmer*

Pair: Mr *Willie*

Pair: Mr *Duigan*

It was resolved in the Affirmative.

Further amendment made (Mr *Gaffney*)

Fourth amendment

Page 7, paragraph (d), proposed new subsection (2AB), paragraph (d).

Leave out “125”.

Insert instead “75”.

Further amendment made (Mr *Gaffney*)

Fifth amendment

Page 7, paragraph (d), proposed new subsection (2AB), paragraph (d).

Leave out “30 months”.

Insert instead “24 months”.

Further amendment made (Ms *Forrest*)

Sixth amendment

Page 8, paragraph (d), proposed new subsection (2AC).

Leave out “is satisfied that the person, by or while committing the offence -” and paragraphs (a) and (b).

Insert instead the following:

is satisfied that –

- (a) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
- (b) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

Further amendment made. (Mr *Gaffney*)

Seventh amendment

Page 8, paragraph (d), proposed new subsection (2AC).

Leave out “600 penalty units”.

Insert instead “250 penalty units”.

Further Amendment proposed. (Ms *Forrest*)

Eighth Amendment

Page 8, paragraph (d), after proposed new subsection (2AC).

Insert the following proposed new subsection:

- (2AD) Subsection (2AC) does not apply in relation to an offence committed by a person that is a body corporate if the court that convicts the body corporate of the offence is satisfied that –
- (a) the offence was committed in the course of the person being engaged in an industrial dispute or an industrial campaign; and
 - (b) the person did not, by or while committing the offence –
 - (i) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
 - (ii) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 7

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

NOES 5

Mr *Gaffney*
Mr *Harriss (Teller)*
Ms *Rattray*
Mr *Valentine*
Ms *Webb*

It was resolved in the Affirmative.

Question put, That Clause 5 as amended be agreed to.

Committee divided.

AYES 7

Ms Armitage
Ms Forrest
Mr Harriss
Mrs Hiscutt
Ms Howlett (Teller)
Ms Palmer
Ms Rattray

Pair: Mr *Willie*

NOES 4

Mr Gaffney
Ms Lovell
Mr Valentine (Teller)
Ms Webb

Pair: Mr *Duigan*

It was resolved in the Affirmative.

Bill to be reported with further Amendments.

The Council being resumed, Ms *Rattray* reported that the Committee had considered the clauses as recommitted, and directed her to report the same to the Council with further Amendments.

Ordered, That consideration of the Bill as further amended in Committee be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

14 ADJOURNMENT.— *Resolved*, That the Council will, at its rising adjourn until 11.00 o'clock a.m. on Thursday, 25 August 2022. (Mrs *Hiscutt*)

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

The Council adjourned at 8.38 o'clock p.m.

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

Briefings:

- *Family Violence Reforms Bill 2022 (No. 10).*
- *Draft Proclamations under Nature Conservation Act 2002 – Motions to disallow.*
- *Police Offences Amendment (Workplace Protection) Bill 2022 (No. 15).*