



# LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 31

THURSDAY, 25 NOVEMBER 2021

- 1 **COUNCIL MEETS.**— The Council met at 10.00 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) Integrity Commission Report No. 2 of 2021: A Review of Tasmania Police’s new conduct and complaint management policy, Abacus
  - (2) Report of the Auditor-General No. 4 of 2021-22. Auditor-General’s Report on the Financial Statements of State entities. Volume 1: Audit of State entities and audited subsidiaries of State entities 31 December 2020 and 30 June 2021. Dated 25 November 2021.
  - (3) Tasmanian Liquor and Gaming Commission: Annual Report 2020-2021.
  - (4) Tasmanian Dairy Industry Authority: Annual Report and Financial Statements 2020-2021.
  - (5) Forest Practices Authority: Annual Report 2020-2021.
  - (6) Property Agents Board: Annual Report 2020-2021.
  - (7) Magistrates Court of Tasmania: Annual Report 2020-2021.
  - (8) Crown Lands Act 1976: Statutory Rules 2021, containing Crown Lands Regulations 2021.
  - (9) Sentencing Advisory Council: Review Under Section 2 of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017. Final Report No. 11. November 2021.
  - (10) National Health Funding Body – Improving the transparency of public hospital funding in Australia: Annual Report 2020-2021
  - (11) National Health Practitioner Ombudsman: Annual Report 2020-2021.
  - (12) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1.646 ha situate in Midland Highway – Ross to Campbell Town. Municipal Area of Northern Midlands.
  - (13) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 9663.0 m<sup>2</sup> situate in Midland Highway – Ross to Campbell Town. Municipal Area of Northern Midlands.

**5 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS.**— Ms *Forrest* presented a Report of the Parliamentary Standing Committee of Public Accounts Review of Auditor-General’s Report No 1 of 2016-2017 Ambulance Emergency Services.

*Ordered*, That the Report be received. (Ms *Forrest*)

*Ordered*, That the Report be printed. (Ms *Forrest*)

*Ordered*, That consideration of the Report and its noting be made an Order of the Day. (Ms *Forrest*)

**6 REPORT OF JOINT STANDING COMMITTEE ON INTEGRITY.**— Mr *Valentine* presented the Joint Standing Committee on Integrity Annual Report 2021.

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

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

**7 BILL NO. 56.**— The Order of the Day was read for the further consideration in Committee of the TasTAFE (Skills and Training Business) 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.

Clause 45 as read further considered and agreed to.

Clauses 46 to 50 agreed to.

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

**A. Reviews of Act**

- (1) 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.
- (2) As soon as practicable after the 30 month anniversary of the commencement of section 4, the Minister is to cause a 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.
- (3) The Minister is to ensure that a written report on a review, conducted under this section, is prepared as soon as practicable after the completion of the review.
- (4) The Minister is to cause a copy of each report, prepared under subsection (3), to be tabled in each House of Parliament within 10 sitting-days after the report is given to the Minister.

New Clause A was read the Second time

Consideration of New Clause A as read the Second time postponed.

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.

**8 BILL NO. 54.**— The Order of the Day was read for the Second reading of the Container Refund Scheme 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.

**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 were seven Questions asked.

*Ordered*, That *Ms Palmer* have leave to Table information about full time equivalent (FTE) employees in the Department of Health and have the information incorporated into the Hansard record.

**11 PAPER.**— The Clerk of the Council laid upon the Table the Pathway to Truth Telling and Treaty Report.

**12 BILL NO. 56.**— The Council, according to order, again resolved itself into a Committee on the TasTAFE (Skills and Training Business) Bill 2021.

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(In the Committee)

*Ms Forrest* in the Chair.

Postponed New Clause A as read the Second time further considered.

Amendments made. (*Mr Willie*)

**First amendment**

Page 3 of the amendments, before subclause (1).

*Insert* the following subclause:

(A) 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.

**Second amendment**

Same page of the amendments, subclause (2).

*Leave out* “anniversary”.

*Insert instead* “anniversary, and after the 6 year anniversary,”.

**Third amendment**

Same page of the amendments, same subclause.

*Leave out* “cause a review”.

*Insert instead* “commission an independent review”.

**Fourth amendment**

Page 4 of the amendments, subclause (3).

*Leave out* “this section”.

*Insert instead* “subsection (1)”.

**Fifth amendment**

Same page of the amendments, after subclause (3).

*Insert* the following subclause:

- (X) As soon as practicable after the completion of an independent review under subsection (2), a written report on the review is to be provided to the Minister.

**Sixth amendment**

Same page of the amendments, subclause (4), after “subsection (3)”.

*Insert* “or provided to the Minister under subsection (X)”.

New Clause A as amended made part of the Bill (to follow Clause 46).

Schedule 1 Amendment made. (Mr *Gaffney*)

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

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

*Insert instead* “director”.

Schedule 1 as amended agreed to.

Schedules 2 to 4 agreed to.

Title agreed to.

Bill to be reported with Amendments.

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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 with Amendments.

*Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

*Ordered*, That Standing Order No. 280 be suspended in respect of this Bill, in order that the Bill as amended in the Committee may be now taken into consideration. (Mrs *Hiscutt*)

*Ordered*, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendments were read the First time.

The said Amendments, being read the Second time, were agreed to.

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

A Debate arose thereupon.

And the Question being put,

Council divided.

AYES 7

Ms *Armitage*  
Mr *Duigan* (Teller)  
Ms *Forrest*  
Mr *Gaffney*  
Mrs *Hiscutt*  
Ms *Palmer*  
Ms *Rattray*

Pair: Ms *Howlett*

NOES 5

Ms *Lovell*  
Dr *Seidel*  
Mr *Valentine* (Teller)  
Ms *Webb*  
Mr *Willie*

Pair: Ms *Siejka*

It was resolved in the Affirmative and the Bill was read the Third time and passed.

**13 BILL NO. 56.**— A Message to the House of Assembly:—

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*

**14 BILL NO. 54**— The Council, resumed the Debate on the Question, That the Container Refund Scheme Bill 2021 be now read the Second time.

A Motion was made and the Question was proposed, That the Debate be adjourned (Ms *Lovell*).

A Debate arose thereupon.

And the Question being put,

Council divided.

AYES 9

Ms *Armitage*  
Ms *Forrest*  
Mr *Gaffney* (Teller)  
Ms *Lovell*  
Ms *Rattray*  
Dr *Seidel*  
Mr *Valentine*  
Ms *Webb*  
Mr *Willie*

Pair: Ms *Siejka*

NOES 3

Mr *Duigan* (Teller)  
Mrs *Hiscutt*  
Ms *Palmer*

Pair: Ms *Howlett*

It was resolved in the Affirmative.

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

**16 BILL NO 54 REFERAL TO LEGISLATIVE COUNCIL SESSIONAL GOVERNMENT ADMINISTRATION COMMITTEE ‘A’.**— A Motion was made (Ms *Lovell*) and the Question was proposed, That the Container Refund Scheme Bill 2021( No 54) be referred to Legislative Council Sessional Government Administration Committee ‘A’ for consideration and report

A Debate arose thereupon.

And the Question being put,

It passed in the Negative.

**17 BILL NO. 54.**— The Council, according to Order, resumed the Debate on the Question, That the Container Refund Scheme Bill 2021 be now read the Second time.

*Ordered*, That Mrs *Hiscutt* have leave to Table a document Container Refund Scheme Information for small beverage companies and have the information incorporated into the Hansard record.

And the Question being put,

It was resolved in the Affirmative.

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

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council does resolve itself into a Committee to further consider the Bill.

And the President proposed the Question, That the Council does resolve itself into a Committee and that I do now leave the Chair.

A Debate arose thereupon.

An Amendment was proposed to be made to the Question (Ms *Forrest*): —

Leave out all the words after ‘That’, in order to insert the words –‘the Council will tomorrow resolve itself into the said Committee’

A Debate arose thereupon.

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

It was resolved in the Affirmative.

*Resolved*, That the Council will, tomorrow, resolve itself into the said Committee.

**18 PAPER.**— The Clerk of the Council laid upon the Table the TasWater Annual Report 2020-21.

**19 BILL NO. 60.**— 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 *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*

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. 40.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly doth agree to the Amendment 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*

**21 BILL NO. 45.**— A Message from the House of Assembly:—

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*

**22 STATEMENT BY THE PRESIDENT – MEMBER FOR HUON LAST SITTING DAY.**— The President said —

“Honourable Members I want to advise the House that given this is the Honourable Member for Huon’s last sitting day in this place I am going to allow the Honourable Member to make a brief contribution to the Council and in doing so also allow any other Honourable Member who may wish to speak to do that also”.

**23 BILL NO. 56.**— A Message from the House of Assembly:—

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*

**24 ADJOURNMENT.**— *Ordered*, That the Council at its rising adjourn until 9.30 o'clock a.m. on Friday, 4 March 2022. (*Mrs Hiscutt*)

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

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

The Council adjourned at 8.51 o'clock p.m.

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