



TASMANIA

HOUSE OF ASSEMBLY

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 22

TUESDAY, 22 NOVEMBER 2022

- 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 LEAVE TO MAKE MOTION WITHOUT NOTICE. - A Motion being made and the Question being proposed - That Ms *White* have leave to make a Motion without Notice. (Ms *White*)

A Debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

Dr Broad
Ms Dow
Ms Finlay
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Dr Woodruff
Ms Butler (Teller)

NOES 11

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Mr Winter

Ms Ogilvie

SPEAKER GIVES CASTING VOTE. – The Speaker said: 'The numbers being equal, in accordance with Standing Order 167 I cast my vote with the Noes.'

So it passed in the Negative.

5 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.

6 PAPERS. – The Premier laid upon the Table of the House the following Papers:-

- (1) Response to Petition: HA No. 14 of 2022.
- (2) AHPRA & National Boards: Annual Report 2021-22.
- (3) Health Practitioner Regulation National Law and Other Legislation Amendment Act 2022 Parliament of Queensland.
- (4) National Health Practitioner Ombudsman: Annual Report 2021-22.
- (5) Government's Interim Response to Commission of Inquiry.

7 PAPERS. – The Deputy Premier laid upon the Table of the House the following Paper:-

Response to Petition: HA No. 17 of 2022.

8 PAPERS. – The Minister for Hospitality and Events laid upon the Table of the House the following Papers:-

- (1) Biosecurity Act 2019: Biosecurity Regulations 2022 (Statutory Rules 2022, No. 83).
- (2) Tasmanian Dairy Industry Authority: Annual Report and Financial Statements 2021-2022.

9 PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-

- (1) Expungement of Historical Offences Act 2017: Annual Report 2021-2022.
- (2) Tasmanian Museum and Art Gallery: Annual Report 2021-2022.
- (3) Asbestos Related Diseases Compensation Act 2011: Second Five Yearly Review September 2022.

10 PAPERS. – The Minister for Skills, Training and Workforce Growth laid upon the Table of the House the following Papers:-

Keystone Tasmania: Keystone Annual Report 2021-2022.

11 PAPERS. – The Clerk of the House laid upon the Table of the House the following Paper:-

- (1) Legislature-General: Annual Report 2021-22.
- (2) Commissioner for Children and Young People: Annual Report 2021-22.

12 MESSAGE FROM HER EXCELLENCY THE GOVERNOR. – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

Barbara Baker, *Governor*.

A Bill for an Act to amend the Vehicle and Traffic Act 1999 and the Traffic Act 1925 (Bill No. 20 (*Act No. 27 of 2022*))

A Bill for an Act to amend the Guardianship and Administration Amendment (Advance Care Directives) Act 2021 and the Tasmanian Civil and Administrative Tribunal Act 2020 (Bill No. 41 (*Act No. 28 of 2022*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of His Majesty the King, assented to the said Bills.

Government House, Hobart, 10 November 2022.

13 BILL NO. 29. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Land Use Planning and Approvals Act 1993".

Legislative Council, 10 November 2022.

C.M. FARRELL, *President.*

14 BILL NO. 45. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Legal Profession Act 2007".

Legislative Council, 10 November 2022.

C.M. FARRELL, *President.*

15 BILL NO. 42. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Animal Welfare Act 1993".

Legislative Council, 15 November 2022.

C.M. FARRELL, *President.*

16 BILL NO. 39. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Stadiums Tasmania Act 2022".

Legislative Council, 17 November 2022.

C.M. FARRELL, *President.*

17 BILL NO. 49. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has this day agreed, without Request, to a Bill, intituled - "A Bill for an Act for the appropriation of \$163 408 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2023".

now returns the same to the House of Assembly.

Legislative Council, 17 November 2022.

C.M. FARRELL, *President.*

18 BILLS. – The Attorney-General presented -

“A Bill for an Act to establish standards for the safety and wellbeing of children and youths, to provide for the responsibilities of certain entities in relation to those standards, to establish a reportable conduct scheme, to provide for the application, administration and monitoring of that scheme and for related matters” (Bill No. 54)

“A Bill for an Act to amend the Annulled Convictions Act 2003, the Classification (Publications, Films and Computer Games) Enforcement Act 1995, the Community Protection (Offender Reporting) Act 2005, the Corrections Act 1997, the Criminal Code Act 1924, the Criminal Law (Detention and Interrogation) Act 1995, the Dangerous Criminals and High Risk Offenders Act 2021, the Evidence Act 2001, the Evidence (Children and Special Witnesses) Act 2001, the Justices Act 1959, the Magistrates Court (Criminal and General Division) Act 2019, the Police Offences Act 1935, the Sentencing Act 1997 and the Victims of Crime Assistance Act 1976” (Bill No. 55)

And Ms *Archer* having presented the said Bills, the same were read the First time and made Orders of the Day for tomorrow.

19 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Hospitality and Events have leave to make a Motion without Notice. (The Minister for Hospitality and Events)

20 SESSIONAL ORDERS. – A Motion being made and the Question being proposed – That for the remainder of this Session, Standing Order 49 be amended by inserting “within 15 sitting days”, after “laid upon the Table of the House”

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

21 LEAVE TO MAKE MOTION WITHOUT NOTICE. - A Motion being made and the Question being proposed - That Mr *Winter* have leave to make a Motion without Notice. (Mr *Winter*)

A Debate arose thereupon.

22 POINT OF ORDER RAISED. – The Honourable Member for Franklin Mr *Winter* raised a Point of Order that the Premier was not being relevant to the Question of Leave.

23 THE SPEAKER RULES. – The Speaker ruled that the Premier was being relevant to the Question and the point of order was not upheld.

24 DISSENT FROM RULING. – And the Honourable Member for Franklin, Mr *Winter*, rising in his place took objection from the ruling and moved to dissent therefrom.

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

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)

NOES 11

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Ms Butler

Ms Ogilvie

SPEAKER GIVES CASTING VOTE. – The Speaker said: 'The numbers being equal, in accordance with Standing Order 167 I cast my vote with the Noes.'

So it passed in the Negative.

25 LEAVE TO MAKE MOTION WITHOUT NOTICE. – And the Question being again proposed;

The House resumed the Debate.

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

27 LEAVE TO MAKE MOTION WITHOUT NOTICE. – And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

The House divided.

AYES 11

NOES 11

Ms Butler
Ms Dow
Ms Finlay
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff
Dr Broad (Teller)

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Ms Haddad

Ms Ogilvie

SPEAKER GIVES CASTING VOTE. – The Speaker said: 'The numbers being equal, in accordance with Standing Order 167 I cast my vote with the Noes.'

So it passed in the Negative.

28 MATTER OF PUBLIC IMPORTANCE: MINISTERIAL STANDARDS. – *Ms White* in accordance with Standing Orders, moved - That the House take note of the following matter:

Ministerial Standards.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

29 BILL NO. 25. - The House, according to Order, again resolved itself into a Committee on the Electoral Disclosure and Funding Bill 2022.

(In the Committee)

Mr Wood took the Chair.

New Clauses A, B and C to follow Clause 29 as read further considered.

“Division A – Corporate political donations

A. Object of Division A

- (1) The object of this Division is to secure and promote the actual and perceived integrity of elections by reducing the risk of corporate or organisational interests exerting (or being perceived to exert) undue or improper influence on the outcomes of elections.
- (2) This Division aims to achieve this object by restricting the receipt and use of political donations made by anyone other than a natural person.

B. Limitations on eligibility to make donations

- (1) No person or entity other than a natural person who is a citizen or permanent resident of Australia may make a political donation.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) A person must not make a political donation on behalf of another person or entity.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (3) A person or entity must not provide a gift or loan to a person with the intent of facilitating a political donation.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months, or both.

Division B – General cap on political donations

C. General cap

- (1) A political donation must not exceed the general cap.
- (2) A person must not accept a political donation if the political donation would exceed the general cap.
- (3) A person may accept a political donation in contravention of subsection (2) if the political donation, or so much of the political donation that exceeds the general cap, is made for Commonwealth electoral purposes and is paid into a federal campaign account.
- (4) A contribution by a candidate to their own campaign account is not included in the general cap in respect of that candidate.
- (5) A contribution made by –
- (a) an endorsed candidate of a party; or
 - (b) a councillor within the meaning of the *Local Government Act 1993*; or
 - (c) a Member of the Australian House of Representatives or Senate; or
 - (d) a Member of the Council or the Assembly –

to a party of which they are a registered member, is not included in the general cap in respect of that party.

- (6) In this section *general cap* means –

- (a) a political donation of \$3 000 or more; and
- (b) any number of political donations from the same donor within a 4 year period that cumulatively amount to \$3 000 or more, made to the same recipient;”

A Debate arose thereupon.

The Chair of Committees took the Chair.

Question put – That New Clauses A, B and C be read and Second time and made a part of the Bill to follow Clause 29.

The Committee divided.

AYES 3

Ms O'Connor
Dr Woodruff
Ms Johnston (Teller)

NOES 19

Mrs Alexander
Ms Archer
Mr Barnett
Dr Broad
Ms Butler
Ms Dow
Mr Ellis
Mr Ferguson
Ms Finlay
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Wood
Mr Young (Teller)

So it passed in the Negative.

Clauses 30 to 39 agreed to.

Clause 40 read.

Amendment proposed (*Ms O'Connor*).

Page 87, subsection (1).

Leave out everything after “political donation is”.

Insert instead the following –

“received, or made, by or on behalf of –

- (a) a registered party; or

- (b) an Assembly Member who is, at the time at which the donation is received or made, endorsed by a registered party; or
- (c) an Assembly candidate who is, at the time at which the donation is received or made, endorsed by a registered party –

the party agent in relation to the registered party is required to disclose the donation in a donation declaration that is lodged under section 49 within –

- (d) if the political donation is received within 7 days before a polling day, 24 hours after the political donation is received; or
- (e) if paragraph (d) does not apply, 7 days after the day on which the political donation is received or made.”

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston
Dr Woodruff
Ms O'Connor (Teller)

NOES 20

Mrs Alexander
Ms Archer
Mr Barnett
Dr Broad
Ms Butler
Ms Dow
Mr Ellis
Mr Ferguson
Ms Finlay
Ms Haddad
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Winter
Mr Wood
Mr Young (Teller)

So it passed in in the Negative.

Clause 40, as read, further considered.

Amendment proposed (*Ms Haddad*)

Page 88, subclause (2).

Leave out “the six-month period”.

Insert instead “the calendar month in which the donation is made”.

Question put – that the Amendment be agreed to;

The Committee divided.

AYES 11

Ms Butler
Ms Dow
Ms Finlay
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Dr Woodruff
Dr Broad (Teller)

NOES 11

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Shelton
Mr Street
Mr Young
Mr Wood (Teller)

PAIRS

Mr Winter

Ms Ogilvie

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: 'The numbers being equal, in accordance with Standing Order 257 I cast my vote with the Noes.'

So it passed in the Negative.

Clause 40, as read, further considered.

Question put – That the Clause, as read, stand part of the Bill;

The Committee divided.

AYES 11

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Shelton
Mr Street
Mr Wood
Mr Young (Teller)

NOES 11

Ms Butler
Ms Dow
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff
Dr Broad (Teller)

PAIRS

Ms Ogilvie

Ms Finlay

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: 'The numbers being equal, in accordance with Standing Order 257 I cast my vote with the Ayes.'

It was resolved in the Affirmative.

Clause 41 read.

Amendment proposed (Ms *Haddad*).

Page 89, subclause (2).

Leave out “the six-month period”.

Insert instead “the calendar month in which the donation is made”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clauses 41, as read, agreed to.

Clauses 42 to 45 agreed to.

Clause 46 read.

Amendment proposed (Ms *O'Connor*).

Page 97, after subsection (3).

Insert the following subsection –

- (4) Political donations may be disclosed under this Part, even if they are not –
 - (a) reportable political donations; or
 - (b) required to be disclosed under this Part.

Question put – That the Amendment be agreed to;

Mr *Wood* took the Chair.

Amendment to Clause 46 further considered.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 46, as read, agreed to.

Clause 47 read.

Amendment proposed (Ms *Haddad*).

Page 97, subclause (1), definition of “relevant gift”, paragraph (a).

Leave out “\$5 000”.

Insert instead “\$1 000”.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 47, as read, agreed to.

Clauses 48 to 52 agreed to.

Clause 53 read.

Amendments proposed (Ms O'Connor).

First Amendment

Page 105, subsection (1), paragraph (a).

Leave out “within”.

Insert instead “as soon as practicable, but in any case no later than”.

Second Amendment

Page 105, subsection (2).

Leave out the subsection.

Insert instead the following subsection –

- (2) If a donation declaration relates to a donation that is required under this Part to be disclosed within 24 hours after the donation is made or received, the Commission must ensure that –
 - (a) as soon as practicable, but in any case no later than 24 hours after the donation declaration is lodged with the Commission under section 49, a copy of the donation declaration is published on a Commission website; and
 - (b) the copy continues to be so published for a period of at least 6 years.

Third Amendment

Page 106, subsection (3), paragraph (a).

Leave out “within”.

Insert instead “as soon as practicable, but in any case no later than”.

Question proposed – That the Amendments be agreed to;

Ms O'Connor, *by leave*, withdrew the Second Amendment.

To report progress and ask leave to sit again.

The House being resumed, Mr Wood reported that the Committee had made progress in the Bill, and had directed him to ask leave to sit again.

Resolved, That this House will, on tomorrow, again resolve itself into the said Committee.

30 ADJOURNMENT. - The time being Six o'clock, the Speaker proposed - That the House do now adjourn and called for issues to be raised;

The House adjourned at Seven o'clock.

SHANE DONNELLY, *Clerk of the House*.

MEMBERS. - All present during the day except Ms *Ogilvie*.

The Minister for Primary Industries and Water, Minister for Disability Services, Minister for Women and Minister for the Prevention of Family Violence attended Question Time.