



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 76

WEDNESDAY, 28 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 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
 - (1) The Mental Health Tribunal: Annual Report 2019-2020.
 - (2) Guardianship and Administration Board: Annual Report 2019-2020.
 - (3) Equal Opportunity Tasmania: Annual Report 2019-20.
 - (4) Office of the Governor of Tasmania: Annual Report 1 July 2019 – 30 June 2020.
- 5 STATEMENT BY THE PRESIDENT – CHAMBER COVID-19 ARRANGEMENTS.**— The President said —

“Honourable Members, before calling on Orders of the Day, I remind you that we have attempted, as best we can, to resume normal seating arrangements in this Chamber. Although these arrangements have brought us all a little closer together, we will manage our proximity by ensuring we take time out from the Chamber.

I ask members to take regular breaks - work these out with your colleagues next to you so that when you take time out, it is all fair. As well as managing that, remember to do few other things -

 - regularly wipe down surfaces such as the lectern or the area around your seat - antibacterial wipes are available.
 - If you have any coughs or cold symptoms, please manage them as hygienically as you are able - there are boxes of tissues around the Chamber.
 - If you are not feeling well at all, please leave the Chamber. If it gets worse, please have a COVID-19 test to protect fellow members, office and the community. Now we are into a new stage with the borders opening, it is important we maintain good hygiene and social distancing practices.

Hand sanitiser is available, so please use it as often as you can. Please feel free to remind any other member to use sanitiser and wipe surfaces down to ensure that these standards are met.”

6 ESTABLISHMENT OF GOVERNMENT BUSINESSES SCRUTINY COMMITTEES.— *Ordered*, That two Government Businesses Scrutiny Committees be established to inquire into Government Businesses in accordance with the schedule detailed below and rules as set out in the Standing Orders at Part 22.

That the Committees have leave to sit on Monday, 14 December and Tuesday, 15 December 2020 between the hours of 9.00 a.m. and 5.00 p.m. or such other time as varied by the Chair and as necessary for the purpose of relevant stakeholder and deliberative meetings.

For 2020 Government Businesses are allocated to the Committees as follows—

Committee “A”

Monday, 14 December 2020

Motor Accidents Insurance Board, Tasmanian Public Finance Corporation, Aurora Energy Pty Ltd and TasWater.

Committee “B”

Tuesday, 15 December 2020

Port Arthur Historic Site Management Authority, Tasracing Pty Ltd, Tasmanian Railway Pty Ltd and Metro Tasmania Pty Ltd.

And that –

*Ms Forrest,
Mr Gaffney,
Ms Lovell,
Dr Seidel,
Mr Valentine and
Ms Webb*
be of Committee A

and

*Ms Armitage,
Mr Dean,
Ms Palmer,
Ms Rattray,
Ms Siejka, and
Mr Willie*
be of Committee B

And that the Committees report on the Government Businesses by no later than 23 December 2020.

If the Legislative Council is not sitting when the Government Businesses Scrutiny Committees complete their reports, those reports may be presented to the President or if the President is unable to act, to the Deputy President or other Office holder and in that event —

- (a) the reports shall be deemed to have been presented to the Council;
- (b) the publication of the reports is authorised by this Resolution;
- (c) the President, Deputy President or other Office holder, as the case may be, may give directions for the printing and circulation of the reports; and
- (d) the President, Deputy President or other Office holder, as the case may be, shall direct the Clerk to lay the reports upon the Table at the next sitting of the Council. (Mrs *Hiscutt*)

7 BILL NO. 31. — The Evidence (Children and Special Witnesses) Amendment Bill 2020 was read the Third time and passed.

8 BILL NO. 31.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act A Bill for an Act to amend the *Evidence (Children and Special Witnesses) Act 2001*, the *Criminal Code Act 1924* and the *Legal Aid Commission Act 1990*.’

Legislative Council, 28 October 2020

C.M. FARRELL, *President*

9 BILL NO. 35. — The Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020 was read the Third time and passed.

10 BILL NO. 35.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Bail Act 1994*, the *Criminal Code Act 1924*, the *Criminal Justice (Mental Impairment) Act 1999*, the *Justices Act 1959*, the *Misuse of Drugs Act 2001*, the *Police Offences Act 1935* and the *Sentencing Act 1997*.’

Legislative Council, 28 October 2020

C.M. FARRELL, *President*

11 BILL NO. 34. — The On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Bill 2020 was read the Third time and passed.

12 BILL NO. 34.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Economic Regulator Act 2009*, the *Passenger Transport Services Act 2011* and the *Taxi and Hire Vehicle Industries Act 2008*.’

Legislative Council, 28 October 2020

C.M. FARRELL, *President*

13 BILL NO. 35 OF 2019.— The Neighbourhood Disputes About Plants Amendment Bill 2019 was read the Third time and passed.

14 BILL NO. 35 OF 2019.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Neighbourhood Disputes About Plants Act 2017*’.

Legislative Council, 15 October 2020

C.M. FARRELL, *President*

15 BILL NO. 37.— The Order of the Day was read for the Second reading of the Residential Tenancy Amendment (COVID -19) Bill 2020.

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

A Debate arose thereupon.

And the Question being put,

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 Forrest in the Chair.

Clauses 1 to 11 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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 without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (*Mrs Hiscutt*)

16 BILL NO. 39.— The Order of the Day was read for the Second reading of the Building and Construction (regulatory Reform Amendments) Bill (No. 2) 2020.

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

A Debate arose thereupon.

17 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.

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

Ordered, That *Ms Howlett*, have leave to Table the Valuation of Land Act 2001 Adjustment Factors for districts in the State of Tasmania for the rating year 2020 -2021.

19 BILL NO. 39.— The Council resumed the Debate on the Question, That the Building and Construction (Regulatory Reform Amendments) Bill (No. 2) 2020 be now read the Second time.

And the Question being put,

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 Forrest in the Chair.

Clauses 1 to 19 agreed to.

Clause 20 read

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

Committee divided.

AYES 10

Ms Armitage
Mr Dean
Mr Gaffney
Ms Howlett
Ms Lovell
Ms Palmer
Ms Rattray
Dr Seidel
Ms Siejka
Mr Willie (Teller)

NOES 2

Mr Valentine (Teller)
Ms Webb

It was resolved in the Affirmative.

Clauses 21 to 26 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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 without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (*Mrs Howlett*).

20 BILL NO. 6.— The Order of the Day was read for resuming the Debate on the Question, That the Architects Amendment Bill 2020 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

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 Forrest in the Chair.

Clauses 1 to 18 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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 without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (*Ms Howlett*)

21 LEAVE TO TABLE ANSWERS TO QUESTIONS.— *Ordered*, That *Ms Howlett* have leave to Table answers to Questions in relation to the Tasmanian Civil and Administrative Tribunal Bill 2020 and the Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020.

22 ADJOURNMENT.— A Motion was made (Ms *Howlett*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Thursday, 29 October 2020.

It was resolved in the Affirmative.

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

A Debate arose thereupon.

It was resolved in the Affirmative.

The Council adjourned at 5.47 o'clock p.m.

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

Briefings:

- *Residential Tenancy Amendment (COVID-19) Bill 2020 (No. 37)*
- *Architects Amendment Bill 2020 (No. 6)*
- *Building and Construction (Regulatory Reform Amendments) Bill (No. 2) 2020 (No. 39)*