



# HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 70

THURSDAY, 24 SEPTEMBER 2020

- 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 ABSENCE OF CLERK. – The Speaker said “That due to the absence of the Clerk of the House, the Deputy Clerk will be undertaking his duties”.
- 5 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 6 PAPERS. – The Minister for Health laid upon the Table of the House the following Papers:-
  - (1) Response to Petition: HA10/2019.
  - (2) Response to Petition: HA7/2019.
- 7 PAPERS. – The Attorney-General laid upon the Table of the House the following Paper:-

Department of Justice: Expungement of Historical Offences Act 2017 – Annual Report 2019 – 2020.
- 8 PAPERS. – The Minister for Housing laid upon the Table of the House the following Papers:-
  - (1) Answer to Question on Notice: No. 73 of 2020.
  - (2) Tasmanian Government's response to House of Assembly Select Committee on Housing Affordability's Final Report: Corrigendum: Pages 15 and 16.
- 9 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Paper:-

Animal Research Statistics Tasmania: Annual Report No. 24 (2019) September 2020.
- 10 LEAVE TO MAKE MOTION WITHOUT NOTICE. – *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)
- 11 ADJOURNMENT. – *Ordered*, That the House, at its rising, adjourn till Tuesday, 13 October next. (The Minister for Infrastructure and Transport)

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

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 10

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

NOES 12

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ferguson*  
*Mr Gutwein*  
*Mr Jaensch*  
*Ms Ogilvie*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Mr Tucker*  
*Mr Ellis* (Teller)

PAIRS

*Ms Houston*

*Mr Street*

So it passed in the Negative.

**13** MATTER OF PUBLIC IMPORTANCE: WHALE DEATHS ON THE WEST COAST – Dr *Woodruff*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Whale Deaths on the West Coast.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**14** BILL NO. 35. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on 22 September 2020 - That the Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020 be now read the Second time;

And the Question being again proposed;

The House resumed the said adjourned Debate.

And the Question being put;

*Ordered*, That the Bill be read the Second time.

And the Bill was, accordingly, read the Second time, and committed to a Committee of the whole House.

And the Speaker having left the Chair, the House resolved itself into the said Committee.

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(In the Committee)

Mr *Street* took the Chair.

Clauses 1 to 8 agreed to.

Clause 9 read.

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

Clause 9 further considered and agreed to.

Clauses 10 to 32 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The House being resumed, Mr *Street* reported that the Committee had gone through the Bill, and had directed him to report the same to the House without Amendment.

*Ordered*, That the Bill be now read the Third time.

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

**15** BILL NO. 35. - A Message to the Legislative Council. -

MADAM PRESIDENT

The House of Assembly hath passed a Bill, intituled "A Bill for an Act to amend 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",

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

*House of Assembly, 24 September 2020.*

SUE HICKEY, *Speaker*.

**16** BILL NO. 26. - A Message from the Legislative Council. -

MADAM SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

"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",

now returns the same to the House of Assembly, and requests its concurrence therein.

*Legislative Council, 24 September 2020.*

C.M. FARRELL, *President*.

*Ordered*, That the said Message be taken into consideration forthwith. (The Minister for Planning)

**17** BILL NO. 26. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020.

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(In the Committee)

Clause 12

First amendment

Page 21, proposed new section 60B, subsection (1), after the definition of “relevant regulator”.

Insert the following definition:

“relevant State entity” means –

- (a) a State Service Agency; and
- (b) a Government Business Enterprise, within the meaning of the Government Business Enterprises Act 1995; and
- (c) a State-owned Company, within the meaning of the Audit Act 2008;

Second amendment

Page 39, proposed new section 60H, subsection (1).

Leave out “State Service Agency” (wherever occurring).

Insert instead “relevant State entity”.

Third amendment

Page 40, proposed new section 60H, subsection (3).

Leave out “Secretary of a State Service Agency”.

Insert instead “Secretary, or chief executive officer, of a relevant State entity”.

Fourth amendment

Page 42, proposed new section 60I, subsection (1), paragraph (f).

Leave out “State Service Agency”.

Insert instead “relevant State entity”.

Fifth amendment

Page 43, proposed new section 60I, subsection (2), paragraph (d).

Leave out “State Service Agency”.

Insert instead “relevant State entity”.

Sixth amendment

Same page, proposed new section 60I, Subsection (3).

Leave out “State Service Agency” (first occurring).

Insert instead “relevant State entity”.

Seventh amendment

Same page, proposed new section 60I, subsection (3), paragraph (a).

Leave out “State Service Agency”.

Insert instead “relevant State entity”.

Eighth amendment

Same page, proposed new section 60I, subsection (3), paragraph (b).

Leave out “State Service Agency”.

Insert instead “relevant State entity”.

Ninth amendment

Page 54, proposed new section 60P, subsection (2), paragraph (b).

Leave out “the general manager in relation to”.

Tenth amendment

Page 73, proposed new section 60X, subsection (2).

Leave out the subsection.

Amendments agreed to.

Question put – That the Resolution be reported;

The Committee divided.

AYES 21

Ms Archer  
Mr Barnett  
Dr Broad  
Ms Butler  
Ms Courtney  
Ms Dow  
Mr Ferguson  
Mr Gutwein  
Ms Haddad  
Ms Hickey  
Mr Jaensch  
Mr O'Byrne  
Ms O'Byrne  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Ms Standen  
Mr Tucker  
Ms White  
Mr Ellis (Teller)

NOES 2

Ms O'Connor  
Dr Woodruff (Teller)

It was resolved in the Affirmative.

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The House being resumed, Mr *Street* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Planning)

**18** BILL NO. 26. - A Message to the Legislative Council. -

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 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”.

*House of Assembly, 24 September 2020.*

SUE HICKEY, *Speaker*.

**19** BILL NO. 37. - The Residential Tenancy Amendment (COVID-19) Bill 2020 was, according to Order, read the Second time, and committed to a Committee of the whole House.

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(In the Committee)

Mr *Ellis* took the Chair.

Clauses 1 to 5 agreed to.

Clause 6 read.

Amendment proposed (Ms *Standen*)

In proposed Section 24A:

- (1) In subsection (4), by leaving out “may” and inserting instead “is to”;
- (2) In subsection (4)(b), by inserting “or is experiencing” after “has experienced”; and
- (3) In subsection (4)(c), by inserting “or is reasonably likely to have” after “has”.

Mr *Street* took the Chair.

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 10

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

NOES 12

Ms *Archer*  
Mr *Barnett*  
Ms *Courtney*  
Mr *Ferguson*  
Ms *Hickey*  
Mr *Jaensch*  
Ms *Ogilvie*  
Mrs *Petrusma*  
Mr *Rockliff*  
Mr *Shelton*  
Mr *Tucker*  
Mr *Ellis* (Teller)

PAIRS

Ms *Houston*

Mr *Gutwein*

So it passed in the Negative.

Clause 6 further considered.

Amendment proposed (Ms *Standen*)

In proposed Section 24A, to insert the following new subsections after subsection (5):

- “(6) In determining the details of a schedule of a rent arrears payment order under subsection (5)(b), and any conditions to which the order is subject under subsection (5)(c), the Commissioner is to –

- (a) Have regard to the financial position of the owner; and
  - (b) Have regard to, if the tenant attempted to enter negotiations with the owner to have the rent payable reduced while they were experiencing financial hardship, whether the owner acted reasonably and in good faith during those negotiations; and
  - (c) Have regard to whether the rent is reasonable, with regard to the general level of rents for comparable residential premises in the locality or a similar locality; and
  - (d) If at all possible, avoid placing the tenant in rental stress; and
  - (e) Any other relevant matter.
- (7) For the purposes of subsection (6) rental stress is defined as circumstances in which a residential tenant is not reasonably able to afford basic necessities of life other than rent including but not limited to food, health care and education.
- (8) For the purposes of section 24A(1), a reference to a rent arrears payment order also includes the varying of a rent arrears payment order.”

A debate arose thereupon.

To report progress.

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The House being resumed, Mr *Street* reported that the Committee had made progress in the Bill.

**20** 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 thirty-three minutes past Six o'clock.

LAURA ROSS, *Acting Clerk of the House*.

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