



HOUSE OF ASSEMBLY

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 21

THURSDAY, 1 AUGUST 2019

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 STATEMENT BY SPEAKER. - The Speaker said "Honourable Members, this morning I have a brief statement to read to the House.

The behaviour in this Chamber over the past two days of this Parliament has been less than parliamentary. In fact, the inappropriate yelling, nasty insinuations and some instances of very aggressive behaviour would not be tolerated in any modern workplace. I have news for you: they will not be tolerated here either. I consider it a form of bullying.

From this day forward, I remind you all that as leaders of the community and role models for our youngsters who visit parliament we will argue the facts of the debate before us as professional politicians.

Any failure to adhere to respectful behaviour will be given up to three warnings only because it has been accepted practice of the House and certainly not because I think it should be necessary to remind adults how to behave three times during question time or for the day's duration.

On the third warning the offending member will be asked to leave the Chamber. As a relatively new Speaker I have tried being tolerant and friendly. That approach has not been appreciated. I will now enforce the Standing Orders for good behaviour without fear or favour because the public expect us to get on with the serious job of governing and not to resort to insults and petty political arguments. Be assured I will no longer tolerate any backchatting of the Speaker and offenders may be asked to leave the Chamber without the three warnings.

Finally, as the guardian of this safe workplace I remind members that they are entitled to use the employees' assistance program should they be suffering any difficulties of a personal nature."

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

6 MEMBER SUSPENDED. - In accordance with Standing Order 149, the Speaker directed the Honourable Member for Lyons, Ms *White*, to withdraw from the House for one hour owing to repeated interjections.

7 PETITION. - Mrs *Rylah* presented a Petition from approximately 2000 citizens and residents of Tasmania, requesting that the House call upon the Government to:-

- (1) Retain the Arthur Pieman Conservation Area, the Western Tasmania Aboriginal Cultural Landscape and State Reserves (Sundown Point and West Point) as public areas for the whole community.

- (2) Manage the area focusing on continued public access inclusive of the whole community with an emphasis on education, recreational activities, public participation and not discriminate against any individual or group of people. (HA4/2019)

Which Petition was read and received.

8 PAPERS. – Dr *Woodruff*, by leave, laid upon the Table of the House an article from The New Scientist, 13 July 2019, entitled “The Arctic is on fire – Unusual wildfires are releasing huge amounts of carbon dioxide”.

9 MATTER OF PUBLIC IMPORTANCE: ANIMAL WELFARE IN TASMANIA. - Ms *O'Connor*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Animal Welfare in Tasmania.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

10 BILL NO. 23. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Wednesday, 31 July 2019 - That the Government Procurement Review (International Free Trade Agreements) Bill 2019 be now read the Second time.

And the Question being again proposed;

The House resumed the said adjourned Debate.

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

12 BILL NO. 23. - And the Question being again proposed;

The House resumed the debate.

And the Question being put;

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

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

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

13 BILL NO. 23. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act in relation to government procurement and for related purposes”,

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

House of Assembly, 1 August 2019.

SUE HICKEY, *Speaker.*

14 BILL NO. 18. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Thursday, 2 May 2019 - That the Sentencing Amendment (Assault of Certain Frontline Workers) Bill 2019 be now read the Second time;

And the Question being again proposed;
The House resumed the said adjourned Debate.

And the Question being put;

The House divided.

AYES 11

Ms Archer
Mr Barnett
Ms Courtney
Mr Gutwein
Mr Hodgman
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mrs Rylah (Teller)

NOES 11

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

PAIRS

Mr Ferguson

Ms O'Byrne

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The result of the division is 11 Ayes and 11 Noes, so that calls on my vote.

I wish to put on the record that I am very strong supporter of our frontline workers who daily face dangerous situations. However, I am comforted by the legal fraternity's advice that the current laws are more appropriate to provide harm to individuals with redress.

It is important to remember that the AMA, HACSU, the Government's own Sentencing Advisory Committee, members of the legal community and the community legal centres all oppose minimum mandatory sentencing. The legal view is that mandatory sentencing is against the principles of the separation of powers of the judiciary and the state.

I believe sentencing should be left to the judges and the magistrates to consider as they have the appropriate information to make judgments on the information specific to each case. The risk is that persons may deliberately plead guilty to attract a lower minimum penalty than that determined by a magistrate or judge. Under current sentencing arrangements, the DPP can appeal sentences which he considers inadequate. Mandatory sentencing also causes juries not to convict the perpetrator, which could be an unintended consequence. I share the Greens' view that this legislation would create two classes of frontline public servants. I very strongly believe that we are obliged to make good law, not popular law.

One tool for the Speaker when the House is evenly split is to vote for the status quo, and in this case, this would mean voting down this Bill because the case has not been made. I have to use my casting vote in accordance with standing order 167 and for these reasons I will not be supporting this legislation and cast my vote with the Noes.”

So it passed in the Negative.

15 BILL NO. 60 of 2018. - The Litter Amendment Bill 2018 was, according to Order, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

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

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

16 BILL NO. 60 of 2018. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled "A Bill for an Act to amend the Litter Act 2007",

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

House of Assembly, 1 August 2019.

SUE HICKEY, *Speaker.*

17 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 forty-one minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day.