



HOUSE OF ASSEMBLY

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 13

THURSDAY, 29 SEPTEMBER 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 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice commenced.
- 5 MEMBER SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Franklin, Mr *Winter*, to withdraw from the House for the remainder of Question Time owing to repeated interjections.
- 6 QUESTIONS SEEKING INFORMATION. – Questions without notice continued and concluded.
- 7 PETITION. – Ms *Butler* presented a Petition from approximately 249 residents of Tasmania, requesting that the House call upon the Government to immediately look into securing a General Practitioner to be located in Ouse to service the people of Ouse and the surrounding Central Highlands. (HA14/2022).

Which Petition was read and received.

- 8 PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-
 - (1) Ombudsman Tasmania: Report on Inspections under the Police Powers (Surveillance Devices) Act 2006 and the Police Powers (Controlled Operations) Act 2006.
 - (2) Police Powers (Surveillance Devices) Act 2006: Annual Report 2021-2022.
 - (3) Australian Criminal Intelligence Commission: Police Powers (Surveillance Devices) Act 2006 (Tas): Annual Reports Surveillance Devices 2021-22.
 - (4) Listening Devices Act 1991: Report of the Attorney-General year ended 30 June 2022.
 - (5) Police Powers (Assumed Identities) Act 2006: Annual Report 2021-2022.
 - (6) Police Powers (Controlled Operations) Act 2006: Annual Report 2021-2022
 - (7) Australian Criminal Intelligence Commission: Police Powers (Controlled Operations) Act 2006 (Tas) – Annual Reports Controlled Operations 2021-22.

9 PAPERS. – The Minister for Environment and Climate Change laid upon the Table of the House the following Paper:-

Tasmanian Waste and Resource Recovery Board: Waste and Resource Recovery Act 2022, Ministerial Direction 1: Priorities, Assistance and Support Programs.

10 PAPERS. – The Minister for Police, Fire and Emergency Management laid upon the Table of the House the following Papers:-

(1) Review of the use of Surveillance Devices in Prisons: Terms of Reference.

(2) TasTAFE: Statement of Expectations August 2022.

11 PUBLIC ACCOUNTS, PARLIAMENTARY STANDING COMMITTEE OF: REPORTS BROUGHT UP. – Dr *Broad* brought up the following Reports of the Parliamentary Standing Committee of Public Accounts:

(1) Review of Selected Public Works Committee Reports - 41 of 2020: Sorell Emergency Services Hub; and 15 of 2020: Major Redevelopment of Sorell School (Paper No. 27).

(2) Annual Report 2021-22 (Paper No. 28).

Ordered, That the said Reports be received. (Dr *Broad*)

12 SUBORDINATE LEGISLATION, JOINT STANDING COMMITTEE ON: REPORT BROUGHT UP. – Ms *Finlay* brought up the following Report of the Joint Standing Committee on Subordinate Legislation:

Inquiry into the Nature Conservation (Wildlife) Regulations 2021 (S.R. 2021, No. 93) (Paper No. 24).

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

13 PAPERS. – The Clerk of the House laid upon the Table of the House the following Papers:-

(1) Integrity Commission Tasmania: Report of the Integrity Commission No. 1 of 2022/29 September 2022 – A summary report of own-motion investigation into a misconduct committed by Derwent Valley Council Councillor Paul Belcher relating to his relationship with a property developer.

(2) Tasmanian Audit Office: Report of the Auditor-General No. 1 of 2022-2023 – Improving outcomes for Tasmanian senior secondary students. (Paper No. 23).

14 BILLS. – The Attorney-General presented -

“A Bill for an Act to amend the Animal Welfare Act 1993, the Births, Deaths and Marriages Registration Act 1999, the Coroners Act 1995, the Criminal Code Act 1924, the Dangerous Criminals and High Risk Offenders Act 2021, the Monetary Penalties Enforcement Act 2005, the Sex Industry Offences Act 2005 and the Traffic Act 1925” (Bill No. 43)

“A Bill for an Act to amend the Building Act 2016, the Building Regulations 2016, the Occupational Licensing Act 2005, the Occupational Licensing (Building Services Work) Regulations 2016, the Residential Building Work Contracts and Dispute Resolution Act 2016 and the Tasmanian Civil and Administration Tribunal Act 2020” (Bill No. 44)

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

15 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)

16 SUSPENSION OF STANDING ORDERS. - *Ordered*, That in respect of the proceedings of the House on Tuesday, 18 October next, so much of Standing Orders be suspended as would prevent:

- (1) The Question before the House at Noon from standing adjourned until 2.30 o'clock p.m.
- (2) A Motion of Apology to Victim Survivors of Child Sexual Abuse in Institutional Settings from then being moved by the Premier forthwith.
- (3) The Mover, Leader of the Opposition and Leader of the Greens not exceeding ten minutes in speaking to such motion, and the Independent Members for Clark and Franklin not exceeding five minutes each in speaking to such motion.
- (4) The sitting of the House from being suspended until 2.30 o'clock p.m. immediately following the resolution of such Motion. (The Minister for Hospitality and Events)

17 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)

18 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 18 October next. (The Minister for Hospitality and Events)

19 MATTER OF PUBLIC IMPORTANCE: LAKE MALBENA. – Ms *O'Connor* in accordance with Standing Orders, moved - That the House take note of the following matter:

Lake Malbena.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

20 BILL NO. 41. - The Justice Miscellaneous (Advance Care Directives) Bill 2022 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.

21 BILL NO. 41. - 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 Guardianship and Administration Amendment (Advance Care Directives) Act 2021 and the Tasmanian Civil and Administrative Tribunal Act 2020",

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

House of Assembly, 29 September 2022.

MARK SHELTON, *Speaker.*

22 BILL NO. 36. - 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 various legislative instruments consequent on the enactment of the Homes Tasmania Act 2022".

Legislative Council, 29 September 2022.

C.M. FARRELL, *President.*

23 BILL NO. 35. - A Message from the Legislative Council. -

MR SPEAKER

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

“A Bill for an Act to establish Homes Tasmania, to promote the development of affordable housing, to enable the provision of housing assistance to, and improve the housing conditions of, eligible persons, to support the provision of affordable housing, housing support services and community support services to persons who require such housing or services, to assist in the formation of policy in relation to housing, and for related purposes”.

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

Legislative Council, 29 September 2022.

C.M. FARRELL, *President.*

Ordered, That the said Message be taken into consideration forthwith. (The Minister for State Development, Construction and Housing)

24 BILL NO. 35. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Homes Tasmania Bill 2022.

(In the Committee)

Amendments

Clause 3

First amendment

Page 8, before paragraph (a).

Insert the following paragraph:

(aa) to assist in reducing the incidence of housing stress and homelessness in Tasmania;

Second amendment

Same page, paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph:

(a) recognising that housing is a fundamental human right, increase the opportunities for eligible persons, and persons on low or moderate incomes, to live in safe, secure appropriate and affordable housing;

Third amendment

Same page, paragraph (b).

Leave out all the words after subparagraph (ii).

Fourth amendment

Page 9, paragraph (h).

Leave out the paragraph.

Insert instead the following paragraph:

(h) to ensure the existence of viable, diverse and accessible –

- (i) services for the provision of housing assistance,
- (ii) housing support services; and
- (iii) services related to homelessness;

Clause 10

First amendment

Page 28, subclause (2), paragraph (b).

Leave out “a basic human need”.

Insert instead “a fundamental human right”.

Second amendment

Same page, subclause (2), paragraph (b), subparagraph (i).

Leave out the subparagraph.

Insert instead the following subparagraph.

- (i) to persons in need of such assistance and services, with priority being given to those persons most in need of such assistance and services;

Third amendment

Page 29, paragraph (g).

Leave out the paragraph.

Clause 11

First amendment

Page 30, subclause (1), before paragraph (g).

Insert the following paragraph:

(fa) to consult, as appropriate, with –

- (i) housing providers, housing support providers, community support providers and persons who provide services related to homelessness; and

- (ii) persons for whom housing, housing support, community support or services related to homelessness are provided or are intended to be provided;

Second amendment

Same page, subclause (1), paragraph (g), after “provision of housing”.

Insert “, housing support services, housing assistance”.

Clause 16

Page 35, subclause (2), paragraph (a).

Leave out “his or her”.

Insert instead “the director’s”.

Clause 19

First amendment

Page 38, subclause (4).

Leave out “he or she is”.

Second amendment

Same page, subclause (4).

Leave out “his or her”.

Insert instead “the Homes Tasmania CEO’s”.

Third amendment

Same page, subclause (5). *Leave out* “his or her”.

Insert instead “the Homes Tasmania CEO’s”

Clause 20

First amendment Page 39, subclause (3).

Leave out “his or her”.

Insert instead “the Homes Tasmania CEO’s”.

Second amendment

Same page, subclause (3).

Leave out “him or her”.

Insert instead “the Homes Tasmania CEO”.

Clause 26

Page 47, subclause (2), paragraph (c), subparagraph (iii).

Leave out the subparagraph.

Insert instead the following:

- (iii) each project, for the development of land or buildings, or both, in relation to which Homes Tasmania has, during the financial year, entered into a contract, or other arrangement, under which Homes Tasmania is to expend an amount that is more than the prescribed amount or \$8 000 000, whichever is the higher amount;

Clause 110

Page 143, subclause (2).

Leave out “his or her”.

Insert instead “the person’s”.

Schedule 1

First amendment

Page 150, clause 2.

Leave out “his or her” (first occurring).

Insert instead “the holder’s”.

Second amendment

Same page, clause 2.

Leave out “his or her” (second occurring).

Insert instead “the holder’s”.

Third amendment

Page 151, clause 3, subclause (1).

Leave out “his or her”.

Insert instead “the director’s”.

Fourth amendment

Same page, clause 5, subclause (1).

Leave out “he or she”.

Insert instead “the director”.

Fifth amendment

Page 155, clause 3, subclause (1).

Leave out “he or she”.

Insert instead “the Homes Tasmania Board chair”.

Schedule 2

Page 160, clause 2, subclause (1), paragraph (b).

Leave out “his or her”.

Insert instead “the person’s”.

Amendments agreed to.

Resolution to be reported.

The House being resumed, Mr *Tucker* 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.

And the Question being put - That the Resolution be agreed to;

The House divided.

AYES 11

Mrs Alexander

Ms Archer

Mr Barnett

Mr Ellis

Mr Ferguson

Mr Jaensch

Ms Ogilvie

Mr Street

Mr Tucker

Mr Wood

Mr Young (Teller)

NOES 11

Dr Broad

Ms Dow

Ms Finlay

Ms Haddad

Ms Johnston

Mr O’Byrne

Ms O’Byrne

Ms O’Connor

Ms White

Dr Woodruff

Mr Winter (Teller)

PAIRS

Mr Rockliff

Ms Butler

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

It was resolved in the Affirmative.

25 BILL NO. 35. - 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 establish Homes Tasmania, to promote the development of affordable housing, to enable the provision of housing assistance to, and improve the housing conditions

of, eligible persons, to support the provision of affordable housing, housing support services and community support services to persons who require such housing or services, to assist in the formation of policy in relation to housing, and for related purposes”.

House of Assembly, 29 September 2022.

MARK SHELTON, *Speaker*.

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 BILL NO. 29. - The House, according to Order, again resolved itself into a Committee on the Land Use Planning and Approvals Amendment Bill 2022.

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

(In the Committee)

Mr *Wood* took the Chair.

Clause 9 further considered and agreed to.

Clauses 10 to 30 agreed to.

Clause 31 read.

Amendments proposed. (Dr *Woodruff*).

First Amendment

Page 74, proposed substituted section 60ZZZ, subsection (1), definition of *altered use or development*, paragraph (c).

Leave out “project;”.

Insert instead “project; or”.

Second Amendment

Page 74, proposed substituted section 60ZZZ, subsection (1), definition of *altered use or development*, after paragraph (c).

Insert the following paragraph –

“(d) may result in –

- (i) an increase in the instances of, or volume, intensity or duration of, environmental nuisance; or
- (ii) an increase in the instances, adverse effects, or scale of material environmental harm or serious environmental harm;”

Question put – That the Amendments be agreed to;

The Committee divided;

AYES 3

Ms O'Connor
Dr Woodruff
Ms Johnston (Teller)

NOES 19

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

So it passed in in the Negative.

Mrs *Alexander* took the Chair.

Clause 31, as read, further considered.

Amendments proposed (Dr *Woodruff*).

First Amendment

Page 74, proposed substituted section 60ZZZ, subsection (1), after the definition of *application*.

Insert the following definitions –

“environmental nuisance has the same meaning as in the *Environmental Management and Pollution Control Act 1994*;

material environmental harm has the same meaning as in the *Environmental Management and Pollution Control Act 1994*;

Second Amendment

Page 74, proposed substituted section 60ZZZ, subsection (1), after the definition of *proposed significant amendment*.

Insert the following definition –

“serious environmental harm has the same meaning as in the *Environmental Management and Pollution Control Act 1994*;

Question put – That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms O'Connor
Dr Woodruff
Ms Johnston (Teller)

NOES 20

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
Ms Ogilvie
Mr Shelton
Mr Street
Mr Tucker
Ms White
Mr Winter
Mr Young
Mr Wood (Teller)

So it passed in in the Negative.

Clause 31, as read, agreed to.

Clauses 32 to 38 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The House being resumed, Mrs *Alexander* reported that the Committee had gone through the Bill, and had directed her 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.

28 BILL NO. 29. - 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 Land Use Planning and Approvals Act 1993”,

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

House of Assembly, 29 September 2022.

MARK SHELTON, *Speaker*.

29 BILL NO. 12. - The Roads and Jetties Amendment Bill 2022 was, according to Order, 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.

(In the Committee)

Mrs *Alexander* took the Chair.

Clauses 1 to 5 agreed to.

Clause 6 read.

Amendment proposed (Ms *White*)

Page 9, proposed new section 39, subsection (3), paragraph (b).

Leave out “7 days”.

Insert instead “28 days”.

Amendment to the Amendment proposed (The Minister for Infrastructure and Transport)

Leave out “28 days”.

Insert instead “14 days”.

Question put - That the Amendment to the Amendment be agreed to;

It was resolved in the Affirmative.

Question put – That the Amendment, as amended, be agreed to;

It was resolved in the Affirmative.

Clause 6, as amended, further considered.

Amendment proposed (Ms *White*)

Page 10, same proposed new section, after subsection (4).

Insert the following subsection:

- (1) If a person entering land, for the purpose of taking an action under this section, notifies an owner or occupier of the land in accordance with subsection (4)(b), the person must also notify the owner or occupier of the land in accordance with subsection (4)(a) or (c).

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Title agreed to
Bill to be reported with Amendment.

The House being resumed, Mrs *Alexander* reported that the Committee had gone through the Bill, and made Amendments thereto.

Ordered, That so much of the Standing Orders be suspended as prevents the Bill being now read the Third time. (The Minister for Infrastructure and Transport)

Ordered, That the Bill, as amended in Committee, be now taken into consideration.
And the Amendments were, accordingly, read and agreed to

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

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

30 BILL NO. 12. - 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 Road and Jetties Act 1935",

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

House of Assembly, 29 September 2022.

MARK SHELTON, *Speaker*.

31 BILL NO. 11. - The Order of the Day being read for the Second reading of the Electricity Safety Bill 2022.

And a Motion being made, and the Question being proposed- That the Bill be now read the Second time.
(The Minister for Workplace Safety and Consumer Affairs)

A Debate arose thereupon;

And Ms *Butler* was addressing the Chair.

32 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-three minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House*.

MEMBERS. - All present during the day.

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.