



LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 26

WEDNESDAY, 17 NOVEMBER 2021

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 and present. We recognise them as the traditional and original owners and the continuing custodians of this land.”

3 PRAYERS.— The President read Prayers.

4 BILL NO. 52. — The Justices (Validation) Bill 2021 was read the Third time and passed.

5 BILL NO. 52.— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Justices Act 1959*’.

Legislative Council, 17 November 2021

C.M. FARRELL, *President*

6 BILL NO. 49. — The OPCAT Implementation Bill 2021 was read the Third time and passed.

7 BILL NO. 49.— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to enable the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to be given effect within Tasmania and for related purposes’.

Legislative Council, 17 November 2021

C.M. FARRELL, *President*

8 BILL NO. 51. — The Housing Land Supply Amendment Bill 2021 was read the Third time and passed.

9 BILL NO. 51.— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Housing Land Supply Act 2018*’.

Legislative Council, 17 November 2021

C.M. FARRELL, *President*

10 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 11.04 o'clock a.m. and resumed at 12.30 o'clock p.m.

11 BILL NO. 59.— The Order of the Day was read for the Second reading of the Repeal of Regulations Postponement Bill 2021.

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 5 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*)

12 BILL NO. 45.— The Order of the Day was read for the further consideration in Committee of the Gaming Control Amendment (Future Gaming Market) Bill 2021.

And the President having left the Chair, the Council again resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 22 as read further considered

13 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.

14 QUESTION TIME.— The President called for Questions without Notice. There were two Questions asked.

15 BILL NO. 45.— The Council again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 22 as read further considered and agreed to.

Clause 23 Request proposed (Ms *Webb*)

That the House of Assembly be requested to amend paragraph (e) of Clause 23 by increasing 15% in proposed new subsection (6B) to 20.31%.

Question put, That the Request be agreed to.

Committee divided.

AYES 4

Mr *Gaffney* (Teller)
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

NOES 9

Ms *Armitage*
Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray* (Teller)
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Clause 23 as read agreed to.

Clauses 24 and 25 agreed to.

Clause 26 Amendment proposed (Ms *Webb*)

Page 33, proposed new section 152, after subsection (1).

Insert the following subsections:

(X) The Commission must –

- (a) conduct a review of the findings or report tabled by the Minister under subsection (1)(b); and
- (b) cause a report on the review under paragraph (a) to be tabled in each House of Parliament within 20 sitting-days of that House after the tabling of the findings or report under subsection (1)(b).

(Y) The Minister must cause to be tabled in each House of Parliament, within 20 sitting-days of that House after the tabling of the report under subsection (X)(b), a written response to the following:

- (a) the findings or report, tabled by the Minister under subsection (1)(b) that were or was the subject of the report under subsection (X)(b);
- (b) the report tabled by the Commission under subsection (X)(b).

Question put, That the Amendment be agreed to.

Committee divided.

AYES 6

Ms *Armitage* (Teller)
Mr *Gaffney*
Ms *Rattray*
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

NOES 7

Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell* (Teller)
Ms *Palmer*
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Clause 26 as read agreed to.

Clauses 27 and 28 agreed to.

Clause 29 Amendments proposed (Ms Webb)

First amendment

Page 39, proposed new Part 7 of Schedule 5, clause 5, subclause (2), paragraph (a).

Leave out “section 36(5), (5A), (5B), (6), (6A) and (6B)”.

Insert instead “section 36(3)(b), (5), (5A) and (5B)”.

Second amendment

Same page, same proposed new Part, same clause, same subclause, paragraph (c).

Leave out “section 38(1)(b) and (c)”.

Insert instead “section 38(1)(b)”.

Question put, That the Amendments be agreed to.

Committee divided.

AYES 4

Mr *Gaffney* (Teller)
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

NOES 9

Ms *Armitage*
Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett* (Teller)
Ms *Lovell*
Ms *Palmer*
Ms *Rattray*
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Clause 29 as read further considered.

Further Amendments proposed (Ms Webb)

Third amendment

Same page, same proposed new Part, same clause, same subclause, paragraph (d).

Leave out “and (g).”.

Insert instead “and (g);”

Fourth amendment

Same page, same proposed new Part, same clause, same subclause, after paragraph (d).

Insert the following paragraph:

(e) section 42(2)(a)(iii).

Question put, That the Amendments be agreed to.

Committee divided.

AYES 4

Mr *Gaffney* (Teller)
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

NOES 9

Ms *Armitage*
Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell* (Teller)
Ms *Palmer*
Ms *Rattray*
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Clause 29 as read agreed to.

Clauses 30 to 32 agreed to.

Clause 33 read.

To report progress and seek leave to sit again.

The Council being resumed Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, at a later hour, again resolve itself into the said Committee.

16 SITTING SUSPENDED.—*Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 4.55 o'clock p.m. and resumed at 5.16 o'clock p.m.

17 BILL NO. 45.— The Council, according to Order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 33 as read further considered.

Amendments proposed (Ms *Webb*)

First amendment

Page 46, same proposed new section, paragraph (c).

Leave out “State.”

Insert instead “State; and”

Second amendment

Same page, same proposed new section, after paragraph (c).

Insert the following paragraph:

(d) ensure that a public health approach towards gambling harm is taken, including through the investment in services that prevent harm and support those harmed by gambling.

The proposed Amendments were, by leave, withdrawn.

To report progress and seek leave to sit again.

The Council being resumed Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, at a later hour, again resolve itself into the said Committee.

18 SITTING SUSPENDED.—*Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 5.57 o'clock p.m. and resumed at 7.04 o'clock p.m.

19 BILL NO. 45.— The Council, according to Order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

(In the Committee)

Ms *Rattray* in the Chair.

Clause 33 as read further considered.

Amendment proposed (Ms Forrest)

Page 45, proposed new section 2A, paragraph (b), before “protect people”.

Insert “take a public health approach to”.

The proposed Amendment was, by leave, withdrawn.

Amendment made (Ms Forrest)

Page 45, proposed new section 2A, paragraph (b), before “protect people”.

Insert “take a public health and consumer protection approach to”,

Clause as amended agreed to.

Clause 34 to 38 agreed to.

Clause 39 Amendments proposed (Ms Forrest)

First amendment

Page 61, proposed new section 11, subsection (2).

Leave out the subsection.

Second amendment

Page 62, same proposed new section, subsection (3).

Leave out the subsection.

Question put, That the Amendments be agreed to.

Committee divided.

AYES 5

Ms *Armitage*
Ms *Forrest* (Teller)
Mr *Gaffney*
Mr *Valentine*
Ms *Webb*

NOES 8

Mr *Duigan* (Teller)
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Dr *Seidel*
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Ms Forrest in the Chair.

Clause 39 Amendment made (Ms Webb)

Page 62, proposed new section 11, subsection (4), after paragraph (b).

Insert the following paragraph:

(x) FATG games;

Clause as amended agreed to.

Clauses 40 to 43 agreed to.

Clause 44 Amendment proposed (Ms Lovell)

Page 75, proposed new section 23, subsection (2), after paragraph (h).

Insert the following paragraphs:

- (ha) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety; and
- (hb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a person engaged or employed by the applicant, if the person provides information relating to –
 - (i) the compliance of the applicant with the requirements of this Act; or
 - (ii) conduct of the applicant; and

Question put, That the Amendment be agreed to.

It was resolved in the Affirmative.

Clause as amended agreed to.

Clauses 45 to 49 agreed to.

Clause 50 Amendments proposed. (Ms Webb)

First amendment

Page 77, proposed new section 29, before “Except”.

Insert “(1)”.

Second amendment

Same page, same proposed new section.

Insert, at the foot of the proposed new section, the following subsections:

- (2) Before approving the granting of a general casino licence under subsection (1), the Minister must cause notification of intent to approve the granting of the general casino licence, together with any terms and conditions to be included in the licence, to be laid before each House of Parliament.
- (3) Either House of Parliament may pass a resolution directing the Minister not to approve the granting of the general casino licence, of which notice has been given, within 15 sitting-days of the notification being laid before the House.
- (4) The Minister must not approve the granting of the general casino licence unless, in respect of each House of Parliament, more than 15 sitting-days has passed since the notification of intent to approve the granting of the general casino licence has been laid before the House under subsection (2).

- (5) Where a resolution under subsection (3) has been passed by a House of Parliament, the Minister must not approve the granting of the general casino licence.

Question put, That the Amendments be agreed to.

Committee divided.

AYES 4

Mr *Gaffney*
Dr *Seidel*
Mr *Valentine*
Ms *Webb* (Teller)

NOES 9

Ms *Armitage*
Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray* (Teller)
Ms *Siejka*
Mr *Willie*

So it passed in the Negative.

Clause as read agreed to.

Clause 51 agreed to.

Clause 52 read.

To report progress and seek leave to sit again.

The Council being resumed Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, at a later hour, again resolve itself into the said Committee.

20 SITTING SUSPENDED.—*Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 9.18 o'clock p.m. and resumed at 9.28 o'clock p.m.

21 BILL NO. 45.— The Council, according to Order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 52 as read further considered and agreed to.

Clauses 53 to 64 agreed to.

Clause 65 Amendment made. (Ms *Webb*)

Page 93, same proposed new section, subsection (10).

Leave out the subsection.

Insert instead the following subsections:

- (10) If, during a licencing period, an application for a venue licence is granted under this section, that venue licence –
- (a) is granted for a period –

- (i) commencing on the day on which the venue licence takes effect under this section; and
 - (ii) expiring at the end of that licensing period; and
 - (b) is in force for such period unless sooner cancelled or surrendered under this Act; and
 - (c) is granted subject to the conditions, and for the licensed premises, specified in the licence.
- (11) For the purposes of subsection (10) –
- "licensing period"**, in respect of a venue licence, means –
- (a) the period of 20 years commencing on 1 July 2023; and
 - (b) each subsequent 20 year period commencing on the expiry of the immediately preceding licensing period.

Clause as amended agreed.

Clauses 66 and 67 agreed to.

Clause 68 Amendment made (*Ms Webb*)

Page 95, same proposed new section, subsection (2).

Leave out paragraph (b).

Insert instead the following paragraph:

- (b) if renewed, the renewal takes effect from the day on which the current licence was due to expire.

Clause as amended agreed to.

22 ADJOURNMENT.— *Ordered*, That the Council will at its rising adjourn until 10.00 o'clock am on Thursday, 18 November 2021. (*Mrs Hiscutt*)

Resolved, That the Council do now adjourn. (*Mrs Hiscutt*)

The Council adjourned at 10.11 o'clock p.m.

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

Briefing:

- *TasTAFE (Skills and Training Business) Bill 2021 (No. 56)*