



HOUSE OF ASSEMBLY

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 18

THURSDAY, 14 OCTOBER 2021

- 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 were asked.
- 5 PAPERS. - The Minister for Environment laid upon the Table of the House the following Paper:-
Environment Protection Authority: Annual Report 2020-2021.
- 6 PAPERS. - The Minister for Energy and Emissions Reduction laid upon the Table of the House the following Paper:-
Aurora Energy: Annual Report 2020-2021.
- 7 BILL NO. 50. - The Minister for Justice presented -
"A Bill for an Act to amend the Criminal Code Act 1924".
And Ms Archer having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.
- 8 LEAVE TO MAKE MOTIONS WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make certain Motions without Notice. (The Minister for Infrastructure and Transport)
- 9 SITTING TIMES. - *Ordered*, That for this day's sitting the House not stand adjourned at Six o'clock and that the House continue to sit past Six o'clock. (The Minister for Infrastructure and Transport)
- 10 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday 26 October next. (The Minister for Infrastructure and Transport)
- 11 MATTER OF PUBLIC IMPORTANCE. - Mr Ellis indicated that the Matter of Public Importance for this day's sitting would be waived.
- 12 BILL NO. 39. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Wednesday, 13 October 2021 - That the Validation Bill 2021 be now read the Second time;

And the Question being again proposed;

The House resumed the said adjourned 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. 39. - 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 Act 1995, the Industrial Relations Act 1984, the Justices of the Peace Act 2018, the Legal Profession Act 2007, the Mental Health Act 2013 and the Workers Rehabilitation and Compensation Act 1988, so as to validate certain appointments, actions and decisions purportedly made under those Acts, and to amend certain provisions of the Industrial Relations Act 1984 in relation to the appointment of members of the Tasmanian Industrial Commission and to provide for certain transitional arrangements in relation to such amendments",

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

House of Assembly, 14 October 2021.

MARK SHELTON, *Speaker*.

14 BILL NO. 46. - The Tasmanian Civil and Administrative Tribunal Amendment Bill 2021 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)

The Chair of Committees took the Chair.

Clauses 1 to 17 agreed to.

Clause 18 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 18 further considered and agreed to.

Clauses 19 to 22 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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. 46. - 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 Tasmanian Civil and Administrative Tribunal Act 2020”,

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

House of Assembly, 14 October 2021.

MARK SHELTON, *Speaker*.

16 BILL NO. 47. - The Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021 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.

17 BILL NO. 47. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to amend certain Acts and regulations, and to repeal or rescind certain Acts and regulations, consequential to the enactment of the Tasmanian Civil and Administrative Tribunal Amendment Act 2021”,

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

House of Assembly, 14 October 2021.

MARK SHELTON, *Speaker*.

18 BILL NO. 45. - The Order of the Day being read for the Second reading of the Gaming Control Amendment (Future Gaming Market) Bill 2021.

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

A Debate arose thereupon.

And the Question being put;

The House divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Butler

Dr Woodruff (Teller)

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Tucker

Ms White

Mr Winter

Mr Street (Teller)

It was resolved in the Affirmative.

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.

(In the Committee)

The Chair of Committees took the Chair.

Clauses 1 to 3 agreed to.

Clause 4 read.

Mr Ellis took the Chair.

Clause 4 further considered.

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

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Butler

Dr Woodruff (Teller)

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Street (Teller)

It was resolved in the Affirmative.

Clauses 5 to 7 agreed to.

Clause 8 read.

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

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Butler

Dr Woodruff (Teller)

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

It was resolved in the Affirmative.

Clause 9 read.

The Chair of Committees resumed the Chair.

Clause 9 further considered.

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

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Courtney

Dr Woodruff (Teller)

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Butler (Teller)

It was resolved in the Affirmative.

Clause 10 read.

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

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Ms Butler

Ms O'Connor

Ms Courtney

Dr Woodruff (Teller)

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Dr Broad (Teller)

It was resolved in the Affirmative.

Clause 11 read.

Amendment proposed (*Ms O'Connor*)

Page 19, proposed new section 76P.

Leave out subsection (2).

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

So it passed in the Negative.

Clause 11, as read, agreed to.

Clause 12 read.

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

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Butler

Dr Woodruff (Teller)

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Finlay (Teller)

It was resolved in the Affirmative.

Clause 13 agreed to.

New Clause A was brought up by *Ms O'Connor* and read a First Time as follows:-

A. Subdivision 3 inserted

The following new Subdivision is inserted after Subdivision 2 in Division 7 of Part 4A of the Principal Act –

Subdivision 3 – Technical Standards

76ZNH. Gaming Machine Minimum Standards

(1) In this section –

Gaming Machine Standards means rules, standards, and regulations developed under this Act, including but not limited to those developed under section 76ZZG(9), that specify design requirements for gaming machines.

spinning reel games means a Gaming Machine game that simulates reels with multiple symbols, which spin when the game is activated, and land on symbols which are used determine machine payout.

- (2) On and after the 2023 commencement day, Gaming Machine Standards must –
- (a) set a maximum bet limit for gaming machines no greater than \$1; and
 - (b) require gaming machines to contain an option to play that accurately and fairly simulate each game available on the machine, without requiring the input of money; and
 - (c) for spinning reel games –
 - (i) allow for a reel spin speed no shorter than 6 seconds; and
 - (ii) not allow for a reel spin to be manually interrupted by a player; and
 - (d) require compliance with a pre-commitment system for gaming machines which, at a minimum –
 - (i) prevents further play when either daily, or monthly maximum expenditure is exceeded; and
 - (ii) does not allow players to adjust daily or monthly maximum expenditure for a period to which that daily or monthly maximum expenditure applies.

Question put - That New Clause A be read a second time and made part of the Bill to follow Clause 13;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Dr Broad (Teller)

So it passed in the Negative.

Clauses 14 to 20 agreed to.

Clause 21 read.

A Motion being made and the Question being proposed – That Clause 21 be postponed. (The Minister for Finance).

Question put;

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Butler

Dr Woodruff (Teller)

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

It was resolved in the Affirmative.

Clause 22 read.

Amendment proposed (*Ms O'Connor*)

To leave out paragraphs (a), (c), (d) and (e).

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Finlay (Teller)

So it passed in the Negative.

Clause 22, as read, agreed to.

Clause 23 agreed to.

Clause 24 read.

Mr Ellis took the Chair.

Clause 24 further considered.

Amendment proposed (*Ms Johnston*)

Page 28, before paragraph (a).

Insert the following paragraphs:

(aa) by omitting from subsection (4) paragraphs (a) and (b);

(ab) by omitting from subsection (4)(c) "50%" and substituting "100%".

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Street (Teller)

So it passed in the Negative.

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

The Committee divided.

AYES 19

NOES 3

Mr Barnett

Ms Johnston

Dr Broad

Ms O'Connor

Ms Courtney

Dr Woodruff (Teller)

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Butler (Teller)

It was resolved in the Affirmative.

Clause 25 read.

Amendment proposed (*Ms Johnston*)

Page 28, proposed new section 152, subsection (1). paragraph (a).

Leave out "5 years".

Insert instead "3 years".

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Street

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

So it passed in the Negative.

Clause 25 further considered.

Amendment proposed (*Ms O'Connor*)

Page 28, proposed new section 152, subsection (1), after paragraph (a).

Insert the following paragraph:

- (aa) cause a review of compliance with, operation of, and effectiveness of the Act, with regard to the object of the Act, to be carried out every 5 years; and

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Street (Teller)

So it passed in the Negative.

Clause 25, as read, agreed to.

Clauses 26 to 27 agreed to.

Clause 28 read.

Amendments proposed (*Ms Johnston*)

First Amendment

Page 35, proposed new Part 7 of Schedule 5, proposed clause 5, subclause (2), paragraph (a).

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

Insert instead “and (5B)”.

Second Amendment

Page 35, proposed new Part 7 of Schedule 5, proposed clause 5, subclause (2), paragraph (b).

Leave out the paragraph.

Third Amendment

Page 35, proposed new Part 7 of Schedule 5, proposed clause 5, subclause (2), paragraph (c).

Leave out “(b) and (c)”.

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Street (Teller)

So it passed in the Negative.

Clause 28 further considered.

The Chair of Committees resumed the Chair.

Amendments proposed (*Ms O'Connor*)

First Amendment

Page 35, proposed new section 5.

Leave out subsections (3) and (4).

Second Amendment

Page 37, proposed new section 6, after “exceeding 2 350”.

Insert “, or the number of gaming machine authorities endorsed on venues licences in a municipal area exceeding the maximum allowed for that area under section 101B(aa),”.

Third Amendment

Page 36, proposed new section 6.

Leave out “may”.

Insert instead “must”.

Question put - That the Amendments be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Ogilvie (Teller)

So it passed in the Negative.

Clause 28 further considered.

Amendment proposed (Dr *Woodruff*)

Page 35, proposed new section 5, subsection (2).

Leave out the subsection.

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

So it passed in the Negative.

Clause 28 further considered.

Amendment proposed (Dr *Woodruff*)

Page 35, proposed new section 5, after subsection (4).

Insert the following subsection:

“(5) Despite subsection (3), a venue licence must not have any endorsed gaming machine authorities if the holder of the venue licence also holds a general casino licence.”

Question put - That the Amendment be agreed to;

It passed in the Negative.

Clause 28 further considered.

Amendment proposed (Dr *Woodruff*)

Page 37, proposed new section 6.

Leave out the proposed new section.

Question put -That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Butler (Teller)

So it passed in the Negative.

Clause 28, as read, agreed to.

Postponed Clause 21 agreed to.

New Clause B to follow Clause 20 was brought up by The Minister for Finance and read the First time as follows:

B. Section 127A inserted

After section 127 of the Principal Act the following section is inserted in Part 7:

127A. Direction to be given in relation to appropriate harm minimisation technologies

(1) In this section –

"appropriate harm minimisation technologies" means –

- (a) facial recognition technology; and
- (b) restricted use cards;

"restricted use card" means a card, containing electronic data, by means of which a player is able to be identified and to use a gaming machine.

(2) Within 30 days after the day on which the *Gaming Control Amendment (Future Gaming Market) Act 2021* receives the Royal Assent, the Minister must give to the Commission a direction under section 127.

(3) The direction given in accordance with subsection (2) is to direct the Commission –

- (a) to carry out, in relation to the relevant matters, an investigation with a view to determining the most effective method of implementing appropriate harm minimisation technologies in casinos, hotels and clubs; and
- (b) to provide to the Minister, before 30 June 2022, a report in relation to the results of the investigation.

(4) The investigation in relation to the relevant matters is to be an investigation –

- (a) as to the extent to which the implementation, in casinos, hotels, and clubs of appropriate harm minimisation technologies may enhance the minimisation of the harm caused by problem gambling; and
- (b) as to the existing appropriate harm minimisation technologies that may be able to be used in casinos, hotels and clubs; and
- (c) as to the options for, and the desirability and feasibility of, the use in casinos, hotels and clubs of restricted use cards enabling players to store, and use for the purpose of wagering in gaming machines, amounts of money that are determined by the players before they begin to use the cards; and
- (d) as to the costs and benefits of the adoption in casinos, hotels and clubs of appropriate harm minimisation technologies; and
- (e) as to the timeframe in which, and the most effective methods by which, appropriate harm minimisation technologies may be implemented in casinos, hotels and clubs.

(5) The investigation for the purposes specified in subsection (4)(d) is to include consultation with such persons involved in the gambling industry, and such persons with an interest in the gambling industry, as the Commission thinks fit.

(6) Without limiting the matters that may be contained in the report by the Commission in relation to the investigation, the report is to include –

- (a) the Commission's recommendations as to the most effective method of implementing appropriate harm minimisation technologies in casinos, hotels and clubs; and
- (b) the steps the Commission proposes to take to implement those recommendations as soon as reasonably practicable.

Amendment proposed (Ms *Johnston*)

To leave out subsection (1) and subsection (4)(c).

Question put - That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 19

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Finlay (Teller)

So it passed in the Negative.

And the Committee having continued to sit after Twelve o'clock midnight;

FRIDAY, 15 OCTOBER 2021

New Clause B read a Second time and made a part of the Bill to follow Clause 20.

To report progress and ask leave to sit again.

The House being resumed, Mr *Street* reported that the Committee had made progress in the Bill, and had directed him to ask leave to sit again.

19 ADJOURNMENT. – A Motion being made - That the House do now adjourn. (The Minister for Infrastructure and Transport)

The Speaker proposed – That the House do now adjourn and called for issues to be raised;

The House adjourned at two minutes past Twelve o'clock.

SHANE DONNELLY, *Clerk of the House*.

MEMBERS. - All present during the day.

The Minister for Sport and Recreation, Minister for Racing, Minister for Women and Minister for Small Business attended Question Time.