



HOUSE OF ASSEMBLY

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 23

WEDNESDAY, 23 NOVEMBER 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 Lyons, Ms *White*, 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 PAPERS. - The Deputy Premier laid upon the Table of the House the following Paper:-
National Heavy Vehicle Regulator: Annual Report 2021-22.
- 8 PAPERS. - The Minister for Hospitality and Events laid upon the Table of the House the following Papers:-
 - (1) Response to Petition: HA No. 18 of 2022.
 - (2) Response to Petition: HA No. 16 of 2022.
 - (3) Response to Petition: HA No. 15 of 2022.
- 9 INTEGRITY, JOINT STANDING COMMITTEE ON: REPORT BROUGHT UP. - Ms *O'Byrne* brought up the following Report of the Joint Standing Committee on Integrity:
Annual Report 2022 (Paper No. 33).

Ordered, That the said Report be received and printed. (Ms *O'Byrne*)

- 10 BILL NO. 30. - 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 make provision in relation to leases of certain retail premises and other business premises, and the rights and obligations of landlords and tenants of those retail premises and other business premises, to rescind the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998, and for other related purposes".

Legislative Council, 22 November 2022.

C.M. FARRELL, *President*.

11 BILL NO. 47. - 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 the Constitution Act 1934 and the Electoral Act 2004".

Legislative Council, 22 November 2022.

C.M. FARRELL, *President*.

12 BILL NO. 56. – The Minister for Mental Health and Wellbeing presented -

“A Bill for an Act to amend the Mental Health Act 2013 and to consequentially amend the Corrections Act 1997, the Criminal Code Act 1924, the Criminal Justice (Mental Impairment) Act 1999, the Dangerous Criminals and High Risk Offenders Act 2021, the Disability Services Act 2011, the End-of-Life Choices (Voluntary Assisted Dying) Act 2021, the Justices Act 1959, the Magistrates Court (Criminal and General Division) Act 2019, the Sentencing Act 1997 and the Youth Justice Act 1997”

And Mr *Rockliff* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

13 PUBLIC ACCOUNTS, PARLIAMENTARY STANDING COMMITTEE OF. – The Speaker informed the House that the following communication had been received from Her Excellency the Governor:-

Government House,
Hobart, Tasmania

21 November 2022

The Honourable Mark Shelton MP
Speaker of the House of Assembly,
Parliament House,
Hobart 7000

Dear Mr Speaker,

I have the honour to inform you that on 21 November 2022, *John Tucker* MP tendered his resignation as a Member of the Parliamentary Standing Committee of Public Accounts.

I have enclosed a copy of Mr *Tucker's* letter of resignation.

Yours sincerely,

BARBARA BAKER, *Governor*

14 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)

15 COMMITTEE MEMBERSHIP. – *Ordered*, That:

- (a) the Honourable Member for Franklin, Mr *Young*, be appointed to serve on the Parliamentary Standing Committee of Public Accounts pursuant to section 3 subsection (3) of the *Public Accounts Committee Act 1970* (No. 54);
- (b) the Honourable Member for Franklin, Mr *Young*, be appointed to the Joint Sessional Committee on Gender and Equality in place of the Mover; and

- (c) the Mover be appointed to the Committee of Privileges and Conduct in place of the Minister for Infrastructure and Transport. (The Minister for Hospitality and Events)

16 COMMITTEE MEMBERSHIP. - A Message to the Legislative Council. -

MR PRESIDENT

In accordance with the provisions of section 3 subsection (3) of the Public Accounts Committee Act 1970 (No. 54), the House of Assembly has appointed the Honourable Member for Franklin Mr *Young* to serve on the Parliamentary Standing Committee of Public Accounts.

Further, the House of Assembly has appointed the Honourable Member for Franklin, Mr *Young* to serve on the Joint Sessional Committee on Gender and Equality in place of the Leader of the House.

House of Assembly, 23 November 2022

MARK SHELTON, *Speaker*.

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 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 Hospitality and Events)

19 STATEMENT BY SPEAKER. – The Speaker said:

“I note that the Opposition has listed the Second reading of the Electricity Supply Industry (Cap Power Prices) Bill for its Private Members’ Business this afternoon.

I am concerned that the motion for the Second reading may offend Standing Order No. 93, known as the ‘Same Question Rule’, which provides that “no Motion or Amendment shall be proposed which is the same in substance as any Question or Amendment which, within the preceding twelve months, has been resolved in the Affirmative or Negative.”

It is of course, permissible for more than one Bill dealing with a given subject to be dealt with in the same year. In considering the application of this rule, I must have regard to differences in its drafting and what provisions differ from those contained in any previous Bill, what, if any, circumstances may have changed, or what new information may have come to light since the House last considered the previous Bill. Such detail may be elucidated in second reading contributions with an opportunity afforded to the House to test such contributions in debate, but as only such a short amount of time has transpired and the changes to the Bill so narrow, I am mindful that such a course entirely defeats the purpose of this Standing Order, which is designed to prevent repetition, particularly given the limited time allocated to Private Members’ Business.

Except for a change in one of three ‘applicable financial years’ detailed in Clause 5, and the short title (which has no real effect), the Bill proposed for debate today is identical to the Electricity Supply Industry Amendment (Price Cap) Bill which was defeated at the Second reading stage on 17 August last. The House has therefore, expressed an opinion on the principle, purpose and substance of the Bill only twenty sitting days ago, or a little over three months ago.

I am very mindful of the paramount importance of the House’s ability to legislate and I need to consider the desirability for the Chair to limit this right where any doubt exists in favour of allowing the House to consider the matter.

I also do not wish to disadvantage the Opposition by taking up its limited Private Members’ Time with discussion on this matter, so I propose to invite short submissions on this question from Members now, as you would for a Point of Order, and I will consider a ruling.”

And several Members having addressed the Speaker, the Speaker ruled that the debate on the Bill could proceed.

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

A Debate arose thereupon.

And the Question being put;

The House divided.

AYES 10

NOES 11

Dr Broad
Ms Butler
Ms Haddad
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff
Ms Finlay (Teller)

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Street
Mr Tucker
Mr Wood
Mr Young (Teller)

PAIRS

Ms Dow

Ms Ogilvie

So it passed in the Negative.

21 MATTER OF PUBLIC IMPORTANCE: INTEGRITY. – *Ms White* in accordance with Standing Orders, moved - That the House take note of the following matter:

Integrity.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

22 BILL NO. 25. – The House, according to order again resolved itself into a Committee on the Electoral Disclosure and Funding Bill 2022.

(In the Committee)

Mr Wood took the Chair.

Amendments to Clause 53 further considered (*Ms O'Connor*).

First Amendment

Page 105, subsection (1), paragraph (a).

Leave out “within”.

Insert instead “as soon as practicable, but in any case no later than”.

Third Amendment

Page 106, subsection (3), paragraph (a).

Leave out “within”.

Insert instead “as soon as practicable, but in any case no later than”.

And the Question being put – That the Amendments be agreed to;

It passed in the Negative.

Question put – That Clause 53, as read, stand part of the Bill.

It was resolved in the Affirmative.

Clauses 54 to 61 agreed to.

New Clauses D, E and F were brought up by Ms *O'Connor* and read a First time as follows:-

Page 114.

Insert the following new Division –

“Division C – Assembly expenditure limit

D. Candidate’s expenditure limit

- (1) A candidate at an Assembly election must not, in respect of his or her campaign for that election, incur election expenditure exceeding the expenditure limit.
- (2) The expenditure limit for the purposes of subsection (1) is \$83 000 in the year 2022 and increases by an additional \$1 000 each subsequent year.
- (3) If a court convicts a candidate of an offence against subsection (1) it is to, at the time of conviction, make a finding of the amount by which the candidate’s election expenditure exceeded the expenditure limit.
- (4) For the purposes of subsection (1), expenditure incurred by the official agent in relation to the candidate is taken to have been incurred by the candidate.
- (5) A person who contravenes subsection (1) by incurring any amount not exceeding \$1 000 in excess of the expenditure limit is guilty of an offence.

Penalty: Fine not exceeding 0.05 penalty unit for each \$1 of that first mentioned amount.

- (6) A person who contravenes subsection (1) by incurring any amount exceeding \$1 000 in excess of the expenditure limit is guilty of an offence.

Penalty: Fine not exceeding 150 penalty units.

E. Party’s expenditure limit

- (1) A registered party must not, in respect of the party's campaign for an Assembly election, incur election expenditure exceeding the expenditure limit.
- (2) If a registered party, in respect of its campaign for an Assembly election, incurs election expenditure exceeding the expenditure limit, the party agent is guilty of an offence.
- (3) For the purposes of subsection (1), the expenditure limit is \$830 000 in the year 2022 and increases by an additional \$10 000 each subsequent year.
- (4) If a court convicts a party agent of an offence against subsection (2), it is, at the time of conviction, to make a finding of the amount by which the party's election expenditure exceeded the expenditure limit.
- (5) A person who contravenes subsection (1) by incurring any amount not exceeding \$1 000 in excess of the expenditure limit is guilty of an offence.

Penalty: Fine not exceeding 0.05 penalty unit for each \$1 of that first mentioned amount.

- (6) A person who contravenes subsection (1) by incurring any amount exceeding \$1 000 in excess of the expenditure limit is guilty of an offence.

Penalty: Fine not exceeding 150 penalty units.

F. Third-party campaigner expenditure limit

- (1) A third-party campaigner must not incur election expenditure exceeding the expenditure limit.
- (2) If a third-party campaigner, in respect of its campaign for an Assembly election, incurs election expenditure exceeding the expenditure limit, the official agent in relation to the third-party campaigner is guilty of an offence.
- (3) The expenditure limit for the purposes of subsection (1) is \$83 000 in the year 2022, increasing by an additional \$1 000 each subsequent year.
- (4) If a court convicts a person of an offence against subsection (1) it is to, at the time of conviction, make a finding of the amount by which the person's election expenditure exceeded the expenditure limit.
- (5) A person who contravenes subsection (1) by incurring any amount not exceeding \$1 000 in excess of the expenditure limit is guilty of an offence.

Penalty: Fine not exceeding 0.05 penalty unit for each \$1 of that first mentioned amount.

- (6) A person who contravenes subsection (1) by incurring any amount exceeding \$1 000 in excess of the expenditure limit is guilty of an offence.

Penalty: Fine not exceeding 150 penalty units.”

And the Question being proposed – That New Clauses D, E and F be read a Second time and made part of the Bill to follow Clause 61;

SUSPENSION OF SITTING. - At One o'clock the Chair of Committees left the Chair.

23 SPEAKER RESUMED CHAIR. - At half-past Two o'clock, in accordance with Standing Order 261, it being time for Private Members Business under Standing Order 42, the Speaker resumed the Chair.

24 COVID MANAGEMENT. – A Motion being made and the Question being proposed—That the House:—

- (1) Expresses its sincere, heartfelt condolences to family members, friends and colleagues of the 201 Tasmanians who have died with Covid since the start of the pandemic.
- (2) Recognises these Tasmanians were loved and valued members of their families and communities, whose lives were tragically cut short.
- (3) Acknowledges with sadness:—
 - (a) 188 of these preventable deaths have been recorded since 15 December 2021, when Omicron arrived in Tasmania; and
 - (b) the thousands of Tasmanians who suffer from or at risk of disabling, long-term health consequences from Covid infection or reinfection.
- (4) Further recognises the removal of mandated protections, necessary to reduce mass Covid infections, has severely restricted the lives of many vulnerable Tasmanians, including the elderly and clinically vulnerable, and people with disability.
- (5) Accepts the scientific evidence that SARS-Cov 2 is an airborne pathogen with potentially fatal consequences and well understood, debilitating impacts on immune function.
- (6) Notes with real concern stagnating vaccination and booster rates, particularly amongst children and young people.
- (7) Agrees the trajectory of Australian Governments' Covid management, which facilitates constant reinfection, is untenable for individual and population health, as well as social and economic wellbeing.
- (8) Resolves to work cooperatively to educate, promote and model increased vaccination and booster uptake, indoor mask wearing and ventilation.
- (9) Calls on the Government to prevent further disabling illness and loss of life, and urgently adopt evidence-based policies, practices and communications that better protect Tasmanians from Covid. (Ms O'Connor)

A debate arose thereupon.

And Dr Woodruff was addressing the Chair.

25 BILL NO. 53 of 2022. - The Order of the Day being read for the Second reading of the Electricity Supply Industry Amendment (Cap Power Prices) Bill 2022.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (Mr Winter)

A Debate arose thereupon.

26 PAPERS. – The Minister for Energy and Renewables laid upon the Table of the House the following Paper:-

A document in relation to Tasmanian energy policy dated 14 June 2022.

27 BILL NO. 53 of 2022. - And the Question again being again proposed;

The House resumed the Debate.

And the Question being put;

The House divided.

AYES 11

Ms Butler
Ms Finlay
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff
Dr Broad (Teller)

NOES 11

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Ms Dow

Ms Ogilvie

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

28 PRIVATE MEMBERS BUSINESS. – In accordance with Standing Order 42, *Mrs Alexander* indicated that the Government Members’ Private Members’ Business for this day’s sitting would be waived.

29 BILL NO. 25. – The House, according to order again resolved itself into a Committee on the Electoral Disclosure and Funding Bill 2022.

(In the Committee)

Mrs Alexander took the Chair.

And the Question being again proposed – That New Clauses D, E and F be read a Second time and made part of the Bill to follow Clause 61;

A debate arose thereupon.

Mr Wood took the Chair.

And the Question again being put – That New Clauses D, E and F be read a Second time and made part of the Bill to follow Clause 61;

The Committee divided;

AYES 11

NOES 11

Dr Broad
Ms Dow
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff
Ms Finlay (Teller)

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Mr Young (Teller)

PAIRS

Ms Butler

Ms Ogilvie

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Clauses 62 to 68 agreed to.

New Clauses G, H, I, J, K and L were brought up by *Ms Haddad*, and read a First time as follows:-

“NEW DIVISION C

After Division 4 of Part 6, the following Division is inserted:

Division A – Limits on Assembly electoral expenditure

G. Interpretation of Division A

- (1) In this Division –
 - "expenditure cap" – see section B;
 - "expenditure period" means, in relation to –
- (a) an Assembly general election – the period beginning on whichever is the earlier of the following days:
 - (i) the day that is 4 months before the last day by which, in accordance with the Constitution Act 1934, such an election must be held;
 - (ii) the day on which the dissolution of the Assembly, by virtue of which the Assembly general election is required to be held, occurs –
and ending on the day on which the Assembly general election is held; and
- (b) an Assembly by-election – the period beginning on the day on which the writ for the holding of the election is issued and ending on the day on which the Assembly election is held.

H. Expenditure cap

- For the purposes of this Division, the expenditure cap is –
- (a) for the 2022 calendar year – \$80 000; and

- (b) for each calendar year after the 2022 calendar year – the expenditure cap for the previous calendar year, adjusted for inflation as provided by Schedule 1.

I. Excessive electoral expenditure by registered party or endorsed candidate

- (1) For the purposes of this section, all of the following persons are the members of the relevant party grouping in relation to a registered party:
 - (a) the registered party;
 - (b) each party agent in relation to the registered party;
 - (c) each person authorised under section 65(6) to operate the campaign account of the registered party;
 - (d) each Assembly Member who is endorsed by the registered party;
 - (e) each official agent in relation to an Assembly Member who is endorsed by the registered party;
 - (f) each Assembly candidate who is endorsed by the registered party;
 - (g) each official agent in relation to an Assembly candidate who is endorsed by the registered party.
- (2) A registered party commits an offence if the total amount of all –
 - (a) amounts of electoral expenditure, that are incurred, during the expenditure period in relation to an Assembly general election, by members of the relevant party grouping in relation to the registered party; and
 - (b) amounts reimbursed, by members of the relevant party grouping in relation to the registered party, to persons for incurring electoral expenditure during the expenditure period in relation to the Assembly general election –exceeds the maximum permitted amount, in relation to the registered party, for an Assembly general election.
Penalty: Fine not exceeding 200 penalty units.
- (3) For the purposes of this section, the maximum permitted amount, in relation to a registered party, for an Assembly general election is the amount calculated by –
 - (a) determining, in relation to each Assembly Division, the number of Assembly candidates (up to a maximum of the number of vacancies for election in respect of that Division) who are endorsed by the registered party for election, at the Assembly general election, in relation to the Assembly Division; and
 - (b) adding together the numbers obtained under paragraph (a) for each of the Assembly Divisions; and
 - (c) multiplying by the expenditure cap the number obtained under paragraph (b).
- (4) If a registered party is found guilty of an offence against subsection (2) in relation to an Assembly general election, the registered party is liable to pay to the Crown a penalty equal to twice the amount by which the total amount, calculated in accordance with that subsection, exceeds the maximum permitted amount, in relation to the registered party, for the Assembly general election.
- (5) A registered party commits an offence if the total amount of all –
 - (a) amounts of electoral expenditure that are incurred, during the expenditure period in relation to an Assembly by-election, by members of the relevant party grouping in relation to the registered party; and
 - (b) amounts reimbursed, by members of the relevant party grouping in relation to the registered party, to persons for incurring electoral

expenditure during the expenditure period in relation to the
Assembly by- election –
exceeds the expenditure cap.

Penalty: Fine not exceeding 200 penalty units.

- (6) If a registered party is found guilty of an offence against subsection (5), the registered party is liable to pay to the Crown a penalty equal to twice the amount by which the total amount, calculated in accordance with that subsection, exceeds the expenditure cap.

J. Excessive electoral expenditure by independent Assembly candidates

- (1) For the purposes of this section, all of the following persons are members of the relevant grouping in relation to an independent Assembly candidate:
- (a) the independent Assembly candidate;
 - (b) each official agent in relation to the independent Assembly candidate;
- (c) each person authorised under section 66(5) to operate the campaign account of the independent Assembly candidate.
- (2) An independent Assembly candidate in relation to an Assembly election commits an offence if the total amount of all –
- (a) amounts of electoral expenditure that are incurred, during the expenditure period in relation to the election, by members of the relevant grouping in relation to the independent Assembly candidate; and
 - (b) amounts reimbursed, by members of the relevant grouping in relation to the independent Assembly candidate, to persons for incurring electoral expenditure during the expenditure period in relation to the election –
- exceeds the expenditure cap.
- Penalty: Fine not exceeding 200 penalty units.
- (3) If an independent Assembly candidate is found guilty of an offence against subsection (2), the independent Assembly candidate is liable to pay to the Crown a penalty equal to twice the amount by which the total amount, calculated in accordance with that subsection, exceeds the expenditure cap.

K. Excessive electoral expenditure by associated entity

- (1) For the purposes of this section, all of the following persons are members of the relevant grouping in relation to an associated entity:
- (a) the associated entity;
 - (b) each official agent in relation to the associated entity;
 - (c) each person authorised under section 94(2) to make payments for electoral expenditure on behalf of the associated entity.
- (2) An associated entity commits an offence if the total amount of all –
- (a) amounts of electoral expenditure that are incurred, during the expenditure period in relation to an Assembly election, by members of the relevant grouping in relation to the associated entity; and
 - (b) amounts reimbursed, by members of the relevant grouping in relation to the associated entity, to persons for incurring electoral expenditure during the expenditure period in relation to the Assembly election –
- exceeds the expenditure cap.

Penalty: Fine not exceeding 200 penalty units.

- (3) If an associated entity is found guilty of an offence against subsection (2), the associated entity is liable to pay to the Crown a penalty equal to twice the amount by which the total amount, calculated in accordance with that subsection, exceeds the expenditure cap.

L. Excessive electoral expenditure by third-party campaigners

- (1) For the purposes of this section, all of the following persons are members of the relevant grouping in relation to a third-party campaigner:
- (a) the third-party campaigner;
 - (b) each official agent in relation to the third-party campaigner;
 - (c) each person authorised under section 94(1) to make payments for electoral expenditure on behalf of the third-party campaigner.
- (2) A third-party campaigner commits an offence if the total amount of all –
- (a) amounts of electoral expenditure that are incurred during the expenditure period in relation to an Assembly election, by members of the relevant grouping in relation to the third-party campaigner; and
 - (b) amounts reimbursed, by members of the relevant grouping in relation to the third-party campaigner, to persons for incurring electoral expenditure during the expenditure period in relation to the Assembly election –

exceeds the expenditure cap.

Penalty: Fine not exceeding 200 penalty units.

- (3) If a third-party campaigner is found guilty of an offence against subsection (2), the third-party campaigner is liable to pay to the Crown a penalty equal to twice the amount by which the total amount, calculated in accordance with that subsection, exceeds the expenditure cap.”

And the Question being put – That New Clauses G, H, I, J, K and L be read a Second time and made part of the Bill to follow Clause 68;

The Committee divided.

AYES 11

Ms Butler
Ms Dow
Ms Haddad
Ms Johnston
Mr O’Byrne
Ms O’Byrne
Ms O’Connor
Ms White
Mr Winter
Dr Woodruff
Ms Finlay (Teller)

NOES 11

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Mr Young (Teller)

PAIRS

Dr Broad

Ms Ogilvie

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

It passed in the Negative.

Clauses 69 to 131 agreed to.

Clause 132 read.

Amendments proposed (Ms O'Connor)

First Amendment

Page 203, proposed section 132, paragraph (b).

Leave out “party; and”.

Insert instead “party.”.

Second Amendment

Page 203, paragraph (c).

Leave out the paragraph.

The Chair of Committees took the Chair

And the Question being put – That the Amendments be agreed to;

It passed in the Negative.

Clause 132 further considered.

Amendment proposed (Ms Haddad).

Page 204, paragraph (c).

Leave out the paragraph.

Insert instead the following paragraph:

- “(c) the total number of formal first preference votes received by all Assembly candidates, endorsed by the registered party, who were nominated for election in the division in relation to which the Assembly candidate was nominated for election, is at least 4% of the total number of formal first preference votes in the division.”

And the Question being put – That the Amendment be agreed to;

It passed in the Negative.

And the Question being put – That Clause 132, as read, stand part of the Bill;

And it was resolved in the Affirmative.

Clause 133 read.

Amendments proposed (Ms O'Connor).

First Amendment

Page 204, subsection (1).

Leave out “(subject to subsection (2))”.

Second Amendment

Page 204, subsection (1), paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph –

- “(a) the dollar amount set out in section 293(2)(a)(i) of *Commonwealth Electoral Act 1918*, indexed in accordance with section 321 of the same Act, for each formal first preference vote received by an Assembly candidate, who was, immediately before the polling day in relation to the election, an Assembly candidate endorsed by the registered party in relation to the Assembly general election or the Assembly by-election; or”

Third Amendment

Page 205, subsection (2)

Leave out the subsection.

And the Question being put – That the Amendments be agreed to;

It passed in the Negative.

And the Question being put – That Clause 133, as read, stand part of the Bill.

The Committee divided;

AYES 19

NOES 3

Mrs Alexander

Ms O'Connor

Ms Archer

Dr Woodruff

Mr Barnett

Ms Johnston (Teller)

Dr Broad

Ms Butler

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Mr Rockliff

Mr Shelton

Mr Street

Ms White

Mr Young

Mr Wood (Teller)

It was resolved in the Affirmative.

Clause 134 to 188 agreed to.

Schedule 1 agreed to.

Title agreed to.

Bill to be reported with Amendment.

The House being resumed, Mr *Tucker* 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 Attorney-General)

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. 25. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to make provision for the prohibition of certain donations in relation to elections, for the acceptance, use and disclosure of certain donations in relation to elections, for the disclosure of expenditure on election campaigns, for the public funding of election campaigns for the House of Assembly and of Assembly administrative expenditure, to make consequential amendments to the Electoral Act 2004, and for related purposes”,

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

House of Assembly, 23 November 2022.

MARK SHELTON, *Speaker*.

31 BILL NO. 26 - The Electoral Matters (Miscellaneous Amendments) 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 12 agreed to.

New Clauses A and B were brought up by Ms *O'Connor* and read a First Time as follows:-

“A. Section 77 amended (How and when nomination takes place)

Section 77 of the Principal Act is amended by inserting after subsection (8) the following subsection:

(8A) A person who lodges a nomination deposit under this section may nominate an account into which the deposit is to be transferred if the deposit is required under section 86 to be returned to the person.

B. Section 86 amended (Disposal of deposit lodged for election)

Section 86 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “a candidate” and substituting “the person who lodged the deposit in relation to a candidate”;
- (b) by inserting in subsection (3) “the person who lodged the deposit or, if that person is the candidate,” before “the candidate’s personal representative”;
- (c) by omitting from subsection (4) “the deposit is to be returned to each candidate” and substituting “each deposit lodged, in relation to a candidate, by a person is to be returned to the person”;
- (d) by omitting from subsection (5) “to the candidate” and substituting “, to the person who lodged the deposit, ”.

And the Question being put – That New Clauses A and B be read a Second time and made part of the Bill to follow Clause 12;

It passed in the Negative.

Clause 13 and 14 agreed to.

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

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Insert the following new clause –

“C. Section 103 amended (Informal ballot papers)

Section 103 of the Principal Act is amended by omitting subsections (2) and (3) and substituting the following subsections:

- (2) Despite subsection (1)(c), if an Assembly ballot paper would, if not for this subsection, be informal, and the ballot paper –
 - (a) has a first preference marked next to the name of a candidate; and
 - (b) has no other first preference marked on the ballot paper;

Then –

- (c) any numbers, including and above, the first occurring duplication of a number, or omission in the sequence of numbers, if such duplication or omission exists, are to be disregarded; and
 - (d) the ballot paper is to be treated as being formal.
- (3) Despite subsection (1)(c), if a Council ballot paper would, if not for this subsection, be informal, and the ballot paper –

- (a) has a first preference marked next to the name of a candidate; and
- (b) has no other first preference marked on the ballot paper;

Then –

- (c) any numbers, including and above, the first occurring duplication of a number, or omission in the sequence of numbers, if such duplication or omission exists, are to be disregarded; and
- (d) the ballot paper is to be treated as being formal.”

And the Question being put – That New Clause C be read a Second time and made part of the Bill to follow Clause 14;

The Committee divided.

AYES 11

Dr Broad
Ms Butler
Ms Dow
Ms Finlay
Ms Johnston
Mr O’Byrne
Ms O’Byrne
Ms O’Connor
Mr Winter
Dr Woodruff
Ms Haddad (Teller)

NOES 11

Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Ms White

Ms Ogilvie

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Clauses 15 to 27 agreed to.

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

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“D. Section 197A inserted

After section 197 of the Principal Act, the following section is inserted in Division 5:

197A. Misleading Advertising

- (1) This section applies to advertisements published by any means (including radio or television).
- (2) A person who authorises, causes or permits the publication of an electoral advertisement (an advertiser) is guilty of an offence if the advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 6 months, or both.

- (3) It is a defence to a charge of an offence against subsection (2) to establish that the defendant –
 - (a) took no part in determining the content of the advertisement; and
 - (b) could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.
- (4) If the Commissioner is satisfied that an electoral advertisement contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Commissioner may require the advertiser to, within a timeframe specified by the Commissioner, do one or more of the following:
 - (c) withdraw the advertisement from further publication; or
 - (d) publish a retraction in specified terms and a specified manner and form; or
 - (e) pay costs of any person reasonably incurred in correcting the inaccurate or misleading statement.”

And the Question being put – That New Clause D be read a Second time and made part of the Bill to follow Clause 27;

The Committee divided.

AYES 11

Dr Broad
Ms Dow
Ms Finlay
Ms Haddad
Ms Johnston
Mr O'Byrne
Ms O'Connor
Ms White
Mr Winter
Dr Woodruff
Ms Butler (Teller)

NOES 11

Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Ms O'Byrne

Ms Ogilvie

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Clauses 28 to 76 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.

32 BILL NO. 26. - 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 Electoral Act 2004 and to amend the Constitution Act 1934, and the Legislative Council Electoral Boundaries Act 1995, so as to change the name of the Redistribution Tribunal to the name Augmented Electoral Commission”,

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

House of Assembly, 23 November 2022.

MARK SHELTON, *Speaker*.

33 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Deputy Premier)

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

The House adjourned at fourteen minutes past Ten o'clock.

SHANE DONNELLY, *Clerk of the House.*

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

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.