



HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 71

TUESDAY, 13 OCTOBER 2020

- 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 Premier laid upon the Table of the House the following Papers:-
 - (1) Tourism Tasmania: Annual Report 2019-2020.
 - (2) Brand Tasmania: Annual Report 2019-20.
 - (3) Tascorp: Annual Report 2019-20.
- 6 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
 - (1) Education and Care Services National Law: Education and Care Services National Amendment Regulations 2020.
 - (2) Teachers Registration Board Tasmania: Annual Report 2019.
- 7 PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-
 - (1) Operations Implemented under the Gas Act 2000: Annual Report 2019/20.
 - (2) Legal Profession Act 2007:
 - (a) Rules of Practice Amendment Rules 2020 (Statutory Rules 2020, No. 56); and
 - (b) Legal Profession (Solicitors' Conduct) Rules 2020 (Statutory Rules 2020, No. 55).
 - (3) Public Trustee: Annual Report 2019/2020.
 - (4) Legal Profession Board of Tasmania: Annual Report 2019-2020.
- 8 PAPERS. – The Minister for Environment and Parks laid upon the Table of the House the following Paper:-

Environmental Management and Pollution Control Act 1994: Environmental Management and Pollution Control (Rescission) Regulations 2020 (Statutory Rules 2020, No.46).

9 PAPERS. – The Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-

- (1) Marine and Safety Authority Act 1997: Marine and Safety (Fees) By-Laws 2020.
- (2) Marine and Safety Tasmania (MAST): Annual Report 2019/20.
- (3) Metro: Annual Report 2019-20.
- (4) MAIB: Annual Report 2019-2020.
- (5) TASRAIL: Annual Report 2019-20.
- (6) TasPorts: Annual Report 2019-20.

10 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-

- (1) Inland Fisheries Act 1995:
 - (a) Inland Fisheries Amendment Regulations 2020;
 - (b) Inland Fisheries (Seasons and Waters) Amendment Order 2020; and
 - (c) Inland Fisheries (Inland Waters) Amendment Order 2020.
- (2) Inland Fisheries Service: Annual Report 2019-20.

11 PAPERS. – The Clerk of the House laid upon the Table of the House the following Paper:-

Tasmanian Electoral Commission: Annual Report 2019-20.

12 MESSAGE FROM HER EXCELLENCY THE GOVERNOR. – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

C. WARNER, *Governor*.

A Bill for an Act to amend certain legislation consequent on the commencement of the Biosecurity Act 2019 and the repeal, under that Act, of certain other Acts (Bill No. 20 (*Act No. 18 of 2020*))

A Bill for an Act to amend the Sentencing Act 1997, the Criminal Law (Detention and Interrogation) Act 1995 and the Criminal Code (Bill No. 39 of 2019 (*Act No. 19 of 2020*))

A Bill for an Act to amend the Community Protection (Offender Reporting) Act 2005, the Police Offences Act 1935, the Police Powers (Vehicle Interception) Act 2000 and the Road Safety (Alcohol and Drugs) Act 1970 (Bill No. 44 of 2019 (*Act No. 20 of 2020*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bills.

Government House, Hobart, 28 September 2020.

13 BILL NO. 40. – The Treasurer presented -

“A Bill for an Act to amend the Electricity Supply Industry Act 1995, the Water and Sewerage Industry Act 2008 and modify certain determinations made under those Acts”.

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

14 BILL NO. 39. – The Minister for State Growth presented -

“A Bill for an Act to amend the Environmental Management and Pollution Control Act 1994, the Land Use Planning and Approvals Act 1993, the Local Government (Building and Miscellaneous Provisions) Act 1993, the Nature Conservation Act 2002, the Strata Titles Act 1998 and the Water and Sewerage Industry Act 2008”.

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

15 LEAVE TO MAKE MOTION WITHOUT NOTICE. – A Motion being made and the Question being proposed that Ms *O'Connor* have leave to make a Motion without notice. (Ms *O'Connor*)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

16 SUSPENSION OF STANDING ORDERS. – A Motion being made and the Question being proposed - That so much of Standing Orders be suspended as would prevent Notice of Motion No. 365 from being brought on for debate forthwith. (Ms *O'Connor*)

A debate arose thereupon.

An Amendment was proposed to the Question by the Minister for Infrastructure and Transport after “forthwith” by inserting the following:-

“and that debate on the Motion be completed by Four o'clock p.m.; that in speaking to the Motion the Premier, Leader of the Opposition, and Leader of the Greens, shall speak for no longer than 30 minutes each and all other Members speak for not longer than 20 minutes each; that immediately following a vote on the Motion the House proceed directly to Government Business; and that for this day's sitting, the House shall not stand adjourned at Six o'clock p.m. and that the House continue to sit past Six o'clock p.m.”

A debate arose thereupon.

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

The House divided.

AYES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Mr Tucker
Mr Ellis (Teller)

NOES 12

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

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The result of the division is 12 Ayes and 12 Noes. In accordance with Standing Order 167, and due to the currency of COVID and the necessity to get on with the Residential Tenancy Bill - I will cast my vote with the Ayes.”

It was resolved in the Affirmative.

And the Main Question, as amended, being put;

It was resolved in the Affirmative.

17 WANT OF CONFIDENCE IN THE MINISTER FOR HOUSING. – A Motion being made and the Question being proposed — That the House has no confidence in the Minister for Housing for the following reasons:—

- (1) In response to questioning on 24 September 2020, the Minister said he is “not aware of any decision” to make it easier to evict tenants without genuine or just reason.
- (2) A Cabinet Minute shows that a previous Cabinet decision was made to remove the genuine or just requirement from Section 45 of the Residential Tenancy Act 1997.
- (3) It is implausible that the Minister was not aware of a Cabinet decision in his portfolio.
- (4) The Minister has misled the House over a serious matter of fairness and reasonableness in his portfolio. (*Ms O'Connor*)

A debate arose thereupon.

18 LEAVE TO TABLE A PAPER. – A Motion being made and the Question being proposed — That *Ms O'Connor* have leave to table a paper.

A debate arose thereupon.

And the Question being put;

It passed in the Negative.

19 WANT OF CONFIDENCE IN THE MINISTER FOR HOUSING. – And the Question being again proposed;

The House resumed the Debate.

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

21 WANT OF CONFIDENCE IN THE MINISTER FOR HOUSING. – And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

The House divided.

AYES 11

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

NOES 13

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mr Ellis (Teller)

So it passed in the Negative.

22 BILL NO. 37. - The House, according to Order, again resolved itself into a Committee on the Residential Tenancy Amendment (COVID-19) Bill 2020.

(In the Committee)

Mr Street took the Chair.

Amendment to Clause 6 further considered.

Mr Ellis took the Chair.

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 11

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

NOES 13

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mr Street (Teller)

So it passed in the Negative.

Clause 6 as read agreed to.

Mr Tucker took the Chair.

Clauses 7 to 9 agreed to.

New Clause A to follow Clause 9 was brought up by *Ms Standen* and read the First time as follows:

“A Section 45 Amended

Section 45 of the Principal Act is amended as follows:

In subsection (3), after subparagraph (ca), by inserting the following new subparagraph:

- (cb) where the notice to vacate is served on the grounds of failure to pay rent and the arrears to which the notice to vacate relates are arrears in rent to which a rent arrears payment order made under section 24A relates:
 - (i) if a condition of the rent arrears payment order has been contravened, that the contravention in all the circumstances justifies terminating the agreement; or
 - (ii) if each part of the total amount of rent in arrears, that is required under the rent arrears payment order to be paid within a period, specified in the order, that has expired and has not been paid before the end of that period, that the failure to comply in all the circumstances justifies terminating the agreement; and”

Mr Street took the Chair.

Question put – That the new clause be read the Second time and made part of the Bill to follow Clause 9;

The Committee divided.

AYES 12

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

NOES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mr Ellis (Teller)

DEPUTY CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Deputy Chair of Committees said: “The result of the division is 12 Ayes and 12 Noes. In accordance with Standing Order 257, I cast my vote with the Noes.”

So it passed in the Negative.

Clauses 10 to 11 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.

23 BILL NO. 37. - 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 Residential Tenancy Act 1997”,

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

House of Assembly, 13 October 2020.

SUE HICKEY, *Speaker*.

24 BILL NO. 52 of 2019. - The State Service Amendment (Validation) Bill 2019 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)

Mr *Tucker* took the Chair.

Clauses 1 to 4 agreed to.

Clause 5 read.

Amendments made (The Premier)

First Amendment

In proposed new section 54A, subsection (1), definition of “*maximum entitlement to recreation leave*”.

Leave out “that the employee is”.

Insert instead “that, immediately before the commencement day, the employee was”.

Second Amendment

In proposed new section 54A, after subsection (3).

Insert the following subsection:

“(X) An entitlement to an amount of recreation leave accumulated by an employee, or former employee, before the commencement day is not invalid solely on the basis that the amount of recreation leave so accumulated was greater than the employee’s maximum entitlement to recreation leave.”

Clause 5, as amended, agreed to.

Clauses 6 to 7 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 Premier)

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.

25 BILL NO. 52 of 2019. - 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 State Service Act 2000 and the State Service Regulations 2011”,

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

House of Assembly, 13 October 2020.

SUE HICKEY, *Speaker.*

26 BILL NO. 33. - The Anzac Day Trust Winding-Up Bill 2020 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.

27 BILL NO. 33. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the Anzac Day Observance Act 1929”,

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

House of Assembly, 13 October 2020.

SUE HICKEY, *Speaker.*

28 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Minister for Energy)

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

The House adjourned at Seven o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day.