



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

NOTICES OF MOTION AND ORDERS OF THE DAY

No. 61

FRIDAY, 21 AUGUST 2020

(At 9.00 o'clock am)

NOTICES OF QUESTION

42 Ms Webb to ask the Honourable Leader of the Government —

With reference to the *Expungement of Historical Offences Act 2017* ('the Act') and, in particular, Section 32 under which the Minister for Justice is to cause an independent review of the operation of the Act to be completed within six months after the second anniversary of its commencement:

- (1) What progress has the Minister made towards the review of the operation of the Act noting that it is required to be completed by October 2020?
- (2) Have the persons who will carry out the review been appointed, noting that Section 32(1) of the Act requires that a majority of these persons must not be employees of the State or of any agency of the State?
- (3) Will the persons carrying out the review include persons with legal expertise and, in particular, expertise in the laws and practices that have affected the LGBTI community in Tasmania?
- (4) Will the persons carrying out the review include persons who are members of the Tasmanian LGBTI community with experience engaging with and representing the views of that community?
- (5) Will the terms of reference for the review include:
 - (a) feedback from all applicants for expungement and from those who are eligible but have not yet applied;
 - (b) comparative analysis with other jurisdictions; and
 - (c) consideration of possible additional 'restorative justice' initiatives, in addition to the expungement of criminal records, that could further address the harmful legacy of the historic laws covered by the Act?
- (6) In light of the COVID-19 pandemic, does the Government intend to seek an extension to the deadline for the completion of the review to ensure a comprehensive review process can take place?

(asked 24.06.20)

43 Ms Webb to ask the Honourable Leader of the Government —

In relation to the planned reopening of Tasmania's poker machine rooms on 26 June 2020, and the government's apparent protocol of responding to the COVID-19 pandemic with an evidence-based approach based on public health advice:

- (1) Does the Government acknowledge that the resumption of operation of poker machine gaming rooms in Tasmania is not comparable to the resumption of the other food, beverage and event aspects of the hospitality industry as, in addition to managing COVID-19 health risks, evidence points to the use of poker machines presenting additional and unique economic and social risks at this time?

- (2) Has the plan and timeline for resuming the operation of poker machines in Tasmania been data-driven and based on health, economic and social impact analysis?
- (a) if so, please provide that analysis
- (b) if not, please provide the full rationale and factors considered in making the determination that the resumption of poker machine use was appropriate to occur on 26 June?
- (3) Noting the clear evidence from the Global Financial Crisis (GFC) in 2008-09 where government stimulus payments were shown to have been diverted to poker machines causing losses to spike substantially, what impact analysis has been done to assess the risk that restarting access to poker machines at this time will erode the effectiveness of both Federal and State government economic stimulus efforts (including, but not limited to, increased Job Seeker payments, Job Keeper payments, and early-accessed personal superannuation lump sums) designed to ensure household essential requirements are met and local economies most effectively supported?
- (4) (a) Has the government been lobbied to reopen public access to gaming rooms; and
(b) if so, by whom?
- (asked 25.6.20)

ORDERS OF THE DAY

- 1** Premier's Address — Resumption of Debate (Ms *Howlett*) on the Question proposed on 18 and 19 March and 4 June 2020 — That the Address be noted.
- 2** Police Offences Amendment (Repeal of Begging) Bill 2019 (No. 49): Second reading.
- 3** Marine-Related Incidents (MARPOL Implementation) Bill 2019 (No.37): Second reading.
- 4** Neighbourhood Disputes About Plants Amendment Bill 2019 (No.35): Second reading.
- 5** Justice Legislation Miscellaneous Amendments Bill 2019 (No.39): Second reading.
- 6** Police Legislation Miscellaneous Amendments Bill 2019 (No. 44): Second reading.
- 7** Brickmakers Point Landslip Bill 2020 (No. 15): (under suspension of standing orders) Adjourned Debate (Mr *Finch*) on the Question proposed on 25 March 2020 – That the Bill be now read the Second time.
- 8** Sentencing Amendment (Assaults on Off-Duty Police) Bill 2018 (No. 6): Second reading.
- 9** Justice Legislation (Mandatory Sentencing) Bill 2019 (No. 57): Second reading.
- 10** Workplaces (Protection from Protesters) Amendment Bill 2019 (No. 54): Second reading.
- 11** Consideration of the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein —

Resolved, —

That the _____ the House of Assembly refers to the House Committee the matter of non-Government Members' access to 'Parliamentary Counsel' and that the matters pertaining to the location within Parliament House and access arrangements to the Parliamentary Counsel be a matter to be determined by the Committee and reported to both Houses

House of Assembly, 31 July 2019

SUE HICKEY, *Speaker*".

- 12** Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons) Bill 2018 (No. 45): Adjourned Debate (Mr Dean) on the Question proposed on 6 August 2019 – That the Bill be now read the Second time. (*Private Member's Bill*)

13 Report of the Legislative Council Government Administration Committee ‘A’ Short Inquiry Process Report on Services and Supports Available to Tasmanians not Eligible for the NDIS. Consideration and noting. (Ms Forrest)

14 Partition Bill 2019 (No. 2): Second reading.

NOTICES OF MOTION

1 Mr *Dean* to move — That the Report of the Integrity Commission No. 4 of 2017: An investigation into allegations of misconduct in the Fox Free Taskforce and Fox Eradication Program, be considered and noted.

2 Mrs *Hiscutt* to move — That the Council approve, in accordance with subsections 11(7) and 12(4) of the *Public Account Act 1986*, additional Recurrent Services and Works and Services expenditure in 2018-19 for the purposes detailed in the Section 19 Return for the June Quarter 2019.

3 Ms *Rattray* to move — That the Tasmanian Irrigation Annual Report 2018-2019 be considered and noted.

4 Ms *Forrest* to move — That the Legislative Council notes:

(1) Family violence is evidenced by any of the following types of conduct committed by a person, directly or indirectly against that person's spouse or partner:

- (a) economic abuse;
- (b) emotional abuse;
- (c) intimidation;
- (d) breaching any existing orders relating to Family Violence;
- (e) assault (including sexual assault);
- (f) threats;
- (g) coercion;
- (h) verbal abuse;
- (i) abduction;
- (j) stalking; or
- (k) an attempt to do any of those things.

(2) The Government's ongoing commitment to the prevention of family violence with Premier Gutwein holding the portfolio of Minister for the Prevention of Family Violence;

(3) The need for a whole of Parliament, non-partisan, whole of government approach to:

- (a) raising awareness of family violence and violence against women in all settings and challenge attitudes that promote the status quo;
- (b) the consideration of further law reform to promote and support the safety of victims, predominantly women and children;
- (c) provide whole of community, evidence based, appropriate and targeted education programs in all areas of the Tasmanian community that;
 - (i) support gender equality;
 - (ii) increase awareness and understanding of the need for cultural change;
 - (iii) improve accountability mechanisms; and
 - (iv) reduce the stigma and silencing of those who have experienced family violence;
- (d) promote gender equality awareness and training in workplaces;
- (e) provide adequate resourcing to support the victims of family violence, predominantly women and children, to access;
 - (i) safe shelter,
 - (ii) financial support;
 - (iii) social support;
 - (iv) access to justice and legal aid; and
 - (v) psychological and therapeutic support;
- (f) provide support for and access to evidence based programs for perpetrators to modify behaviour; and
- (g) role-modelling of respectful relationships.

- (4) The important role of police and emergency services as first responders to incidents of family violence and domestic abuse.

5 Ms *Forrest* to move —

- (1) That the Legislative Council notes:

- (a) The World Health Organisation has declared 2020 as the International Year of the Nurse and Midwife;
- (b) Nurses and midwives make a significant contribution to all areas of health care, wellness promotion and illness prevention, often working in challenging circumstances;
- (c) Nursing and midwifery care is predominantly provided by women;
- (d) Nurses and midwives constitute more than 50% of the health workforce in many countries;
- (e) The world needs 9 million more nurses and midwives if it is to achieve universal health coverage by 2030;
- (f) In remote areas, nurses and midwives are often the first and only point of care in their communities;
- (g) Strengthening nursing and midwifery will assist in promoting and achieving the United Nations Sustainable Development Goals (SDG's) 5 (Achieve gender equality and empower all women and girls) and 8, (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), and support other SDG's; and

- (2) That the Legislative Council recognises, highly values and thanks all Tasmanian nurses and midwives for their hard work, dedication and commitment in all areas of practice.

6 Ms *Ratray* to move — That the Government Businesses Scrutiny Committee 'B' 2019 Report be considered and noted.

7 Mr *Dean* to move — That the 'Review of the effectiveness of electronic monitoring as a condition for perpetrators in Family Violence Orders, under section 16 (3)(c) of the Family Violence Act 2004' report be considered and noted.

8 Ms *Webb* to move — That Statutory Rules 2019, No. 63, Fisheries (Abalone) Amendment Rules 2019 dated 23 September 2019 made under the *Living Marine Resources Management Act 1995* and laid upon the Table of the Council on 19 November 2019, be disallowed as provided by Section 47 of the *Acts Interpretation Act 1931*.

9 Mrs *Hiscutt* to move — That the Legislative Council notes:

- (1) The Major Infrastructure Development Approvals (North West Transmission Upgrades Project) Order 2020 which has been made pursuant to section 7 of the *Major Infrastructure Development Approvals Act 1999*; and
- (2) Approves the Order.

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

PAPERS ISSUED

LEGISLATIVE COUNCIL

Notice Paper No. 60

SUMMARY OF BILLS

Read First Time

Bill No. 6 of 2018	Sentencing Amendment (Assaults on Off-Duty Police).
Bill No. 2 of 2019	Partition (<i>pro forma</i>).
Bill No. 35 of 2019	Neighbourhood Disputes About Plants Amendment.
Bill No. 37 of 2019	Marine-Related Incidents (MARPOL Implementation).
Bill No. 49 of 2019	Police Offences Amendment (Repeal of Begging).
Bill No. 39 of 2019	Justice Legislation Miscellaneous Amendments.

Bill No. 44 of 2019 Police Legislation Miscellaneous Amendments.
 Bill No. 54 of 2019 Workplaces (Protection from Protesters) Amendment.
 Bill No. 57 of 2019 Justice Legislation (Mandatory Sentencing).

Second Reading Debate Adjourned

Bill No. 45 of 2018 Public Health Amendment (Prevention of Sale of Smoking Products to Under-Age Persons).
 Bill No. 15 Brickmakers Point Landslip.

Agreed to by Both Houses

Bill No. 15 of 2018 Corrections Amendment (Prisoner Remission) (*Act No.32 of 2019*).
 Bill No. 40 of 2018 Gas Industry (*Act No.1 of 2019*).
 Bill No. 41 of 2018 Gas Safety (*Act No.2 of 2019*).
 Bill No. 42 of 2018 Gas (Consequential Amendments) (*Act No.3 of 2019*).
 Bill No. 43 of 2018 Mental Health Amendment (*Act No.8 of 2019*).
 Bill No. 47 of 2018 Justice and Related Legislation (Marriage Amendments) (*Act No.7 of 2019*).
 Bill No. 51 of 2018 Security and Investigations Agents Amendment (*Act No.9 of 2019*).
 Bill No. 52 of 2018 Supreme Court Civil Procedure Amendment (*Act No.14 of 2019*).
 Bill No. 57 of 2018 Energy Co-ordination and Planning Amendment (*Act No.4 of 2019*).
 Bill No. 58 of 2018 Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) (*Act No.13 of 2019*).
 Bill No. 59 of 2018 Land Acquisition Amendment (*Act No.31 of 2019*).
 Bill No. 60 of 2018 Litter Amendment (*Act No.30 of 2019*).
 Bill No. 61 of 2018 Forest Practices Amendment (*Act No.25 of 2019*).
 Bill No. 63 of 2018 Criminal Code and Related Legislation Amendment (Child Abuse) (*Act No.29 of 2019*).
 Bill No. 64 of 2018 Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Amendment (*Act No.24 of 2019*).
 Bill No. 65 of 2018 Registration to Work with Vulnerable People Amendment (*Act No.18 of 2019*).
 Bill No. 66 of 2018 Short Stay Accommodation (*Act No.12 of 2019*).
 Bill No. 3 of 2019 Electoral Amendment (*Act No.5 of 2019*).
 Bill No. 4 of 2019 Motor Accidents (Liabilities and Compensation) Amendment (*Act No.6 of 2019*).
 Bill No. 5 of 2019 Criminal Code Amendment (Bullying) (*Act No.34 of 2019*).
 Bill No. 6 of 2019 Fruit and Nut Industry (Research, Development and Extension Trust Fund) Repeal (*Act No.35 of 2019*).
 Bill No. 7 of 2019 Workers Rehabilitation and Compensation Amendment (Presumption as to Cause of Disease) (*Act No.11 of 2019*).
 Bill No. 9 of 2019 Consolidated Fund Appropriation (Supplementary Appropriation for 2018-19) (*Act No.10 of 2019*).
 Bill No. 10 of 2019 Disability Services Amendment (*Act No.17 of 2019*).
 Bill No. 11 of 2019 Greater Hobart (*Act No.21 of 2019*).
 Bill No. 12 of 2019 Health Miscellaneous Amendments (*Act No.15 of 2019*).
 Bill No. 14 of 2019 Right to Information Amendment (Applications for Review) (*Act No.26 of 2019*).
 Bill No. 15 of 2019 Biosecurity (*Act No.22 of 2019*).
 Bill No. 16 of 2019 Disposal of Uncollected Goods (*Act No. 2 of 2020*).
 Bill No. 17 of 2019 Local Government (Highways) Amendment (*Act No.28 of 2019*).
 Bill No. 19 of 2019 Vehicle and Traffic Amendment (*Act No.37 of 2019*).
 Bill No. 20 of 2019 Workers Rehabilitation and Compensation Amendment (*Act No.23 of 2019*).
 Bill No. 21 of 2019 Appropriation Bill (No. 1) (*Act No.19 of 2019*).
 Bill No. 22 of 2019 Appropriation Bill (No. 2) (*Act No.20 of 2019*).
 Bill No. 23 of 2019 Government Procurement Review (International Free Trade Agreements) (*Act No.27 of 2019*).
 Bill No. 24 of 2019 First Home Owner Grant Amendment (*Act No.16 of 2019*).
 Bill No. 25 of 2019 Roads and Jetties Amendment (Validation) (*Act No.39 of 2019*).
 Bill No. 26 of 2019 Roads and Jetties Amendment (Works in Highways) (*Act No.38 of 2019*).
 Bill No. 27 of 2019 Magistrates Court (Criminal and General Division) (*Act No.43 of 2019*).
 Bill No. 28 of 2019 Magistrates Court (Criminal and General Division) (Consequential Amendments) (*Act No.44 of 2019*).
 Bill No. 29 of 2019 Restraint Orders (*Act No.47 of 2019*).
 Bill No. 30 of 2019 Civil Liability Amendment (*Act No.33 of 2019*).
 Bill No. 31 of 2019 Historic Cultural Heritage Amendment (*Act No.36 of 2019*).
 Bill No. 32 of 2019 Public Works Committee Amendment (*Act No.42 of 2019*).
 Bill No. 33 of 2019 Genetically Modified Organisms Control Amendment (*Act No.40 of 2019*).
 Bill No. 34 of 2019 Legal Profession Amendment (Validation) (*Act No.41 of 2019*).
 Bill No. 36 of 2019 Justice Legislation Amendment (Organisational Liability for Child Abuse) (*Act No.48 of 2019*).
 Bill No. 38 of 2019 Place Names (*Act No. 1 of 2020*).
 Bill No. 41 of 2019 Public Sector Superannuation Reform Amendment (*Act No.52 of 2019*).
 Bill No. 42 of 2019 Burial and Cremation (*Act No.50 of 2019*).
 Bill No. 43 of 2019 Dog Control Amendment (*Act No.53 of 2019*).
 Bill No. 45 of 2019 Poisons Amendment (*Act No.51 of 2019*).
 Bill No. 46 of 2019 Inland Fisheries Amendment (Royalties) (*Act No.46 of 2019*).
 Bill No. 47 of 2019 Long Service Leave (State Employees) Amendment (*Act No.49 of 2019*).
 Bill No. 51 of 2019 Gaming Control Amendment (Wagering) (*Act No.45 of 2019*).
 Bill No. 56 of 2019 Duties Amendment (*Act No. 3 of 2020*).

Bill No. 3	Justice Legislation Amendments (Criminal Responsibility) (<i>Act No. 10 of 2020</i>).
Bill No. 4	Evidence Amendment (<i>Act No. 7 of 2020</i>).
Bill No. 5	Criminal Code Amendment (Sexual Abuse Terminology) (<i>Act No. 8 of 2020</i>).
Bill No. 10	Appropriation (Supplementary Appropriation for 2019-20) (<i>Act No. 4 of 2020</i>).
Bill No. 11	Supply Bill (No. 1) (<i>Act No. 5 of 2020</i>).
Bill No. 12	Supply Bill (No. 2) (<i>Act No. 6 of 2020</i>).
Bill No. 13	Taxation and Related Legislation (Miscellaneous Amendments) (<i>Act No. 9 of 2020</i>).
Bill No. 14	COVID-19 Disease Emergency (Miscellaneous Provisions) (<i>Act No.11 of 2020</i>).
Bill No. 17	COVID-19 Disease Emergency (Miscellaneous Provisions) (No.2) (<i>Act No. 12 of 2020</i>).
Bill No. 19	COVID-19 Disease Emergency (Commercial Leases) (<i>Act No. 13 of 2020</i>).
Bill No. 21	Building and Construction (Regulatory Reform Amendments) (<i>Act No. 16 of 2020</i>).
Bill No. 22	Land Tax Amendment (<i>Act No. 14 of 2020</i>).
Bill No. 23	HomeBuilder Grants (<i>Act No. 15 of 2020</i>).

STANDING COMMITTEES AND MEMBERS

Committee of Privileges: Mr *Dean*, Mr *Farrell* (The President), Ms *Forrest* (Chair of Committees) and Mrs *Hiscutt*.
 Standing Orders Committee: The President (Mr *Farrell*), The Chair of Committees (Ms *Forrest*), Mrs *Hiscutt*, Ms *Ratray* and Mr *Valentine*.

Parliamentary Standing Committee on Public Works (Joint): Ms *Ratray* and Mr *Valentine*.
 Parliamentary Standing Committee on Subordinate Legislation (Joint): Ms *Forrest*, Ms *Ratray* and Ms *Webb*.
 Parliamentary Standing Committee of Public Accounts (Joint): Mr *Dean*, Ms *Forrest* and Mr *Willie*.
 Parliamentary Standing Committee on Integrity (Joint): Ms *Armitage*, Mr *Dean* and Mr *Valentine*.

SESSIONAL COMMITTEES AND MEMBERS

House Committee (Joint): The President (Mr *Farrell*), Ms *Forrest*, Mrs *Hiscutt*
 Library Committee (Joint): Ms *Armitage*, Mr *Farrell*, Ms *Forrest*, Ms *Ratray* and Mr *Valentine*.
 Government Administration A: Ms *Forrest*, Mr *Gaffney*, Ms *Lovell*, Mr *Valentine* and Ms *Webb*.

- Horizontal Fiscal Equalisation System
- Finfish Farming in Tasmania

Government Administration B: Ms *Armitage*, Mr *Dean*, Ms *Ratray*, Ms *Siejka* and Mr *Willie*.

SELECT COMMITTEES AND MEMBERS

Production of Documents: Mr *Dean*, Ms *Forrest*, Ms *Webb* and Mr *Willie*.
 Greater Hobart Traffic: Ms *Siejka*, Mr *Valentine* and Ms *Webb*.
 TasWater: Mr *Dean*, Ms *Lovell* and Ms *Ratray*.