



HOUSE OF ASSEMBLY

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 8

WEDNESDAY, 7 SEPTEMBER 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 Bass, Ms *O'Byrne*, to withdraw from the House until the conclusion of the Matter of Public Importance owing to repeated interjections.
- 6 QUESTIONS SEEKING INFORMATION. – Questions without notice continued and concluded.
- 7 PAPERS. – The Minister for Local Government laid upon the Table of the House the following Papers:-

Land Acquisition Act 1993 Notice of Acquisition under Section 18:

- (i) Dated 20 October 2021, land situate in the Land District of Cornwell, Parish of Evandale, Municipal Area of Northern Midlands, portion of land comprised in Folio of the Register Volume 170329 Folio 2, registered in the name Paul John Willows for Drainage purposes; and
 - (ii) Dated 4 March 2022, land situate in the Land District of Cornwell, Parish of Evandale, Municipal Area of Northern Midlands, portion of land comprised in Folio of the Register Volume 107326 Folio 1, registered in the name of Rodney Kent Summers for drainage purposes.
- 8 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
 - (1) Traffic Act 1925:
 - (a) Road Amendment Rules (No. 2) 2022 (Statutory Rules 2022, No. 51); and
 - (b) Traffic (Compliance and Enforcement) Amendment Regulations 2022 (Statutory Rules 2022, No. 52).
 - (2) Vehicle and Traffic Act 1999: Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2022 (Statutory Rules 2022, No. 53).

9 BILL NO. 10. - 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 Family Violence Act 2004, the Community Protection (Offender Reporting) Act 2005, the Corrections Act 1997, the Criminal Code Act 1924, the Dangerous Criminals and High Risk Offenders Act 2021, the Evidence Act 2001, the Evidence (Children and Special Witnesses) Act 2001, the Firearms Act 1996, the Justices Act 1959 and the Sentencing Act 1997".

Legislative Council, 6 September 2022.

C.M. FARRELL, President.

10 LEAVE TO MAKE MOTIONS WITHOUT NOTICE. - *Ordered*, That the Minister for Hospitality and Events have leave to make certain Motions without Notice. (The Minister for Hospitality and Events)

11 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)

12 SUSPENSION OF STANDING ORDERS. - *Ordered*, That so much of Standing Orders be suspended as would prevent the Honourable Member for Franklin, Mr *Young*, from making a statement to the House, for a period not exceeding 30 minutes, following the conclusion of the debate this day on the Matter of Public Importance. (The Minister for Hospitality and Events)

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

A debate arose thereupon.

14 MEMBER SUSPENDED. - In accordance with Standing Order 149, the Speaker directed the Honourable Member for Bass, Ms *Finlay*, to withdraw from the House until One o'clock owing to repeated interjections.

15 LEAVE TO MAKE MOTION WITHOUT NOTICE. - And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

The House 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 Street
Mr Tucker
Mr Young
Mr Wood (Teller)

PAIRS

Ms Butler

Ms Ogilvie

SPEAKER GIVES CASTING VOTE. – The Speaker said: 'The numbers being equal, in accordance with Standing Order 167 I cast my vote with the Noes.'

So it passed in the Negative.

16 MATTER OF PUBLIC IMPORTANCE: ENERGY. – *Mr Winter* in accordance with Standing Orders, moved - That the House take note of the following matter:

Energy.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

17 INAUGURAL SPEECH. – The Member for Franklin, *Mr Young*, made a statement to the House.

18 BILL NO. 15. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Police Offences Amendment (Workplace Protection) Bill 2022.

(In the Committee)

Mrs Alexander took the Chair.

Amendments

Clause 4

Page 4.

Leave out the clause.

Clause 5

First amendment

Page 6, paragraph (d), proposed new subsection (2AA).

Leave out “is satisfied that the person, by or while committing the offence -” and paragraphs (a) and (b).

Insert instead the following:

is satisfied that –

- (a) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
- (b) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

Second amendment

Page 7, paragraph (d), after proposed new subsection (2AA).

Insert the following proposed new subsection:

(2ABA) Subsection (2AA) does not apply in relation to an offence committed by a natural person if the court that convicts the person of the offence is satisfied that –

- (a) the offence was committed in the course of the person being engaged in an industrial dispute or an industrial campaign; and
- (b) the person did not, by or while committing the offence –
 - (i) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
 - (ii) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.

Third amendment

Page 7, paragraph (d), proposed new subsection (2AB), paragraph (c).

Leave out “75”.

Insert instead “50”.

Fourth amendment

Page 8, paragraph (d), proposed new subsection (2AB), paragraph (d).

Leave out “125”.

Insert instead “75”.

Fifth amendment

Same page, same paragraph, same proposed new subsection, same paragraph.

Leave out “30 months”.

Insert instead “24 months”.

Sixth amendment

Same page, same paragraph, proposed new subsection (2AC).

Leave out “is satisfied that the person, by or while committing the offence -” and paragraphs (a) and (b).

Insert instead the following:

is satisfied that –

- (a) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
- (b) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

Seventh amendment

Same page, same paragraph, after proposed new subsection (2AC).

Leave out “600 penalty units”.

Insert instead “250 penalty units”.

Eighth Amendment

Same page, same paragraph, after proposed new subsection (2AC).

Insert the following proposed new subsection:

(2AD) Subsection (2AC) does not apply in relation to an offence committed by a person that is a body corporate if the court that convicts the body corporate of the offence is satisfied that –

- (a) the offence was committed in the course of the person being engaged in an industrial dispute or an industrial campaign; and
- (b) the person did not, by or while committing the offence –
 - (i) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
 - (ii) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.

Question proposed – That the Amendments be agreed to;

A debate arose thereupon.

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

19 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.

20 FUEL EXCISE REDUCTION. – A Motion being made and the Question being proposed—
That the House:—

- (1) Notes:—
- (a) that the Tasmanian Liberal Government understands it is a difficult time for many in our community and has measures in place to assist Tasmanians with the cost of living;
 - (b) that due to the COVID-19 pandemic, the conflict in Ukraine and other global supply issues, the cost of fuel has significantly increased nation-wide and that the decision of the previous Federal Liberal Government to cut the fuel excise was welcomed by all Tasmanians who saw a reduction in fuel prices at the bowser; and
 - (c) that this Government is taking practical steps to provide relief to Tasmanian families and strongly urges the new Federal Labor Government to extend the fuel excise reduction until at least the end of 2022.
- (4) Calls on the Tasmanian Labor Party to support the Tasmanian Liberal Government and also speak to their Federal counterparts and demand they extend the fuel excise reduction to help Tasmanians struggling with the high cost of fuel. (Mr *Tucker*)

A debate arose thereupon.

And the Question being put;

And it was resolved in the Affirmative.

21 DISALLOWANCE OF REGULATIONS: WASTE AND RESOURCE RECOVERY REGULATIONS. – A Motion being made and the Question being proposed—That the House in accordance with section 47 of the Acts Interpretation Act 1931, disallows Regulation 8, ‘Prescribed levy’, of the Waste and Resource Recovery Regulations 2022 (Statutory Rules 2022, No 35), laid upon the Table of the House on Tuesday 16 August 2022. (Ms *White*)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 8

NOES 14

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

Mrs Alexander
Ms Archer
Mr Barnett
Mr Ellis
Mr Ferguson
Mr Jaensch
Ms Johnston
Ms O'Connor
Mr Rockliff
Mr Street
Mr Tucker
Mr Wood
Dr Woodruff
Mr Young (Teller)

PAIRS

Ms Dow

Ms Ogilvie

So it passed in the Negative.

22 BILL NO. 22 of 2021. - The Public Interest Disclosures (Members of Parliament) 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.

23 BILL NO. 22. - 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 Public Interest Disclosures Act 2002 to require disclosures in relation to members of Parliament to be made to the Ombudsman or Integrity Commission, and to allow disclosures in relation to staff of members of Parliament to be made to the Integrity Commission",

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

House of Assembly, 7 September 2022.

MARK SHELTON, *Speaker*.

24 BILL NO. 15. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Police Offences Amendment (Workplace Protection) Bill 2022.

(In the Committee)

Mrs Alexander took the Chair.

Amendments

Clause 4

Page 4.

Leave out the clause.

Clause 5

First amendment

Page 6, paragraph (d), proposed new subsection (2AA).

Leave out “is satisfied that the person, by or while committing the offence -” and paragraphs (a) and (b).

Insert instead the following:

is satisfied that –

- (c) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
- (d) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

Second amendment

Page 7, paragraph (d), after proposed new subsection (2AA).

Insert the following proposed new subsection:

- (2ABA) Subsection (2AA) does not apply in relation to an offence committed by a natural person if the court that convicts the person of the offence is satisfied that –
- (c) the offence was committed in the course of the person being engaged in an industrial dispute or an industrial campaign; and
 - (d) the person did not, by or while committing the offence –
 - (iii) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
 - (iv) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.

Third amendment

Page 7, paragraph (d), proposed new subsection (2AB), paragraph (c).

Leave out “75”.

Insert instead “50”.

Fourth amendment

Page 8, paragraph (d), proposed new subsection (2AB), paragraph (d).

Leave out “125”.

Insert instead “75”.

Fifth amendment

Same page, same paragraph, same proposed new subsection, same paragraph.

Leave out “30 months”.

Insert instead “24 months”.

Sixth amendment

Same page, same paragraph, proposed new subsection (2AC).

Leave out “is satisfied that the person, by or while committing the offence -” and paragraphs (a) and (b).

Insert instead the following:

is satisfied that –

- (c) the person, by or while committing the offence, substantially impeded, or prevented, another person from carrying out lawful work; and
- (d) the person, by or while committing the offence, intended to substantially impede, or prevent, a person from carrying out lawful work –

Seventh amendment

Same page, same paragraph, after proposed new subsection (2AC).

Leave out “600 penalty units”.

Insert instead “250 penalty units”.

Eighth Amendment

Same page, same paragraph, after proposed new subsection (2AC).

Insert the following proposed new subsection:

(2AD) Subsection (2AC) does not apply in relation to an offence committed by a person that is a body corporate if the court that convicts the body corporate of the offence is satisfied that –

- (c) the offence was committed in the course of the person being engaged in an industrial dispute or an industrial campaign; and
- (d) the person did not, by or while committing the offence –
 - (iii) cause, directly or indirectly, a serious risk to the safety of the person or another person; or
 - (iv) take an action that caused, directly or indirectly, a serious risk to the safety of the person or another person.

Question again proposed – That the Amendments of the Legislative Council be agreed to;

The Chair of Committees resumed the Chair.

Amendments agreed to.

Resolution to be reported.

The House being resumed, Mr *Tucker* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

Question put - That the Resolution be agreed to;

The House divided.

AYES 11

NOES 11

Mrs Alexander

Ms Butler

Ms Archer

Ms Dow

Mr Barnett

Ms Haddad

Mr Ellis

Ms Johnston

Mr Ferguson

Mr O'Byrne

Mr Jaensch

Ms O'Byrne

Mr Rockliff

Ms O'Connor

Mr Shelton

Ms White

Mr Street

Mr Winter

Mr Tucker

Dr Woodruff

Mr Young (Teller)

Ms Finlay (Teller)

PAIRS

Ms Ogilvie

Dr Broad

DEPUTY SPEAKER GIVES CASTING VOTE. – The Deputy Speaker said: 'The numbers being equal, in accordance with Standing Order 167 I cast my vote with the Ayes.'

It was resolved in the Affirmative.

25 BILL NO. 15. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to amend the Police Offences Act 1935 and to repeal the Workplaces (Protection from Protesters) Act 2014”.

House of Assembly, 7 September 2022.

MARK SHELTON, *Speaker*.

26 BILL NO. 20. - The Vehicle and Traffic Amendment (Driver Distraction and Speed Enforcement) Bill 2022 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. 20. - 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 Vehicle and Traffic Act 1999 and the Traffic Act 1925”,

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

House of Assembly, 7 September 2022.

MARK SHELTON, *Speaker.*

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

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

The House adjourned at fifty-five minutes past Eight 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.