



LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 24

THURSDAY, 11 NOVEMBER 2021

- 1 **COUNCIL MEETS.**— The Council met at 12.00 o'clock noon.
- 2 **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past and present. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 **PRAYERS.**— The President read Prayers.
- 4 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
 - (1) The Anti-Discrimination Tribunal: Annual Report 2020-2021.
 - (2) The Motor Accidents Compensation Tribunal: Annual Report 2020-2021.
 - (3) The Health Practitioners Tribunal: Annual Report 2020-2021.
 - (4) Payroll Tax Act 2008: Statutory Rules 2021, No. 80, containing Payroll Tax (Pandemic) Order 2021
 - (5) Solicitor-General: Annual Report 2020-2021.
 - (6) Director of Public Prosecutions: Annual Report 2020-2021.
 - (7) Wellington Park Management Trust: Annual Report 2020-2021.
 - (8) Parole Board of Tasmania: Annual Report 2020-2021.
 - (9) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 435.7m², 1871.0m² and 556.9m² situate in Midland Highway – Jericho to Lemon Hill, Municipal area of Southern Midlands.
 - (10) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 699.1m², 2496.0m², 78.44m², 64.75m², 4696.0m², 818.0m² and 147.9m² situate in Midland Highway – Jericho to Lemon Hill, Municipal area of Southern Midlands.
 - (11) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1843.0m² situate in Midland Highway – Jericho to Lemon Hill, Municipal area of Southern Midlands.
 - (12) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 59.61m² situate in Midland Highway – Jericho to Lemon Hill, Municipal area of Southern Midlands.

(13) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 3677.0m² and 223.3m² situate in Midland Highway – Jericho to Lemon Hill, Municipal area of Southern Midlands.

(14) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 84.06m², 272.1m² and 276.5m² situate in Midland Highway – Jericho to Lemon Hill, Municipal area of Southern Midlands.

5 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

6 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Pembroke, (Ms *Siejka*) be granted leave of absence from the service of the Council for this day's sitting. (Mrs *Hiscutt*)

7 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

8 SUSPENSION OF STANDING ORDERS.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That Standing Orders be suspended to allow for the Council to sit beyond 1.00 o'clock pm.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

9 BILL NO. 45.— The Order of the Day was read for resuming the Debate on the Question, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

Ordered, That the debate be adjourned. (Ms *Webb*)

10 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 1.04 o'clock p.m. and resumed at 1.40 o'clock p.m.

11 BILL NO. 45.— The Council, according to Order, resumed the Debate on the Question, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 be now read the Second time.

12 QUESTION TIME.— At 2.30 o'clock pm the President called for Questions without Notice. There were three Questions asked.

13 BILL NO. 45.— The Council resumed the Debate on the Question, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 be now read the Second time.

Ordered, That Ms *Webb*, have leave to Table a document titled Comments of Market Design Aspects of EGM Policy, prepared by Peter Hoult.

Ordered, That Ms *Webb*, have leave to Table a document titled Poker Machine Licensing Research 2021 EMRS Omnibus Research Report.

Ordered, That the Debate be adjourned. (Dr *Seidel*)

14 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 7.14 o'clock p.m. and resumed at 8.19 o'clock p.m.

15 BILL NO. 45.— The Council, according to Order, resumed the Debate on the Question, That the Gaming Control Amendment (Future Gaming Market) Bill 2021 be now read the Second time.

Ordered, That Mrs *Hiscutt* have leave to Table the following two documents and have the documents incorporated into the Hansard record —

Response to Member for Nelson Background paper on pokies reforms; and
Response to Legislative Council Second Reading Debate.

And the Question being put, That the Bill be now read the Second time.

Council divided.

AYES 10

NOES 3

Ms Armitage
Mr Duigan (Teller)
Ms Forrest
Mrs Hiscutt
Ms Howlett
Ms Lovell
Ms Palmer
Ms Rattray
Dr Seidel
Mr Willie

Mr Gaffney (Teller)
Mr Valentine
Ms Webb

It was resolved in the Affirmative,

The Bill was read the Second time.

Ordered, That the Council does resolve itself into a Committee, tomorrow, to further consider the Bill. (*Mrs Hiscutt*)

16 BILL NO. 49.— The Order of the Day was read for the Second reading of the OPCAT Implementation Bill 2021.

A Motion was made (*Ms Palmer*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms Forrest in the Chair.

Clauses 1 to 23 agreed to.

Clause 24 Amendment proposed (*Ms Lovell*)

Page 27, after subsection (2).

Insert the following subsection:

- (3) Each Tasmanian national preventive mechanism that submits an annual report to the National Preventive Mechanism Coordinator under subsection (1) is to cause a copy of the annual report to be tabled

in each House of Parliament within 15 sitting-days after the report is so submitted.

Question put, That the Amendment be agreed to
Committee divided.

AYES 5

Ms Lovell
Dr Seidel
Mr Valentine
Ms Webb
Mr Willie (Teller)

NOES 7

Ms Armitage
Mr Duigan
Mr Gaffney
Mrs Hiscutt
Ms Howlett
Ms Palmer (Teller)
Ms Rattray

So it passed in the Negative.

Clause 24 as read agreed to.

Clauses 25 to 40 agreed to.

New Clause A [Review of Act] to follow clause 39 brought up (*Ms Lovell*) and read the First time as follows:—

A Review of Act

(1) In this section –

"civil society organisation" means a non-profit, non-government voluntary organisation organised on a local, national or international level;

"independent review" means a review carried out by a person or persons –

- (a) appointed by the Minister who, in the Minister's opinion, are appropriately qualified for that task; and
 - (b) that include one or more persons who are not State Service employees or State Service officers or employees of any agency of the State.
- (2) The Minister is to cause an independent review of the operation of this Act to be carried out as soon as practicable after the fourth anniversary of the commencement of this section.
- (3) In carrying out an independent review under this section, a person is to –
- (a) consult with –
 - (i) any civil society organisations the person considers relevant; and
 - (ii) the public; and
 - (b) examine the extent to which the Tasmanian national preventive mechanism is fulfilling its purpose and functions under the Optional Protocol; and
 - (c) examine the extent to which the purpose of this Act is being fulfilled; and

- (d) consider whether or not any specific appointment or appointments, as a Tasmanian national preventive mechanism, under section 8 is the most desirable approach for Tasmania to meet its obligations under the Optional Protocol; and
 - (e) examine such other matters, requested by the Minister, as the Minister may consider relevant to the review.
- (4) A person who carries out a review under this section is to give the Minister a written report on the outcome of the review.
- (5) The Minister is to –
- (a) cause a copy of a report, given to the Minister under this section, to be tabled in each House of Parliament within 10 sitting-days of the House after it is given to the Minister; and
 - (b) provide a copy of the report to the National Preventive Mechanism Coordinator.

New Clause A was, by leave, withdrawn. (Ms Lovell)

To report progress and seek leave to sit again.

The Council being resumed, Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, tomorrow, again resolve itself into the said Committee.

17 BILL NO. 52.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Justices Act 1959*’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 11 November 2021

MARK SHELTON, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

18 BILL NO. 59.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to postpone the repeal of the *Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998*’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 11 November 2021

MARK SHELTON, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

19 BILL NO. 55.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to encourage the diversion of waste from landfill, increase the recovery of resources from waste, impose a levy on waste received at a landfill facility and provide for a rebate in relation to that levy in certain circumstances, provide for standards and guidelines to be made in relation to landfill and resource recovery facilities, establish the Tasmanian Waste and Resource Recovery Board, and for related purposes ’,

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

House of Assembly, 11 November 2021

MARK SHELTON, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

20 BILL NO. 53.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to amend the *Education Act 2016*, the *Education and Care Services National Law (Application) Act 2011*, the *Office of Tasmanian Assessment, Standards and Certification Act 2003*, the *Teachers Registration Act 2000*, the *Training and Workforce Development Act 2013*, the *Vocational Education and Training (Commonwealth Powers) Act 2011* and associated statutory rules’,

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

House of Assembly, 11 November 2021

MARK SHELTON, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

21 ADJOURNMENT.— *Ordered,* That the Council will at its rising adjourn until 11.00 o’clock am on Tuesday, 16 November 2021. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council do now adjourn.

It was resolved in the Affirmative.

The Council adjourned at 11.23 o’clock p.m.

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

Briefings:

- *OPCAT Implementation Bill 2021 (No. 49)*
- *Housing Land Supply Bill 2021 (No. 51)*