



TASMANIA

# LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 15

WEDNESDAY, 19 OCTOBER 2022

- 1 COUNCIL MEETS.**— The Council met at 11.00 o'clock in the forenoon.
- 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 PAPER.**— The Clerk of the Council laid upon the Table the Taxi and Hire Vehicle Industries Act 2008: Statutory Rules 2022, No. 64, containing Taxi Industry Amendment (Remote Electronic Updates) Regulations 2022.
- 5 DISCLOSURE OF MEMBERS' INTERESTS.**— In accordance with Sections 19 and 20 of the *Parliamentary (Disclosure of Interests) Act 1996* (Act No. 22), the Clerk of the Council laid upon the Table of the Council the Primary Return of the newly elected Member for Pembroke and the Register of Members' Interests for 2021/2022 for Members representing the electoral divisions of Derwent; Elwick; Hobart; Launceston; McIntyre; Mersey; Montgomery; Murchison; Nelson; Prosser; Rosevears; Rumney; and Windermere;
- The Primary Return and the Ordinary Returns having been lodged with the President and this day Tabled and placed on the public record, are deemed to have been published.
- 6 BILL NO. 20.** — The Vehicle and Traffic Amendment (Driver Distraction and Speed Enforcement) Bill 2022 was read the Third time and passed.
- 7 BILL NO. 20.**— A Message to the House of Assembly:—
- MR SPEAKER,
- The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Vehicle and Traffic Act 1999* and the *Traffic Act 1925*’.
- Legislative Council, 19 October 2022* C.M. FARRELL, *President*
- 8 BILL NO. 41.**— The Order of the Day was read for the Second reading of the Justice Miscellaneous (Advance Care Directives) Bill 2022.
- A Motion was made (Mrs *Hiscutt*), 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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 17 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

*Ordered*, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**9 BILL NO. 63 OF 2021.**— The Order of the Day was read for the further consideration in Committee of the Climate Change (State Action) Amendment Bill 2021.

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

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 as read further considered and agreed to.

Clauses 2 and 3 agreed to.

Clause 4 Amendment proposed (Ms *Lovell*)

Page 6, after paragraph (a).

*Insert* the following paragraph:

(ab) by inserting the following definition after the definition of *emissions offset programs*:

**"fair and equitable transition"** means a transition towards a low-carbon economy that is just and fair and maximises opportunities for decent jobs, economic prosperity and social inclusion;

**10 SITTING SUSPENDED.**— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

**11 QUESTION TIME.**— The President called for Questions without Notice. There were six Questions asked.

*Ordered*, That Mrs *Hiscutt* have leave to Table an answer to Question from the Member for Elwick (Mr Willie) regarding complaints to Metro Tasmania about violence and antisocial behaviour and related matters and have the answer incorporated into the Hansard record.

**12 BILL NO. 63 OF 2021.**— The Council again resolved itself into a Committee on the Climate Change (State Action) Amendment Bill 2021.

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(In the Committee)

Ms *Forrest* in the Chair.

Clause 4, Proposed amendment further considered.

Question put, That the amendment be agreed to.

Committee divided.

AYES 6

Mr *Edmunds*  
Ms *Lovell*  
Ms *Rattray*  
Mr *Valentine*  
Ms *Webb* (Teller)  
Mr *Willie*

NOES 8

Ms *Armitage*  
Mr *Duigan*  
Ms *Forrest*  
Mr *Gaffney*  
Mr *Harriss*  
Mrs *Hiscutt*  
Ms *Howlett* (Teller)  
Ms *Palmer*

So it passed in the Negative.

Clause 4 as read agreed to.

Clause 5 Amendment proposed (Ms *Lovell*)

Page 8, proposed new section 4, paragraph (e), after “government”.

*Insert “, relevant unions, the peak body representing trade unions”.*

Question put, That the Amendment be agreed to.

Committee divided.

AYES 9

Ms *Armitage* (Teller)  
Mr *Edmunds*  
Ms *Forrest*  
Mr *Gaffney*  
Ms *Lovell*  
Ms *Rattray*  
Mr *Valentine*  
Ms *Webb*  
Mr *Willie*

NOES 5

Mr *Duigan*  
Mr *Harriss* (Teller)  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Palmer*

It was resolved in the Affirmative.

Clause 5 as amended agreed to.

To report progress and seek leave to sit again.

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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, at a later hour, again resolve itself into the said Committee.

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

**14 SUSPENSION OF SESSIONAL ORDER.**— *Ordered*, That so much of Sessional Orders relating to the 4.00 o'clock p.m. break be suspended so as to enable the Council to sit beyond 4.00 o'clock pm for this day's sitting. (Mrs *Hiscutt*).

**15 BILL NO. 63 of 2021.**— The Council, according to Order, again resolved itself into a Committee on the Climate Change (State Action) Amendment Bill 2021.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 6 Amendment Proposed (Ms *Lovell*)

Page 9, proposed new section 5, subsection (1).

*Leave out* “30 June 2030”.

*Insert instead* “31 December 2023”.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 6

Mr *Edmunds* (Teller)  
Mr *Gaffney*  
Ms *Lovell*  
Mr *Valentine*  
Ms *Webb*  
Mr *Willie*

NOES 8

Ms *Armitage*  
Mr *Duigan*  
Ms *Forrest*  
Mr *Harriss*  
Mrs *Hiscutt*  
Ms *Howlett* (Teller)  
Ms *Palmer*  
Ms *Rattray*

So it passed in the Negative.

Further Amendment proposed (Ms *Webb*)

Page 9, proposed new section 5, after subsection (2).

*Insert* the following subsections:

- (3) Within 12 months after the day on which the *Climate Change (State Action) Amendment Act 2022* takes effect, the Minister is to set an absolute greenhouse gas emissions reduction target for Tasmania to achieve by no later than 31 December 2030.
- (4) The Minister is to review and reset the absolute greenhouse gas emissions target whenever a climate change action plan is prepared.
- (5) In this section –
- "absolute greenhouse gas emissions"** means measured or estimated greenhouse gas emissions which do not include any account of carbon sequestration through natural or artificial processes.

Question put, That the amendment be agreed to.

Committee divided.

AYES 7

Mr *Edmunds*  
Ms *Forrest*  
Mr *Gaffney*  
Ms *Lovell* (Teller)  
Mr *Valentine*  
Ms *Webb*  
Mr *Willie*

NOES 7

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

So it passed in the Negative.

Clause 6 Further amendment proposed (Ms Webb)

Same page, proposed new section 5A, subsection (1).

*Leave out "5 years".*

*Insert instead "3 years".*

Question put, That the amendment be agreed to.

Committee divided.

AYES 4

Ms Armitage  
Mr Gaffney (Teller)  
Mr Valentine  
Ms Webb

NOES 10

Mr Duigan (Teller)  
Mr Edmunds  
Ms Forrest  
Mr Harriss  
Mrs Hiscutt  
Ms Howlett  
Ms Lovell  
Ms Palmer  
Ms Rattray  
Mr Willie

So it passed in the Negative.

Clause 6 Further Amendment proposed

Page 10, same proposed new section, subsection (4), after "adopt".

*Insert "and numerical estimates of the emissions reductions that the plan is likely to bring about".*

Question being put, That the amendment be agreed to.

Committee divided.

AYES 7

Mr Edmunds  
Mr Gaffney (Teller)  
Ms Lovell  
Ms Rattray  
Mr Valentine  
Ms Webb  
Mr Willie

NOES 7

Ms Armitage  
Mr Duigan  
Ms Forrest  
Mr Harriss  
Mrs Hiscutt (Teller)  
Ms Howlett  
Ms Palmer

So it passed in the Negative.

Clause 6 Amendment made (Ms Lovell)

Page 11, proposed new section 5A, subsection (6), paragraph (e), after "government".

*Insert " , relevant unions, the peak body representing trade unions".*

To report progress and seek leave to sit again.

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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.

**16 ADJOURNMENT.**—*Resolved*, That the Council will, at its rising adjourn until 11.00 o'clock a.m. on Tuesday, 25 October 2022. (Mrs *Hiscutt*)

*Resolved*, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 6.06 o'clock p.m.

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

***Briefings***

- *Climate Change (State Action) Amendment Bill 2021 (No. 63 of 2021)*
- *Justice Miscellaneous (Advance Care Directives) Bill 2022 (No. 41)*