



LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 27

THURSDAY, 18 NOVEMBER 2021

- 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 **BILL NO. 59.** — The Repeal of Regulations Postponement Bill 2021 was read the Third time and passed.
- 5 **BILL NO. 59.**— 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 postpone the repeal of the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998’.

Legislative Council, 18 November 2021

C.M. FARRELL, *President*

- 6 **BILL NO. 57.**— The Order of the Day was read for the Second reading of the Traffic Amendment (Personal Mobility Devices) Bill 2021.

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 6 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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*)

7 BILL NO. 45.— The Order of the Day was read for further consideration in Committee of the Gaming Control Amendment (Future Gaming Market) Bill 2021.

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

(In the Committee)

Ms *Forrest* in the Chair.

Clause 69 read.

Amendment proposed (Ms *Webb*)

Page 98, paragraph (c), after proposed new subsection (3A).

Insert the following subsection:

- (X) If a request is made under subsection (2), to amend a venue licence for licensed premises so the licence is endorsed with one or more gaming machine authorities, and gaming machines have operated at the licensed premises in the 6-month period immediately before the request, the Commission –
- (a) must have regard to the community interest in considering that request; and
 - (b) must not amend the venue licence so that it is endorsed with one or more gaming machine authorities if the Commission considers that to do so would not be in the community interest.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 5

Ms *Armitage*
Mr *Gaffney* (Teller)
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

Pair: Ms *Rattray*

NOES 6

Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett* (Teller)
Ms *Lovell*
Ms *Palmer*
Mr *Willie*

Pair: Ms *Siejka*

So it passed in the Negative.

Clause 69 as read agreed to.

Clauses 70 and 71 agreed to.

Clause 72 Amendment proposed. (Ms *Webb*)

First amendment

Page 105, proposed new section 48A, after subsection (4).

Insert the following subsection:

- (Z) If an application is made to transfer gaming machine authorities under this section and gaming machines have operated at the secondary premises at any time in the 6-month period immediately before the application was made, the Commission –
- (a) must have regard to the community interest in considering that application; and
 - (b) must not grant the application if the Commission considers that granting the application would not be in the community interest.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 5

Ms Forrest
Mr Gaffney (Teller)
Dr Seidel
Mr Valentine
Ms Webb

NOES 8

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

So it passed in the Negative.

Further Amendment proposed (*Ms Webb*)

Second amendment

Page 107, proposed new section 48B, after subsection (2).

Insert the following subsection:

- (X) The Commission –
- (a) must have regard to the community interest in considering an application under subsection (1) to increase the number of gaming machine authorities endorsed on a venue licence; and
 - (b) must not grant an application under subsection (3) if the Commission considers that granting the application would not be in the community interest.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 6

Ms Armitage
Ms Forrest
Mr Gaffney
Dr Seidel
Mr Valentine
Ms Webb (Teller)

NOES 6

Mr Duigan
Mrs Hiscutt
Ms Howlett
Ms Lovell (Teller)
Ms Palmer
Mr Willie

Pair: *Ms Rattray*

Pair: *Ms Siejka*

The Votes being equal it passed in the Negative.

Clause as read agreed to.

Clause 73 read.

8 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.

9 QUESTION TIME.— The President called for Questions without Notice. There was one Question asked.

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

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

12 BILL NO. 45.— The Council again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 73 as read further considered.

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 directed her to report progress and seek leave for the Committee to sit again for the purpose of reconsidering Clause 73 Subclause 48I.

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

The Council, accordingly, resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 73 (Subclause 48I) as read reconsidered.

Amendment made. (Mr *Gaffney*)

Page 116, proposed new section 48I, subsection (2), after paragraph (g).

Insert the following paragraphs:

- (ga) the applicant has a history of not complying with a law of any jurisdiction in Australia relating to industrial relations or workplace safety; and
- (gb) the applicant will have appropriate systems and processes in place to ensure that each person who is engaged, or employed, by the applicant, is not subject to discrimination, harassment or other adverse action by the applicant, or by a

person engaged or employed by the applicant, if the person provides information relating to –

- (i) the compliance of the applicant with the requirements of this Act; or
- (ii) conduct of the applicant; and

Clause 73 as amended agreed to.

Clause 74 agreed to.

Clause 75 Amendments proposed (Ms Webb)

First amendment

Page 139, paragraph (b).

Leave out “subsection”.

Insert instead “subsections”.

Second amendment

Same page, paragraph (b), at the foot of proposed new subsection (3).

Insert the following subsections:

- (4) A casino operator, venue operator, keno operator, monitoring operator, licensed provider or minor gaming operator must not allow a special employee employed by the operator or provider to perform any functions of a special employee unless that special employee holds a certificate of completion for an approved training course.

Penalty: Fine not exceeding 50 penalty units.

- (5) A special employee must not perform any functions of a special employee unless that special employee holds a certificate of completion for an approved training course.

Penalty: Fine not exceeding 50 penalty units.

- (6) Subsections (4) and (5) do not apply in relation to a special employee until the end of the 6-month period after the Commission has approved a training course under section 56B.

- (7) In this section –

"approved training course" means a training course approved by the Commission under section 56B;

"certificate of completion" means a certificate issued by the provider of an approved training course certifying that the special employee has completed the approved training course.

Question put, That the Amendments be agreed to.

Committee divided.

AYES 4

Mr *Gaffney*
Dr *Seidel*
Mr *Valentine*
Ms *Webb* (Teller)

NOES 8

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

So it passed in the Negative.

Clause as read agreed to.

Clauses 76 to 82 agreed to.

Clause 83 read.

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

13 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 4.39 o'clock p.m. and resumed at 4.57 o'clock p.m.

14 BILL NO. 45.—The Council, according to order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021

(In the Committee)

Ms *Forrest* in the Chair.

Clause 83 as read agreed to.

Clauses 84 to 116 agreed to.

Clause 117 Amendments proposed (Ms *Webb*)

First amendment

Page 173, proposed new section 101D, subsection (2).

Leave out “587”.

Insert instead “361”.

Second amendment

Same page, same proposed new section, subsection (3).

Leave out “than 587”.

Insert instead “than 361”.

Third amendment

Same page, same proposed new section, same subsection.

Leave out “exceeds 587”.

Insert instead “exceeds 361”.

Fourth amendment

Page 174, same proposed new section, subsection (4).

Leave out “than 587”.

Insert instead “than 361”.

Fifth amendment

Page 174, same proposed new section, same subsection.

Leave out “exceeds 587”.

Insert instead “exceeds 361”.

Question put, That the Amendments be agreed to.

Committee divided.

AYES 3

Dr Seidel
Mr Valentine (Teller)
Ms Webb

NOES 9

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

So it passed in the Negative.

Clause as read agreed to.

Clauses 118 to 136 agreed to.

Clause 137 read.

Question put, That the Clause as read be agreed to.

Committee divided.

AYES 7

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

NOES 5

Ms Armitage
Mr Gaffney
Dr Seidel
Mr Valentine (Teller)
Ms Webb

Pair: *Ms Siejka*

Pair: *Ms Rattray*

It was resolved in the Affirmative.

Clause 138 agreed to.

Clause 139 read

Ms Rattray in chair

To report progress and seek leave to sit again.

The Council being resumed Ms *Rattray* 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.

15 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 6.43 o'clock p.m. and resumed at 7.47 o'clock p.m.

16 BILL NO. 45.—The Council, according to order, again resolved itself into a Committee on the Gaming Control Amendment (Future Gaming Market) Bill 2021.

Clause 139 as read further considered.

Question put, That the Clause as read be agreed to.

Committee divided.

AYES 7

Ms *Armitage*
Mr *Duigan*
Mrs *Hiscutt*
Ms *Howlett*
Ms *Lovell*
Ms *Palmer* (Teller)
Mr *Willie*

Pair: Ms *Siejka*

NOES 5

Ms *Forrest*
Mr *Gaffney* (Teller)
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

Pair: Ms *Rattray*

It was resolved in the Affirmative.

Clauses 140 to 152 agreed to.

Clause 153 Amendment proposed. (Ms *Webb*)

Page 202, paragraph (c).

Leave out 87%.

Insert instead “92%”.

Question put, That the Amendment be agreed to.

Committee divided.

AYES 4

Mr *Gaffney*
Dr *Seidel*
Mr *Valentine* (Teller)
Ms *Webb*

NOES 8

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

So it passed in the Negative.

Clause as read agreed to.

Clause 154 agreed to.

Clause 155 Request proposed (Ms Forrest)

That the House of Assembly be requested to amend Clause 155 by inserting the following subsections after subsection (1) in proposed new section 148:

- (X) The annual licence fee payable for a gaming machine authority endorsed on a venue licence for licensed premises in any year (the “relevant year”) is –
- (a) if, in the 12-month period immediately preceding the relevant year, the average gross profit for the licensed premises for that period is –
- (i) less than \$20,000 – \$1; and
 - (ii) \$20,000 or more but less than \$40,000 – \$1 plus 10% of each dollar of those average gross profits over \$20,000; and
 - (iii) \$40,000 or more but less than \$60,000 – \$2,001 plus 20% of each dollar of those average gross profits over \$40,000; and
 - (iv) \$60,000 or more in the 12-month period immediately preceding the relevant year – \$6,001 plus 30% of each dollar of those average gross profits over \$60,000; and
- (b) if there are no average gross profit amounts for the relevant licensed premises for the 12-month period immediately preceding the relevant year, \$1,000.
- (Y) For the purposes of subsection (x), the *average gross profit* for a licensed premises in a 12-month period before any relevant year (within the meaning of that subsection) is calculated by dividing the total gross profit during the 12-month period, that are derived from all gaming machines in the licensed premises, by the maximum number of gaming machines in the licensed premises, at any one time, during the 12-month period.

Ordered, That Ms *Forrest* have leave to Table information about EGM taxes and licence fees and have the information incorporated into the Hansard record.

Question put, That the Request be agreed to.

Committee divided.

AYES 5

Ms *Forrest*
Mr *Gaffney* (Teller)
Dr *Seidel*
Mr *Valentine*
Ms *Webb*

NOES 8

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

So it passed in the Negative.

Clause 155 as read agreed to.

Clauses 156 to 159 agreed to.

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 ADJOURNMENT.— *Ordered*, That the Council will at its rising adjourn until 11.00 o'clock am on Monday 22, November 2021.

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

The Council adjourned at 9.55 o'clock p.m.

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

Briefing:

- *Traffic Amendment (Personal Mobility Devices) Bill 2021 (No. 57)*