



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 49

FRIDAY, 6 MARCH 2020

1 COUNCIL MEETS.— The Council met at 9.00 o'clock in the forenoon and the President read Prayers.

2 PAPERS.— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Government Business Scrutiny Committee 'A' 2019: Report with Minutes of Proceedings.
- (2) Government Business Scrutiny Committee 'B' 2019. Report with Minutes of Proceedings.
- (3) Expungement of Historical Offences Act 2017- Annual Report 2018-2019.
- (4) 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 prepared in accordance with section 39A of the Family Violence Act 2004. Dated: 11 December 2019.
- (5) Living Marine Resources Management Act 1995: Fisheries (Scallop Management Plan) Order 2019.
- (6) Living Marine Resources Management Act 1995: Statutory Rules 2019, No. 67 containing Fisheries Rules 2019.
- (7) Water and Sewerage Industry Act 2008: Statutory Rules 2019, No. 69 containing Water and Sewerage Industry (Customer Service Standards) Regulations 2019.
- (8) Inland Fisheries Act 1995: No. 70, containing Inland Fisheries Regulations 2019.
- (9) Environmental Management and Pollution Control Act 1994: Statutory Rules 2019, No. 74 containing Environmental Management and Pollution Control (Amendment of Schedule 2) Order 2019.
- (10) Litter Act 2007: Statutory Rules 2019, No. 75 containing Litter (Infringement Offences) Amendment Regulations 2019.
- (11) National Parks and Reserves Management Act 2002: Statutory Rules 2019, No. 76 containing National Parks and Reserves Management Regulations 2019.
- (12) Public Trustee Act 1930: Statutory Rules 2019, No. 77 containing Public Trustee Regulations 2019.
- (13) Environmental Management and Pollution Control Act 1994: Statutory Rules 2020, No. 4 containing Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2020.

(14) Kingborough Council: Bruny Island Cat By-Law. By-Law No. 1 of 2018.

(15) Burnie City Council: Street Dining By-Law. By-Law No. 1 of 2020.

3 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Kate Warner, Governor

A Bill for an Act to establish a criminal and general division of the Magistrates Court, to provide for the conduct of proceedings in that division and to provide for related matters
Magistrates Court (Criminal and General Division) Act 2019
(Bill No 27; Act No 43 of 2019)

A Bill for an Act to consequentially amend certain Acts on the enactment of the *Magistrates Court (Criminal and General Division) Act 2019*
Magistrates Court (Criminal and General Division) (Consequential Amendments) Act 2019
(Bill No 28 of 2019; Act No 44 of 2019)

A Bill for an Act to provide for the issue and enforcement of restraint orders and for related matters
Restraint Orders Act 2019
(Bill No 29 of 2019; Act No 47 of 2019)

A Bill for an Act to amend the *Public Works Committee Act 1914*
Public Works Committee Amendment Act 2019
(Bill No 32 of 2019; Act No 42 of 2019)

A Bill for an Act to amend the *Inland Fisheries Act 1995*
Inland Fisheries Amendment (Royalties) Act 2019
(Bill No 46 of 2019; Act No 46 of 2019)

A Bill for an Act to amend the *Gaming Control Act 1993*
Gaming Control Amendment (Wagering) Act 2019
(Bill No 51 of 2019; Act No 45 of 2019)

having been presented to the Governor for the Royal Assent, she has, in the name of Her Majesty the Queen, assented to the said Bills.

Government House, Hobart, 12 December 2019

4 ROYAL ASSENT TO BILL.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Kate Warner, Governor

A Bill for an Act to make provision for the establishment and management of cemeteries and crematoria, to provide for, and regulate, the handling and storage of human remains and to repeal the *Burial and Cremation Act 2002*
Burial and Cremation Act 2019
(Bill No. 42 of 2019; Act No. 50 of 2019)

having been presented to the Governor for the Royal Assent, she has, in the name Her Majesty the Queen, assented to the said Bill.

Government House, Hobart, 13 December 2019

5 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Kate Warner, Governor

A Bill for an Act to amend the *Civil Liability Act 2002* in relation to the liability of organisations for child abuse and to amend the *Limitation Act 1974* in relation to settlements of certain actions in respect of child abuse, and for related purposes
Justice Legislation Amendment (organisational Liability for Child Abuse) Act 2019
(Bill No 36 of 2019; Act No 48 of 2019)

A Bill for an Act to amend the *Public Sector Superannuation Reform Act 2016*
Public Sector Superannuation Reform Amendment Act 2019
(Bill No 41 of 2019; Act No 52 of 2019)

A Bill for an Act to amend the *Dog Control Act 2000*
Dog Control Amendment Act 2019
(Bill No 43 of 2019; Act No 53 of 2019)

A Bill for an Act to amend the *Poisons Act 1971*
Poisons Amendment Act 2019
(Bill No 45; Act No 51 of 2019)

A Bill for an Act to amend the *Long Service Leave (State Employees) Act 1994*
Long Service Leave (State Employees) Amendment Act 2019
(Bill No 47 of 2019; Act No 49 of 2019)

having been presented to the Governor for the Royal Assent, she has, in the name of Her Majesty the Queen, assented to the said Bills.

Government House, Hobart, 18 December 2019

6 BILL NO. 54.— 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 *Workplaces (Protection from Protesters) Act 2014*’,

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

House of Assembly, 28 November 2019

S. HICKEY, *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*)

7 ATTENDANCE OF MEMBERS OF LEGISLATIVE COUNCIL WHO ARE MINISTERS OF THE CROWN AT HOUSE OF ASSEMBLY QUESTION TIME.

— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly having agreed to the following Resolution begs now to transmit the same and requests its concurrence therein: -

Resolved, That whereas Standing Order 50 of the House of Assembly provides as follows:-

“When Members of the Legislative Council are commissioned as Ministers of the Crown:-

- (1) The House may seek the attendance of Members of the Legislative Council who are Ministers of the Crown by separate message requesting that leave be given to those Ministers to attend the Assembly so as to respond specifically to

Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

- (2) The Standing Orders and practices of the House of Assembly have application, with qualification in relation to the requirement for any punishment for offences which constitute a contempt of the Assembly, committed by a Member of the Legislative Council, be not enforced until concurred with by the Legislative Council.
- (3) The Speaker shall have sufficient authority over a Member of the Legislative Council participating in Question Time so as to retain control of proceedings and maintain the decorum of the House.
- (4) A Member of the Legislative Council attending in the Assembly be not eligible to vote, be counted for the purpose of a quorum, attempt to make any motion or act in a way to initiate any business whatsoever.
- (5) A Member of the Legislative Council attending the Assembly be not subject to Questions beyond the time of 10.50 a.m. on any sitting day on which sittings of the Legislative Council are to commence.”

the House of Assembly accordingly, requests that the Legislative Council give leave for any Member of the Legislative Council who is a Minister of the Crown to attend the Assembly so as to respond specifically to Questions without Notice seeking information of the kind covered by the Standing Orders of the House of Assembly.

House of Assembly, 3 March 2020

S. HICKEY, *Speaker*

Ordered, That the Message be taken into consideration tomorrow. (Mrs *Hiscutt*)

8 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Tuesday, 17 March 2020.

It was resolved in the Affirmative.

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

The Council adjourned at 9.09 o'clock a.m.

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