



LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 20

THURSDAY, 28 OCTOBER 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 **PAPERS.**— The Deputy Clerk of the Council laid upon the Table the following Papers:—
 - (1) Legislative Council: Annual Report 2020-2021.
 - (2) House of Assembly: Annual Report 2020-2021.
 - (3) Integrity Commission: Annual Report 2020-2021.
 - (4) Treasurer’s Annual Financial Report 2020-2021.
 - (5) Department of State Growth: Annual Report 2020-2021.
 - (6) Department of Health: Annual Report 2020-2021.
 - (7) TasNetworks: Annual Report 2020-2021.
 - (8) Department of Communities: Annual Report 2020-2021.
 - (9) Sustainable Timber Tasmania: Annual Report 2020-2021.
 - (10) Private Forests Tasmania: Annual Report 2020-2021.
 - (11) Hydro Tasmania Pty Ltd: Annual Report 2020-2021.
 - (12) Council of Obstetric & Paediatric Mortality & Morbidity: Annual Report 2019.
 - (13) Tasracing Pty Ltd: Annual Report 2020-2021.
 - (14) Tourism Tasmania: Annual Report 2020-2021.
 - (15) TT-Line Company Pty Ltd: Annual Report 2020-2021.
 - (16) Macquarie Point Development Corporation: Annual Report 2020-2021.
 - (17) Report of the Tasmanian Industrial Commission ‘Review of Actions’ 2020-21.
 - (18) TasPorts: Annual Report 2020-2021.

- (19) Legal Profession Board of Tasmania: Annual Report 2020-2021
- (20) Public Trustee: Annual Report 2020-2021.
- (21) Department of Justice: Annual Report 2020-2021.
- (22) The Mental Health Tribunal: Annual Report 2020-2021.
- (23) Department of Education: Annual Report 2020-2021.
- (24) Chief Civil Psychiatrist and Chief Forensic Psychiatrist: Annual Report 2020-2021.
- (25) TasTAFE: Annual Report 2020-2021.
- (26) Water and Sewerage Industry Act 2008: Statutory Rules 2021, No. 74, containing Water and Sewerage Industry (Pricing and Related Matters) Regulations 2021.
- (27) Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011: Statutory Rules 2021, No. 81, containing Asbestos-Related Diseases (Occupational Exposure) Compensation Regulations 2021.

5 BILL NO. 45.— 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 *Gaming Control Act 1993* and the *TT Line Gaming Act 1993*, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 27 October 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*)

6 JOINT SELECT COMMITTEE: 2021 STATE AND LEGISLATIVE COUNCIL ELECTIONS.— A Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly having taken into consideration the following Resolution communicated to it from the Legislative Council, on the 29 June 2021—

Resolved, That a Joint Select Committee be appointed with power to send for persons and papers, with leave to sit during any with leave to sit during any adjournment of either House and with leave to adjourn from place to place to inquire into and report upon —

- (1) All aspects of the conduct of the 2021 state election and 2021 Legislative Council elections and matters related thereto; and
- (2) That the number of Members to serve on the said Committee on the part of the Legislative Council be four.

Has not agreed to the said Resolution.

House of Assembly, 27 October 2021

MARK SHELTON, *Speaker*.

7 BILL NO. 46.— The Tasmanian Civil and Administrative Tribunal Amendment Bill 2021 was read the Third time and passed.

8 BILL NO. 46.— 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 *Tasmanian Civil and Administrative Tribunal Act 2020*'.

Legislative Council, 28 October 2021

C.M. FARRELL, *President*

9 BILL NO. 47. — The Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021 was read the Third time and passed.

10 BILL NO. 47.— 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 certain Acts and regulations, and to repeal or rescind certain Acts and regulations, consequential to the enactment of the *Tasmanian Civil and Administrative Tribunal Amendment Act 2021*'.

Legislative Council, 28 October 2021

C.M. FARRELL, *President*

11 BILL NO. 39. — The Validation Bill 2021 was read the Third time and passed.

12 BILL NO. 39.— 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 the *Guardianship and Administration Act 1995*, the *Industrial Relations Act 1984*, the *Justices of the Peace Act 2018*, the *Legal Profession Act 2007*, the *Mental Health Act 2013* and the *Workers Rehabilitation and Compensation Act 1988*, so as to validate certain appointments, actions and decisions purportedly made under those Acts, and to amend certain provisions of the *Industrial Relations Act 1984* in relation to the appointment of members of the Tasmanian Industrial Commission and to provide for certain transitional arrangements in relation to such amendments'.

Legislative Council, 28 October 2021

C.M. FARRELL, *President*

13 BILL NO. 42. — The Mutual Recognition (Tasmania) Amendment Bill 2021 was read the Third time and passed.

14 BILL NO. 42.— 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 the *Mutual Recognition (Tasmania) Act 1993*'.

Legislative Council, 28 October 2021

C.M. FARRELL, *President*

15 BILL NO. 35. — The Poisons Amendment Bill 2021 was read the Third time and passed.

16 BILL NO. 35.— 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 the *Poisons Act 1971*'.

Legislative Council, 28 October 2021

C.M. FARRELL, *President*

17 BILL NO. 43.— The Order of the Day was read for the Second reading of the Land (Miscellaneous Amendments) 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 164 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.

18 BILL NO. 40.— The Order of the Day was read for the Second reading of the Alcohol and Drug Dependency Repeal 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.

Ordered, That the Debate be adjourned. (Mrs *Hiscutt*)

19 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 12.10 o'clock p.m. and resumed at 2.30 o'clock p.m.

20 QUESTION TIME.— The President called for Questions without Notice. There were seven Questions asked.

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

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

23 ANNUAL REPORT OF THE JOINT PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION.— Ms *Ratray* presented the Annual Report of the Joint Parliamentary Standing Committee on Subordinate Legislation for 2020-2021.

Ordered, That the Report be received. (Ms *Ratray*)

24 REPORT OF THE JOINT PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION.— Ms *Ratray* presented a Report of the Joint Parliamentary Standing Committee on Subordinate Legislation in relation to the Scrutiny of Notice issued under section 20 of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Guardianship and Administration Board); and Scrutiny of Notice issued under section 20 of the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020* (Resource Management and Planning Appeal Tribunal) – Report 17.

Ordered, That the Report be received. (Ms *Ratray*)

Ordered, That the Report be printed. (Ms *Ratray*)

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

26 ORDER OF BUSINESS.— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 8. (Mrs *Hiscutt*)

27 BILL NO. 26.— The Order of the Day was read for the Second reading of the Living Marine Miscellaneous Amendments (Digital Processes) 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 29 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*)

28 BILL NO. 40.— The Council, according to Order, resumed the Debate on the Question, That the Alcohol and Drug Dependency Repeal Bill 2021 be now read the Second time.

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 8 agreed to.

Clause 9 Amendment proposed (Dr *Seidel*)

Page 7, paragraph (b).

Leave out the paragraph.

The proposed Amendment was, by leave, withdrawn.

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.

29 ADJOURNMENT.— *Ordered*, That the Council will at its rising adjourn until 9.30 o'clock a.m. on Friday, 29 October 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 4.45 o'clock p.m.

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

Briefings:

- *Land (Miscellaneous Amendments) Bill 2021 (No. 43)*
- *Alcohol and Drug Dependency Repeal Bill 2021 (No. 40)*