



# LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 40

WEDNESDAY, 30 OCTOBER 2019

**1 COUNCIL MEETS.**— The Council met at 11.00 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) Office of the Custodial Inspector Tasmania: Annual Report 2018-2019
- (2) Tasmanian Economic Regulator: Annual Report 2018-2019.
- (3) Tasmanian Community Fund: Annual Report 2018-2019.
- (4) Sustainable Timber Tasmania: Annual Report 2018-2019.
- (5) Private Forests Tasmania: Annual Report 2018-2019.
- (6) Tasmania Development and Resources: Annual Report 2018-2019.
- (7) Listening Devices Act 1991: Annual Report 2018-2019.
- (8) Police Powers (Assumed Identities) Act 2006: Annual Report 2018-2019.
- (9) Police Powers (Surveillance Devices) Act 2006: Annual Report 2018-2019.
- (10) Ombudsman Report - Police Powers (Surveillance Devices) Act 2006 and Police Powers (Controlled Operations) Act 2006: Annual Report 2018-2019.
- (11) Activities of Official Visitors: Annual Report 2018-2019.
- (12) Tasmanian Planning Commission: Annual Report 2018-2019.
- (13) Guardianship and Administration Board: Annual Report 2018-2019.
- (14) Teachers Registration Board Tasmania: Annual Report 2018.
- (15) Motor Accidents Insurance Board: Annual Report 2018-2019.
- (16) Legal Profession Board of Tasmania: Annual Report 2018-2019.
- (17) Office of Tasmanian Assessments, Standards & Certification: Annual Report 2018-2019.
- (18) Marine and Safety Tasmania: Annual Report 2018-2019.
- (19) Metro Tasmania: Annual Report 2018-2019.

- (20) Mental Health Tribunal: Annual Report 2018-2019.
- (21) Royal Tasmanian Botanical Gardens: Annual Report 2018-2019.
- (22) TasRail: Annual Report 2018-2019.
- (23) Equal Opportunity Tasmania: Annual Report 2018-2019.
- (24) TT-Line Company Pty Ltd: Annual Report 2018-2019.
- (25) House of Assembly: Annual Report 2018-2019.
- (26) Tasracing Pty Ltd: Annual Report 2018-2019.
- (27) Department of Justice: Annual Report 2018-2019.
- (28) Public Trustee: Annual Report 2018-2019.

**3 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 *Poisons Act 1971*’, to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 29 October 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)

**4 BILL NO. 35.**— 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 *Neighbourhood Disputes About Plants Act 2017*’, to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 29 October 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)

**5 BILL NO. 33.** — The Genetically Modified Organisms Amendment Bill 2019 was read the Third time and passed.

**6 BILL NO. 33.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend section 36 of the *Genetically Modified Organisms Control Act 2004* so as to extend the operation of the Act for a further 10 years’.

*Legislative Council, 30 October 2019*

C.M. FARRELL, *President*

**7 BILL NO. 34.** — The Legal Profession Amendment (Validation) Bill 2019 was read the Third time and passed.

**8 BILL NO. 34.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, 'A Bill for an Act to amend the *Legal Profession Act 2007*'.

*Legislative Council, 30 October 2019*

C.M. FARRELL, *President*

**9 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 11.05 o'clock a.m. and resumed at 12.16 o'clock p.m.

**10 BILL NO. 32.**— The Order of the Day was read for the Second reading of the Public Works Committee Amendment Bill 2019.

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

A Debate arose thereupon.

**11 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.

**12 QUESTION TIME.**— The President called for Questions without Notice. There were nine Questions asked.

**13 BILL NO. 32.**— The Council, resumed the Debate on the Question, That the Public Works Committee Amendment Bill 2019 be now read the second time.

*Ordered*, That Mrs *Hiscutt*, have leave to Table the Tasmanian Construction Industry Round Table Communique and cover letter from the Minister

Mr *Valentine* made a personal explanation in regard to his role as Chair of the Public Works Committee and that he would be withdrawing from the Chamber.

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 3 agreed to.

Clause 4 postponed.

Clauses 5 and 6 agreed to.

Ms *Rattray* in the Chair.

Clause 7 Amendment proposed (Ms *Forrest*)

Page 7,

*Leave out* all words after “Principal Act”.

*Insert instead* “is amended –

- (a) by inserting “or Legislative Council” after “House of Assembly”;
- (b) by omitting “exceed \$5 000 000” and substituting “exceed the relevant monetary threshold in relation to such work”.

And the Question being put,

It was resolved in the Affirmative.

Clause as amended agreed to.

Ms *Forrest* in the Chair.

Clauses 8 to 10 agreed to.

Postponed Clause 4 as read further considered.

Amendment proposed (Mr *Willie*)

Page 5, proposed section 2, definition of *relevant monetary threshold*, paragraph (b).

*Leave out* “\$20 000 000”.

*Insert instead* “\$8 000 000”.

And the Question being put,

It passed in the Negative.

Amendment proposed (Ms *Rattray*)

Page 5, proposed section 2, definition of *relevant monetary threshold*, paragraph (b).

*Leave out* “\$20 000 000”.

*Insert instead* “\$12 000 000”.

Amendment proposed to be made to the main proposed Amendment. (Ms *Armitage*)

Page 5, proposed section 2, definition of *relevant monetary threshold*, paragraph (b).

*Leave out* “\$12 000 000”.

*Insert instead* “\$15 000 000”.

And the Question being put,

It was resolved in the Affirmative.

And the Question being put, that the clause as amended be agreed to

Committee divided.

AYES 7

NOES 5

Ms *Armitage*

Mr *Armstrong*

Mr *Dean*

Mr *Finch* (Teller)

Ms *Lovell* (Teller)

Mr *Gaffney*

Ms *Rattray*

Mrs *Hiscutt*

Ms *Siejka*

Ms *Howlett*

Mr *Willie*

Ms *Webb*

It was resolved in the Affirmative.

Title agreed to.

Bill to be reported with Amendments.

---

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 with Amendments.

*Ordered*, That the consideration of the Bill as amended in Committee be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**14 BILL NO. 41.**— 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 *Public Sector Superannuation Reform Act 2016*’, to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 30 October 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*)

**15 ADJOURNMENT.**— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 11.00 o’clock am on Thursday, 31 October 2019.

And the Question being put,

It was resolved in the Affirmative.

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

The Council adjourned at 5.45 o’clock p.m.

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

*Briefings:*

- *Justice Legislation Amendment (Organisational Liability for Child Abuse) Bill 2019*
- *Disposal of Uncollected Goods Bill 2019*