



# LEGISLATIVE COUNCIL

SESSION OF 2019 - 2021

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 90

TUESDAY, 23 MARCH 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 **E-PETITION.**— Dr *Seidel* brought up an E-Petition from 248 electors of Huon calling on the Government to support the construction of a pedestrian pathway between Oyster Court and Oxleys Road on the Channel Highway, Kettering.  
*Ordered*, That the Petition be received. (Dr *Seidel*)
- 5 **E-PETITION.**— Ms *Forrest* brought up an E-Petition from 718 citizens of Tasmania calling on the Government to ensure support for youth with mental health challenges including eating disorders.  
*Ordered*, That the Petition be received. (Ms *Forrest*)
- 6 **PETITION: GOVERNMENT RESPONSE.**— Mrs *Hiscutt* laid upon the Table of the Council the Government Response to the following Petition: Preservation of Garden Island Creek and Garden Island Sands from erosion and provision of safe beach access.
- 7 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
  - (1) Report of the Auditor-General. No. 10 of 2020-21. Covid-19 – Pandemic response and mobilisation.
  - (2) Office of the Tasmanian Economic Regulator: Energy in Tasmania Report 2019-20.
  - (3) Office of the Custodial Inspector Tasmania: Resources and Systems Inspection Report – Inspection of Youth Custodial Services in Tasmania, 2019.
  - (4) Australian Children’s Education & Care Quality Authority. Annual Report 2019-2020.
  - (5) Traffic Act 1925: Statutory Rules 2020, No. 73, containing Road Amendment (Graduated Licensing) Rules 2020.
  - (6) Traffic Act 1925: Statutory Rules 2020, No. 74, containing Traffic (Compliance and Enforcement) Amendment (Graduated Licensing) Regulations 2020.

- (7) Vehicle and Traffic Act 1999: Statutory Rules 2020, No. 75, containing Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Graduated Licensing) Regulations 2020.

## **8 SPECIAL REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE A.—**

Ms *Forrest* presented a Special Report of Government Administration Committee ‘A’ in relation to an inquiry initiated by the Committee on its own Motion in relation to Rural Health Services.

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

## **9 REPORT OF THE SELECT COMMITTEE ON THE PRODUCTION OF DOCUMENTS.—**

Ms *Forrest* presented a Report of the Legislative Council Select Committee on the Production of Documents, together with evidence taken by the Committee.

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

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

*Ordered*, That consideration of the Report and its noting be made an Order of the Day for Tuesday next. (Mr *Forrest*)

## **10 SPECIAL INTEREST MATTERS.—**

The President advised the Chamber of six Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Ms *Webb* - Kingborough Awards 2021;
- (2) Dr *Seidel* - Lack of adequate pedestrian footpaths in Kettering;
- (3) Mr *Dean* - 2021 Pollie Pedal;
- (4) Ms *Howlett* - Retirement of Dr Myrle Gray;
- (5) Ms *Forrest* - King Island electorate tour; and
- (6) Ms *Rattray* - Clean Up Day.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

## **11 STATEMENT BY THE PRESIDENT –EDITH COWAN .—**

The President said —

“Honourable Members I wanted to make a brief statement to the Council before we proceed to Orders of the Day.

I wanted to draw to the attention of Honourable Members that this year marks the centenary of the election of the first woman Member of an Australian Parliament.

It was Edith Dircksey Cowan who was elected to the Parliament of Western Australia on 12 March 1921. Edith Cowan had always argued for women to be part of public life and stood for election just one year after women were granted the right to sit in the Parliament of Western Australia.

Although a Member of the Government, Edith Cowan advocated strongly for women and children, particularly in the area of health. Although a Member of the Government, she did not always vote on party lines, but she always voted in a way that would benefit women and children. She successfully presented two private Members Bills, to give equal inheritance rights to women when children died intestate and to allow women to enter the legal and other professions.

Although Edith Cowen served only one term, her legacy is significant and should be acknowledged. Women continue to serve in every House of Parliament in Australia and at the highest levels of Government. This year certainly marks a special centenary.”

## **12 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 11.52 o'clock a.m. and resumed at 12.55 o'clock p.m.

**13 BILL NO. 45 OF 2018.**— The Order of the Day was read for resuming the Debate on the Question, That the Public Health Amendment (Prevention of the Sale of Smoking Products to Under-age Persons) Bill 2018 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

**14 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.

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

*Ordered*, That Ms *Howlett*, have leave to Table answer to the Question from Mr Dean regarding State funding provided to AFL Tasmania to support grassroots football.

**16 BILL NO. 45 OF 2018.**— The Council resumed the Debate on the Question, That the Public Health Amendment (Prevention of the Sale of Smoking Products to Under-age Persons) Bill 2018 be now read the Second time.

*Ordered*, That Mr *Dean*, have leave to Table the Menzies Institute for Medical Research, University of Tasmania research into T21 in Tasmania and to Table a Report to the Minderoo Foundation and Smoke Free titled Tasmania T21: Raising the minimum age of tobacco sales in Tasmania to 21 years Economic Analysis dated June 2020.

*Ordered*, That the Debate be adjourned. (Dr *Seidel*)

**17 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 7.01 o'clock p.m. and resumed at 8.00 o'clock p.m.

**18 BILL NO. 45 OF 2018.**— The Council, according to order, resumed the Debate on the Question, That the Public Health Amendment (Prevention of the Sale of Smoking Products to Under-age Persons) Bill 2018 be now read the Second time.

And the Question being put,

The Council divided.

AYES 3

Mr *Dean* (Teller)  
Ms *Forrest*  
Mr *Gaffney*

NOES 11

Ms *Armitage*  
Mrs *Hiscutt* (Teller)  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Ms *Ratray*  
Dr *Seidel*  
Ms *Siejka*  
Mr *Valentine*  
Ms *Webb*  
Mr *Willie*

So it passed in the Negative.

**19 BILL NO 30 OF 2020.**— The Order of the Day was read for taking into consideration the following Message from the House of Assembly —

MR PRESIDENT,

The House of Assembly having agreed, with Amendments to a Bill, intituled ‘A Bill for An Act to provide for, and regulate access to, voluntary assisted dying, to establish the Voluntary Assisted Dying Commission, and for related purposes’

now returns the same to the Legislative Council, and requests its concurrence therein.

*House of Assembly, 4 March 2021*

S. HICKEY, *Speaker*

*Ordered*, That the Council resolve itself into a Committee to consider the Amendments made by the House of Assembly. (Mr Gaffney)

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.

*Ordered*, that the following amendments made by the Assembly be agreed to. (Mr Gaffney)

Clauses 3 (3 amendments), 5 (6 amendments), 6, 9 (3 amendments), 10, 15 (2 amendments), 18, 20, 25 (3 amendments), 26, 29(2 amendments), 32 (3 amendments), 36 (2 amendments), 43, 45, 46 (3 amendments), 50 (2 amendments), 5 (3 amendments), 58 (2 amendments), 59 (3 amendments), 76, 79 (3 amendments), 82, 86 (3 amendments), 87, 91, 92 (2 amendments), 93 (2 amendments), 94, 100, 101 (3 amendments), 104, 112, 113 (3 amendments), 117, 123, 127, 128, 130, 132 (2 amendments), 134 (4 amendments), 135, 139 (2 amendments) and New Clauses A, B and C.

Chair to Report a certain Resolution.

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The Council being resumed, Ms Forrest reported that the Committee had considered the Amendments to it referred, and reported a certain Resolution which was read by the Clerk as follows:-

That the Amendments made by the House of Assembly be agreed to.

*Resolved*, That the said Resolution be agreed to. (Mr Gaffney)

*Ordered*, That a Message be transmitted to the House of Assembly acquainting that House accordingly. (Mr Gaffney)

**20 BILL NO. 30 OF 2020.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has agreed to Amendments made by the House of Assembly, to a Bill intituled — ‘A Bill for an Act to provide for, and regulate access to, voluntary assisted dying, to establish the Voluntary Assisted Dying Commission, and for related purposes’

*Legislative Council, 23 March 2021*

C.M. FARRELL, *President*

**21 BILL NO. 28 OF 2020.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill, intituled — ‘A Bill for an Act to provide for the protection of the community from persons who have committed offences involving violence, or an element of violence, and who are declared to be dangerous criminals, or who have committed serious offences and are determined to be at a high risk of committing further serious offences, to amend various enactments consequent upon the enactment of this Act, and for related purposes’.

*House of Assembly, 23 March 2021*

S. HICKEY, *Speaker*

**22 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 in the forenoon on Wednesday, 24 March 2021.

It was resolved in the Affirmative.

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

The Council adjourned at 9.56 o'clock p.m.

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

*Briefing:*

- End of life Choices (Voluntary Assisted Dying Bill 2020 as amended by the House of Assembly).