



LEGISLATIVE COUNCIL
SESSION OF 2018
(FIRST SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 21

WEDNESDAY, 29 AUGUST 2018

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 GOVERNMENT RESPONSE TO THE JOINT SELECT COMMITTEE ON FUTURE GAMING MARKETS.— Mr *Gaffney* asked the Honourable the Leader of the Government —

The Final Report of the Joint Select Committee on Future Gaming Markets was tabled in the Legislative Council on Thursday 28 September 2017. Since that time, a written response to the Report addressing the full set of findings and recommendations has not been received.

Given that the Government moved for the establishment of the inquiry, and that the accepted conventional practice is for a response to be provided, would the Leader please confirm when a detailed written response to the Committee's report will be tabled in the Legislative Council.

Mrs *Hiscutt* answered —

The Government has released a comprehensive policy which provides its position on issues considered by the Joint Select Committee on Future Gaming Markets. The Government's Future Gaming Market policy, released in January 2018, responds positively to the final report of the Joint Select Committee. In developing its policy, the Government took account of the findings of the Committee and input from the community.

In particular, the Government's policy will provide for:

- individual venue licences to operate EGMs in hotels and clubs;
- the Federal Group to retain its two casino licences and operate Keno in Tasmania;
- two new high roller non-residential casino licences;
- a more appropriate distribution of returns from gaming;
- the tender of the network monitoring licence; and
- increased future funding of the Community Support Levy to improve harm minimisation.

The Government's policy also supports the Tasmanian Liquor and Gaming Commission continuing to be responsible for regulating the gaming industry, including the Mandatory Code of Practice and the Community Interest Test for the location of new EGMs.

The Parliament will have a role in considering any legislative changes required to implement the Government's Future Gaming Market policy.

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

- (1) Education and Care Services National Amendment Regulations 2017.
- (2) Education and Care Services National Further Amendment Regulations 2017.

(3) Education and Care Services National Amendment Regulations 2018.

(4) Corrections Act 1997: Statutory Rules 2018, No. 44, containing Corrections Regulations 2018.

4 BILL NO. 26.— 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 *Health Complaints Act 1995*’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 28 August 2018

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. 24.— The Order of the Day was read for resuming the Debate on the Question, That the Water and Sewerage Corporation Amendment (Crown Involvement Facilitation) Bill 2018 be now read the Second time.

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

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 5 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*)

6 BILL NO. 21.— The Order of the Day was read for the Second reading of the Police Offences Amendment (Prohibited Insignia) Bill 2018.

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

A Debate arose thereupon.

7 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.

8 QUESTION TIME.— The President called for Questions without Notice. There were four Questions asked.

9 BILL NO. 21.—The Council resumed the Debate on the Question, That the Police Offences Amendment (Prohibited Insignia) Bill 2018 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 *Rattray* in the Chair.

Clauses 1 to 3 agreed to.

Clause 4, Amendments made. (Ms *Forrest*)

First amendment

Page 7, proposed new section 6A, proposed subsection (2), paragraph (b).

Leave out "places".

Insert instead "places; and".

Second amendment

Same page, same proposed new section, same proposed subsection, after paragraph (b).

Insert the following paragraph:

- (c) to reduce the membership of organisations, members of which may, by wearing or carrying prohibited items –
 - (i) cause members of the public to feel threatened, fearful or intimidated; or
 - (ii) have an undue adverse affect on the health or safety of members of the public; or
 - (iii) increase the likelihood of public disorder or acts of violence.

Third amendment

Page 7, same proposed new section, after proposed subsection (4).

Insert the following subsections:

- (4A) The Minister may recommend that an organisation be prescribed to be an identified organisation, but only if he or she has –
 - (a) received from the Commissioner a recommendation under subsection (4B) in relation to the organisation, together with the document required, in accordance with subsection (4C), to accompany the Commissioner's recommendation; and
 - (b) received from the Attorney-General a recommendation under subsection (4E) in relation to the organisation, together with the document required, in accordance with subsection (4F), to accompany the Attorney-General's recommendation.
- (4B) The Commissioner may, by notice to the Minister, recommend that an organisation be prescribed to be an identified organisation.
- (4C) A recommendation of the Commissioner under subsection (4B) is to be accompanied by a document setting out –
 - (a) reasons for the recommendation; and

- (b) a summary of the evidence taken into account by the Commissioner in deciding whether to make the recommendation.
- (4D) The Commissioner is to provide to the Attorney-General –
 - (a) a copy of a recommendation made under subsection (4B); and
 - (b) a copy of the document that, in accordance with subsection (4C), accompanied the Commissioner's recommendation.
- (4E) The Attorney-General, after having considered –
 - (a) the document that, in accordance with subsection (4D), was provided to the Attorney-General; and
 - (b) any other evidence that the Attorney-General thinks fit –
 may, by notice to the Minister, recommend to the Minister that the organisation be prescribed to be an identified organisation.
- (4F) A recommendation of the Attorney-General under subsection (4E) is to be accompanied by a document setting out –
 - (a) reasons for the recommendation; and
 - (b) a summary of the other evidence, if any, that, in addition to the evidence received by the Attorney-General under subsection (4D), was, in accordance with subsection (4E)(b), taken into account in deciding whether to make the recommendation.

Clause as amended, further considered.

Further Amendment proposed (Ms *Forrest*)

Fourth amendment

Page 7, same proposed new section 6A, proposed subsection (5).

Leave out "The Minister may only recommend that an organisation be prescribed to be an identified organisation if the Minister is satisfied, having regard to the advice of the Commissioner, that".

Insert instead "The Minister, the Commissioner and the Attorney-General may only make a recommendation under this section that an organisation be prescribed to be an identified organisation if the Minister, the Commissioner or the Attorney-General, respectively, is satisfied that".

The proposed Amendment was, by leave, withdrawn.

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.

10 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 5.43 o'clock p.m. and resumed at 6.12 o'clock p.m.

11 BILL NO. 21.— The Council, according to Order, again resolved itself into a Committee to further consider the Police Offences Amendment (Prohibited Insignia) Bill 2018.

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

(In the Committee)

Ms *Ratray* in the Chair.

Clause 4, as amended, further considered.

Further amendments made. (Ms *Forrest*)

Fourth amendment

Page 7, same proposed new section 6A, proposed subsection (5).

Leave out "The Minister may only recommend that an organisation be prescribed to be an identified organisation if the Minister is satisfied, having regard to the advice of the Commissioner, that".

Insert instead "The Minister, the Commissioner and the Attorney-General may only make a recommendation under this section that an organisation be prescribed to be an identified organisation if the Minister, the Commissioner or the Attorney-General, respectively, is satisfied that".

Fifth amendment

Page 8, same proposed new section, same proposed subsection, paragraph (b).

Leave out "violence."

Insert instead "violence; or".

Sixth amendment

Page 8, same proposed new section, same proposed subsection, after paragraph (b).

Insert the following paragraph:

- (c) may encourage persons to become or remain members of an organisation, the members of which may, by wearing or carrying proposed prohibited items –
 - (i) cause members of the public to feel threatened, fearful or intimidated; or
 - (ii) have an undue adverse affect on the health or safety of members of the public; or
 - (iii) increase the likelihood of public disorder or acts of violence.

Seventh amendment

Same page, same proposed new section, proposed subsection (6).

Leave out "whether or not the regulations ought to prescribe an organisation under subsection (3), the Minister".

Insert instead "whether to make a recommendation under this section, the Minister, the Commissioner and the Attorney-General, respectively,".

Clause as Amended, 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 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.

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 6.54 o'clock p.m. and resumed at 8.01 o'clock p.m.

13 BILL NO. 21.— The Council, according to Order, again resolved itself into a Committee to further consider the Police Offences Amendment (Prohibited Insignia) Bill 2018.

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

(In the Committee)

Ms *Ratray* in the Chair.

Clause 4 as amended, further considered.

Further Amendment proposed. (Mr *Dean*)

Page 8, proposed new section 6A, after proposed subsection (6).

Insert the following subsection:

- (6A) Regulations, for the purpose of subsection (3), that prescribe an organisation to be an identified organisation are of no effect until a notice, setting out that the regulations have been made and the effect of the regulations, appears in 3 newspapers circulating generally in the State.

Amendment to the proposed amendment. (Mrs *Hiscutt*)

Leave out "3 newspapers circulating generally in the State"

Insert instead "as many daily newspapers as are published in, and circulate generally in, the State".

And the Question being put, That the Amendment to the Amendment be agreed to,

It passed in the Negative.

The main proposed Amendment was further considered.

And the Question being put, That the main proposed Amendment be agreed to,

Committee divided.

AYES 5

NOES 9

Ms Armitage (Teller)

Mr *Armstrong*

Mr *Dean*

Mrs *Hiscutt*

Ms *Howlett*

Mr *Farrell*

Mr *Finch* (Teller)

Ms *Forrest*

Mr *Gaffney*

Ms *Lovell*

Ms *Siejka*

Mr *Valentine*

Mr *Willie*

So it passed in the Negative.

To report progress and seek leave to sit again.

The Council being resumed Ms *Ratray* 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.

14 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 9.33 o'clock p.m. and resumed at 9.55 o'clock p.m.

15 BILL NO. 21.— The Council, according to Order, again resolved itself into a Committee to further consider the Police Offences Amendment (Prohibited Insignia) Bill 2018.

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

(In the Committee)

Ms *Ratray* in the Chair.

Clause 4 as amended further considered.

Further Amendment proposed. (Mr *Dean*)

Page 8, proposed new section 6A, after proposed subsection (6).

Insert the following subsection:

- (6A) Regulations, for the purpose of subsection (3), that prescribe an organisation to be an identified organisation are of no effect until a notice, setting out that the regulations have been made and the effect of the regulations, appears in as many daily Tasmanian newspapers as circulate generally in the State.

Clause as amended, agreed to.

Clauses 5 and 6 agreed to.

Title agreed to.

Bill to be reported with Amendments.

The Council being resumed, Ms *Ratray* reported that the Committee had gone through the Bill, and directed her to report the same to the Council with Amendments.

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

16 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 Thursday, 30 August 2018. (Mrs *Hiscutt*)

It was resolved in the Affirmative.

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

The Council adjourned at 10.09 o'clock pm.

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

Briefing:

- *Police Offences Amendment Prohibited Insignia Bill 2018*