



# HOUSE OF ASSEMBLY

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 38

WEDNESDAY, 30 OCTOBER 2019

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice commenced.
- 5 PAPERS. – The Minister for Police, Fire and Emergency Management laid upon the Table of the House the following Paper:-

Risk Re-analysis: Hobart- Modelled Change in Relative Risk to Human Settlement Areas:  
July 2014 to May 2019.

- 6 QUESTIONS SEEKING INFORMATION. – Questions without notice continued and concluded.
- 7 PETITION. - Ms Dow presented a Petition from approximately 1878 citizens of Tasmania, requesting that the House call on the Liberal Government to re-open the eight rehabilitation beds they closed to ensure equitable access to rehabilitation services on the North West Coast (HA10/2019).

Which Petition was read and received.

- 8 PAPERS. – The Premier laid upon the Table of the House the following Paper:-  
  
State Service Act 2000: Report of the Tasmanian Industrial Commission 'Review of Actions' 2018-19.
- 9 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
  - (1) Mental Health Act 2013: Report to the Minister for Mental Health on the Activities of Official Visitors - Annual Report 2018-2019.
  - (2) Teachers Registration Board Tasmania: Annual Report 2018.
  - (3) Office of the Tasmanian Assessment, Standards and Certification: Annual Report 2018-19.
- 10 PAPERS. – The Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-
  - (1) Marine and Safety Tasmania: Annual Report 2018-2019.

- (2) Motor Accidents Insurance Board: Annual Report 2018-2019.
- (3) TasRail: Annual Report 2018-2019.
- (4) TT-Line Company Pty Ltd: Annual Report 2018-2019.
- (5) Metro Tasmania: Annual Report 2018-2019.
- (6) Office of the National Rail Safety Regulator: Annual Report 2018-2019.

**11 PAPERS.** – The Treasurer laid upon the Table of the House the following Papers:-

- (1) Tasmanian Economic Regulator: Annual Report 2018-19.
- (2) Royal Tasmanian Botanical Gardens: Annual Report 2018-2019.

**12 PAPERS.** – The Attorney-General laid upon the Table of the House the following Papers:-

- (1) Legal Profession Board of Tasmania: Annual Report 2018-2019.
- (2) Equal Opportunity Tasmania: Annual Report 2018-19.
- (3) Guardianship and Administration Board: Annual Report 2018-19.
- (4) Police Powers (Surveillance Devices) Act 2006: Annual Report 2018-2019.
- (5) Police Powers (Assumed Identities) Act 2006: Annual Report 2018-2019.
- (6) Listening Devices Act 1991: Annual Report 2018-2019.
- (7) Ombudsman's Report – Police Powers (Surveillance Devices) Act 2006 and Police Powers (Controlled Operations) Act 2006: Annual Report 2018-2019.
- (8) Mental Health Tribunal: Annual Report 2018-19.
- (9) The Public Trustee: Annual Report 2018-19.
- (10) Department of Justice: Annual Report 2018-2019.
- (11) Tasracing Pty Ltd: Annual Report 2018-2019.

**13 PAPERS.** – The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-

- (1) Inland Fisheries Service: Annual Report 2018-2019.
- (2) Sustainable Timber Tasmania: Annual Report 2018-19.

**14 PAPERS.** – The Minister for Police, Fire and Emergency Management laid upon the Table of the House the following Papers:-

- (1) Department of Police, Fire and Emergency Management: Annual Report 2018-2019.
- (2) State Fire Commission: Annual Report 2018-2019.

**15 PAPERS.** – The Minister for Human Services laid upon the Table of the House the following Papers:-

- (1) Tasmanian Community Fund: Annual Report 2018-19.

(2) Tasmanian Planning Commission: Annual Report 2018-2019.

**16** PAPERS. – The Clerk of the House laid upon the Table of the House the following Papers:-

(1) Office of the Custodial Inspector Tasmania: Annual Report 2018-19.

(2) House of Assembly: Annual Report 2018-2019.

**17** BILL NO. 47. – The Minister for Building and Construction presented -

“A Bill for an Act to amend the Long Service Leave (State Employees) Act 1994”.

And Ms *Archer* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

**18** BILL NO. 49. – The Minister for Police, Fire and Emergency Management presented -

“A Bill for an Act to amend the Police Offences Act 1935 to repeal the offence of begging and to amend the powers of police to disperse persons”.

And Mr *Shelton* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

**19** MATTER OF PUBLIC IMPORTANCE: TASTAFE - Ms *O’Byrne*, in accordance with Standing Orders, moved - That the House take note of the following matter:

TasTafe.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**20** BILL NO. 41. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Tuesday, 29 October 2019 - That the Public Sector Superannuation Reform Amendment Bill 2019 be now read the Second time;

And the Question being again proposed;  
The House resumed the said adjourned Debate.

And the Question being put;  
*Ordered*, That the Bill be now read the Second time.

And the Bill was, accordingly, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

*Ordered*, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

**21** BILL NO. 41. - A Message to the Legislative Council. -

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.*

SUE HICKEY, *Speaker*.

**22** BILL NO. 43. - The Order of the Day being read for the Second reading of the Dog Control Amendment Bill 2019.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time.  
(The Minister for Local Government)

A Debate arose thereupon.

And Ms *O'Connor* was addressing the Chair.

**23** SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.  
At half-past Two o'clock the Speaker resumed the Chair.

**24** TOURISM DEVELOPMENTS IN NATIONAL PARKS — A Motion being made and the Question being proposed — That the House supports the Government's expression of interest process for sensible and appropriate tourism developments in our National Parks, Reserves and on Crown Land. (Mr *Tucker*)

A debate arose thereupon.

An Amendment was proposed by Ms *White* by leaving out all words after "supports" and inserting instead "sensible, sustainable and appropriate tourism development in National Parks, Reserves and on Crown Land in accordance with management plans and consistent with Tasmania's brand values."

A debate arose thereupon.

And the Question being put – That the Amendment be agreed to;

The House divided.

AYES 8

Dr *Broad*  
Ms *Butler*  
Ms *Haddad*  
Mr *O'Byrne*  
Ms *O'Byrne*  
Ms *Standen*  
Ms *White*  
Ms *Dow* (Teller)

NOES 14

Ms *Archer*  
Mr *Barnett*  
Mr *Ferguson*  
Mr *Gutwein*  
Mr *Hodgman*  
Mr *Jaensch*  
Ms *O'Connor*  
Ms *Ogilvie*  
Mrs *Petrusma*  
Mr *Rockliff*  
Mr *Shelton*  
Mr *Tucker*  
Dr *Woodruff*  
Mrs *Rylah* (Teller)

PAIRS

Ms *Houston*

Ms *Courtney*

So it passed in the Negative.

And the Main Question being put;

The House divided.

AYES 12

*Ms Archer*  
*Mr Barnett*  
*Mr Ferguson*  
*Mr Gutwein*  
*Mr Hodgman*  
*Mr Jaensch*  
*Ms Ogilvie*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Mr Tucker*  
*Mrs Rylah (Teller)*

NOES 10

*Dr Broad*  
*Ms Butler*  
*Ms Haddad*  
*Mr O'Byrne*  
*Ms O'Byrne*  
*Ms O'Connor*  
*Ms Standen*  
*Ms White*  
*Dr Woodruff*  
*Ms Dow (Teller)*

PAIRS

*Ms Courtney*

*Ms Houston*

It was resolved in the Affirmative.

**25** NORTHERN PRISON. — A Motion being made and the Question being proposed — That the House:—

- (1) Recognises the concerns of Westbury residents who do not support a Maximum Security Prison being built on their doorstep.
- (2) Calls on the Government to abandon Westbury as the preferred site for the project.
- (3) Further calls on the Government to release the nine other shortlisted sites to fully inform public debate over alternative sites.
- (4) Requires the Government to consult with shortlisted communities before making an announcement about a new preferred location for the Northern Prison. (*Ms Butler*)

A debate arose thereupon.

**26** MEMBER SUSPENDED. – In accordance with Standing Order 149, the Speaker directed the Honourable Member for Lyons, *Ms Butler*, to withdraw from the House for the remainder of the debate on the motion owing to repeated interjections.

**27** NORTHERN PRISON. – And the Question being again proposed;

The House resumed the Debate.

An Amendment was proposed by the Attorney-General by leaving out all words after “(1) Recognises the concerns of Westbury residents” and inserting instead:

- “ about the preferred site for the Northern Regional Prison.
- (2) Notes the major benefits such a project, including hundreds of jobs, will bring to Westbury and the Meander Valley region.

- (3) Notes the Government's community consultation has begun with local residents and businesses including weekly community drop-in sessions to help address community concerns.
- (4) Notes the Government's assurance that it is listening to community feedback."

A debate arose thereupon.

An Amendment to the Amendment was proposed by Dr *Woodruff* by leaving out paragraph (2) to (4) and inserting instead:

- "(2) Calls on the Government to consult broadly on the prospect of closing Ashley Youth Detention Centre and repurposing the 50 beds to become the northern adult prison, and establishing two new purpose-built facilities for Youth detention."

A debate arose thereupon.

And the Question being put – That the Amendment to the Amendment be agreed to;

The House divided.

AYES 2

*Ms O'Connor*  
*Dr Woodruff* (Teller)

NOES 20

*Ms Archer*  
*Mr Barnett*  
*Dr Broad*  
*Ms Butler*  
*Ms Dow*  
*Mr Ferguson*  
*Mr Gutwein*  
*Ms Haddad*  
*Mr Hodgman*  
*Mr Jaensch*  
*Mr O'Byrne*  
*Ms O'Byrne*  
*Ms Ogilvie*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Ms Standen*  
*Mr Tucker*  
*Ms White*  
*Mrs Rylah* (Teller)

So it passed in the Negative.

And the Question being put – That the Amendment be agreed to;

The House divided.

AYES 12

Ms Archer  
Mr Barnett  
Mr Ferguson  
Mr Gutwein  
Mr Hodgman  
Mr Jaensch  
Ms Ogilvie  
Mrs Petrusma  
Mr Rockliff  
Mr Shelton  
Mr Tucker  
Mrs Rylah (Teller)

NOES 10

Dr Broad  
Ms Butler  
Ms Haddad  
Mr O'Byrne  
Ms O'Byrne  
Ms O'Connor  
Ms Standen  
Ms White  
Dr Woodruff  
Ms Dow (Teller)

PAIRS

Ms Courtney

Ms Houston

It was resolved in the Affirmative.

And the Main Question, as amended, being put;

It was resolved in the Affirmative.

*Resolved*, That the House:—

- (1) Recognises the concerns of Westbury residents about the preferred site for the Northern Regional Prison.
- (2) Notes the major benefits such a project, including hundreds of jobs, will bring to Westbury and the Meander Valley region.
- (3) Notes the Government's community consultation has begun with local residents and businesses including weekly community drop-in sessions to help address community concerns.
- (4) Notes the Government's assurance that it is listening to community feedback.

**28** EXPRESSIONS OF INTEREST PROCESS FOR DEVELOPMENTS IN NATIONAL PARKS. – A Motion being made and the Question being proposed—That the House:—

- (1) Understands Tasmania's National Parks and Reserves are protected for their outstanding natural and cultural values.
- (2) Acknowledges the Government's Expressions of Interest (EOI) process is conducted in secret, and is a matter of growing concern for Tasmanians across the social, cultural, and political spectrum.
- (3) Notes that the Resource Management and Planning Appeal Tribunal (RMPAT) concluded in the recent Lake Malbena case that "a proper interpretation of... the Scheme only requires... that a Management Plan is in existence; and... an assessment of use in accordance with the Management Plan has been undertaken and approved up to and including Step 7 of the RAA process".
- (4) Further acknowledges this means that a project's compliance with a Management Plan cannot be appealed to RMPAT.
- (5) Further acknowledges this means for a level 1, 2, or 3 Reserve Activity Assessment there is no opportunity for formal community consultation on matters pertaining to compliance with a Management Plan.
- (6) Agrees that, at a minimum, developments in Reserved Areas should be subject to a process that allows for public consultation on compliance with a Management Plan, and that this compliance must be able to be tested in an appeal to RMPAT.

- (7) Calls on the Government to halt the EOI process until a new statutory process - that allows for public consultation and an appeal on matters pertaining to compliance with a Management Plan - is in place. (Ms *O'Connor*)

A debate arose thereupon.

An Amendment was proposed by Ms *Standen* by leaving out paragraph (7) and inserting instead:

- “(7) Notes the failure of the Government to review the Reserve Activity Assessment process that was commenced in early 2018 and promised to be completed by end 2018.  
(8) Calls on the Government to:  
(a) release the key outcomes of the Reserve Activity Assessment review to date and commit to a timeframe for completion of the review;  
(b) review and update Management Plans for Tasmania’s National Parks and Reserves; and  
(c) commit to appropriate resourcing to enable the Parks and Wildlife Service to fulfil their responsibilities in overseeing Tasmania’s National Parks and Reserves.”

A debate arose thereupon.

And the Question being put – That the Amendment be agreed to;

The House divided.

AYES 8

*Dr Broad*  
*Ms Butler*  
*Ms Haddad*  
*Mr O'Byrne*  
*Ms O'Byrne*  
*Ms Standen*  
*Ms White*  
*Ms Dow* (Teller)

NOES 14

*Ms Archer*  
*Mr Barnett*  
*Mr Ferguson*  
*Mr Gutwein*  
*Ms Hickey*  
*Mr Hodgman*  
*Mr Jaensch*  
*Ms O'Connor*  
*Ms Ogilvie*  
*Mr Rockliff*  
*Mr Shelton*  
*Mr Tucker*  
*Dr Woodruff*  
*Mrs Rylah* (Teller)

PAIRS

*Ms Houston*

*Ms Courtney*

So it passed in the Negative.

And the Main Question being put;

The House divided.



AYES 2

Ms O'Connor  
Dr Woodruff (Teller)

NOES 20

Ms Archer  
Mr Barnett  
Dr Broad  
Ms Dow  
Mr Ferguson  
Mr Gutwein  
Ms Haddad  
Ms Hickey  
Mr Hodgman  
Mr Jaensch  
Mr O'Byrne  
Ms O'Byrne  
Ms Ogilvie  
Mr Rockliff  
Mrs Rylah  
Mr Shelton  
Ms Standen  
Mr Tucker  
Ms White  
Ms Butler (Teller)

So it passed in the Negative.

**29** ADJOURNMENT. - The time being Six o'clock, the Speaker proposed - That the House do now adjourn and called for issues to be raised;

**30** PAPERS. – The Minister for Human Services laid upon the Table of the House the following Papers:-

- (1) Letter to the Minister for Human Services from Mr Richard Connock, Custodial Inspector, regarding the Inspection of Youth Custodial Services in Tasmania, 2018 Custody Inspection Report, dated 15 August 2019.
- (2) Letter to the Minister for Human Services from Mr Richard Connock, Custodial Inspector, regarding the Inspection of Youth Custodial Services in Tasmania, 2018 Custody Inspection Report, dated 20 August 2019.
- (3) Letter to Mr Richard Connock, Custodial Inspector from Ms Ginna Webster, Secretary, Department of Communities Tasmania regarding Custody Inspection Report: Inspection of Youth Custodial Services in Tasmania, 2018, dated 2 August 2019.

The House adjourned at forty-three minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House.*

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MEMBERS. - All present during the day except Ms *Houston*.