



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 11

TUESDAY, 27 SEPTEMBER 2022

- 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 **WRIT FOR THE RETURN OF NEW MEMBER.**— The Clerk of the Council laid upon the Table of the Council the Writ for the return of the new Member for the Electoral Division of Pembroke, certifying to *Luke Matthew Edmunds* having been declared elected on the 14th day of September 2022 to serve in the Legislative Council.
- 5 **NEW MEMBER FOR PEMBROKE SWORN.**— *Luke Matthew Edmunds* returned upon a new Writ for Pembroke, made the appropriate Affirmation as required by law.
- 6 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
 - (1) Veterinary Board of Tasmania: Annual Report 2021-22.
 - (2) Animal Research Statistics Tasmania: Annual Report Number 26 (2021). Dated September 2022.
 - (3) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 553.0m², situate in the Australian Road Safety Program – Junction Upgrades. Municipal area of Latrobe.
 - (4) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 103.0m², situate in the Australian Road Safety Program – Junction Upgrades. Municipal area of Latrobe.
 - (5) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 38.4m², situate in the Australian Road Safety Program – Junction Upgrades. Municipal area of Northern Midlands.
 - (6) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1627.0m², situate in the Australian Road Safety Program – Junction Upgrades. Municipal area of Derwent Valley.
 - (7) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 43.5m², situate in the Australian Road Safety Program – Junction Upgrades. Municipal area of Northern Midlands.

- (8) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 5858.0m² and 4284.0m², situate in the Midland Highway 10 Year Action Plan – Construction 2022-23 within Final Stage Project - Ross. Municipal area of Northern Midlands.
- (9) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 4585.0m² and 61.7m² situate in the Midland Highway 10 Year Action Plan – Construction 2022-23 within Final Stage Project - Ross. Municipal area of Northern Midlands.
- (10) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1.644ha, situate in the Midland Highway 10 Year Action Plan – Construction 2022-23 within Final Stage Project - Ross. Municipal area of Northern Midlands.
- (11) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 1.165ha and 623.0m², situate in the Midland Highway 10 Year Action Plan – Construction 2022-23 within Final Stage Project - Ross. Municipal area of Northern Midlands.
- (12) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 9848.0m², situate in the Midland Highway 10 Year Action Plan – Construction 2022-23 within Final Stage Project - Ross. Municipal area of Northern Midlands.
- (13) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 2218.0m², 7892.0m², 635.0m², 1.539ha and 1.310ha situate in the Midland Highway 10 Year Action Plan – Construction 2022-23 within Final Stage Project - Ross. Municipal area of Northern Midlands.

7 REPORT OF THE JOINT PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION.— Ms *Rattray* presented a Report of the Joint Parliamentary Standing Committee on Subordinate Legislation in relation to an Inquiry into the Nature Conservation (Wildlife) Regulations 2021 (S.R 2021, No 93).

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

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

8 ROYAL ASSENT TO BILLS.— The President read a Message from His Excellency the Lieutenant-Governor as follows:—

MESSAGE

Alan Blow, Lieutenant-Governor

His Excellency the Lieutenant-Governor has this day in the name of His Majesty The King assented to the following Bills:—

A Bill for an Act to amend the *Family Violence Act 2004*, the *Community Protection (Offender Reporting) Act 2005*, the *Corrections Act 1997*, the *Criminal Code Act 1924*, the *Dangerous Criminals and High Risk Offenders Act 2021*, the *Evidence Act 2001*, the *Evidence (Children and Special Witnesses) Act 2001*, the *Firearms Act 1996*, the *Justices Act 1959* and the *Sentencing Act 1997*
Family Violence Reforms Act 2022
 (Bill No. 10 of 2022; Act No. 21 of 2022)

A Bill for an Act to amend the *Police Offences Act 1935* and to repeal the *Workplaces (Protection from Protesters) Act 2014*
Police Offences Amendment (Workplace Protection) Act 2022
(Bill No. 15 of 2022; Act No. 22 of 2022)

A Bill for an Act to amend the *Acts Interpretation Act 1931*, *Agricultural and Veterinary Chemicals (Control of Use) Act 1995*, *Ambulance Service Act 1982*, *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*, *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*, *Health Act 1997*, *Poisons Act 1971*, *Public Health Act 1997*, *Public Trustee Act 1930*, *Workers Rehabilitation and Compensation Act 1988* and other health-related legislation
Health Legislation (Miscellaneous Amendments) Act 2022
(Bill No. 19 of 2022; Act No. 23 of 2022)

having been presented to the Lieutenant-Governor for the Royal Assent, he has, in the name of His Majesty the King, assented to the said Bills.

Government House, Hobart, 20 September 2022

9 SPECIAL INTEREST MATTERS.— The President advised the Chamber of four Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Ms *Howlett* – Oatlands Heritage and Bullock Festival 2022;
- (2) Ms *Palmer* – Rural Youth – Agfest;
- (3) Ms *Armitage* – See me – Stories of Ability; and
- (4) Ms *Ratray* – Stephanie Trethewey – 2022 AgriFutures Women’s Award Winner.

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

10 PASSING OF HER MAJESTY QUEEN ELIZABETH THE SECOND.— The President acknowledged the death of Her Majesty Queen Elizabeth II and invited Members to speak. The President and eight Members spoke in relation to Her Majesty’s passing.

11 TASMANIA LAW REFORM INSTITUTE.— A Motion was made (Ms *Webb*) and the Question was proposed, That the Legislative Council —

- (1) Notes the recent review of the Tasmania Law Reform Institute (TLRI) undertaken by an independent Review Panel, and the *Review of the Tasmania Law Reform Institute Final Report June 2022*, released on 20 July 2022;
- (2) welcomes the findings of the independent review, in particular:
 - (a) its observation that all submissions “*strongly supported preserving the Tasmania Law Reform Institute (TLRI) given its current positive impact on the broader Tasmanian community*”; and
 - (b) the Report’s emphasis on the important contribution made by the TLRI to public policy debate in Tasmania;
- (3) notes the 20 recommendations made to the TLRI Founding Partners in the review’s Final Report;
- (4) further notes the review Final Report’s clear assessment of the urgent need to place the TLRI on a sustainable footing, as the current lack of financial and staffing resources has resulted in work on four references ceasing, “*as has all other work such as engaging with law reform bodies in other jurisdictions, contributing to inquiries, commenting on draft legislation and engaging students in law reform projects*”;
- (5) acknowledges the high regard in which the TLRI is held across the community, fostered by the Institute’s recognised independence, impartiality and institutional integrity, and the need to maintain that current strong public confidence;
- (6) notes the current TLRI Founding Partners’ agreement is due for renewal in November 2022; and

- (7) urges the Tasmanian government to:
 - (a) prioritise delivering in full, and in good faith, the recommendations of the Review of the TLRI Final Report for which government holds entire or partial responsibility, and encourage its fellow Founding Partners, the University of Tasmania and the Law Society of Tasmania to do likewise; and
 - (b) commit to ensuring Tasmania's acclaimed premier law reform agency is sufficiently resourced to place it on a "secure and sustainable footing into the future" as recommended by the 2022 independent Panel's Review of the Tasmania Law Reform Institute Final Report.

A Debate arose thereupon.

12 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.

13 QUESTION TIME.— The President called for Questions without Notice. There were five Questions asked.

14 TASMANIA LAW REFORM INSTITUTE.— The Council resumed the Debate on the Question, That the Legislative Council —

- (1) Notes the recent review of the Tasmania Law Reform Institute (TLRI) undertaken by an independent Review Panel, and the *Review of the Tasmania Law Reform Institute Final Report June 2022*, released on 20 July 2022;
- (2) welcomes the findings of the independent review, in particular:
 - a. its observation that all submissions "*strongly supported preserving the Tasmania Law Reform Institute (TLRI) given its current positive impact on the broader Tasmanian community*"; and
 - b. the Report's emphasis on the important contribution made by the TLRI to public policy debate in Tasmania;
- (3) notes the 20 recommendations made to the TLRI Founding Partners in the review's Final Report;
- (4) further notes the review Final Report's clear assessment of the urgent need to place the TLRI on a sustainable footing, as the current lack of financial and staffing resources has resulted in work on four references ceasing, "*as has all other work such as engaging with law reform bodies in other jurisdictions, contributing to inquiries, commenting on draft legislation and engaging students in law reform projects*";
- (5) acknowledges the high regard in which the TLRI is held across the community, fostered by the Institute's recognised independence, impartiality and institutional integrity, and the need to maintain that current strong public confidence;
- (6) notes the current TLRI Founding Partners' agreement is due for renewal in November 2022; and
- (7) urges the Tasmanian government to:
- (8) prioritise delivering in full, and in good faith, the recommendations of the Review of the TLRI Final Report for which government holds entire or partial responsibility, and encourage its fellow Founding Partners, the University of Tasmania and the Law Society of Tasmania to do likewise; and
- (9) commit to ensuring Tasmania's acclaimed premier law reform agency is sufficiently resourced to place it on a "secure and sustainable footing into the future" as recommended by the 2022 independent Panel's Review of the Tasmania Law Reform Institute Final Report.

And the Question being put,

It was resolved in the Affirmative.

15 REPORT OF THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE 'B' INQUIRY INTO DISABILITY SERVICES IN TASMANIA.— A Motion was made (Ms *Rattray*) and the Question was proposed, That the Report of the Legislative Council Government Administration Committee 'B' Inquiry into Disability Services in Tasmania be considered and noted.

A Debate arose thereupon.

Ordered, That the Debate be adjourned. (Mr *Willie*)

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

17 SUSPENSION OF SESSIONAL ORDER.— *Ordered*, That so much of Sessional Orders relating to the 4.00 o'clock p.m. break be suspended so as to enable the Council to sit beyond 4pm for this day's sitting. (Mrs *Hiscutt*).

18 REPORT OF THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE 'B' INQUIRY INTO DISABILITY SERVICES IN TASMANIA.— The Council according to order resumed the Debate on the Question, That the Report of the Legislative Council Government Administration Committee 'B' Inquiry into Disability Services in Tasmania be considered and noted.

Ordered, That Ms *Palmer*, have leave to Table the Government Response to the Report of the Legislative Council Government Administration Committee 'B' Inquiry into Disability Services in Tasmania.

And the Question being put,

It was resolved in the Affirmative.

19 BILL NO. 40.— 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 An Act to amend the *Statutory Holidays Act 2000* to provide for a statutory holiday for a National Day of Mourning to pay respect for the passing of Her Majesty, Queen Elizabeth II',

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 27 September 2022

MARK SHELTON, *Speaker*

The Bill was read the First time.

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

21 SUSPENSION OF STANDING ORDERS.— A Motion was made (Mrs *Hiscutt*), That so much of Standing Orders be suspended in respect of this Bill, in order that the Bill may pass through its several stages at such times as the Council may appoint.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

22 BILL NO. 40.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Statutory Holidays Amendment Bill 2022 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 6 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*)

23 BILL NO. 35.— The Order of the Day was read for the further consideration in Committee of the Homes Tasmania Bill 2022.

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

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 8 and 9 agreed to.

Clause 10, Amendments made. (Ms *Webb*)

First amendment

Page 28, subclause (2), paragraph (b).

Leave out “a basic human need”.

Insert instead “a fundamental human right”.

Second amendment

Page 28, subclause (2), paragraph (b), subparagraph (i).

Leave out the subparagraph.

Insert instead the following subparagraph.

- (i) to persons in need of such assistance and services, with priority being given to those persons most in need of such assistance and services;

Third amendment

Page 29, paragraph (g).

Leave out the paragraph.

Clause 10 as amended, agreed to.

Clause 11, Amendments made. (Ms *Webb*)

First amendment

Page 30, subclause (1), before paragraph (g).

Insert the following paragraph:

(fa) to consult, as appropriate, with –

- (i) housing providers, housing support providers, community support providers and persons who provide services related to homelessness; and
- (ii) persons for whom housing, housing support, community support or services related to homelessness are provided or are intended to be provided;

Second amendment

Page 30, subclause (1), paragraph (g), after “provision of housing”.

Insert “, housing support services, housing assistance”.

Clause 11 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, tomorrow, again resolve itself into the said Committee.

24 ADJOURNMENT.— *Ordered*, That the Council at its rising adjourn until 11.00 o'clock a.m. on Wednesday, 28 September 2022. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council do now adjourn.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

The Council adjourned at 6.18 o'clock p.m.

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