



HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 74

TUESDAY, 10 NOVEMBER 2020

- 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 were asked.
- 5 PAPERS. - The Premier laid upon the Table of the House the following Papers:-
 - (1) Response to Petition HA4/2020.
 - (2) Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020: Notice under Section 13 - Local Government Act 1993.
 - (3) Department of Treasury and Finance:
 - (a) Treasurer's Annual Financial Report 2019-20; and
 - (b) Treasury: Annual Report 2019-20.
 - (4) Tasmanian Economic Regulator: Comparison of Electricity and Gas Prices Available to Small Customers in Australia September 2020.
 - (5) State Grants Commission: State Grants Commission 2019-2020 Annual Report - Including 2020-21 Financial Assistance Grant Recommendations.
 - (6) Tasmanian Audit Office: Annual Report 2019-20.
 - (7) Royal Commission into National Natural Disaster Arrangements: Final Report 28 October 2020.
- 6 PAPERS. - The Attorney-General laid upon the Table of the House the following Papers:-
 - (1) Port Arthur Historic Site Management Authority: Annual Report 2019-20.
 - (2) The Anti-Discrimination Tribunal: Annual Report 2019-2020.
 - (3) Department of Justice: Office of the Public Guardian Tasmania: Annual Report 2019-20.
 - (4) The Asbestos Compensation Tribunal: Annual Report 2019-2020.
 - (5) Solicitor-General: Report for 2019-2020.
 - (6) Guardianship and Administration Board (GAB): Annual Report 2019-2020.

- (7) The Mental Health Tribunal: Annual Report 2019-2020.
- (8) Equal Opportunity Tasmania: Annual Report 2019-2020.
- (9) Tasmanian Heritage Council: Annual Report 2019-2020.
- (10) Parole Board of Tasmania: Annual Report 2019-2020.
- (11) Director of Public Prosecutions: Annual Report 2019-2020.
- (12) Workcover Tasmania: Annual Report 2019-20.
- (13) Asbestos Compensation Commissioner: Annual Report 2019-2020.

7 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Paper:-

Veterinary Board of Tasmania: Annual Report 2019-20.

8 SUBORDINATE LEGISLATION, PARLIAMENTARY STANDING COMMITTEE ON: REPORT BROUGHT UP. – Ms *Street* brought up the following Report of the Parliamentary Standing Committee on Subordinate Legislation:-

Annual Report 2019-20.

Ordered, That the said Report be received. (Mr *Street*)

9 PAPERS. – The Minister for Finance laid upon the Table of the House the following Papers:-

- (1) Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016: Strategic Infrastructure Corridors (Strategic and Recreational Use) (South Corridor from Elwick Road to Mentmore Street) Notice 2020 (Statutory Rules 2020, No.).
- (2) Tasmanian Economic Regulator: Annual Report 2019-20.
- (3) Tasracing: Annual Report 2020.

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

- (1) Parliamentary (Disclosure of Interests) Act 1996:
 - (a) Variation Return for the Honourable Member for Braddon, Mr *Jaensch*; and
 - (b) Variation Return for the Honourable Member for Lyons, Mr *Tucker*.
- (2) Office of the Governor of Tasmania: Annual Report 2019-2020.
- (3) Tasmanian Audit Office:
 - (a) Report of the Auditor-General No. 4 of 2020-21 Information and Communications Technology Strategy, Critical Systems and Investment (Paper No. 33);
 - (b) Report of the Auditor-General No. 5 of 2020-21 Review of selected COVID-19 support measures and expenditure in 2019-20 (Paper No. 34).
- (4) Legislative Council, Parliament of Tasmania: Annual Report 2019-2020.
- (5) Integrity Commission: Annual Report 2019-20.
- (6) Commissioner for Children and Young People Tasmania: Annual Report 2019-20.
- (7) Ombudsman Tasmania: Investigation into Public Interest Disclosure about the Department of Health and Tasmanian Health Service's management of Workers Compensation Claims.
- (8) Legislature-General: Annual Report 2019-20.

11 MESSAGE FROM HER EXCELLENCY THE GOVERNOR. – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

C. WARNER, *Governor*.

A Bill for an Act to protect State waters from pollution by oil and other substances, to give effect to certain parts of the MARPOL Convention, and for related purposes (Bill No. 37 of 2019 (*Act No. 22 of 2020*))

A Bill for an Act to amend the Corrections Act 1997 to enable electronic monitoring of offenders to be a condition of parole (Bill No. 27 (*Act No. 23 of 2020*))

A Bill for an Act to establish the Tasmanian Civil and Administrative Tribunal, to enable the appointment of members and staff of the Tribunal, to provide for certain transitional matters related to the establishment of the Tribunal, and for related purposes (Bill No. 25 (*Act No. 24 of 2020*))

A Bill for an Act to amend the Cat Management Act 2009 (Bill No. 55 of 2019 (*Act No. 25 of 2020*))

having been presented to the Governor for the Royal Assent, she has, in the name and on behalf of Her Majesty the Queen, assented to the said Bills.

Government House, Hobart, 4 November 2020.

12 BILL NO. 35. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Bail Act 1994, the Criminal Code Act 1924, the Criminal Justice (Mental Impairment) Act 1999, the Justices Act 1959, the Misuse of Drugs Act 2001, the Police Offences Act 1935 and the Sentencing Act 1997”.

Legislative Council, 28 October 2020.

C. M. FARRELL, *President*.

13 BILL NO. 31. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Evidence (Children and Special Witnesses) Act 2001, the Criminal Code Act 1924 and the Legal Aid Commission Act 1990”.

Legislative Council, 28 October 2020.

C. M. FARRELL, *President*.

14 BILL NO. 35 of 2019. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Neighbourhood Disputes About Plants Act 2017”.

Legislative Council, 28 October 2020.

C. M. FARRELL, *President*.

15 BILL NO. 34. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Economic Regulator Act 2009, the Passenger Transport Services Act 2011 and the Taxi and Hire Vehicle Industries Act 2008”.

Legislative Council, 28 October 2020.

C. M. FARRELL, President.

16 BILL NO. 37. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Residential Tenancy Act 1997”.

Legislative Council, 29 October 2020.

C. M. FARRELL, President.

17 BILL NO. 39. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Environmental Management and Pollution Control Act 1994, the Land Use Planning and Approvals Act 1993, the Local Government (Building and Miscellaneous Provisions) Act 1993, the Nature Conservation Act 2002, the Strata Titles Act 1998 and the Water and Sewerage Industry Act 2008”.

Legislative Council, 29 October 2020.

C. M. FARRELL, President.

18 BILL NO. 6. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Architects Act 1929”.

Legislative Council, 29 October 2020.

C. M. FARRELL, President.

19 BILL NO. 7. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Rail Safety National Law (Tasmania) Act 2012”.

Legislative Council, 29 October 2020.

C. M. FARRELL, President.

20 BILL NO. 33. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the Anzac Day Observance Act 1929".

Legislative Council, 30 October 2020.

C.M. FARRELL, President.

21 BILL NO. 52 of 2019. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the State Service Act 2000 and the State Service Regulations 2011".

Legislative Council, 30 October 2020.

C.M. FARRELL, President.

22 BILL NO. 8. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Vehicle and Traffic Act 1999, the Motor Vehicle Traders Act 2011 and the Taxi and Hire Vehicle Industries Act 2008 and various regulations".

Legislative Council, 30 October 2020.

C.M. FARRELL, President.

23 BILL NO. 50 of 2019. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Teachers Registration Act 2000".

Legislative Council, 30 October 2020.

C.M. FARRELL, President.

24 LEAVE TO MAKE MOTIONS WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make certain Motions without Notice. (The Minister for Infrastructure and Transport)

25 SITTING TIMES. - *Ordered*, That for this day's sitting the House not stand adjourned at Six o'clock and that the House continue to sit past Six o'clock. (The Minister Infrastructure and Transport)

26 ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Wednesday 11 November next at Twelve o'clock noon. (The Minister for Infrastructure and Transport)

27 SUSPENSION OF STANDING ORDERS. - *Ordered*, That that so much of Standing Orders be suspended as would prevent:-

(1) The Order of Business for Wednesday, 11 November next being as follows:-

- i. Acknowledgement of Traditional People
- ii. Prayers & Reflection
- iii. Questions Seeking Information
- iv. Papers, Answers to Questions on Notice, and Government Responses to Petitions
- v. Messages
- vi. Introduction of Bills
- vii. Other Formal Business
- viii. Matter of Public Importance
- ix. Government Business

- x. Private Members' Business:-
 - Opposition Members – 3:30 p.m. – 5:00 p.m.
 - Tasmanian Greens – 5:00 p.m. – 6:00 p.m.
- xi. Adjournment

- (2) The suspension of the sitting of the House at the completion of 'Other Formal Business' until 2:55 o'clock p.m. (The Minister Infrastructure and Transport)

28 SESSIONAL ORDERS. - *Ordered*, That unless otherwise ordered, for the remainder of the Session, Standing Orders 49 and 63(2) be suspended and the following Sessional Orders be inserted in place thereof:-

“49 Answers to Questions must be in writing

When Notices of Question are given, the Clerk of the House shall publish them in the Notice of Question paper, and the reply shall be given by being laid upon the Table of the House within 15 sitting days, or if the House is not sitting, within 30 days of being given, and a copy thereof supplied by the Clerk of the House to the Member who has asked the Question.

63 Government responses to Petitions

- (2) A Government response to each Petition that the House has received, shall be laid before the House within 15 sitting days of its communication to the Premier, or if the House is not sitting, within 30 days. If the House is not sitting, the response shall be provided to the Clerk of the House, who shall communicate the response to the Member who tabled the Petition.” (The Minister for Infrastructure and Transport)

29 MATTER OF PUBLIC IMPORTANCE: LAND TAX. – Mr *O'Byrne*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Land Tax.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

30 BILL NO. 30. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council having passed 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”.

presents the same to the House of Assembly, and requests its concurrence therein.

Legislative Council, 10 November 2020.

C. M. FARRELL, President.

Ordered, That the Bill be now read the First time.

And the Bill was, accordingly, read the First Time and made an Order of the Day for tomorrow.

31 BILL NO. 40. - The Order of the Day being read for the Second reading of the Electricity, Water and Sewerage Pricing (Miscellaneous Amendments) Bill 2020.

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

A Debate arose thereupon.

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

33 BILL NO. 40. - And the Question being again proposed;

The House resumed the Debate.

And the Question being put;

It was resolved in the Affirmative.

An 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.

34 BILL NO. 40. - 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 Electricity Supply Industry Act 1995, the Water and Sewerage Industry Act 2008 and modify certain determinations made under those Acts",

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

House of Assembly, 10 November 2020.

SUE HICKEY, *Speaker*.

35 BILL NO. 43. - The Energy Co-Ordination and Planning Amendment Bill 2020 was, according to Order, read the Second time, and committed to a Committee of the whole House.

And The Speaker having left the Chair, the House resolved itself into the said Committee.

(In the Committee)

Mr *Street* took the Chair.

Clauses 1 to 3 agreed to.

Clause 4 read.

Amendments proposed (Dr *Woodruff*)

First Amendment

By inserting the following paragraph before paragraph (a) -

() by inserting the following definition after the definition of *energy in storage*:

excluded energy source means any of the following energy sources:

(a) fossil fuels;

- (b) minerals or waste products derived from fossil fuels;
- (c) wood or other products originating from native trees; or
- (d) energy sources prescribed by the regulations.

Second Amendment

By inserting the following after paragraph (a) –

- () by inserting the following definition after the definition of ***National Electricity Market***:

native trees means trees that:

- (a) are of a species that existed in Tasmania before European settlement; and
- (b) are not sourced from a plantation.

Third Amendment

In paragraph (c), after “means”, by inserting “, other than an excluded energy source,”

Question put – That the Amendments be agreed to;

The Committee divided.

AYES 2

Ms O'Connor
Dr Woodruff (Teller)

NOES 22

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

So it passed in the Negative.

Clause 4, as read, agreed to.

Clause 5 read.

Amendments made (The Minister for Energy)

First Amendment

In proposed new Part 1A, proposed new section 3B.

Leave out “The Minister”.

Insert instead “(1) The Minister”.

Second Amendment

In proposed new Part 1A, proposed new section 3B, at the end of the proposed new section.

Insert the following subsection:

- (2) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under subsection (1) as if the order were regulations.

Clause 5, as amended, agreed to.

The Chair of Committees took the Chair.

Clauses 6 to 8 agreed to.

Title agreed to.

Bill to be reported with Amendment.

The House being resumed, Mrs *Petrusma* reported that the Committee had gone through the Bill, and made Amendments thereto.

Ordered, That so much of the Standing Orders be suspended as prevents the Bill being now read the Third time.
(The Minister for Energy)

Ordered, That the Bill, as amended in Committee, be now taken into consideration.
And the Amendments were, accordingly, read and agreed to.

Ordered, That the Bill be now read the Third time.
And the Bill was, accordingly, read the Third time.

36 BILL NO. 43. - 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 Energy Co-ordination and Planning Act 1995 to include provisions in relation to renewable energy targets and related matters”,

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

House of Assembly, 10 November 2020.

SUE HICKEY, *Speaker*.

37 BILL NO. 32. - The Gas Industry Amendment Bill 2020 was, according to Order, 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.

38 BILL NO. 32. - 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 Gas Industry Act 2019”,

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

House of Assembly, 10 November 2020.

SUE HICKEY, *Speaker*.

39 SENTENCING AMENDMENT (PHASING OUT OF SUSPENDED SENTENCES) ACT 2017:
APPROVAL OF TERMS OF REFERENCE FOR REVIEW. – A Motion being made and the Question being proposed — That the House:—

- (1) Notes that the draft terms of reference of the review laid before the House that have been prepared in consultation with the Sentencing Advisory Council pursuant to subsection 2(3) of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017.

- (2) Approves the terms of reference of the review noted at (1), in accordance with subsection 2(4) of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017. (The Attorney-General)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

40 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Attorney-General)

The Speaker proposed – That the House do now adjourn and called for issues to be raised;

The House adjourned at nine minutes past Eight o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day.