



HOUSE OF ASSEMBLY

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 25

TUESDAY, 23 NOVEMBER 2021

- 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 Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-
 - (1) Economic Regulator Act 2009: Economic Regulator (MAIB Premiums) Order 2021 (Statutory Rules 2021, No. 79).
 - (2) National Heavy Vehicle Regulator: Annual Report 2020-2021.
- 6 PAPERS. – The Attorney-General laid upon the Table of the House the following Paper:-

Workers Rehabilitation and Compensation Act 1988: Review of WorkCover Board Tasmania, August 2021.
- 7 PAPERS. – The Minister for Parks laid upon the Table of the House the following Papers:-

Land Acquisition Act 1993 (Notice of Acquisition pursuant to Section 18):

 - (i) Dated 7 October 2021, land situate in, Parish of Spreyton, Land District of Devon, Municipal Area of Latrobe, Lot 1 and Lot 2 on Plan of Survey P181293, registered in the names of Lynette Catherine Menzie and Colin Walter Morse for road purposes;
 - (ii) Dated 7 October 2021, land situate in Parish of Spreyton, Land District of Devon, Municipal Area of Latrobe, Lot 8 and Lot 9 on Plan of Survey P181293, registered in the name of M.D. & J.M. Perkins Pty. Ltd. for road purposes;
 - (iii) Dated 7 October 2021, land situate in Parish of Spreyton, Land District of Devon, Municipal Area of Latrobe, Lot 3 and Lot 4 on Plan of Survey P181293, registered in the names of Sheila May Beswick and David Thomas Deering for road purposes;
 - (iv) Dated 7 October 2021, land situate in Parish of Spreyton, Land District of Devon, Municipal Area of Latrobe, Lot 10 on Plan of Survey P181293, registered in the names of Malcolm John Bramich and Robyn Ann Bramich for road purposes;
 - (v) Dated 7 October 2021, land situate in Parish of Spreyton, Land District of Devon, Municipal Area of Latrobe, Lot 5, Lot 6 and Lot 7 on Plan of Survey P181293, registered in the name of Calthorpe Stud Farms Pty. Ltd. for road purposes;

- (vi) Dated 7 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Road 101 on Plan of Survey P181680, registered in the name of Tetrathekia Pty Ltd. for road purposes;
- (vii) Dated 7 October 2021, land situate in Parish of Flowerdale, Land District of Wellington, Municipal Area of Waratah-Wynyard, Road 104 on Plan of Survey P181680, registered in the name of Susan Patricia Bollard for road purposes;
- (viii) Dated 7 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Road 102 on Plan of Survey P181680, registered in the name of Elisabeth Eva Sulyok for road purposes;
- (ix) Dated 7 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 3 on Plan of Survey P181682, registered in the names of Christopher George Griffin and Linda Joy Griffin for road purposes;
- (x) Dated 7 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 1 and Lot 2 on Plan of Survey P181682, registered in the names of Paul St Clair Griffin and Sally Thorold Griffin for road purposes;
- (xi) Dated 7 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Road 103 on Plan of Survey P181680, registered in the name of Stuart Cameron Elphinstone for road purposes;
- (xii) Dated 7 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 4 and Lot 5 on Plan of Survey P181682, registered in the name of Jane Maree O'Reilly for road purposes;
- (xiii) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 6 on Plan of Survey P181604, registered in the names of Diana Roslyn Wade and Nigel Leonard Wade for road purposes;
- (xiv) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 4 and Lot 5 on Plan of Survey P181604, registered in the name of Anthony Leonard Buis for road purposes;
- (xv) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 1, Lot 2 and Lot 3 on Plan of Survey P181604, registered in the name of Jane Maree O'Reilly for road purposes;
- (xvi) Dated 15 October 2021, land situate in Parish of Malompto, Land District of Wellington, Municipal Area of Circular Head, Lot 1 on Plan of Survey P181603, registered in the names of Alison Margaret Finlayson and James Alexander Finlayson for road purposes;
- (xvii) Dated 15 October 2021, land situate in Parish of Rienceena, Land District of Wellington, Municipal Area of Circular Head, Lot 2 and Lot 3 on Plan of Survey P181603, registered in the names of Alana Maree Kay and Andrew John Kay for road purposes;
- (xviii) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 10 on Plan of Survey P181605, registered in the name of Elaine Dorothy Lee for road purposes;
- (xix) Dated 15 October 2021, land situate in Parish of Rienceena, Land District of Wellington, Municipal Area of Circular Head, Lot 4 on Plan of Survey P181603, registered in the name of Joan Renee Van Loon;

- (xx) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 1 on Plan of Survey P181605, registered in the names of Dale Ronald Hutton and Sandra Anne Hutton for road purposes;
- (xxi) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 2 on Plan of Survey P181605, registered in the names of James Ronald Burgess and Tracey Lee Whitehouse for road purposes;
- (xxii) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 3 on Plan of Survey P181605, registered in the name of Simon Peter Pearce for road purposes;
- (xxiii) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 4 on Plan of Survey P181605, registered in the names of Paul Van Es and Suzanne Dawn Van Es for road purposes;
- (xxiv) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 5, Lot 11 and Lot 8 on Plan of Survey P181605, registered in the names of Kaylene Shirley Elphinstone and Walter Stanley Elphinstone for road purposes;
- (xxv) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 6 on Plan of Survey P181605, registered in the name of Jean Barbara Burrows for road purposes; and
- (xxvi) Dated 15 October 2021, land situate in Parish of Shekleton, Land District of Wellington, Municipal Area of Waratah-Wynyard, Lot 7, Lot 9, Lot 12 and Lot 13 on Plan of Survey P181605, registered in the names of Bruce Donal Chamley and Debra Louise Chamley for road purposes.

8 PUBLIC ACCOUNTS, PARLIAMENTARY STANDING COMMITTEE OF: REPORT BROUGHT UP. – Mr *Street* brought up the following Report of the Parliamentary Standing Committee of Public Accounts:-

Review of Auditor-General's Report No. 8 of 2018-19: Student Attendance and Engagement: Years 7-10. (Paper No. 32)

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

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

- (1) Commissioner for Children and Young People Tasmania: Annual Report 2020-2021.
- (2) Custodial Inspector Tasmania: Capacity Utilisation Review 2021.
- (3) Tasmanian Electoral Commission: Annual Report 2020-2021.

10 BILL NO. 51. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Housing Land Supply Act 2018".

Legislative Council, 17 November 2021.

C.M. FARRELL, *President.*

11 BILL NO. 49. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to enable the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to be given effect within Tasmania and for related purposes".

Legislative Council, 17 November 2021

C.M. FARRELL, President.

12 BILL NO. 52. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Justices Act 1959 and to validate certain summonses and warrants".

Legislative Council, 17 November 2021.

C.M. FARRELL, President.

13 BILL NO. 59. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to postpone the repeal of the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998".

Legislative Council, 18 November 2021.

C.M. FARRELL, President.

14 BILL NO. 57. - A Message from the Legislative Council -

MR SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Traffic Act 1925".

Legislative Council, 22 November 2021.

C.M. FARRELL, President.

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

MESSAGE.

Barbara Baker, *Governor.*

A Bill for an Act to amend the Defamation Act 2005 (Bill No. 34 (*Act No. 16 of 2021*))

A Bill for an Act to amend the Mutual Recognition (Tasmania) Act 1993 (Bill No. 42 (*Act No. 20 of 2021*))

A Bill for an Act to amend the Poisons Act 1971 (Bill No. 35 (*Act No. 21 of 2021*))

A Bill for an Act to amend the Children, Young Persons and Their Families Act 1997 (Bill No. 28 (*Act No. 22 of 2021*))

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, 12 November 2021.

16 LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Premier have leave to make a Motion without Notice. (The Premier)

17 THE LATE CARMEL MAUDE HOLMES: CONDOLENCE RESOLUTION. - *Resolved, nemine contradicente* - That this House expresses its deep regret at the death on 7 November 2021 of Carmel Maude Holmes, a former Member for the Electorate of Denison from 25 June 1984 until 8 February 1986, and further, that this House respectfully tenders to her family its sincere sympathy in their bereavement.

Ordered, That a copy of the foregoing Resolution be forwarded to the family of the late Carmel Holmes. (The Premier)

18 MATTER OF PUBLIC IMPORTANCE: ENERGY SECURITY. – Mr *Winter*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Energy Security.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

19 BILL NO. 58. - The Order of the Day being read for the Second reading of the Living Marine Resources Management Amendment (Aquaculture Research) Bill 2021.

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

A Debate arose thereupon.

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

21 BILL NO. 58. - And the Question being again proposed;

The House resumed the Debate.

An Amendment was proposed to the Question by Dr *Woodruff* by leaving out all words after “That” and inserting instead “the Bill be withdrawn and redrafted for the following reasons –

- (a) the Bill does not provide for public consultation, or appeal rights, in relation to the issuing of a permit; and
- (b) the Bill does not place explicit limitations in relation to duration, biomass, or deriving profit from research activities; and
- (c) the Bill does not explicitly require the recording, and public reporting, of environmental impact data; and
- (d) the Bill does not provide for public reporting of permit conditions; and
- (e) the Bill does not provide for assessment by the Marine Farming Planning Review Panel; and
- (f) the Bill does not address significant flaws in the existing regulatory regime.”

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

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Street

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

So it passed in in the Negative.

And the Main Question being again proposed;

The House resumed the Debate.

And the Question being put;

The House divided.

AYES 21

NOES 3

Ms Archer

Ms O'Connor

Mr Barnett

Dr Woodruff

Dr Broad

Ms Johnston (Teller)

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Street

Mr Tucker

Ms White

Mr Winter

Mr Ellis (Teller)

It was resolved in the Affirmative.

And the Bill was, accordingly, 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)

The Chair of Committees took the Chair.

Clauses 1 to 7 agreed to.

Clause 8 read.

Amendment proposed (*Dr Woodruff*)

Page 7, proposed new section 15A, subsection (2), paragraph (b).

Leave out the paragraph.

Insert instead the following paragraph:

“(b) include in the conditions to which the permit is subject –

- (i) such conditions as the Director, EPA determines, including but not limited to –
 - (A) a requirement to report on such environmental impact data as determined by the Director, EPA; and
 - (B) a requirement to provide access to such persons as determined by the Director, EPA; and
 - (ii) a limitation on the duration of the permit not exceeding 2 years from the date of commencement of the permit; and
 - (iii) a prohibition on commercial activities, in respect of the activities authorised by the permit, to the extent that the commercial activities would exceed the cost of the carrying out of activities authorised by the permit; and
 - (iv) such other conditions as the Minister sees fit; and
 - (v) such other conditions as may be prescribed.
- (c) cause a call for public submissions, in respect of the permit to be published –
- (i) containing relevant details of the proposed marine aquaculture research activities, including the applicant's details, proposed location, and the subject matter of the research; and
 - (ii) containing details of proposed permit conditions; and
 - (iii) containing a date on which submissions are due, no less than 20 days from the date of publication; and
 - (iv) in a newspaper that is published, and circulates generally, in Tasmania; and
 - (v) on the Department's website; and
- (d) ensure that public submissions under paragraph (c) are considered in respect of whether or not to issue a permit, and conditions that may be included under paragraph (b)."

Question put – That the Amendment be agreed to;

The Committee divided.

AYES 3

Ms Johnston

Ms O'Connor

Dr Woodruff (Teller)

NOES 21

Ms Archer

Mr Barnett

Dr Broad

Ms Courtney

Ms Dow

Mr Ellis

Mr Ferguson

Ms Finlay

Mr Gutwein

Ms Haddad

Mr Jaensch

Mr O'Byrne

Ms O'Byrne

Ms Ogilvie

Mrs Petrusma

Mr Rockliff

Mr Shelton

Mr Tucker

Ms White

Mr Winter

Ms Butler (Teller)

So it passed in the Negative.

Clause 8, as read, agreed to.

Clauses 9 to 10 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The House being resumed, Mr *Street* reported that the Committee had gone through the Bill, and had directed him to report the same to the House without Amendment.

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

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

22 BILL NO. 58. - 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 Living Marine Resources Management Act 1995”,

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

House of Assembly, 23 November 2021.

MARK SHELTON, *Speaker.*

23 BILL NO. 50. - The Order of the Day being read for the Second reading of the Criminal Code Amendment (Judge Alone Trials) Bill 2021.

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

A debate arose thereupon.

And the Minister for Justice was addressing the Chair.

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

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

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day.