



# HOUSE OF ASSEMBLY

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 21

THURSDAY, 28 OCTOBER 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 STATEMENT BY SPEAKER. – The Speaker said:-

“I need to alert the House to a technical issue affecting the Parliamentary Broadcast System that has become apparent this morning.

The system did not initiate this morning but after considerable efforts, technicians have enabled a limited broadcast service until such time as the problem is rectified.

The broadcast will be of the chamber wide shot, together with audio.

Hansard is unaffected.”

5 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.

6 PETITION. – Mr *Tucker* presented an E-Petition from approximately 255 residents and ratepayers of the Glamorgan Spring Bay Municipality, Tasmania, requesting that the House call on the Government to establish a Board of Inquiry pursuant to the Local Government Act 1993 to investigate the financial and administrative affairs of the Glamorgan Spring Bay Council. (HA16/2021).

Which Petition was read and received.

7 PETITION. – Mr *Tucker* presented a Petition from approximately 672 residents and ratepayers in the Glamorgan Spring Bay Municipality, Tasmania, requesting that the House call on the Government to institute a Board of Inquiry into the financial and administrative affairs of the Glamorgan Spring Bay Council. (HA15/2021).

Which Petition was read and received.

8 PETITION. – Ms *Butler* presented a Petition from approximately 75 residents and ratepayers of the Glamorgan Spring Bay Municipality, Tasmania, requesting that the House call on the Minister for Local Government to:

- (1) Convene a public forum between the Council and ratepayers so that the Council can explain its recent lack of governance and the implementation of the AAV rating methodology for 2021/2022 as opposed to the previous AAR method used since 2012;
- (2) Require the Glamorgan Spring Bay Council to attend the meeting and freely communicate all relevant information requested;

- (3) Require the Council to rescind the 2021/2022 Rates and revert to the previous AAR methodology;
- (4) Stand down the Council until a new election is held, if the Council refuses to rescind the 2021/22 Rates and revert to the previous AAR methodology; and
- (5) Re-instate the 4 wards to the Glamorgan Spring Bay Municipality and place a cap of 2 Councillors per ward to ensure equal representation across the Municipality. (HA17/2021).

Which Petition was read and received.

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

- (1) State Service Act 2000: Report of the Tasmanian Industrial Commission: ‘Review of Actions’ 2020-21.
- (2) Department of Treasury and Finance: Treasurer’s Annual Financial Report 2020-2021.

**10** PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-

- (1) Council of Obstetric & Paediatric Mortality & Morbidity: Annual Report 2019.
- (2) Department of Health: Annual Report 2020-21.
- (3) Chief Civil Psychiatrist and Chief Forensic Psychiatrist: Annual Report 2020-2021.

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

- (1) Water and Sewerage Industry Act 2008: Water and Sewerage Industry (Pricing and Related Matters) Regulations 2021 (Statutory Rules 2021, No.74).
- (2) TasRacing: Annual Report 2021.
- (3) Macquarie Point Development Corporation: Annual Report 2020-2021.
- (4) TasPorts: Annual Report 2020-21.
- (5) TT-Line Company Pty Ltd: Annual Report 2020-21.

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

- (1) Department of Justice: Annual Report 2020-2021.
- (2) Public Trustee: Annual Report 2020-2021.
- (3) The Mental Health Tribunal: Annual Report 2020-21.
- (4) Legal Profession Board of Tasmania: Annual Report 2020-2021.
- (5) Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011: Asbestos-Related Diseases (Occupational Exposure) Compensation Regulations 2021 (Statutory Rules 2021, No. 81).

**13** PAPERS. – The Minister for Education laid upon the Table of the House the following Papers:-

- (1) Department of Education: Annual Report 2020-2021.
- (2) Tourism Tasmania: Annual Report 2020-2021.

(3) TasTAFE: Annual Report 2020-2021.

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

(1) Private Forests Tasmania: Annual Report 2020-21.

(2) TasNetworks: Annual Report 2020-21.

(3) Sustainable Timber Tasmania: Annual Report 2021.

(4) Hydro Tasmania: Annual Report 2021.

(5) Inland Fisheries Service: Annual Report 2020-21.

**15** PAPERS. – The Minister for State Growth laid upon the Table of the House the following Paper:-

Department of State Growth: Annual Report 2020-21.

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

(1) Integrity Commission Tasmania: Annual Report 2020-2021.

(2) Legislative Council, Parliament of Tasmania: Annual Report 2020-2021.

(3) House of Assembly: Annual Report 2020-21.

**17** BILL NO. 56. – The Minister for Skills, Training and Workforce Growth presented -

“A Bill for an Act to continue TasTAFE as an organisation to provide vocational education and training that benefits the Tasmanian community by contributing to the Tasmanian economy and providing skilled workers for the Tasmanian workforce”.

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

**18** LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

**19** ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 9 November next. (The Minister for Infrastructure and Transport)

**20** MATTER OF PUBLIC IMPORTANCE: COP26. – Dr *Woodruff* in accordance with Standing Orders, moved - That the House take note of the following matter:

COP26.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**21** BILL NO. 49. - The Order of the Day being read for the Second reading of the OPCAT Implementation 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.

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

**23** BILL NO. 49. - And the Question being again proposed;

The House 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 House.

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

---

(In the Committee)

Mr *Ellis* took the Chair.

Clauses 1 to 40 agreed to.

Schedule 1 agreed to.

New Schedule A was brought up by Dr *Woodruff* and read a First Time as follows:-

A. Review of Act

- (1) The Minister is to commission an independent review of the operation of this Act on a day before 1 November, 2023.
- (2) The review is to –
  - (a) examine the extent to which the Tasmanian national preventative mechanism is fulfilling the purpose and functions of the national preventative mechanism under the Optional Protocol; and
  - (b) examine the extent to which the purpose of this Act under section 3 is being met; and
  - (c) consider whether or not any appointment, or appointments, as a Tasmanian national preventive mechanism under section 8 is the most desirable approach for the purposes outlined in paragraphs (a) and (b); and
  - (d) examine the extent to which engagement between the Tasmanian national preventive mechanism and civil society has occurred; and

- (e) examine such other matters as the Minister may consider relevant to a review of this Act; and
  - (f) provide recommendations for the amendment of this, or any other, Act, or in regard to the administration of this Act, with respect to the matters contained in paragraphs (a), (b), (c), (d) and (e).
- (3) The Minister is to take reasonable steps to ensure that the review is carried out in consultation with –
  - (a) any Tasmanian national preventive mechanism appointed under section 8; and
  - (b) advocacy organisations with an interest in the functions of the national preventative mechanism; and
  - (c) any relevant authority with an interest in the functions of the national preventative mechanism; and
  - (d) the subcommittee; and
  - (e) The University of Tasmania; and
  - (f) The Tasmanian Council of Social Service; and
  - (g) such other persons as the Minister sees fit.
- (4) The persons who carry out the review are to give the Minister a written report on its outcome.
- (5) The Minister is to cause a copy of the report to be tabled in each House of Parliament within 10 sitting-days after it is given to the Minister.

Question proposed - That new Schedule A be read the Second time and made a part of the Bill to follow Schedule 1;

Amendments to the proposed new Schedule A were proposed. (Ms *Haddad*)

First Amendment

Leave out paragraph (3) (e) and (f) and insert instead:

“(e) as broad a range of civil society organisations as possible.”

Second Amendment

In subclause (1) leave out “2023” and insert instead “2025”.

Question put - That the Amendments be agreed to;

It passed in the Negative.

Question put - That new Schedule A be read the Second time and made part of the Bill to follow Schedule 1;

The Committee divided.

AYES 12

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

NOES 12

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

CHAIR OF COMMITTEES GIVES CASTING VOTE. – The Chair of Committees said: “The numbers being equal, I cast my vote with the Noes”.

So it passed in the Negative.

Title agreed to.

Bill to be reported without Amendment.

---

The House being resumed, Mr *Ellis* 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.

**24** BILL NO. 49. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed 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”,

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

*House of Assembly, 28 October 2021.*

MARK SHELTON, *Speaker*.

**25** BILL NO. 35. - 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 Poisons Act 1971".

*Legislative Council, 28 October 2021.*

*C.M. FARRELL, President.*

**26** BILL NO. 42. - 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 Mutual Recognition (Tasmania) Act 1993".

*Legislative Council, 28 October 2021.*

*C.M. FARRELL, President.*

**27** BILL NO. 39. - 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 Guardianship and Administration Act 1995, the Industrial Relations Act 1984, the Justices of the Peace Act 2018, the Legal Profession Act 2007, the Mental Health Act 2013 and the Workers Rehabilitation and Compensation Act 1988, so as to validate certain appointments, actions and decisions purportedly made under those Acts, and to amend certain provisions of the Industrial Relations Act 1984 in relation to the appointment of members of the Tasmanian Industrial Commission and to provide for certain transitional arrangements in relation to such amendments".

*Legislative Council, 28 October 2021.*

*C.M. FARRELL, President.*

**28** BILL NO. 47. - 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 certain Acts and regulations, and to repeal or rescind certain Acts and regulations, consequential to the enactment of the Tasmanian Civil and Administrative Tribunal Amendment Act 2021".

*Legislative Council, 28 October 2021.*

*C.M. FARRELL, President.*

**29** BILL NO. 46. - 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 Tasmanian Civil and Administrative Tribunal Act 2020".

*Legislative Council, 28 October 2021.*

*C.M. FARRELL, President.*

**30** SITTING TIMES. - *Ordered*, Pursuant to Sessional Order 18A, 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 for Infrastructure and Transport)

**31** BILL NO. 28. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Children, Young Persons and Their Families Amendment Bill 2021.

---

(In the Committee)

Mr *Ellis* took the Chair.

Amendments

Clause 5

First Amendment

Page 4, proposed new section 111C, subsection (1),  
definition of *participating jurisdiction*.

Leave out “the Commonwealth,”.

Second Amendment

Page 6, same proposed new section, subsection (3),  
Paragraph (c).

*Leave out “, or the Commonwealth”.*

Amendments agreed to.

Resolution to be reported.

---

The House being resumed, Mr *Ellis* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Children and Youth)

**32** BILL NO. 28. - A message to the Legislative Council:-

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to amend the Children, Young Persons and Their Families Act 1997”.

*House of Assembly, 28 October 2021.*

MARK SHELTON, *Speaker*.

**33** BILL NO. 51. - The Housing Land Supply Amendment Bill 2021 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 *Ellis* took the Chair.

Clauses 1 to 13 agreed to.

Title agreed to.

Bill to be reported without Amendment.

---

The House being resumed, Mr *Ellis* 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.

**34** BILL NO. 51. - 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 Housing Land Supply Act 2018”.

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

*House of Assembly, 28 October 2021.*

MARK SHELTON, *Speaker.*

**35** ADJOURNMENT. – A Motion being made - That the House do now adjourn. (The Minister for Local Government and Planning)

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

The House adjourned at forty-six minutes past Seven o'clock.

SHANE DONNELLY, *Clerk of the House.*

---

MEMBERS. - All present during the day.

The Minister for Sport and Recreation, Minister for Racing, Minister for Women and Minister for Small Business attended Question Time.