



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 53 TUESDAY, 24 MARCH 2020

- 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, present and emerging. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 **PRAYERS.**— The President read prayers.
- 4 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
 - (1) Heavy Vehicle National Amendment Regulation 2019, No. 238.
 - (2) Taxi and Hire Vehicle Industries Act 2008: Statutory Rules 2019, No. 73 containing Taxi and Hire Vehicle Industries (Review of Decisions) Regulations 2019.
 - (3) Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016: Statutory Rules 2020, containing Strategic Infrastructure Corridors (Strategic and Recreational Use) (Western Line – West Park Corridor) Notice 2020
 - (4) Motor Accidents (Liabilities and Compensation) Act 1973: Statutory Rules 2020, No. 7 containing Motor Accidents (Liabilities and Compensation) Regulations 2020.
 - (5) Gaming Control Act 1993: Statutory Rules 2020, No. 14 containing Gaming Control Amendment Regulations 2020.
 - (6) Environmental Management and Pollution Control Act 1994: Statutory Rules 2020, No. 15 containing Environmental Management and Pollution Control (Waste Management) Regulations 2020.
 - (7) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1.864 ha situate in TasRail Bell Bay Rail Sidings, Municipal Area of George Town.
 - (8) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1734 m2 situate in TasRail Bell Bay Rail Sidings, Municipal Area of George Town.
 - (9) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1926 m2 situate in TasRail Bell Bay Rail Sidings, Municipal Area of George Town.
 - (10) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 269 m2 situate in TasRail Bell Bay Rail Sidings, Municipal Area of George Town.

- (11) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 2.642 ha situate in Richmond Road Master Plan Cambridge Link Road, Municipal Area of Clarence.
- (12) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing .0624 m2 situate in Tasman Highway Great Eastern Drive Flagstaff Road Junction, Municipal Area of Break O'Day.
- (13) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 1.445 ha situate in Richmond Road Master Plan – Cambridge Link Road, Municipal Area of Clarence.
- (14) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 50.9 m2 and 649 m2 situate in Arthur Highway overtaking lane, Municipal Area of Sorell.
- (15) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 703 m2 situate in Arthur Highway overtaking lane, Municipal Area of Sorell.

5 REPORT OF THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE 'A'.— Ms *Forrest* presented a Report of the Legislative Council Government Administration Committee 'A' concerning its Short Inquiry Process Report into Services and Supports available to Tasmanians not eligible for the NDIS.

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

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

6 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Prosser, (Ms *Howlett*) be granted leave of absence from the service of the Council for this week' sitting. (Mrs *Hiscutt*)

7 MOTION WITHOUT NOTICE.— *Ordered*, That Mrs *Hiscutt* have leave to move two Motions without Notice.

8 SUSPENSION OF STANDING ORDER.— *Ordered*, That so much of Standing Order No. 40 be suspended for this day's sitting to allow Government Business to have precedence. (Mrs *Hiscutt*)

9 SUSPENSION OF STANDING ORDER.— *Ordered*, That so much of Standing Order No. 49 in relation to Question time be suspended for this week's sitting. (Mrs *Hiscutt*)

10 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 *Webb* – Emelia Howell and Clara Kim – International Women's Day
- (2) Ms *Armitage* – Toni Maloney- Former CEO of Clifford Craig
- (3) Mr *Finch* – Miss B's Student Services
- (4) Ms *Rattray* – Vansittart Island

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

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

12 ORDER OF BUSINESS.— *Ordered*, That intervening business be postponed until after consideration of Orders of the Day Nos. 4, 5 and 6. (Mrs *Hiscutt*)

13 BILL NO. 4.— The Order of the Day was read for the Second reading of the Evidence Amendment Bill 2020.

A Motion was made (*Mrs Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

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

14 SITTING SUSPENDED.—*Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells for the purpose of a briefing. (*Mrs Hiscutt*)

The Sitting was suspended at 11.53 o'clock a.m. and resumed at 12.46 o'clock p.m.

15 BILL NO. 4.— The Council, according to Order, resumed the Debate on the Question, That the Evidence Amendment Bill 2020 be now read the Second time.

16 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.

17 BILL NO. 4.— The Council resumed the Debate on the Question, That the Evidence Amendment Bill 2020 be now read the Second time.

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 5 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*)

18 BILL NO. 5.— The Order of the Day was read for the Second reading of the Criminal Code Amendment (Sexual Abuse Terminology) Bill 2020.

A Motion was made (*Mrs Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

Ordered, That *Mrs Hiscutt*, have leave to Table a document setting out the names of old charges under the Criminal Code Act 1924 and the new charges under the Criminal Code Amendment (Sexual Abuse Terminology) Bill 2020 and have the document incorporated into the Hansard Record.

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 15 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*)

19 BILL NO. 10.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for An Act for the appropriation of money out of the Public Account for the service of the financial year ending on 30 June 2020 for the purpose of making contributions to each of Division 1, Brand Tasmania, Division 2, Department of Communities Tasmania, Division 3, Department of Education, Division 4, Finance-General, Division 5, Department of Health, Division 6, Department of Justice, Division 7, Ministerial and Parliamentary Support, Division 8, Department of Police, Fire and Emergency Management, Division 9, Department of Premier and Cabinet, Division 10, Department of Primary Industries, Parks, Water and Environment, Division 11, Department of State Growth, Division 12, Tourism Tasmania, and Division 13, Department of Treasury and Finance, of Schedule 1 to the Appropriation Act (No.1) 2019’,

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

House of Assembly, 24 March 2020

S. HICKEY, *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*) and the Question was proposed — That so much of Standing Orders be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

Ordered, That the Second Reading of the Bill be made an Order of the Day for a later hour. (Mrs *Hiscutt*)

22 BILL NO. 11.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to make interim provision for the appropriation of \$3 019 438 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2020’,

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

House of Assembly, 24 March 2020

S. HICKEY, *Speaker*

The Bill was read the First time.

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

24 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of Standing Orders be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint. (Mrs *Hiscutt*)

Ordered, That the Second Reading of the Bill be made an Order of the Day for a later hour. (Mrs *Hiscutt*)

25 BILL NO. 12.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled — ‘A Bill for an Act to make interim provision for the appropriation of \$17 765 000 out of the Public Account for the services of the Government in respect of Parliament and Statutory Offices for the financial year ending on 30 June 2021’,

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

House of Assembly, 24 March 2020

S. HICKEY, *Speaker*

The Bill was read the First time.

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

27 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of Standing Orders be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint. (Mrs *Hiscutt*)

Ordered, That the Second Reading of the Bill be made an Order of the Day for a later hour. (Mrs *Hiscutt*)

28 BILL NO. 13.— 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 *First Home Owner Grant Act 2000*, the *Payroll Tax Act 2008* and the *Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Act 2017*’,

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

House of Assembly, 24 March 2020

S. HICKEY, *Speaker*

The Bill was read the First time.

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

30 SUSPENSION OF STANDING ORDERS.— *Ordered*, That so much of Standing Orders be suspended to allow the Bill to pass through its remaining stages at such time as the Council may appoint. (Mrs *Hiscutt*)

Ordered, That the Second Reading of the Bill be made an Order of the Day for a later hour. (Mrs *Hiscutt*)

31 BILL NO. 10.— The Order of the Day was read for the Second reading of the Appropriation (Supplementary Appropriation for 2019-20) Bill 2020.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

Ordered, That the Debate be adjourned. (Mrs *Hiscutt*)

32 SITTING SUSPENDED.—*Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 4.09 o'clock p.m. and resumed at 4.55 o'clock p.m.

33 BILL NO. 10.— The Council, according to Order, resumed the Debate on the Question, That the Appropriation (Supplementary Appropriation for 2019-20) Bill 2020 be now read the Second time.

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 3 agreed to.

Clause 4 postponed

Clauses 5 and 6 agreed to.

Postponed Clause 4 further considered and agreed to.

Title agreed to.

Bill to be reported without Request and 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 Request and without Amendment.

Ordered, That the Bill be now read the Third time. (Mrs *Hiscutt*)

34 BILL NO. 10.— The Appropriation (Supplementary Appropriation for 2019-20) Bill 2020 was read the Third time and passed.

35 BILL NO. 10.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having this day agreed, without Request and without Amendment, to a Bill, intituled—

A Bill for An Act for the appropriation of money out of the Public Account for the service of the financial year ending on 30 June 2020 for the purpose of making contributions to each of Division 1, Brand Tasmania, Division 2, Department of Communities Tasmania, Division 3, Department of Education, Division 4, Finance-General, Division 5, Department of Health, Division 6, Department of Justice, Division 7, Ministerial and Parliamentary Support, Division 8, Department of Police, Fire and Emergency Management, Division 9, Department of Premier and Cabinet, Division 10, Department of Primary Industries, Parks, Water and Environment, Division 11, Department of State Growth, Division 12, Tourism Tasmania, and Division 13, Department of Treasury and Finance, of Schedule 1 to the Appropriation Act (No.1) 2019',

now returns the same to the House of Assembly.

Legislative Council, 24 March 2020

C.M. FARRELL, *President*

36 BILL NO. 11.— The Order of the Day was read for the Second reading of the Supply Bill (No. 1) 2020.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill 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 3 agreed to.

Clauses 4 and 5 postponed.

Clauses 6 and 7 agreed to.

Schedule 1 agreed to without Request and without Amendment.

Postponed Clauses 4 and 5 further considered and agreed to.

Title agreed to.

Bill to be reported without Request and 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 Request and without Amendment.

Ordered, That the Bill be now read the Third time. (Mrs *Hiscutt*)

37 BILL NO. 11. — The Supply Bill (No.1) 2020 was read the Third time and passed.

38 BILL NO. 11.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having this day agreed, without Request and without Amendment, to a Bill, intituled —

‘A Bill for an Act to make interim provision for the appropriation of \$3 019 438 000 out of the Public Account for the services of the Government for the financial year ending on 30 June 2021’,

now returns the same to the House of Assembly.

Legislative Council, 24 March 2020

C.M. FARRELL, *President*

39 BILL NO. 12.— The Order of the Day was read for the Second reading of the Supply Bill (No. 2) 2020.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill 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 3 agreed to.

Clauses 4 and 5 postponed.

Clauses 6 and 7 agreed to.

Schedule 1 agreed to without Request.

Postponed Clauses 4 and 5 further considered and agreed to.

Title agreed to.

Bill to be reported without Request.

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 Request and without Amendment.

Ordered, That the Bill be now read the Third time. (Mrs *Hiscutt*)

40 BILL NO. 12. — The Supply Bill (No. 2) 2020 was read the Third time and passed.

41 BILL NO. 12. — A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having this day agreed, without Request, to a Bill, intituled —

‘A Bill for an Act to make interim provision for the appropriation of \$17 765 000 out of the Public Account for the services of the Government in respect of Parliament and Statutory Offices for the financial year ending on 30 June 2021’,

now returns the same to the House of Assembly.

Legislative Council, 24 March 2020

C.M. FARRELL, *President*

42 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o’clock am on Wednesday, 25 March 2020.

It was resolved in the Affirmative.

Resolved, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 6.13 o’clock p.m.

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

Briefings:

- *Evidence Amendment Bill 2020 (No. 4)*
- *Appropriation, Supply and Taxation Bills*