



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 74

THURSDAY, 15 OCTOBER 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) Office of the Custodial Inspector Tasmania: Annual Report 2019-20
 - (2) Council of Obstetric & Paediatric Mortality & Morbidity: Annual Report 2018
 - (3) Aurora Energy: Annual Report 2019-2020.
 - (4) Hydro Tasmania: Annual Report 2019-2020.
 - (5) Sustainable Timber Tasmania: Annual Report 2019-2020.
 - (6) TasNetworks: Annual Report 2019-20.
 - (7) Tasmania Development and Resources: Annual Report 2019-20.
 - (8) Macquarie Point Development Corporation: Annual Report 2019-2020.
 - (9) Department of State Growth: Annual Report 2019-20.
 - (10) TT-Line Company Pty. Ltd.: Annual Report 2019-20.
 - (11) Department of Communities Tasmania: Annual Report 2019-20.
 - (12) Environment Protection Authority: Annual Report 2019-2020.
 - (13) Department of Primary Industries, Parks, Water and Environment: Annual Report 2020.
 - (14) Office of Tasmanian Assessment, Standards & Certification: Annual Report 2019-2020.
 - (15) Report of the Tasmanian Industrial Commission ‘Review of Actions’ 2019-20.
 - (16) Department of Education: Annual Report 2019-2020.
 - (17) TasTAFE: Annual Report 2019-2020.
 - (18) State Fire Commission: Annual Report 2019-20.

- (19) Office of the Custodial Inspector Tasmania: Education & Programs Inspection Report. Inspection of Youth Custodial Services in Tasmania, 2018. Dated July 2020.
- (20) Office of the Custodial Inspector Tasmania: Resources and Systems Inspection Report. Inspection of Adult Custodial Services in Tasmania, 2019. Dated July 2020.
- (21) Department of Health: Annual Report 2019-20.
- (22) Department of Justice: Annual Report 2019-2020.
- (23) Tasmanian State Service: Annual Report 2019-20.
- (24) Department of Premier and Cabinet: Annual Report 2019-20.
- (25) Terms of Reference for review under section 2 of the Sentencing Amendment (Phasing Out of Suspended Sentences) Act 2017.
- (26) Payroll Tax Act 2008: Statutory Rules 2020, No. 58, containing Payroll Tax (Pandemic) (No. 2) Amendment Order 2020.
- (27) Marine and Safety Authority Act 1997: Marine and Safety (Fees) By-Laws 2020.

5 REPORT OF THE JOINT PARLIAMENTARY STANDING COMMITTEE ON SUBRODINATE LEGISLATION FOR 2019-2020.— Ms *Rattray* presented a Report of the Joint Parliamentary Standing Committee on Subordinate Legislation for 2019-2020.

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

7 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Pembroke, Ms *Siejka*, be granted leave of absence from the service of the Council for today's Sitting. (Mrs *Hiscutt*)

8 BILL NO. 25. — The Tasmanian Civil and Administrative Tribunal Bill 2020 was read the Third time and passed.

9 BILL NO. 25.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, '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.'

Legislative Council, 15 October 2020

C.M. FARRELL, *President*

10 BILL NO. 55 OF 2019. — The Cat Management Amendment Bill 2019 was read the Third time and passed.

11 BILL NO. 55 OF 2019.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, 'A Bill for an Act to amend the *Cat Management Act 2009*'.

Legislative Council, 15 October 2020

C.M. FARRELL, *President*

12 BILL NO. 31.— The Order of the Day was read for the Second reading of the Evidence (Children and Special Witnesses) 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.

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 22 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*)

13 BILL NO. 35.— The Order of the Day was read for the Second reading of the Justice Miscellaneous (Court Backlog and Related Matters) 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.

14 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.

15 QUESTION TIME.— The President called for Questions without Notice. There were seven Questions asked.

16 BILL NO. 35.— The Council resumed the Debate on the Question, That the Justice Miscellaneous (Court Backlog and Related Matters) 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 32 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*).

17 BILL NO. 34.— The Order of the Day was read for the Second reading of the On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) 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.

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 69 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. 35 OF 2019.— The Order of the Day was read for the Second reading of the Neighbourhood Disputes About Plants Amendment Bill 2019.

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 8 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 him 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. 6.— The Order of the Day was read for the Second reading of the Architects 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. (Ms *Rattray*)

20 BILL NO. 39.— 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 *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*’,

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

House of Assembly, 15 October 2020

S. HICKEY, *Speaker*

The Bill was read the First time.

Ordered, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

21 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 9.00 o’clock am on Tuesday, 27 October 2020.

It was resolved in the Affirmative.

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

A Debate arose thereupon.

It was resolved in the Affirmative.

The Council adjourned at 6.23 o’clock p.m.

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

Briefings:

- *On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) 2020*
- *Neighbourhood Disputes About Plants Amendment Bill 2019*