



HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 63

WEDNESDAY, 26 AUGUST 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 Minister for Infrastructure and Transport laid upon the Table of the House the following Papers:-

Marine and Safety Authority Act 1997:

- (a) Marine and Safety (Moorings) By-Laws 2020;
- (b) Marine and Safety (Prescribed Offences) Amendment By-Laws 2020; and
- (c) Marine and Safety (Fees) Amendment By-Laws 2020.

- 6 BILL NO. 32. – The Minister for Energy presented -

“A Bill for an Act to amend the Gas Industry Act 2019”.

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

- 7 POINT OF ORDER RAISED. – The Honourable Member for Clark Ms *O'Connor* raised a Point of Order claiming that she had not received a response to her correspondence to the Speaker in relation to the application of the Standing Orders in debate.

- 8 THE SPEAKER RULES. – The Speaker ruled that it not in order for a Member to direct a question without notice to the Speaker and that this was not the appropriate form in which to raise the matter and the point of order was not upheld.

- 9 DISSENT FROM RULING. – And the Honourable Member for Clark, Ms *O'Connor*, rising in her place took objection from the ruling and moved to dissent therefrom.

A debate arose thereupon.

And the Motion was, *by leave*, withdrawn.

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

11 SUSPENSION OF STANDING ORDERS. - *Ordered*, That so much of Standing Orders be suspended as would prevent the Honourable Member for Braddon, Mr *Ellis*, from making a statement to the House, for a period not exceeding 30 minutes, following the conclusion of the debate this day on the Matter of Public Importance. (The Minister for Infrastructure and Transport)

12 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 for Infrastructure and Transport)

13 MATTER OF PUBLIC IMPORTANCE: NORTH-WEST HEALTH SERVICES. – Ms *Dow*, in accordance with Standing Orders, moved - That the House take note of the following matter:

North-West Health Services.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

14 INAUGURAL SPEECH. – The Honourable Member for Braddon, Mr *Ellis* made a statement to the House.

15 BILL NO. 26. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Tuesday, 25 August 2020 - That the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020 be now read the Second time;

And the Question being again proposed;

The House resumed the said adjourned Debate.

And the Question being put;

The House divided.

AYES 22

NOES 2

Ms Archer
Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ellis
Mr Ferguson
Mr Gutwein
Ms Haddad
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 Street (Teller)

Ms O'Connor
Dr Woodruff (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)

Mr Street took the Chair.

Clauses 1 to 3 agreed to.

Clause 4 read.

Amendment proposed (*Ms Dow*)

First Amendment

To insert a new paragraph () before paragraph (a) as follows:

“() by inserting the following definition after the definition of development:

Donation

(1) For the purposes of this Act, a donation is –

(a) a gift made to or for the benefit of a political party registered in Tasmania; or
(b) a gift made to or for the benefit of a Member of the Tasmanian Parliament; or
(c) a gift made to or for the benefit of a candidate or an intending candidate for an election to the Tasmanian Parliament; or
(d) a gift made to or for the benefit of an entity or other person (not being a party, a Member, a candidate or an intending candidate), the primary purpose of which was used by the entity or person –

(i) to enable the entity or person to make, directly or indirectly, a donation to a Party, Member or candidate; or

(ii) to reimburse the entity or person for making, directly or indirectly, a donation to a Party, Member or candidate.

(2) A gift to an individual that was made in a private capacity to the individual for his or her personal use, and that the individual has not used, and does not intend to use, solely or substantially for a purpose related to an election or to his or her duties as a Member, is not a donation.”

Second Amendment

To insert a new paragraph () to follow paragraph (a) as follows:

“() by inserting the following definition after the definition of Executive Commissioner:

gift, for the purposes of this Act, a gift is any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money’s worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.”

A debate arose thereupon.

SUSPENSION OF SITTING. - At One o'clock the Chair of Committees left the Chair.

16 SPEAKER RESUMED CHAIR. - At half-past Two o'clock, in accordance with Standing Order 261, it being time for Private Members Business under Standing Order 42, the Speaker resumed the Chair.

17 PRIVATE MEMBERS BUSINESS. – In accordance with Standing Order 42, Mr *Street* indicated that the time for Government Private Members Private Members’ Business for this day would be waived.

18 BILL NO. 26. - The House, according to Order, again resolved itself into a Committee on the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020.

(In the Committee)

Mr *Street* took the Chair.

Amendment to clause 4 further considered.

Question put;

It passed in the Negative.

Clause 4 as read further considered and agreed to.

Clauses 5 to 11 agreed to.

Clause 12 read.

Amendment proposed (Ms *Dow*)

In proposed new section 60C, paragraph (4), after paragraph (b)

To insert new paragraph (c):

“(c) be accompanied by a statutory declaration made in accordance with the *Oaths Act 2001* and signed by each of the Managing Director and Chair of the Board (or equivalent) of the proponent, disclosing any donation or gift made by the proponent or its agents in the previous three years to any Member of the Tasmanian Parliament, any Candidate for election to the Tasmanian Parliament or to any political Party registered in Tasmania.”

A debate arose thereupon.

Amendment to the Amendment proposed (Dr *Woodruff*), before “be accompanied by a statutory declaration”, by inserting “if a proposal that a project be declared to be a major project is made by a proponent under subsection (1),”.

Question put – That the Amendment to the Amendment be agreed to;

It passed in the Negative.

Question put – That the Amendment be agreed to;

It passed in the Negative.

Clause 12 further considered.

Amendment proposed (Ms *Dow*)

In proposed new section 60C, after subsection (6), by inserting the following new subsection:

“(7) Notwithstanding anything in this Act, a proponent who has made a donation or gift whether by itself or its agents in the previous three years to any Member of the Parliament of Tasmania, or to a candidate for election to the Parliament of Tasmania or to the Party of any Member or candidate for election to the Tasmanian Parliament is prohibited from making a proposal that a project be declared to be a major project.”

Question put;

The Committee divided.

AYES 10

Ms Butler
Ms Dow
Ms Haddad
Ms Houston
Mr O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Dr Broad (Teller)

NOES 12

Ms Archer
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Jaensch
Ms Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mr Ellis (Teller)

PAIRS

Ms O'Byrne

Mr Barnett

So it passed in the Negative.

Clause 12 further considered.

Amendment proposed (*Dr Woodruff*)

In proposed new section 60C, subsection (4), paragraph (b), by leaving out “general” and inserting instead “detailed”.

Question put;

It passed in the Negative.

Clause 12 further considered.

Amendment proposed (*Dr Woodruff*)

In proposed new section 60E, subsection (4) by leaving out “, except with the approval of the Minister,”.

To report progress.

The House being resumed, Mr *Street* reported that the Committee had made progress in the Bill.

19 ENERGY SUPPLEMENT FOR HOUSEHOLDS. – A Motion being made and the Question being proposed – That the House:

- (1) Notes that Tasmanian families are crying out for support to relieve the financial stress caused by increased household power bills this winter.
- (2) Understands that tens of thousands of Tasmanians have spent more time at home, for home schooling, working from home or simply heeding the call to only go out when necessary as a part of Government announced restrictions as a direct result of the COVID-19 pandemic.
- (3) Acknowledges that this will be reflected in Tasmanian’s power bills through increased power usage in what has been a particularly cold winter.
- (4) Further understands thousands of households are already suffering from bill shock at a time when they can least afford it.

- (5) Further notes that the Liberal Government provided a winter energy supplement to Tasmanian households in a 2018 election-eve provision of a \$10 million special energy bonus in the middle of summer.
- (6) Further acknowledges that Tasmanians should not be financially punished for doing the right thing.
- (7) Further notes the Premier's own Economic and Social Recovery Council has flagged concerns about the capacity of vulnerable Tasmanians to pay for heating during the cold winter months.
- (8) Calls on the Government to back the Labor policy of providing a winter energy supplement to Tasmanian households in financial stress. (Mr *O'Byrne*)

A debate arose thereupon.

An Amendment was proposed by Dr *Woodruff* to leave out paragraph (8) and insert instead:

- “(8) Recognises the financial difficulties being faced by Tasmanians will reach new depths on 30 September 2020 when residential rental protections expire, and JobKeeper and JobSeeker supports are slashed.
- (9) Calls on the Government to tackle the ongoing hardship being experienced by many Tasmanians by extending residential rental protections until 31 December 2020, and by providing a winter energy supplement to households in financial stress.”

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 2

Ms O'Connor
Dr Woodruff (Teller)

NOES 21

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

So it passed in the Negative.

And the Main Question being put;

The House divided.

AYES 10

Ms Butler
Ms Dow
Ms Haddad
Ms Houston
Mr O'Byrne
Ms O'Connor
Ms Standen
Ms White
Dr Woodruff
Dr Broad (Teller)

NOES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ellis
Mr Ferguson
Ms Hickey
Mr Jaensch
Ms Ogilvie
Mr Rockliff
Mr Shelton
Mr Tucker
Mrs Petrusma (Teller)

PAIRS

Ms O'Byrne

Mr Gutwein

It passed in the Negative.

20 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999: BILATERAL AGREEMENT. – A Motion being made and the Question being proposed —That the House:—

- (1) Notes on 12 August 2020, the Federal Minister for Environment, Hon. *Sussan Ley* MP, published in the Mercury the Australian Government's intention to develop a draft bilateral agreement under section 46 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) with the State of Tasmania.
- (2) Further notes a bilateral agreement under section 46 allows for actions, or a class of actions, to not require EPBC approval for the purposes of a Part 3 (matters of national environmental significance) provision.
- (3) Understands that a bilateral agreement could easily ensure developments that infringe on world heritage properties and national heritage matters of national significance would effectively no longer require an EPBC approval.
- (4) Further notes a recent court ruling by the Resource Management and Planning Appeal Tribunal (RMPAT), upheld by the Supreme Court, found the Court does not have the jurisdiction to review the Reserve Activity Assessment (RAA) process.
- (5) Further notes the weakness of the current RAA process, and a looming section 46 bilateral agreement, will soon lead to a situation where large elements of developments in Parks are unappealable and effectively entirely up to the Government's discretion.
- (6) Calls on the Government to not enter into a bilateral agreement under section 46 of the EPBC Act. (*Dr Woodruff*)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 2

Ms O'Connor
Dr Woodruff (Teller)

NOES 21

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 Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Tucker
Ms White
Mr Ellis (Teller)

It passed in the Negative.

21 CONSUMER LAW CODE OF PRACTICE. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed to the following Resolution communicated to it by the House of Assembly on 20 August 2020 –

Resolved, That pursuant to Section 37 of the Australian Consumer Law (Tasmania) Act 2010, the Legislative Council and the House of Assembly endorse the draft code of practice prepared in accordance with Section 37(3) of the Australian Consumer Law (Tasmania) Act 2010.

And has filled up the blank with the words “Legislative Council and the”.

Legislative Council, 26 August 2020.

C. M. FARRELL, *President.*

22 BILL NO. 26. - The House, according to Order, again resolved itself into a Committee on the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020.

(In the Committee)

Mr Tucker took the Chair.

Amendment to Clause 12 further considered.

Mr *Street* took the Chair.

Amendment to Clause 12 further considered.

Question put;

The Committee divided.

AYES 3

Ms *O'Connor*
Ms *Ogilvie*
Dr *Woodruff* (Teller)

NOES 20

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

So it passed in the Negative.

Clause 12 further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60F, subsection (1) by:

- (a) leaving out the word “generally” from paragraph (e); and
- (b) leaving out the word “general” from paragraph (f).

The Chair of Committees took the Chair.

Amendment to Clause 12 further considered.

Question put;

It passed in the Negative.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60H by –

(a) Leaving out subsection (2) and inserting instead:

“(2) Information may only be requested under subsection (1) before the Minister makes a declaration of a major project under section 60O(1).”; and

(b) Leaving out subsection (4) and inserting instead:

“(4) Without limiting the generality of subsection (1), the information that may be requested under that subsection includes –

- (a) information as to any further approvals, permissions, licences, or authorities, however described, that, in addition to a project-related permit, may be required to be obtained by the proponent under an Act in order for the project, or activities for the purposes of the project, to be lawfully implemented or conducted;
- (b) information as to the accuracy or otherwise of information contained in a major project proposal obtained under section 60E; and
- (c) information as to the conformance of the project with determination guidelines.”

Question put;

It passed in the Negative.

Clause 12 further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60I, subsection (1), by leaving out paragraph (g) and inserting instead the following paragraphs:

- “(g) the Commission; and
- (h) any other persons or class of persons the Minister considers likely to be directly impacted by the proposal; and
- (i) any other persons or class of persons that are prescribed.”

Amendment to the Amendment proposed (The Minister for Planning);

To leave out paragraph (h).

Question put – That the Amendment to the Amendment be agreed to;

It was resolved in the Affirmative.

Question put – That the Amendment, as amended, be agreed to;

It was resolved in the Affirmative.

Clause 12, as amended, further considered.

Amendment proposed (Ms *O'Connor*)

In proposed new section 60J, by inserting after subsection (5) the following new subsections:

- “(6) The Commission, as soon as practicable after issuing determination guidelines, must provide the Clerk of each House of Parliament a copy of the determination guidelines.
- (7) A Clerk of a House of Parliament must, as soon as practicable after receiving a copy of determination guidelines under subsection (7), cause the determination guidelines to be tabled in the House.
- (8) Determination guidelines cease to be in effect if –
 - (a) the Commission revokes the determination guidelines under section 60L; or
 - (b) either House of Parliament passes a resolution disallowing the determination guidelines.
- (9) If determination guidelines are disallowed under subsection (8)(b), the Commission must, as soon as practicable –
 - (a) publish in the Gazette, and in a newspaper that is published, and circulates generally, in Tasmania, a notice specifying that the determination guidelines have been disallowed; and
 - (b) must issue determination guidelines under section 60J(1) in their place.”

Question put;

It passed in the Negative.

Clause 12, as amended, further considered.

Amendment made (Dr *Woodruff*)

In proposed new section 60K, subsection (4), by leaving out “The determination guidelines” and inserting instead, “Unless the contrary intention appears, the determination guidelines”.

Clause 12, as amended, further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60M subsection (2), paragraph (b), by leaving out “of interest to, or for the benefit of,” and inserting instead “likely to have a detrimental impact on, or fulfil a significant public need of,”

Question put;

The Committee divided.

AYES 3

Ms O'Connor
Ms Ogilvie
Dr Woodruff (Teller)

NOES 20

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

So it passed in the Negative.

Clause 12, as amended, further considered.

Amendment proposed (*Ms O'Connor*)

In proposed new section 60O:

- (a) In subsection (3) by leaving out the words “, if any”; and
- (b) Inserting the following new subsections after subsection (4) –
 - “(5) The Minister must cause a declaration of a major project to be laid before each House of Parliament within the first 10 sitting days of the House after a declaration is made under subsection (1)(a).
 - (6) A declaration under subsection (1)(a) is of no effect until it has been approved by both Houses of Parliament.
 - (7) For the purposes of subsection (6), a House of Parliament is to be taken to have approved a declaration of a major project if a copy of it has been laid on the table of that House and –
 - (a) it is approved by that House; or
 - (b) at the expiration of 15 sitting days after it was laid on the table of that House, no notice has been given of a motion to

disallow it or, if such notice has been given, the notice has been withdrawn or the motion has been negated; or

- (c) if any notice of a motion to disallow it is given during that period of 15 sitting days, the notice is, after the expiration of that period, withdrawn or the motion is negated.”

Question put;

The Committee divided.

AYES 3

Ms O'Connor
Ms Ogilvie
Dr Woodruff (Teller)

NOES 20

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
Mr Rockliff
Mr Shelton
Ms Standen
Mr Street
Mr Tucker
Ms White
Mr Ellis (Teller)

So it passed in the Negative.

Mr Street took the Chair.

Clause 12, as amended, further considered.

Amendment proposed (*Dr Woodruff*)

In proposed new section 60P, by inserting the following new paragraph after paragraph (a) of subsection (1) –

“() determination guidelines are in force, and the Minister is satisfied that the project is consistent with those guidelines; and”

Question put;

It passed in the Negative.

Clause 12, as amended, further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60Q by leaving out subsections (3), (5), (6) and (7).

Question put;

The Committee divided.

AYES 3

Ms O'Connor
Ms Ogilvie
Dr Woodruff (Teller)

NOES 20

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

So it passed in the Negative.

Clause 12, as amended, further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60R, subsection (1), by leaving out paragraph (i) and inserting the following paragraphs:

- “(i) if the land on which the project is or was to be situated is situated in Wellington Park – the Wellington Park Management Trust; and
- (j) any other persons or class of persons the Minister considers likely to be directly impacted by the proposal; and
- (k) any other persons or class of persons that are prescribed.”

Amendment to the Amendment proposed (The Minister for Planning);

To leave out paragraph (j).

Question put – That the Amendment to the Amendment be agreed to;

It was resolved in the Affirmative.

Question put – That the Amendment, as amended, be agreed to;

It was resolved in the Affirmative.

Clause 12, as amended, further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60T, by leaving out subsection (1) and inserting instead:

- “(1) If a declaration of a major project is made on a day an application under a project associated Act, for a project related permit in relation to land to which the project relates, that has been made by or on behalf of the proponent but that has not been determined under that Act is taken to have been withdrawn under that Act on that day.”

Amendment was, *by leave*, withdrawn.

Clause 12, as amended, further considered.

Amendment proposed (Dr *Woodruff*)

In proposed new section 60U, subsection (3), by leaving out paragraph (e) and inserting the following paragraphs:

- “(e) subject to subsection (4), if the Panel has given the Minister a no reasonable prospect notice under section 60ZI(1) in relation to the project; or
- (f) if the Minister is satisfied that the declaration of the project to be major project was made in contravention of this, or any other, Act; or
- (g) if the Minister is aware of compelling new information that, had the Minister been aware of it prior to issuing a declaration of the project to be major project, the Minister would not have declared the project to be a major project.”

Question put;

It passed in the Negative.

Clause 12, as amended, further considered.

Amendment proposed (Dr *Woodruff*)

After proposed new section 60V, to insert the following new section () –

“() Independence of the Panel

- (1) A Development Assessment Panel established under section 60V is not subject to the direction or control of the Minister in respect of the performance or exercise of its functions or powers.

- (2) A person must not obstruct, or hinder, a Development Assessment Panel from performing a function, or exercising a power, under this Division.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.”

Amendment was, *by leave*, withdrawn.

Clause 12, as amended, further considered.

Amendment proposed (Ms Dow) in proposed new section 60W, subsection (1), by leaving out paragraphs (a) and (b) and inserting instead the following new paragraphs:

- “(a) Two members of the Commission; and
- (b) One person who is not a member of the Commission and who, in the opinion of the Commission, has qualifications and experience that are relevant to the assessment of the major project.”

Amendment, *by leave*, withdrawn.

Amendment proposed (Ms Dow) in proposed new section 60W, subsection (1), by leaving out paragraphs (a) and (b) and inserting instead the following new paragraphs:

- “(a) A member of the Commission, who is to be the Chairperson of the panel; and
- (b) A member of the Commission; and
- (c) A person who is not a member of the Commission and who, in the opinion of the Commission, has qualifications and experience that are relevant to the assessment of the major project.”

Amendment to the Amendment proposed by (The Minister for Planning):

- (a) In paragraph (a) after “member of the Commission” by inserting “, or another person nominated by the Commission,”;
- (b) In paragraph (b) by adding “or another person nominated by the Commission”; and
- (c) In paragraph (c) by leaving out “major”.

Question put – That the Amendment to the Amendment be agreed to;

It was resolved in the Affirmative.

Question put – That the Amendment, as amended, be agreed to;

It was resolved in the Affirmative.

Clause 12, as amended, further considered.

Amendment proposed (Dr Woodruff)

In proposed new section 60W:

- (a) In subsection (3), paragraph (a), by leaving out “commerce or industry”; and
- (b) In subsection (3), paragraph (b), by leaving out “infrastructure.” and inserting instead “infrastructure; or”
- (c) By inserting after paragraph (b) in subsection (3) the following new paragraph:
 - “(c) qualifications or experience in environmental science, environmental management, ecology, environmental and public health, Aboriginal cultural heritage or historic heritage.”; and

- (d) By inserting after subsection (3) the following new subsection:
- “() One or more of the persons appointed to the Panel by the Commission under sub-section (1)(b) must be a person with the qualifications or experience described in (3)(c).”; and
- (e) By leaving out subsection (5) and inserting instead the following subsection:
- “(5) The Commission may appoint a person under subsection (4) to be a member of the Panel in relation to a major project if –
- (a) the Commission is of the opinion that the scale, specialist nature or complexity of the major project makes it desirable to appoint to be a member of the Panel a person with particular qualifications or experience that the Commission thinks appropriate to assist in the assessment of the project; and
- (b) the Commission is of the opinion that the person has those qualifications or that experience.”

Question put;

The Committee divided.

AYES 3

Ms O'Connor
Ms Ogilvie
Dr Woodruff (Teller)

NOES 20

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
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Tucker
Ms White
Mr Ellis (Teller)

So it passed in the Negative.

Clause 12, as amended, further considered.

Amendment proposed (Dr Woodruff)

In proposed new section 60X, by inserting after subsection (3) the following new subsection –

- “() The procedures approved by the Commission under subsection (3) must be consistent with Part 3 of the *Tasmanian Planning Commission Act 1997*.”

Amendment was, *by leave*, withdrawn.

Clause 12, as amended, further considered.

Amendment proposed (Dr Woodruff)

In proposed new section 60ZZM by leaving out subsection (4) and inserting instead the following new subsection:

- “(4) The Panel may only grant under subsection (1) a major project permit in relation to a major project if it is satisfied that –
- (a) the assessment criteria in relation to the project have been satisfied; and
 - (b) the project would be consistent with furthering the objectives specified in Schedule 1; and
 - (c) the project is consistent with relevant State Policies; and
 - (d) the project is consistent with the TPPs; and
 - (e) the project is consistent with any regional land use strategy that applies to the land on which the project is to be situated; and
 - (f) the project avoids the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and
 - (g) the project is in the public interest; and
 - (h) if the project is in accordance with –
 - (i) if located on Crown Land, any relevant management plan for reserved Crown Land under the *National Parks and Reserves Management Act 2002*; or
 - (ii) if located in Wellington Park, a management plan for Wellington Park under the *Wellington Park Act 1993*; and
 - (i) the relevant fee required under section 60ZZZB, and any other fee required under any other Act to be paid for the assessment of the project, have been paid; and
 - (j) the Panel has received a final advice under section 60ZZF(1) from each participating regulator.”

Question put;

It passed in the Negative.

Clause 12, as amended, further considered.

Amendment proposed (Ms Dow)

After proposed new section 60ZZZH.

Insert the following proposed new section:

- “60ZZZI. Review of operation of Division
- (1) The Minister, as soon as practicable after 1 January 2025, must appoint one or more persons to conduct a review of –
 - (a) whether the granting of any major project permits has been efficient and effective; and
 - (b) the exercise of the power under section 60O; and
 - (c) the effectiveness of the determination guidelines; and
 - (d) whether, and the extent to which, this Division provides an efficient and effective process for the approval of developments.
 - (2) A person may not be appointed to conduct the review for the purposes of subsection (1) unless, in the opinion of the Minister, the person possesses appropriate qualifications, or experience, to conduct the review.
 - (3) At least one of the persons appointed to conduct the review for the purposes of subsection (1) must be a person who is not –
 - (a) a State Service employee or State Service officer; or
 - (b) a person employed or engaged by the Crown in the right of Tasmania or the Commonwealth; or
 - (c) a person employed or engaged by a State-owned company, a Tasmanian Government Business or another body established under an Act of the State.
 - (4) The person or persons who conduct the review for the purposes of subsection (1) –
 - (a) must, by notice in a newspaper published in the State, invite all persons to make submissions in relation to the review by a date specified in the notice; and
 - (b) consider any submissions made before the date specified in the notice; and
 - (c) within 6 months after a person is appointed to conduct the review, provide to the Minister a report in relation to the review.
 - (5) The Minister must cause a copy of the report provided to the Minister under subsection (4)(c) to be laid before each House of Parliament within 5-sitting-days after the report is so provided to the Minister.”

Amendment to the Amendment proposed (Dr Woodruff)

In paragraph (1) to insert new paragraph (e) to follow paragraph (d)

- “(e) the extent to which the public have opportunity to effectively represent their views”

Question put – That the Amendment to the Amendment be agreed to;

It passed in the Negative.

Question put – That the Amendment be agreed to;

It was resolved in the Affirmative.

Clause 12, as amended, agreed to.

New Clause A to follow Clause 12 was brought up by Ms Dow and read the First time as follows:

“A. Section 61 Amended

- (1) Section 61 of The Principal Act is amended by inserting the following new subsection before subsection (1):

“() In sub-sections (4)(a) and (5)(b) of this section, the words and phrases “Panel”, “major project”, “major project declaration”, “major project permit”, “proponent”, “final assessment report” and “relevant planning authority” have the same meaning as in Part 4, Division 2A”

- (2) Section 61 of the Principal Act is amended by inserting the following new subsection after subsection (4):

“() If the Panel refuses to grant a project that is the subject of a major project declaration under section 60M, a major project permit under section 60ZZM(1)(b), or grants a major project permit subject to conditions, the proponent of the major project may appeal to the Appeal Tribunal against the decision within 14 days after the day on which the Panel gives the proponent the final assessment report in relation to the project under s 60ZZQ(3).”

- (3) Section 61 of the Principal Act is amended by inserting the following new subsections after subsection (5):

“() If the Panel grants a project a major project permit under section 60ZZM(1)(a), then:

- (a) a person who made a representation under s 60ZZD(1); and
- (b) a participating regulator,

may appeal to the Appeal Tribunal against the grant of the permit within 14 days after the Panel gives notice to the person under s 60ZZQ(4).

() For the avoidance of doubt, an appeal may be commenced under sub-section () (a) in relation to the conditions or restrictions attached to the major project permit.”

Question put – That the new clause be read the Second time made part of the Bill to follow Clause 12;

The Committee divided.

AYES 11

Dr Broad
Ms Butler
Ms Dow
Ms Haddad
Ms Houston
Mr O'Byrne
Ms O'Connor
Ms Ogilvie
Ms Standen
Ms White
Dr Woodruff (Teller)

NOES 12

Ms Archer
Mr Barnett
Ms Courtney
Mr Ferguson
Mr Gutwein
Ms Hickey
Mr Jaensch
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Tucker
Mr Ellis (Teller)

So it passed in the Negative.

Clauses 13 to 47 agreed to.

Title agreed to.

Question put – That the Bill be reported with Amendment;

The Committee divided.

AYES 21

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 Ogilvie
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Tucker
Ms White
Mr Ellis (Teller)

NOES 2

Ms O'Connor
Dr Woodruff (Teller)

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

A Motion being made and the Question being proposed - That so much of the Standing Orders be suspended as prevents the Bill being now read the Third time. (The Minister for Planning)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 21

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

NOES 2

Ms O'Connor
Dr Woodruff (Teller)

It was resolved in the Affirmative.

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

And the Question being put – That the Bill be read the Third time;

The House divided.

AYES 21

NOES 2

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

Ms O'Connor
Dr Woodruff (Teller)

It was resolved in the Affirmative.

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

23 BILL NO. 26. - 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 Land Use Planning and Approvals Act 1993 to provide for major projects and for related purposes and, consequential on those amendments, the Environmental Management and Pollution Control Act 1994 and the Historic Cultural Heritage Act 1995",

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

House of Assembly, 26 August 2020.

SUE HICKEY, *Speaker*.

24 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Minister for Infrastructure and Transport)

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

25 STATEMENT BY SPEAKER. – The Speaker made the following statement:

"Honourable Members, I have an address to the House. Yesterday morning I gave an address to the House regarding an incident in parliament last week. My address was described by the Mercury newspaper as 'Sue Hickey extends an olive branch to the Tasmanian Greens' and by the Advocate as 'Sue Hickey attempts to make peace with the Tasmanian Greens Leader'.

Clearly Ms O'Connor did not see it this way. In her second letter, Ms O'Connor noted that she did not understand why I said I personally feel extremely uncomfortable with what you were saying and to this I simply say, 'Yes, I did feel very uncomfortable with what you were saying', but more so with the way in which she was saying it.

Whilst the role of Speaker is to maintain order in the House, I have since been informed that convention dictates that the Speaker must not intervene in debate. For this grievance, I apologise to Ms O'Connor for what she perceives as bias.

As I stated in my last address, that having been in the House for just over two years, I am continuing to learn the practical application of these Standing Orders in all situations. I recommit to the House that I will ensure of the foundations of the Westminster parliament are upheld and that individual Members can rightly contribute in line with the rules and forms of the House.

I reiterate that I wish to see this House be a safe workplace, with the Members showing relevant respect to each other and more orderly behaviour as the public expects of us all as role models.”

The House adjourned at Twenty minutes past Eleven o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day.