



# LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 19

TUESDAY, 8 NOVEMBER 2022

- 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 and present. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 PRAYERS.**— The President read Prayers.
- 4 STATE OF ENVIRONMENT REPORT.**— Ms *Webb* asked the Honourable the Leader of the Government— With regard to the Government’s decision to require the Tasmanian Planning Commission (TPC) to produce a new State of the Environment Report (SoE) by June 2024, despite the October 2020 Independent Review of the Commission, conducted by Professor Roberta Ryan and Mr Alex Lawrie, stating that the Commission is not the appropriate body to undertake State of the Environment Reporting:
- (1) What was the process by which the Government determined to still require the TPC to produce the new State of the Environment Report;
  - (2) upon what advice was the decision-making process based;
  - (3) (a) was consideration given by the Government to the option of legislative reform to make the proposed-independent Environmental Protection Authority (EPA) formally responsible for producing future State of the Environment Reports, and  
(b) if not, why not?
  - (4) (a) were either the current EPA and TPC consulted by Government during the decision-making process on potential options for the appropriate location of the SoE; and  
(b) (i) if so, what was the position of each agency; and  
(ii) if not, why not?
  - (5) which other agencies, if any, were consulted by Government during the decision-making process; and
  - (6) when was the TPC advised of the Government’s decision to require the Commission to undertake the next SoE by June 2024?

The Leader answered,

The new Minister for Planning was made aware that a SoE Report had not been prepared since 2009 and after seeking advice from the Deputy Secretary, Department of Justice and the Office of the Minister for the Environment, determined to direct the TPC to prepare the 2024 SoE Report.

The Office of the Minister for the Environment consulted with the current EPA.

The TPC were not directly consulted in relation to the SoE Report, but through the Deputy Secretary, Department of Justice the Executive Commissioner was consulted in regard to preparation of the 2024 SoE Report.

The EPA advised that it would be able to produce a SoE Report, noting that this would require legislative amendments if the TPC were not to fulfil this role.

The TPC's position was to acknowledge that they could be directed by the Minister to prepare the 2024 SoE Report and would be required to act in accordance with that direction.

No other agencies were consulted.

The TPC were advised of the Minister for Planning's decision to issue a Direction requiring the TPC to prepare the 2024 SoE Report on 29 September 2022 and the Direction was published in the *Tasmanian Government Gazette* on 12 October 2022.

**5 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Ombudsman Tasmania: Review of Division III, *Police Offences Act 1935* Consorting - Stage 1.
- (2) Tasmanian Economic Regulator: Comparison of Electricity and Gas Prices Available to Small Customers in Australia. October 2022.
- (3) *Gaming Control Act 1993*: Statutory Rules 2022, No. 74, containing Gaming Control Amendment Regulations 2022.
- (4) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 3016.0 m<sup>2</sup> situate in Illawarra Main Road. Municipal Area of Northern Midlands.

**6 SPECIAL REPORT OF THE LEGISLATIVE COUNCIL SESSIONAL GOVERNMENT ADMINISTRATION COMMITTEE 'B'.**— Ms Rattray presented a Special Report of the Legislative Council Sessional Government Administration Committee 'B' in relation to an inquiry initiated of its own motion.

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

**7 STATEMENT BY THE PRESIDENT – WELCOME TO OFFICERS AND STAFF, LEGISLATIVE ASSEMBLY OF SAMOA.**— The President said —

“Members before we commence proceedings I would like to welcome to the Chamber and to the Parliament, officers and staff from the Legislative Assembly of Samoa. Talofa Lava and welcome to —

- Ms Yonita Tuia-Tauiiili (Deputy Clerk);
- Ms Valasi Iosefa (Clerk Assistant- Chamber and Procedures Office);
- Ms Ruta Masinalupe (Clerk Assistant- Parliamentary Committees); and
- Mr Erosi Koria (Manager- Community Relations Services)

The delegates are here for the week to share and exchange knowledge with our parliamentary officers and staff.

This exchange is been funded through the Pacific Parliamentary Partnerships (PPP) Fund. The Pacific Parliamentary Partnership Fund represents a commitment from Australia's federal, state and territory parliaments to support parliamentary strengthening in the Pacific region. As most Members know, twinning arrangements have been established between Australian and Pacific Island parliaments. The Parliament of Tasmania's twin is the Parliament of Samoa. Under the auspices of the partnership, targeted assistance for training and equipment is offered to Pacific Island parliaments on a rotational basis – this year our own twin has been successful and they have travelled here to undertake a comprehensive training

program. They will be around for the week and Members will have an opportunity to meet and greet our delegates.

On behalf of Members, we wish them well and offer them our warmest welcome.”

**8 SPECIAL INTEREST MATTERS.**— The President advised the Chamber of three Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Ms *Howlett* – Under 13s Tasmanian Netball Team;
- (2) Ms *Forrest* – Cam River Bridge update; and
- (3) Mr *Harriss*– 75<sup>th</sup> Huon Show.

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

**9 INVITATION TO ATTEND HOUSE OF ASSEMBLY CHAMBER.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein—

*Resolved*, That the House of Assembly invites all Members of the Legislative Council to attend in the House of Assembly Chamber at Noon today for the purpose of listening to the proceedings of the House in respect of a motion of Apology to Victim Survivors of Child Sexual Abuse in Institutional Settings.

*House of Assembly, 8 November 2022*

MARK SHELTON, *Speaker*

**10 TASMANIAN LOCAL GOVERNMENT ELECTIONS.**— A Motion was made (Ms *Webb*) and the Question was proposed, That the Legislative Council:

- (1) Notes that the Tasmanian local government elections held in October 2022 were the first local government elections held in this state in which voting was compulsory;
- (2) notes the government’s acknowledgement during debate on the Local Government Amendment (Elections) Bill 2022, that:
  - (a) the introduction of compulsory voting for council elections had not been consulted with the local government sector or more broadly prior to the government’s announced intention to introduce legislative reforms to enact it;
  - (b) the rushed parliamentary debate was not ideal, but necessary to enable the voting reforms to be implemented in time for the October local council elections; and
  - (c) the tight timeframe between the Act commencing on the 16<sup>th</sup> of June and the Tasmanian Electoral Commission (TEC) issue on the 3<sup>rd</sup> of September of the formal notice of election for the local government polls, by which the community had to adjust to the new compulsory voting requirements and any associated ramifications; and further
- (3) requests the Minister for Local Government undertakes a comprehensive evaluation review of the implementation of compulsory voting in the 2022 local government elections and any matters arising, that:
  - (a) provides a public consultation process;
  - (b) engages with the local government sector, and the broader community;
  - (c) is separate and additional to the Tasmanian Electoral Commission’s standard procedural Report on Elections;
  - (d) is adequately resourced; and
  - (e) the final report of which is to be tabled in both Houses of Parliament once the Minister has received and considered its findings.

A Debate arose thereupon.

*Ordered*, That the Debate be adjourned. (Ms Webb)

**11 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 11.47 o'clock a.m. and resumed at 2.30 o'clock p.m.

**12 SITTING SUSPENDED TO ALLOW CHAMBER PHOTOGRAPH TO BE TAKEN.**—*Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs Hiscutt)

The Sitting was suspended at 2.30 o'clock p.m. and resumed at 2.47 o'clock p.m.

**13 QUESTION TIME.**—The President called for Questions without Notice. There were eleven Questions asked.

*Ordered*, That Mrs Hiscutt have leave to Table answers to the Questions from the following Members and have the Answers incorporated into the Hansard record —

Member for Nelson (Ms Webb) regarding net loss of social housing properties.

Member for Rumney (Ms Lovell) regarding expressions of interest for conservation covenants.

Member for Elwick (Mr Willie) regarding Department of Education properties.

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

**15 SUSPENSION OF SESSIONAL ORDER.**— A Motion was made (Mrs Hiscutt) and the Question was proposed, That so much of Sessional Orders relating to the 4.00 o'clock p.m. break be suspended so as to enable the Council to sit beyond 4.00 o'clock pm for this day's sitting.

A Debate arose thereupon.

And the Question being put,

It passed in the Negative.

**16 TASMANIAN LOCAL GOVERNMENT ELECTIONS.**— The Council, according to order, resumed the Debate on the Question, That the Legislative Council:

- (1) Notes that the Tasmanian local government elections held in October 2022 were the first local government elections held in this state in which voting was compulsory;
- (2) notes the government's acknowledgement during debate on the Local Government Amendment (Elections) Bill 2022, that:
  - (d) the introduction of compulsory voting for council elections had not been consulted with the local government sector or more broadly prior to the government's announced intention to introduce legislative reforms to enact it;
  - (e) the rushed parliamentary debate was not ideal, but necessary to enable the voting reforms to be implemented in time for the October local council elections; and
  - (f) the tight timeframe between the Act commencing on the 16<sup>th</sup> of June and the Tasmanian Electoral Commission (TEC) issue on the 3<sup>rd</sup> of September of the formal notice of election for the local government polls, by which the community had to adjust to the new compulsory voting requirements and any associated ramifications; and further
- (3) requests the Minister for Local Government undertakes a comprehensive evaluation review of the implementation of compulsory voting in the 2022 local government elections and any matters arising, that:

- (f) provides a public consultation process;
- (g) engages with the local government sector, and the broader community;
- (h) is separate and additional to the Tasmanian Electoral Commission's standard procedural Report on Elections;
- (i) is adequately resourced; and
- (j) the final report of which is to be tabled in both Houses of Parliament once the Minister has received and considered its findings.

**17 SITTING SUSPENDED.** — It being 4.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 4.30 o'clock p.m.

**18 TASMANIAN LOCAL GOVERNMENT ELECTIONS.**— The Council resumed the Debate on the Question, That the Legislative Council:

- (1) Notes that the Tasmanian local government elections held in October 2022 were the first local government elections held in this state in which voting was compulsory;
- (2) notes the government's acknowledgement during debate on the Local Government Amendment (Elections) Bill 2022, that:
  - (g) the introduction of compulsory voting for council elections had not been consulted with the local government sector or more broadly prior to the government's announced intention to introduce legislative reforms to enact it;
  - (h) the rushed parliamentary debate was not ideal, but necessary to enable the voting reforms to be implemented in time for the October local council elections; and
  - (i) the tight timeframe between the Act commencing on the 16<sup>th</sup> of June and the Tasmanian Electoral Commission (TEC) issue on the 3<sup>rd</sup> of September of the formal notice of election for the local government polls, by which the community had to adjust to the new compulsory voting requirements and any associated ramifications; and further
- (3) requests the Minister for Local Government undertakes a comprehensive evaluation review of the implementation of compulsory voting in the 2022 local government elections and any matters arising, that:
  - (k) provides a public consultation process;
  - (l) engages with the local government sector, and the broader community;
  - (m) is separate and additional to the Tasmanian Electoral Commission's standard procedural Report on Elections;
  - (n) is adequately resourced; and
  - (o) the final report of which is to be tabled in both Houses of Parliament once the Minister has received and considered its findings.

And the Question being put,

It passed in the Negative.

**19 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS REVIEW OF SELECTED PUBLIC WORKS COMMITTEE REPORTS.**— A Motion was made (*Ms Forrest*) and the Question was proposed, That the Report of the Parliamentary Standing Committee of Public Accounts "Review of Selected Public Works Committee Reports: Report 41 of 2020: Sorell Emergency Services Hub; and Report 15 of 2020: Major Redevelopment of Sorell School" be considered and noted.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**20 BILL NO. 27.** — The Occupational Licensing (Automatic Mutual Recognition Consequential Amendments) Bill 2022 was read the Third time and passed.

**21 BILL NO. 27.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Architects Act 1929*, the *Conveyancing Act 2004*, the *Motor Vehicle Traders Act 2011*, the *Mutual Recognition (Tasmania) Act 1993*, the *Occupational Licensing Act 2005*, the *Property Agents and Land Transactions Act 2016* and the *Security and Investigations Agents Act 2002*’.

*Legislative Council, 8 November 2022*

C.M. FARRELL, *President*

**22 BILL NO.12.** — The Roads and Jetties Amendment Bill 2022 was read the Third time and passed.

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

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Roads and Jetties Act 1935*’.

*Legislative Council, 8 November 2022*

C.M. FARRELL, *President*

**24 BILL NO. 5.** — The Traffic Amendment (Electronic Billboards) Bill 2022 was read the Third time and passed.

**25 BILL NO. 5.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Traffic Act 1925*’.

*Legislative Council, 8 November 2022*

C.M. FARRELL, *President*

**26 BILL NO. 11.** — The Electricity Safety Bill 2022 was read the Third time and passed.

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

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to regulate electricity infrastructure, electrical installations, electrical equipment, and certain activities near electricity infrastructure and electrical installations; to provide for safety and related technical standards that ensure that the electricity infrastructure, electrical installations and electrical equipment are safe, designed, maintained and managed in a manner that protects persons and property; to amend the *Electricity Supply Industry Act 1995*; to repeal the *Electricity Industry Safety and Administration Act 1997* and for related purpose’.

*Legislative Council, 8 November 2022*

C.M. FARRELL, *President*

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

**29 ORDER OF BUSINESS.**— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 14. (Mrs *Hiscutt*)

**30 BILL NO. 63 OF 2021.**— The Order of the Day was read for the consideration of the Climate Change (State Action) Amendment Bill 2021 as amended in Committee of the Whole Council.

Ordered, That the Order of the Day be discharged and the Bill be recommitted to a Committee of the Whole Council for the purpose of reconsidering Clause 6 proposed new section 5F. (Mrs *Hiscutt*)

And the President having left the Chair, the Council resolved itself into the said Committee.

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(In the Committee)

**Recommittal**

Ms *Forrest* in the Chair.

Clause 6 proposed new section 5F recommitted.

Motion made and Question proposed (Ms *Hiscutt*), That the Amendment to Clause 6 by inserting new section 5F be disagreed to.

The Motion was, by leave, withdrawn.

To report progress and seek leave to sit again.

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The Council being resumed, Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

*Resolved*, That the Council will, tomorrow, again resolve itself into the said Committee.

**31 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 *Stadiums Tasmania Act 2022*’, to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 8 November 2022*

MARK SHELTON, *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*)

**32 ADJOURNMENT.**— *Resolved*, That the Council will, at its rising adjourn until 11.00 o’clock a.m. on Wednesday, 9 November 2022. (Mrs *Hiscutt*)

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

The Council adjourned at 6.38 o’clock p.m.

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