



LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 19

WEDNESDAY, 27 OCTOBER 2021

- 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 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
 - (1) State Fire Commission: Annual Report 2020-2021.
 - (2) Department of Police, Fire and Emergency Management: Annual Report 2020-2021.
 - (3) Royal Tasmanian Botanical Gardens: Annual Report 2020-2021.
 - (4) Port Arthur Historic Site Management Authority: Annual Report 2020-2021.
 - (5) Tasmanian Community Fund: Annual Report 2020-2021.
 - (6) Tasmania Development and Resources: Annual Report 2020-2021.
 - (7) Tasmanian Economic Regulator: Annual Report 2020-2021.
 - (8) Office of Tasmanian Assessment, Standards and Certification: Annual Report 2020-2021.
 - (9) Department of Primary Industries, Parks, Water and Environment: Annual Report 2020-2021.
 - (10) Guardianship and Administration Board: Annual Report 2020-2021.
 - (11) Office of the Public Guardian Tasmania: Annual Report 2020-2021.
 - (12) Equal Opportunity Tasmania: Annual Report 2020-2021.
 - (13) Inland Fisheries Service: Annual Report 2020-2021.
 - (14) Police Powers (Controlled Operations) Act 2006: Annual Report 2020-2021.
 - (15) Police Powers (Surveillance Devices) Act 2006: Annual Report 2020-2021.
 - (16) Police Powers (Assumed Identities) Act 2006: Annual Report 2020-2021.
 - (17) Police Powers (Surveillance Devices) Act 2006 (Tas): Australian Criminal Intelligence Commission. Annual Reports – Surveillance Devices – 2020-2021.

- (18) Police Powers (Assumed Identities) Act 2006 (Tas): Australian Criminal Intelligence Commission. Assumed Identities Annual Report 2020-2021.
- (19) Police Powers (Controlled Operations) Act 2006 (Tas): Australian Criminal Intelligence Commission. Annual Reports – Controlled Operations – 2020-2021.
- (20) Listening Devices Act 1991: Report of the Attorney-General for the year ended 30 June 2021 under section 22.

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

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 day's sitting. (Mrs *Hiscutt*)

7 BILL NO. 28.— The Order of the Day was read for the consideration of the Children, Young Persons and Their Families Amendment Bill 2021 as amended in Committee of the Whole Council.

Ordered, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendments were read the First time.

The said Amendments, being read the Second time, were agreed to.

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

The Bill was read the Third time and passed.

8 BILL NO. 28.— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council having this day agreed, with Amendments, to a Bill intituled —
'A Bill for an Act to amend the *Children, Young Persons and Their Families Act 1997*',
now returns the same to the House of Assembly, and requests its concurrence therein.

Legislative Council, 27 October 2021

C.M. FARRELL, *President*

9 BILL NO. 34. — The Defamation Amendment Bill 2021 was read the Third time and passed.

10 BILL NO. 34.— 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 *Defamation Act 2005*'.

Legislative Council, 27 October 2021

C.M. FARRELL, *President*

11 BILL NO. 46.— The Order of the Day was read for the Second reading of the Tasmanian Civil and Administrative Tribunal Amendment Bill 2021.

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 19 agreed to.

Clause 20 read.

12 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.

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

14 BILL NO. 46.— The Council, again resolved itself into a Committee to consider the Tasmanian Civil and Administrative Tribunal Amendment Bill 2021.

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

(In the Committee)

Ms *Forrest* in the Chair.

Clause 20 as read further considered and agreed to

Clauses 21 and 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*)

15 BILL NO. 47.— The Order of the Day was read for the Second reading of the Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021.

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 in relation to the list of stakeholders who were consulted in relation to Bill No 46 of 2021 and Bill No 47 of 2021 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 400 agreed to.

Schedules 1 and 2 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*)

16 BILL NO. 39.— The Order of the Day was read for the Second reading of the Validation Bill 2021.

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 19 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. 42.— The Order of the Day was read for the Second reading of the Mutual Recognition (Tasmania) Amendment Bill 2021.

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 9 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.— The Order of the Day was read for the Second reading of the Poisons Amendment Bill 2021.

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 6 agreed to.

Clause 7 read.

To report progress and seek leave to sit again.

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, at a later hour, again resolve itself into the said Committee.

19 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 5.25 o'clock p.m. and resumed at 5.34 o'clock p.m.

20 BILL NO. 35.— The Council, according to Order, again resolved itself into a Committee on the Poisons Amendment Bill 2021.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 7 as read further considered and agreed to.

Clauses 8 to 12 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*)

21 ADJOURNMENT.— *Ordered*, That the Council will at its rising adjourn until 11.00 o'clock a.m. on Thursday, 28 October 2021. (Mrs *Hiscutt*)

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

It was resolved in the Affirmative.

The Council adjourned at 5.45 o'clock p.m.

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

Briefings:

- *Mutual Recognition Amendment Bill 2021 (No. 42)*
- *Tasmanian Civil and Administrative Tribunal Amendment Bill 2021 (No. 46)*
- *Tasmanian Civil and Administrative Tribunal (Consequential Amendments) Bill 2021 (No. 47)*
- *Validation Bill 2021 (No. 39)*
- *Poisons Amendment Bill 2021 (No. 35)*