



# LEGISLATIVE COUNCIL

SESSION OF 2021

(FIRST SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 30

WEDNESDAY, 24 NOVEMBER 2021

- 1 COUNCIL MEETS.**— The Council met at 10.00 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) Tasmanian Electoral Commission: Annual Report 2020-2021.
  - (2) Cradle Coast Authority: Annual Report 2020-2021.
  - (3) Natural Resources Management Committee (NRM South): Annual Report 2020-2021.
  - (4) Natural Resource Management Committee (NRM North): Annual Report 2020-2021.
  - (5) Office of the National Safety Regulator: Annual Report 2020-2021.
  - (6) Tasmanian Heritage Council: Annual Report 2020-2021.
  - (7) Tasmanian Museum and Art Gallery: Annual Report 2020-2021.
  - (8) WorkCover Tasmania: Annual Report 2020-2021.
  - (9) Legal Aid for Tasmanians: Annual Report 2020-2021.
  - (10) Tasmanian Civil and Administrative Tribunal Act 2020: Statutory Rules 2021, No. 85, containing Tasmanian Civil and Administrative Tribunal Regulations 2021.
  - (11) Tasmanian Civil and Administrative Tribunal Act 2020: Statutory Rules 2021, No. 86, containing Tasmanian Civil and Administrative Tribunal Rules 2021.
- 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 Pembroke, (Ms *Siejka*) be granted leave of absence from the service of the Council for the remainder of this week’s sitting. (Mrs *Hiscutt*)
- 7 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 10.04 o'clock a.m. and resumed at 11.33 o'clock a.m.

**8 BILL NO. 45.** — The Order of the Day was read for taking into consideration the Gaming Control Amendment (Future Gaming Market) Bill 2021 as amended in the Committee of the Whole Council.

*Ordered,* That the Bill, as amended in the Committee, be now taken into consideration. (Mrs *Hiscutt*)

*Ordered,* That so much of standing order no. 284 be suspended in respect of this Bill so as to allow the amended clauses and new clause references only to be called without a need for the amendments to be read again in full. (Mrs *Hiscutt*)

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

The amended clauses and new clause references were read.

The said amendments were agreed to.

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

A Debate arose thereupon.

And the Question being put,

Council divided.

AYES 8

*Ms Armitage*  
*Mr Duigan*  
*Mrs Hiscutt*  
*Ms Howlett* (Teller)  
*Ms Lovell*  
*Ms Palmer*  
*Ms Rattray*  
*Mr Willie*

NOES 5

*Ms Forrest*  
*Mr Gaffney*  
*Dr Seidel*  
*Mr Valentine* (Teller)  
*Ms Webb*

It was resolved in the Affirmative.

The Bill was read the Third time and passed.

**9 BILL NO. 45.**— 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 *Gaming Control Act 1993* and the *TTLLine Gaming Act 1993*',  
now returns the same to the House of Assembly, and requests its concurrence therein.

*Legislative Council, 24 November 2021*

*C.M. FARRELL, President*

**10 BILL NO. 56.**— The Order of the Day was read for the Second reading of the TasTAFE (Skills and Training Business) 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.

**11 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.

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

**13 BILL NO. 50.**— 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 *Criminal Code Act 1924*’, to which the House desires the concurrence of the Legislative Council.

*House of Assembly, 24 November 2021*

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*)

**14 BILL NO. 56.**— The Council resumed the Debate on the Question, That the TasTAFE (Skills and Training Business) Bill 2021 be now read the Second time.

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

**15 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 6.58 o'clock p.m. and resumed at 8.36 o'clock p.m.

**16 BILL NO. 56.**— The Council, according to Order, resumed the Debate on the Question, That the TasTAFE (Skills and Training Business) Bill 2021 be now read the Second time.

And the Question being put,

Council divided.

AYES 8

NOES 4

*Ms Armitage*

*Mr Duigan*

*Ms Forrest*

*Mr Gaffney*

*Mrs Hiscutt*

*Ms Palmer*

*Ms Rattray* (Teller)

*Mr Valentine*

Pair: *Ms Howlett*

*Ms Lovell* (Teller)

*Dr Seidel*

*Ms Webb*

*Mr Willie*

Pair: *Ms Siejka*

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.

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(In the Committee)

*Ms Forrest* in the Chair.

Clauses 1 to 5 agreed to.

Clause 6 Amendments made (*Mr Gaffney*)

**First amendment**

Page 13, subclause (2).

*Leave out* the subclause.

**Second amendment**

Same page, subclause (4).

*Leave out* “director, other than a TasTAFE director who is also the TasTAFE CEO,”.

*Insert instead* “director”.

Clause as amended agreed to.

Clauses 7 to 17 agreed to.

Clause 18 Amendments made (Mr Gaffney)

**First amendment**

Page 24, subclause (1).

*Leave out* “of TasTAFE”.

*Insert instead* “of TasTAFE, if the Minister is satisfied that it is in the public interest to do so”.

**Second amendment**

Same page, after subclause (1).

*Insert* the following subclause:

- (A) Before making a direction under subsection (1), the Minister is to consult with the TasTAFE Board.

**Third amendment**

Page 25, subclause (4), after “under subsection (1)”.

*Insert* “must specify the date on which the direction is to take effect and”

**Fourth amendment**

Same page, after subclause (4).

*Insert* the following subclauses:

- (5) Within 21 days after being given a direction under subsection (1), the TasTAFE Board may object to the direction.
- (6) An objection under subsection (5) is to –
  - (a) be in writing; and
  - (b) specify the grounds on which the TasTAFE Board objects to the direction; and
  - (c) be provided to the Minister.
- (7) If the Minister receives an objection under subsection (5) to a direction and the direction is not, or has not been, amended or revoked, the Minister is to cause a copy of the direction and the objection to be laid

before each House of Parliament within 5 sitting days after the receipt of the objection.

Clause as amended agreed to.

Clauses 19 to 29 agreed to.

Clauses 30 Amendment made. (Mr Gaffney)

Page 33, subclause (2), paragraph (c), sub-paragraph (ii).

*Leave out* “any action taken by”.

*Insert instead* “each action taken, or why no action has been taken,”.

Clause as amended, agreed to.

Clauses 31 to 44 agreed to.

Clause 45 read.

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.

**17 ADJOURNMENT.**— *Ordered*, That the Council at its rising adjourn until 10.00 o'clock a.m. on Thursday, 25 November 2021. (Mrs *Hiscutt*)

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 11.19 o'clock p.m.

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

*Briefing:*

- *Container Refund Scheme Bill 2021 (No. 54)*