



HOUSE OF ASSEMBLY

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

VOTES AND PROCEEDINGS

No. 20

WEDNESDAY, 11 SEPTEMBER 2024

- 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 **CONSTITUENCY QUESTIONS.** – In accordance with Sessional Order No. 48C, Constituency Questions were asked.
- 6 **PAPERS.** – The Premier laid upon the Table of the House the following Papers:-
 - (1) State Policies and Projects Act 1993: State Policies and Projects (Fees) Regulations 2023.
 - (2) Land Acquisition Act 1993 (Section 18)
 - (i) Dated 29 February 2024, land situate in the Town of Legana, Parish of Stanley, Land District of Devon, Municipal Area of West Tamar, Lot 1 of Plan of Survey P185920 registered in the name of West Tamar Council for road purposes;
 - (ii) Dated 29 February 2024, land situate in the Town of Legana, Parish of Stanley, Land District of Devon, Municipal Area of West Tamar, Lot 1 of Plan of Survey P185922 registered in the name of Elizabeth Carla McGuinness for road purposes;
 - (iii) Dated 14 March 2024, land situate in the Parish of Spreyton, Land District of Devon, Municipal Area of Kentish, Lot 30 of Plan of Survey P186086 registered in the name of Luke Stephen Biggs for road purposes;
 - (iv) Dated 14 March 2024, land situate in the Parish of Spreyton, Land District of Devon, Municipal Area of Kentish, Lot 2 of Plan of Survey P183924 registered in the names of Jodie Louise Davies and Peter Davies for road purposes;
 - (v) Dated 14 March 2024, land situate in the Parish of Spreyton, Land District of Devon, Municipal Area of Kentish, Lot 3 of Plan of Survey P183924 registered in the names of Deayne Tracy Morse and Rodney Eric Morse for road purposes;

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- (vi) Dated 14 March 2024, land situate in the Parish of Spreyton, Land District of Devon, Municipal Area of Kentish, Lot 26 of Plan of Survey P186086 registered in the name of Sheffield Road Pty Ltd for road purposes;
- (vii) Dated 14 March 2024, land situate in the Parish of Spreyton, Land District of Devon, Municipal Area of Kentish, Lot 29 of Plan of Survey P183926 registered in the names of Christopher Raymond Miller and Sarah Jade Miller for road purposes;
- (viii) Dated 14 March 2024, land situate in the Parish of Spreyton, Land District of Devon, Municipal Area of Kentish, Lot 1 of Plan of Survey P183924 registered in the name of Lucas John Rawson for road purposes.

7 PAPERS. – The Minister for the Arts laid upon the Table of the House the following Papers:-

- (1) Theatre Royal Annual Report 2023.
- (2) Queen Victoria Museum and Art Gallery, 2022-2023 Annual Report.

8 PAPERS. – The Minister for Police, Fire and Emergency Management laid upon the Table of the House the following Paper:-

Board of the Australian Criminal Intelligence Commission: Chair Annual Report 2022-23.

9 ATTENDANCE OF LEGISLATIVE COUNCIL MINISTER FOR BUDGET PROCEEDINGS. - A Message from the Legislative Council -

HONOURABLE SPEAKER,

The Legislative Council desires to inform the House of Assembly that it agrees to the request of the Assembly in its Message dated 10 September 2024 and has given leave for the Honourable Jo Palmer MLC, Minister for Education and Minister for Disability Services; and the Honourable Nick Duigan MLC, Minister for Energy and Renewables, and Minister for Parks and Environment, to appear before and give evidence to the relevant Estimates Committee of the House of Assembly in relation to the Budget Estimates and related documents.

Legislative Council, 10 September 2024.

C.M. FARRELL, President.

10 ESTIMATES COMMITTEES: ATTENDANCE OF MINISTERS. - A Message from the Legislative Council -

HONOURABLE SPEAKER,

The Legislative Council having passed the following Resolution now transmits the same to the House of Assembly, and requests its concurrence therein:-

Resolved, that the Legislative Council having appointed two Estimates Committees reflecting the distribution of Government Ministers' portfolio responsibilities, requests that the House of Assembly give leave to all Ministers to appear before and give evidence to the relevant Council Estimates Committee in relation to the Budget Estimates and related documents.

Legislative Council, 10 September 2024.

C.M. FARRELL, President.

Ordered, That the abovementioned message be taken into consideration forthwith (The Minister for Transport).

Resolved, That the Resolution of the Legislative Council be agreed to. (The Minister for Transport)

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11 ESTIMATES COMMITTEES: ATTENDANCE OF MINISTERS. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the following Resolution communicated to it by the Legislative Council on 10 September 2024:-

Resolved, That the Legislative Council having appointed two Estimates Committees reflecting the distribution of Government Ministers' portfolio responsibilities, requests that the House of Assembly give leave to all Ministers to appear before and give evidence to the relevant Council Estimates Committee in relation to the Budget Estimates and related documents.

House of Assembly, 11 September 2024.

MICHELLE O'BYRNE, *Speaker*.

12 BILL NO. 43. – The Minister for Transport presented -

“A Bill for an Act to amend the Collections for Charities Act 2001 and the Associations Incorporation Act 1964”.

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

13 MATTER OF PUBLIC IMPORTANCE: CLIMATE PREPAREDNESS. – Ms *Badger* in accordance with Standing Orders, moved - That the House take note of the following matter:

Climate Preparedness.

And the Question being put;

It was resolved in the Affirmative.

14 RESPONSE TO SEVERE WEATHER EVENT. – A Motion being made and the Question being proposed— That the House:—

(1) Notes:—

- (a) the severe weather event (“the event”) that hit Tasmania at end of August 2024 and continued over several days;
- (b) the event left a trail of destruction and around 30,000 Tasmanians without power on 31 August 2024; and
- (c) ten days later thousands of Tasmanians were still without power.

(2) Appreciates the incredible work, after the event, of:—

- (a) Police, Fire and Emergency Services staff and SES volunteers; and
- (b) TasNetworks staff restoring power to businesses and residents around the State.

(3) Recognises:—

- (a) the extreme frustration felt by thousands of Tasmanians having to wait so long to have power restored;
- (b) the importance of TasNetworks reconnection teams to timely power restoration; and
- (c) severe weather events are likely to become more frequent.

(4) Calls on the Minister for Energy and Renewables, Hon. Nick Duigan MLC to establish an independent review into TasNetworks response to this event, with the opportunity for public submissions. The Review should focus on contingency planning, timely and effective management of the incident, restoration of supply, and include findings and recommendations on:—

- (a) the adequacy of TasNetworks staffing levels to respond to severe weather events;
- (b) TasNetworks recruitment and retention strategy for staff, particularly those involved in reconnection after outages;

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- (c) the adequacy of TasNetworks communication with affected customers after the event;
- (d) the adequacy of TasNetworks procedures to identify and prioritise the restoration needs of its customers; and
- (e) regulatory or other barriers to TasNetworks investment in staff development, training and disaster resilience. (Mr *Garland*)

A Debate arose thereupon.

Amendment proposed (Mr *Garland*)

To insert new paragraph to follow paragraph (4)

- (5) This review must be completed within 6 months from today and published on the Government's website for all to see.

A Debate arose thereupon.

And the Question being put – That the Amendment be agreed to.

It was resolved in the affirmative.

The Question being proposed that the Motion as Amended be agreed to.

A Debate arose thereupon.

Amendment proposed (Mr *Bayley*)

In paragraph (2), leave out “work, after” and insert instead “work, during and after”.

And the Question being put – That the Amendment be agreed to.

It was resolved in the affirmative.

The Question being proposed that the Motion as Amended be agreed to.

A Debate arose thereupon.

And the Question being put.

It was resolved in the affirmative.

Resolved, That the House:—

- (1) Notes:—
 - (a) the severe weather event (“the event”) that hit Tasmania at end of August 2024 and continued over several days;
 - (b) the event left a trail of destruction and around 30,000 Tasmanians without power on 31 August 2024; and
 - (c) ten days later thousands of Tasmanians were still without power.
- (2) Appreciates the incredible work, during and after the event, of:—
 - (a) Police, Fire and Emergency Services staff and SES volunteers; and
 - (b) TasNetworks staff restoring power to businesses and residents around the State.
- (3) Recognises:—
 - (a) the extreme frustration felt by thousands of Tasmanians having to wait so long to have power restored;
 - (b) the importance of TasNetworks reconnection teams to timely power restoration; and
 - (c) severe weather events are likely to become more frequent.

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- (4) Calls on the Minister for Energy and Renewables, Hon. Nick Duigan MLC to establish an independent review into TasNetworks response to this event, with the opportunity for public submissions. The Review should focus on contingency planning, timely and effective management of the incident, restoration of supply, and include findings and recommendations on:—
- (a) the adequacy of TasNetworks staffing levels to respond to severe weather events;
 - (b) TasNetworks recruitment and retention strategy for staff, particularly those involved in reconnection after outages;
 - (c) the adequacy of TasNetworks communication with affected customers after the event;
 - (d) the adequacy of TasNetworks procedures to identify and prioritise the restoration needs of its customers; and
 - (e) regulatory or other barriers to TasNetworks investment in staff development, training and disaster resilience.
- (5) This review must be completed within 6 months from today and published on the Government's website for all to see.

15 PRIVATE MEMBERS BUSINESS. – In accordance with Standing Order 42, Mr Garland indicated that the remainder of his Private Members' Business for this day's sitting would be waived.

16 VACANCY CONTROL AND EFFICIENCY DIVIDENDS. – A Motion being made and the Question being proposed— That the House:—

- (1) Notes the Independent Review of Tasmania's State Finances by Saul Eslake found:—
 - (a) "Vacancy control' and 'efficiency dividends' are very poor strategies for achieving expenditure savings;"
 - (b) "Vacancy control' in practice means that 'savings' in employee expenses are achieved when employees leave (by not replacing them), rather than as a result of any conscious deliberations as to which roles should be retained and which abolished."
 - (c) "Efficiency dividends'...are a poor substitute for conscious decisions as to what services should continue to be, or no longer continue to be, provided." and
 - (d) vacancy control programs and efficiency dividends "frequently result in services continuing to be provided with inadequate levels of staffing, leading in turn to greater inefficiency and lower levels of customer or client satisfaction."
- (2) Further notes:—
 - (a) the Government's efficiency dividend is already in effect for the financial year 2024-2025; and
 - (b) the Department of Health, as the largest department, will be responsible for the highest quantum of cuts to achieve the efficiency dividend.
- (3) Orders the Premier, Hon Jeremy Rockliff MP, to provide the House, by 11.30am on Thursday 12 September 2024 with:—
 - (a) the total value of the efficiency dividend that is being applied to the Department of Health in the current financial year; and
 - (b) an outline of the savings strategies that are being implemented in order to meet this efficiency dividend. (Mr Willie)

A Debate arose thereupon.

17 SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.
At half-past Two o'clock the Speaker resumed the Chair.

18 VACANCY CONTROL AND EFFICIENCY DIVIDENDS. – And the Question being again proposed.

The House resumed the Debate.

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Amendment proposed (The Attorney-General)

In paragraph (3)

- (1) Leave out the words “Orders the Hon *Jeremy Rockliff* MP” and insert instead “Orders the Treasurer”.
- (2) Leave out the words “11.30 a.m.” and insert instead “4.00 p.m.”.

A Debate arose thereupon.

And the Question being put – That the Amendment be agreed to.

It was resolved in the Affirmative.

And the Question being proposed, that the Motion as amended be agreed to;

A Debate arose thereupon.

Amendments proposed (Mr *O’Byrne*)

- (1) In paragraph (3) omit subparagraph (b)
- (2) Insert new paragraph;
 - (4) Calls on the Minister for Health to convene a standing working group consisting of the Minister for Health, health unions, health consumer groups, and relevant departmental staff to raise any matters of concern to them, including any current or proposed efficiency measures, with such working group to initially meet no later than 5pm on 20 September 2024 and continue to regularly meet as agreed.

A Debate arose thereupon.

Amendment to the Amendment proposed (Mr *Willie*)

To leave out paragraph (1).

A Debate arose thereupon.

And the Question being put - That the Amendment to the Amendment be agreed to;

It was resolved in the Affirmative.

And the Question being put - That the Amendment as Amended be agreed to;

It was resolved in the Affirmative.

And the Question being put - That the Motion as Amended be agreed to;

It was resolved in the Affirmative.

Resolved - That the House:—

- (1) Notes the Independent Review of Tasmania’s State Finances by Saul Eslake found:—
 - (a) “‘Vacancy control’ and ‘efficiency dividends’ are very poor strategies for achieving expenditure savings;”
 - (b) “‘Vacancy control’ in practice means that ‘savings’ in employee expenses are achieved when employees leave (by not replacing them), rather than as a result of any conscious deliberations as to which roles should be retained and which abolished.”
 - (c) “‘Efficiency dividends’...are a poor substitute for conscious decisions as to what services should continue to be, or no longer continue to be, provided.” and

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- (d) vacancy control programs and efficiency dividends “frequently result in services continuing to be provided with inadequate levels of staffing, leading in turn to greater inefficiency and lower levels of customer or client satisfaction.”
- (2) Further notes:—
 - (a) the Government’s efficiency dividend is already in effect for the financial year 2024-2025; and
 - (b) the Department of Health, as the largest department, will be responsible for the highest quantum of cuts to achieve the efficiency dividend.
- (3) Orders the Treasurer, to provide the House, by 4.00pm on Thursday 12 September 2024 with:—
 - (a) the total value of the efficiency dividend that is being applied to the Department of Health in the current financial year; and
 - (b) an outline of the savings strategies that are being implemented in order to meet this efficiency dividend.
- (4) Calls on the Minister for Health to convene a standing working group consisting of the Minister for Health, health unions, health consumer groups, and relevant departmental staff to raise any matters of concern to them, including any current or proposed efficiency measures, with such working group to initially meet no later than 5pm on 20 September 2024 and continue to regularly meet as agreed.

19 STATE OF THE ENVIRONMENT REPORT – A Motion being made and the Question being proposed— That the House:—

- (1) Notes:—
 - (a) Tasmania is facing serious environmental challenges including the pollution and degradation of waterways, the impacts of climate change-fuelled and extreme weather events, and the decline of iconic native species.
 - (b) environmental impacts create significant community concern and anxiety, pose substantial public and economic costs, and add uncertainty to industry and development.
- (2) Recognises the Tasmanian Government has a statutory obligation to prepare a State of the Environment Report every five years.
- (3) Further notes the last State of the Environment Report was released in 2009.
- (4) Agrees the Liberals have entirely neglected a basic requirement of governance by failing to produce a State of the Environment Report in both 2014 and 2019.
- (5) Understands a 2024 State of the Environment Report has – despite further delays – now been finalised and handed to the Minister for Housing and Planning, Hon. Felix Ellis MP.
- (6) Recognises the Liberals’ propensity to delay the release of important reports and findings as long as possible.
- (7) Further recognises the release of this report could be held off until November if the Minister chose to do so.
- (8) Acknowledges the Parliament and the community would benefit greatly by the release of the State of the Environment Report prior to the Budget Reply and Budget Estimates process commencing.
- (9) Orders the Minister for Housing and Planning to table the 2024 State of the Environment Report by 5pm 12 September 2024. (Mr Bayley)

A Debate arose thereupon.

Amendment proposed (Minister for Housing and Planning)

Leave out paragraph (9) and insert instead:

- (9) Orders the Minister for Housing and Planning to table the State of the Environment Report 2024 by 5pm on 19 September 2024.

A Debate arose thereupon.

And the Question being put – That the Amendment be agreed to.

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The House divided.

AYES 26

Mr *Abetz*
Mr *Barnett*
Mr *Behrakis*
Dr *Broad*
Ms *Brown*
Ms *Butler*
Ms *Dow*
Mr *Ellis*
Mr *Fairs*
Ms *Finlay*
Ms *Haddad*
Ms *Howlett*
Mr *Jaensch*
Mr *Jenner*
Mr *O'Byrne*
Ms *Ogilvie*
Mrs *Pentland*
Mrs *Petrusma*
Mr *Rockliff*
Mr *Shelton*
Mr *Street*
Ms *White*
Mr *Willie*
Mr *Winter*
Mr *Wood*
Mrs *Beswick* (Teller)

NOES 7

Ms *Badger*
Mr *Bayley*
Ms *Burnet*
Ms *Johnston*
Ms *Rosol*
Dr *Woodruff*
Mr *Garland* (Teller)

It was resolved in the Affirmative.

And the Question being proposed that the Motion as Amended be agreed to;

A Debate arose thereupon.

Amendment proposed (Ms *Finlay*)

To leave out paragraph (1).

A Debate arose thereupon.

And the Question being put – That the Amendment to the Motion as Amended be agreed to;

The House divided.

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AYES 25

Mr Abetz
Mr Barnett
Mr Behrakis
Mrs Beswick
Dr Broad
Ms Brown
Ms Butler
Ms Dow
Mr Ellis
Ms Finlay
Ms Haddad
Ms Howlett
Mr Jaensch
Mr Jenner
Ms Ogilvie
Mrs Pentland
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Street
Ms White
Mr Willie
Mr Winter
Mr Wood
Mr Fairs (Teller)

NOES 8

Ms Badger
Mr Bayley
Ms Burnet
Mr Garland
Ms Johnston
Mr O'Byrne
Dr Woodruff
Ms Rosol (Teller)

It was resolved in the Affirmative.

And the Question being proposed - That the Motion as Amended be agreed to.

A Debate arose thereupon.

And the Question being put – That the Motion as Amended be agreed to

It was resolved in the Affirmative.

Resolved - That the House:—

- (1) Recognises the Tasmanian Government has a statutory obligation to prepare a State of the Environment Report every five years.
- (2) Further notes the last State of the Environment Report was released in 2009.
- (3) Agrees the Liberals have entirely neglected a basic requirement of governance by failing to produce a State of the Environment Report in both 2014 and 2019.
- (4) Understands a 2024 State of the Environment Report has – despite further delays – now been finalised and handed to the Minister for Housing and Planning, Hon. Felix Ellis MP.
- (5) Recognises the Liberals' propensity to delay the release of important reports and findings as long as possible.
- (6) Further recognises the release of this report could be held off until November if the Minister chose to do so.
- (7) Acknowledges the Parliament and the community would benefit greatly by the release of the State of the Environment Report prior to the Budget Reply and Budget Estimates process commencing.
- (8) Orders the Minister for Housing and Planning to table the State of the Environment Report by 5pm 19 September 2024.

20 AUTISM TASMANIA – A Motion being made and the Question being proposed— That the House:—

- (1) Notes:—
 - (a) there are over 4,500 people in Tasmania on the National Disability Insurance Scheme (NDIS) with Autism; and

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- (b) according to Autism Tasmania's latest annual report: "In Tasmania, autism is the second-most prevalent disability, and one in four families are impacted by autism."
- (2) Acknowledges the impact services like Autism Tasmania, whose goal was "helping Tasmanians on the autism spectrum and those who support them achieve their best outcomes", have in supporting those with autism and their families.
- (3) Recognises the devastation felt by families who were supported by Autism Tasmania in the recent closure of the service due to the withdrawal of funding from the Department of Social Services.
- (4) Further notes that the Government has allocated hundreds of millions of dollars for the establishment of a football team in Tasmania.
- (5) Calls on the Tasmanian Government to prioritise funding to services for neurodiverse Tasmanians in order for them to achieve their full potential. (Mr *Jenner*)

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

21 PRIVATE MEMBERS BUSINESS. – In accordance with Standing Order 42, Mr *Jenner* indicated that the remainder of the Jacqui Lambie Network's Private Members' Business for this day's sitting would be waived.

22 ALTERNATIVE BUDGET – A Motion being made and the Question being proposed—That the House:—

- (1) Recognises in the ten years they have been in Opposition the Labor Party have failed to deliver a single alternative Budget.
- (2) Notes that in 2024 the new Opposition Treasury Spokesperson has the opportunity to break the tradition set by his predecessors.
- (3) Further recognises that during the most recent election campaign, the Labor Opposition admitted that their costings included \$2 billion in 'identified savings'.
- (4) Calls on the Labor Opposition to provide the House with details of where these cuts will come from, in the form of a detailed alternative budget by the end of the parliamentary budget session. (Mr *Behrakis*)

A Debate arose thereupon.

And the Question being put;

The House divided.

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AYES 21

Mr Abetz
Ms Badger
Mr Barnett
Mr Bayley
Mr Behrakis
Mrs Beswick
Ms Burnet
Mr Ellis
Ms Howlett
Mr Jaensch
Mr Jenner
Ms Ogilvie
Mrs Pentland
Mrs Petrusma
Mr Rockliff
Ms Rosol
Mr Shelton
Mr Street
Mr Wood
Dr Woodruff
Mr Fairs (Teller)

NOES 11

Dr Broad
Ms Brown
Ms Butler
Ms Dow
Ms Finlay
Mr Garland
Ms Johnston
Mr O'Byrne
Ms White
Mr Willie
Mr Winter
(Teller)

PAIRS

Mr Ferguson

Ms Haddad

It was resolved in the Affirmative.

23 PRIVATE MEMBERS BUSINESS. – In accordance with Standing Order 42, Mr *Behrakis* indicated that the remainder of the Government Members' Private Members' Business for this day's sitting would be waived.

24 BILL NO. 10. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Racing Regulation and Integrity Bill 2024.

(In the Committee)

Amendments

Clause 9

Page 25, subclause (1), paragraph (k), after "to make".

Insert "best practice".

Clause 53

Page 68, subclause (1).

Leave out that subclause.

Insert instead the following subclauses:

- () The Commissioner is to prepare and issue standards including, but not limited to, standards relating to integrity and animal welfare.
- () The Commissioner may prepare and issue Standards as a result of a request of the Minister under section 54.

Clause 67

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Page 94, subclause (1), after “a suitably qualified person”.

Insert “, who has a demonstrated understanding of the racing industry,”.

Clause 68

Page 96, after subclause (1):

Insert the following subclause:

- (1A) Tasracing may only appoint a person as a stipendiary steward under subsection (1)(a) if the person has the qualifications that are necessary to perform the functions of a steward.

Clause 79

Page 109, subclause (3), after “operation of a”.

Insert “decision or a”.

Clause 85

First amendment

Page 117, subclause (1), after “operation of”.

Insert “decision or a”.

Second amendment

Same page, subclause (2), after “operation of a”.

Insert “decision or a”.

Third amendment

Same page, same subclause, paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph:

- (a) the decision was made, or the penalty imposed, because of a serious risk to –
 - (i) the welfare or health of an animal; or
 - (ii) the safety of any person; or
 - (iii) the integrity of the Tasmanian racing industry; or

Clause 88

Page 118, subclause (2).

Leave out the subclause.

Clause 89

First amendment

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Page 120, subclause (8).

Leave out “subsection (1)”.

Insert instead “subsection (7)”.

Second amendment

Page 121, subclause (9).

Leave out “Subsection (2)”.

Insert instead “Subsection (8)”.

Clause 99

First amendment

Page 129, subclause (5), paragraph (b), after “operation of a”.

Insert “decision or a”.

Second amendment

Same page, same subclause, paragraph (c), after “operation of a”.

Insert “decision or a”.

Schedule 1

Page 258, clause 2, after subclause (1).

Insert the following subclause:

- (X) The Commissioner must not –
 - (a) wager on a Tasmanian race meeting or with a Tasmanian registered bookmaker; or
 - (b) have or obtain a financial or propriety interest in a greyhound or horse, other than a greyhound or horse that has retired from racing.

Amendments agreed to.

Resolution to be reported.

The House being resumed, Mrs Beswick reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

Resolved, That the said Resolution be agreed to. (Minister for Racing)

25 BILL NO. 10. - A Message to the Legislative Council:-

MR PRESIDENT

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The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to provide for the regulation of thoroughbred, harness and greyhound racing, to ensure the integrity of persons involved in such racing, to safeguard the welfare of animals, and for related purposes”.

House of Assembly, 11 September 2024.

MICHELLE O’BYRNE, *Speaker.*

26 BILL NO. 35. - The House, according to Order, again resolved itself into a Committee on the Expungement of Historical Offences Amendment Bill 2024.

(In the Committee)

Mrs *Beswick* took the Chair.

New Clauses A and B to follow Clause 8 brought up by Dr *Woodruff* and read a First Time as follows:-

New clause A

AFTER SECTION 19 OF THE PRINCIPAL ACT, THE FOLLOWING PART IS INSERTED:

PART 3A – Compensation payable under Act

19A. Interpretation of this Part

In this Part –

assessment means an assessment carried out by an independent assessor to determine the amount of compensation to be paid to eligible recipients under this Act;

compensation order means an order made by the Premier under section 19E(4);

eligible recipient means a person whose charge has been expunged under this Act;

independent assessor means a person appointed under section 19B;

initial compensation order means the first compensation order made by the Premier after the commencement of this Part;

initial decision means the first decision of the Secretary to expunge a charge under section 12 that occurs after the commencement of this Part.

19B. Independent assessor

(1) The Premier must appoint an independent assessor to conduct an assessment under this Act –

- (a) within 3 months after the initial decision; and
- (b) if a compensation order is disallowed under section 19E, within 3 months of the disallowance.

(2) The Premier may, at other times, appoint an independent assessor to conduct as assessment under this Act, if the Premier considers that the appointment is

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necessary to ensure that appropriate compensation is paid to eligible recipients under this Act.

- (3) The Premier may only appoint a person as an independent assessor under this section if satisfied that the person has relevant knowledge, expertise and experience to make an assessment under this Act.
- (4) The appointment of an independent assessor is to be on such terms and conditions as the Premier thinks fit.
- (5) An independent assessor has the power to do all things necessary or convenient to be done, in connection with, or incidental to, the conduct of an assessment.
- (6) The Secretary is to arrange for –
 - (c) the services of State Service officers and State Service employees employed in the Department; and
 - (d) facilities; and
 - (e) other assistance –

to be made available or provided to an independent assessor to enable the independent assessor to make an assessment.

19C. Submissions in relation to compensation

- (1) After a person has been appointed as an independent assessor, that person must cause a notice to be published inviting public submissions in respect of compensation payable under this Act.
- (2) A notice under subsection (1) is to –
 - (a) be published in a newspaper circulating generally in the State; and
 - (b) specify the day by which submissions may be made, being a day not less than 30 days after the notice is first published in a newspaper.
- (3) The independent assessor must consider any submissions received under this section before providing the Premier with a report under section 19D(1)(b).

19D. Determination of compensation payable

- (1) An independent assessor must, within 6 months after the independent assessor's appointment –
 - (a) conduct an assessment; and
 - (b) provide the Premier with a report that recommends a method for calculating the amount of compensation to be paid to eligible participants.
- (2) The method for calculating an amount of compensation under subsection (1)(b) may –
 - (a) vary according to different factors or circumstances; and
 - (b) include indexing on an annual or other basis.

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19E. Compensation order

- (1) Within 30 days after being provided with a report under section 19D(1)(b), the Premier must prepare a draft order which specifies the method for calculating the amount of compensation to be paid under this Act to eligible participants.
- (2) The method specified by the Premier in a compensation order must be the method recommended to the Premier by the independent assessor under section 19D(1).
- (3) The Premier must cause a draft of the compensation order prepared under subsection (1) to be laid before each House of Parliament on the first sitting-day of that House after the day on which the draft order is prepared.
- (4) After a draft order has been approved by both Houses of Parliament, the Premier must make an order in the same terms as the draft order within 30 days.
- (5) A draft order is approved by a House of Parliament –
 - (a) when the House passes a motion approving the draft order; or
 - (b) at the end of 5 sitting-days after the draft order was laid before the House if no notice of a motion to disapprove the proposal is before the House; or
 - (c) if such a notice is before the House at the end of that period, when the first of the following occurs:
 - (i) the notice is withdrawn;
 - (ii) the motion is negatived;
 - (iii) a further period of 5 sitting-days ends.
- (6) A compensation order made under this section –
 - (a) is a statutory rule for the purposes of the *Rules Publication Act 1953*; and
 - (b) is not an instrument of a legislative character for the purposes of the *Subordinate Legislation Act 1992*.
- (7) The Premier may only amend or revoke a compensation order to give effect to a recommendation of an independent assessor under section 19D(1).

19F. Compensation for charges expunged before initial compensation order

- (1) This section applies in respect of a charge that is expunged before the initial compensation order is made.
- (2) The Secretary must, as soon as practicable and in any case within 3 months after the making of the initial compensation order, notify the person who applied to have the charge expunged that compensation is payable under this Act.
- (3) If an applicant who receives notification under this section confirms that compensation is to be paid under this Act, the Secretary must, as soon as practicable and in any case within 3 months after receiving confirmation, pay compensation to the person whose charge has been expunged.

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- (4) The amount of compensation payable under this section is to be calculated in accordance with the initial compensation order.

19G. Compensation for charges expunged after initial compensation order

- (1) This section applies in respect of a charge that is expunged after the initial compensation order is made.
- (2) The Secretary must, as soon as practicable and in any case within 3 months after a charge has been expunged under section 12(6), pay compensation under this section to the person whose charge has been expunged.
- (3) Subsection (2) does not apply if the person whose charge has been expunged notifies the Secretary in writing that the person does not wish for compensation to be paid to them under this section.
- (4) The amount of compensation payable under this section is to be calculated in accordance with the compensation order in effect at the time.

19H. Ex gratia payments

If an ex gratia payment is, or has been, made by the State to an eligible recipient in respect of a charge, the amount of compensation payable to that eligible recipient under this Part in respect of that charge is to be reduced by the amount of that ex gratia payment.

19I. Cessation of expungement

- (1) If the Secretary makes a determination under section 20(1) that a charge has ceased to be expunged, the Secretary may determine that any compensation that has been paid under this Part in respect of that charge is to be repaid.
- (2) If the Secretary makes a determination under subsection (1) that compensation is to be repaid, that compensation is a debt due and payable to the Crown by the person who received that compensation.

19J. Incorrect compensation paid

- (1) In this section –

original compensation amount means a compensation amount paid under this Part to an eligible recipient;

variation amount, in respect of an expunged charge, means the difference between the varied compensation amount for that charge and the original compensation amount paid for that charge;

varied compensation amount, in respect of an expunged charge, means the compensation amount for that charge as varied under subsection (2).

- (2) If the Secretary is satisfied that a compensation payment paid in respect of an expunged charge under this Part was calculated incorrectly, the Secretary is to vary the compensation amount payable in respect of that charge and is to notify the person to whom the compensation has been paid of that variation.
- (3) If the amount paid as the original compensation amount in respect of an expunged charge is greater than the varied compensation amount for that charge, the Secretary may recover the variation amount from the person whose charge has been expunged as a debt due and payable to the Crown.
- (4) If the varied compensation amount payable for an expunged charge is greater than the original compensation amount paid in respect of that charge, the

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Secretary must pay the variation amount to the person whose charge has been expunged.

19K. Payment of outstanding amounts

- (1) The Secretary may enter into an arrangement for a liability outstanding to the Crown under this Part to be paid by instalments.
- (2) The Secretary may write off the whole, or any part, of a liability to pay an amount to the Crown under this Part, if satisfied that any action, or further action, to recover the outstanding amount is impracticable or unwarranted.

NEW CLAUSE B

To follow clause 8.

A. Section 22 amended (No compensation payable other than under this Act)

Section 22 of the Principal Act is amended by omitting “If a” and substituting “Other than as entitled under this Act, if a”.

And a Debate arose thereupon.

SITTING TIMES. - *Ordered*, That for this day's sitting the House not stand adjourned at Seven thirty o'clock and that the House continue to sit past Seven thirty o'clock. (The Minister for Transport)

And the Question being put -That Clauses A and B be read a Second time and made part of the bill to follow Clause 8.

It was resolved in the affirmative.

Clauses 9 and 10 agreed to
Title agreed to
Bill to be reported with Amendment.

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

Ordered, That so much of the Standing Orders be suspended as prevents the Bill being now read the Third time. (The Attorney-General)

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

Ordered, That the Bill be now read the Third time.
And the Bill was, accordingly, read the Third time.

27 BILL NO. 35. - 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 Expungement of Historical Offences Act 2017”,

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

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MICHELLE O’BYRNE, *Speaker*.

28 ADJOURNMENT. – A Motion being made - That the House do now adjourn (The Minister

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for Transport)

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

And the Question being put – That the House do now adjourn.

It was resolved in the Affirmative.

The House adjourned at fifty-nine minutes past Eight o'clock.

LAURA ROSS, *Clerk of the House.*

MEMBERS. - All present during the day except Mr *Ferguson*.

The Minister for Energy and Renewables, and Minister for Parks and Environment, and the Minister for Minister for Education, and Minister for Disability Services attended Question Time.