



LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 41

THURSDAY, 31 OCTOBER 2019

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

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

- (1) TasNetworks: Annual Report 2018-2019.
- (2) Department of Treasury and Finance: Annual Report 2018-2019.
- (3) Macquarie Point Development Corporation: Annual Report 2018-2019.
- (4) Tasmanian Public Finance Corporation: Annual Report 2018-2019.
- (5) Department of Premier and Cabinet: Annual Report 2018-2019.
- (6) Tasmanian Audit Office: Annual Report 2018-2019.
- (7) Tourism Tasmania: Annual Report 2018-2019.
- (8) Department of State Growth: Annual Report 2018-2019.
- (9) TasPorts: Annual Report 2018-2019.
- (10) Port Arthur Historic Site Management Authority: Annual Report 2018-2019.
- (11) Department of Primary Industries, Parks, Water and Environment: Annual Report 2018-2019.
- (12) Department of Police, Fire and Emergency Management: Annual Report 2018-2019.
- (13) State Fire Commission: Annual Report 2018-2019.
- (14) Tasmanian State Service: Annual Report 2018-2019.
- (15) Department of Communities Tasmania: Annual Report 2018-2019.
- (16) Office of the National Rail Safety Regulator: Annual Report 2018-2019.
- (17) TasTAFE: Annual Report 2018-2019.
- (18) Environment Protection Authority: Annual Report 2018-2019.
- (19) Integrity Commission: Report No. 4 of 2019.
- (20) Tasmanian Industrial Commission: Report on Review of Actions 2018-2019.

- (21) Chief Civil Psychiatrist; Chief Forensic Psychiatrist: Annual Report 2018-2019.
- (22) Department of Education: Annual Report 2018-2019.
- (23) Inland Fisheries Service: Annual Report 2018-2019.
- (24) Aurora Energy: Annual Report 2018-2019.
- (25) Legislative Council: Annual Report 2018-2019.
- (26) Solicitor-General: Annual Report 2018-2019.
- (27) Director of Public Prosecutions: Annual Report 2018-2019.
- (28) Council of Obstetric & Paediatric; Mortality & Morbidity: Annual Report 2017.
- (29) Health in Tasmania: Annual Report 2018-2019.
- (30) Treasurer's Annual Financial Report: 2018-2019.
- (31) Nominal Insurer: Annual Report 2018-2019.
- (32) Legislature-General: Annual Report 2018-2019.
- (33) Health Act 1997: Statutory Rules 2019, No. 40, containing Health (Fees) Amendment Regulations 2019.
- (34) Health Service Establishments Act 2006: Statutory Rules 2019, No. 54, containing Health Service Establishments Amendment Regulations 2019.
- (35) Ambulance Service Act 1982: Statutory Rules 2019, No. 57, containing Ambulance Service (Non-Emergency Patient Transport) Regulations 2019.
- (36) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising an area of land containing 624m², situate in the Municipal area of Break O'Day.
- (37) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising an area of land containing 872m², situate in the Municipal area of Break O'Day.

3 REPORT OF THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON SHORT STAY ACCOMMODATION IN TASMANIA.— Ms *Armitage* presented a Report of the Legislative Council Select Committee on Short Stay Accommodation in Tasmania together with evidence taken by the Committee.

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

Ordered, That the Report be printed. (Ms *Armitage*)

Ordered, That the consideration and noting of the Report be made an Order of the Day. (Ms *Armitage*)

4 DISCLOSURE OF MEMBERS' INTERESTS.— In accordance with Sections 19 and 20 of the *Parliamentary (Disclosure of Interests) Act 1996* (Act No. 22), the Clerk of the Council laid upon the Table of the Council the Register of Members' Interests for Members representing 14 Legislative Council electoral divisions for 2018/2019. This Register of Annual Returns does not include a Return for the Member for Nelson, Ms Webb, who has already provided a Primary Return which was Tabled on Tuesday, 10 September 2019.

The 14 Annual Returns having been lodged with the President and this day Tabled will now be published on the Parliament's website.

5 CONDOLENCE MOTION: RAYMOND (RAY) WILLIAM SHIPP.—
Resolved, Nemine Contradicente,

That this Council expresses its profound regret at the death on 28 October 2019 of Raymond William Shipp, who from 1968 to 1982 was a member of the Legislative Council for the electoral division of Launceston, and places on record its sincere appreciation of his great service to this state. And further, that the Council humbly and respectfully tenders to his family its deepest sympathy in their bereavement.

Ordered, That the Resolution of the Council be forwarded to the family of the late Ray Shipp.
(Mr Finch)

6 BILL NO. 32.— The Order of the Day was read for the consideration of the Public Works Committee Amendment Bill 2019 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.

7 BILL NO. 32.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having this day agreed, with Amendments, to a Bill intituled — ‘A Bill for an Act to amend the *Public Works Committee Act 1914*’,

now returns the same to the House of Assembly, and requests its concurrence therein.

Legislative Council, 31 October 2019

C.M. FARRELL, *President*

8 BILL NO. 27.— The Order of the Day was read for resuming the Debate on the Question proposed on 19 September 2019, That the Magistrates Court (Criminal and General Division) Bill 2019 be now read the Second time.

The Question was again proposed and the Council resumed the Debate.

9 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.

10 QUESTION TIME.— The President called for Questions without Notice. There were ten Questions asked.

11 BILL NO. 27.— The Council resumed the Debate on the Question, That the Magistrates Court (Criminal and General Division) Bill 2019 be now read the Second time.

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 166 agreed to.

Schedules 1 to 4 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 Tuesday next. (Mrs *Hiscutt*)

12 BILL NO. 28.— The Order of the Day was read for resuming the Debate on the Question proposed on 19 September 2019, That the Magistrates Court (Criminal and General Division) (Consequential Amendments) Bill 2019 be now read the Second time.

The Question was again proposed and the Council resumed the Debate.

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 87 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 Tuesday next. (Mrs *Hiscutt*)

13 BILL NO. 43.— 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 *Dog Control Act 2000*’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 31 October 2019

S. HICKEY, *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. 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 *Sentencing Act 1997*’, the *Criminal Law (Detention and Interrogation) Act 1995* and the *Criminal Code*’, to which the House desires the concurrence of the Legislative Council.

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*)

15 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 9.00 o'clock am on Friday, 15 November 2019.

And the Question being put,

It was resolved in the Affirmative.

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

The Council adjourned at 5.25 o'clock p.m.

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

Briefings:

- *North and North West Bus Reviews*
- *Burial and Cremation Bill 2019*