



TASMANIA

# LEGISLATIVE COUNCIL

SESSION OF 2024

(FIRST SESSION OF THE FIFTY-FIRST PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 18

WEDNESDAY, 11 SEPTEMBER 2024

- 1 COUNCIL MEETS.**— The Council met at 11.00 o'clock a.m.
- 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) Theatre Royal Management Board: Annual Report 2023.
  - (2) Queen Victoria Museum and Art Gallery: Annual Report 2022-2023.
  - (3) Australian Criminal Intelligence Commission: Chair Annual Report 2022-23.
  - (4) *State Policies and Projects Act 1993*: Statutory Rules 2023, No. 74, containing State Policies and Projects (Fees) Regulations 2023.
  - (5) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 483.0 m<sup>2</sup> situate in the Parish of Spreyton, Land District of Devon. Sheffield Main Road Coal Creek Bridge (B6288) – Bridge Replacement. Municipal area of Kentish.
  - (6) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 713.0 m<sup>2</sup> situate in the Parish of Spreyton, Land District of Devon. Sheffield Main Road Coal Creek Bridge (B6288) – Bridge Replacement. Municipal area of Kentish.
  - (7) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 818.0 m<sup>2</sup> situate in the Parish of Spreyton, Land District of Devon. Sheffield Main Road Coal Creek Bridge (B6288) – Bridge Replacement. Municipal area of Kentish.
  - (8) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 848.0 m<sup>2</sup> situate in the Parish of Spreyton, Land District of Devon. Sheffield Main Road Coal Creek Bridge (B6288) – Bridge Replacement. Municipal area of Kentish.
  - (9) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 1080.0 m<sup>2</sup> situate in the Parish of Spreyton, Land District of Devon. Sheffield Main Road Coal Creek Bridge (B6288) – Bridge Replacement. Municipal area of Kentish.
  - (10) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 1446.0 m<sup>2</sup> situate in the Parish of Spreyton, Land District of Devon. Sheffield Main Road Coal Creek Bridge (B6288) – Bridge Replacement. Municipal area of Kentish.
  - (11) *Land Acquisition Act 1993*: Notice of Acquisition of land under Section 18, comprising area of land containing 11.8 m<sup>2</sup> situate in the Town of Legana. West Tamar Highway Duplication – Freshwater Point Road to Acropolis Drive – Part 2. Municipal area of West Tamar.
- 5 BILL NO. 24.**— The Work Health and Safety Amendment (Safer Workplaces) Bill 2024 was read the Third time and passed.

**6 BILL NO. 24.**— A Message to the House of Assembly:—

SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an Act to amend the *Work Health and Safety Act 2021*’.

*Legislative Council, 11 September 2024*

C.M. FARRELL, *President*

**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 11.05 o'clock a.m. and resumed at 11.19 o'clock a.m.

**8 BILL NO. 29.**— The Council, according to Order, again resolved itself into a Committee on the Disability Inclusion and Safeguarding Bill 2024.

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 36 further considered, and Amendments made. (Ms *O'Connor*)

**First amendment**

Page 53, subclause (4), paragraph (a), after “neglect”.

*Insert “, coercion”.*

**Second amendment**

Page 54, same subclause, paragraph (b), after “neglect”.

*Insert “, coercion”.*

**Third amendment**

Same page, subclause (5), after “neglect”.

*Insert “, coercion”.*

**Fourth amendment**

Same page, subclause (6), after “neglect”.

*Insert “, coercion”.*

**Fifth amendment**

Same page, subclause (7), after “neglect”.

*Insert “, coercion”.*

Clause 36 as amended agreed to.

Clause 37, Amendment made. (Ms *Palmer*)

Page 55, subclause (2), paragraph (a), subparagraph (v).

*Leave out* the subparagraph.

Clause 37 as amended agreed to.

Clause 38, Amendment made. (Ms *O'Connor*)

Page 57, subclause (2), after “neglect”.

*Insert “, coercion”.*

Clause 38 as amended agreed to.

Clause 39, Amendment made. (Ms *Palmer*)

Page 59, after subclause (4).

*Insert* the following subclause:

- (5) A person must not, without reasonable excuse, fail to comply with a requirement made of the person under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

Clause 39 as amended agreed to.

Clauses 40 to 43 agreed to.

Clause 44, Amendments made. (Ms *Palmer*)

**First amendment**

Page 63, subclause (1), paragraph (e).

*Leave out* “, to the greatest extent possible,”

**Second amendment**

Same page, same subclause, same paragraph, subparagraph (i), after “are protected”.

*Insert* “to the greatest extent possible”.

Clause 44 as amended agreed to.

Clause 45 agreed to.

Clause 46, Amendment made. (Ms *Webb*)

Page 66, after subclause (4).

*Insert* the following subclause:

- (X) The Senior Practitioner is to ensure that a copy of any guidelines issued under this section is published on a website operated by, or on behalf of, the Senior Practitioner in accessible formats.

Clause 46 as amended agreed to.

Clauses 47 to 51 agreed to.

Clause 52, Amendment made. (Ms *Webb*)

Page 73, after subclause (5).

*Insert* the following subclause.

- (6) If the Senior Practitioner grants an authorisation for the use of a restrictive practice under subsection (1), the Senior Practitioner must notify the Commissioner of that fact within 5 days after the granting of the authorisation.

Clause 52 as amended agreed to.

Clause 53 agreed to.

Clause 54, Amendment made. (Ms *Webb*)

Page 75, after subclause (3).

*Insert* the following subclause.

- (4) If the Senior Practitioner amends or revokes an authorisation under subsection (2), the Senior Practitioner must notify the Commissioner of that fact within 5 days after the amendment or revocation.

Clause 54 as amended agreed to.

Clause 55, Amendment made. (Ms *Palmer*)

Page 75, subclause (1), definition of *prohibited practice*.

*Leave out* all the words after “punitive”.

*Insert instead* “approaches that is of a type, or class, of practice or intervention that is prescribed for the purposes of this definition.”

Clause 55 as amended agreed to.

Clause 56, Amendments proposed. (Ms Palmer)

**First amendment**

Page 77, subclause (2), paragraph (a).

*Leave out* “serious harm”.

*Insert instead* “harm, that was both serious and imminent”.

**Second amendment**

Same page, same subclause, paragraph (b).

*Leave out* “serious harm”.

*Insert instead* “harm, that was both serious and imminent”.

**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 three Questions asked.

**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 2.41 o’clock p.m. and resumed at 2.53 o’clock p.m.

**12 BILL NO. 29.**— The Council again resolved itself into a Committee on the Disability Inclusion and Safeguarding Bill 2024.

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.

Proposed amendments to Clause 56 further considered and made.

Clause 56 as amended agreed to.

Clause 57 agreed to.

Clause 58, Amendments made. (Ms Webb)

**First amendment**

Page 80, subclause (2), paragraph (a), after “under subsection (1)(g)”.

*Insert* “or section 52”.

**Second amendment**

Page 81, after subclause (6).

*Insert* the following subclause:

- (7) The Senior Practitioner must provide a report to the Commissioner regarding the exercise of any power under subsection (1) in relation to a disability services provider within 28 days after exercising that power.

Clause 58 as amended agreed to.

Clauses 59 to 69 agreed to.

Clause 70, Amendment made. (Ms O'Connor)

Page 95, subclause (1), paragraph (c), after “neglect”.

*Insert* “, coercion”.

**13 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.

**14 BILL NO. 29.**— The Council again resolved itself into a Committee on the Disability Inclusion and Safeguarding Bill 2024.

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.

Clause 70 as amended further considered and agreed to.

Clauses 71 to 76 agreed to.

Clause 77, Amendment made. (Ms Palmer)

Page 107, subclause (2).

*Leave out* the subclause.

Clause 77 as amended agreed to.

Clause 78, Amendment made. (Ms Palmer)

Page 108, subclause (5).

*Leave out* the subclause.

Clause 78 as amended agreed to.

Clauses 79 to 81 agreed to.

Clause 82, Amendment made. (Ms Palmer)

Page 118, subclause (7).

*Leave out* “section”.

*Insert instead* “Act”.

Clause 82 as amended agreed to.

Clause 83, Amendments made. (Ms Webb)

**First amendment**

Page 120, subclause (3), paragraph (f).

*Leave out* the paragraph.

*Insert instead* the following paragraph:

(f) the disclosure is –

- (i) discussed with the person to whom the information relates in a language and form that the person can understand; and
- (ii) made with the agreement of the person without coercion, pressure or undue influence being used to obtain the agreement;

**Second amendment**

Same page, same subclause, paragraph (h).

*Leave out* “identify the person”.

*Insert instead* “enable the identification of the person to whom the information relates”.

Clause 83 as amended agreed to.

Clause 84 agreed to.

Clause 85, Amendment made. (Ms *O'Connor*)

Page 121, subclause (2), after “neglect”.

*Insert* “, coercion”.

Clause 85 as amended agreed to.

Clauses 86 and 87 agreed to.

Clause 88, Amendment made. (Ms *Palmer*)

Page 124, subclause (2).

*Leave out* the subclause.

*Insert instead* the following subclause:

(2) The Minister is to cause an independent review of the operation of this Act to –

(a) commence no sooner than 18 months after the commencement of this Act;  
and

(b) be completed within 3 years after the commencement of this Act.

Clause 88 as amended agreed to.

Clauses 89 to 91 agreed to.

Postponed Clause 28 further considered and Amendments made. (Ms *O'Connor*)

#### **First amendment**

Page 46, paragraph (i), after “neglect”.

*Insert* “, coercion”.

#### **Second amendment**

Page 47, paragraph (k).

*Leave out* “neglect and”.

*Insert instead* “neglect, coercion, or”.

Clause 28 as amended agreed to.

Schedule 1 agreed to.

Schedule 2, Amendment made. (Ms *Palmer*)

Page 137, clause 5, after subclause (2).

*Insert* the following subclause:

(X) A person appointed under subclause (2) is to be a person with disability.

Schedule 2 as amended agreed to.

Schedules 3 and 4 agreed to.

Title agreed to.

Bill to be reported with Amendments.

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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 with Amendments.

Ordered, That the consideration of the Bill as amended in Committee be made an Order of the Day for tomorrow. (Ms *Palmer*)

**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 5.26 o'clock p.m. and resumed at 5.35 o'clock p.m.

**16 BILL NO. 26.**— The Order of the Day was read for the Second reading of the Justice Miscellaneous (Commission of Inquiry) Bill 2024.

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 Debate be adjourned. (Ms *O'Connor*)

**17 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 6.37 o'clock p.m. and resumed at 7.33 o'clock p.m.

**18 BILL NO. 26.**— The Council resumed the Debate on the Question, That the Justice Miscellaneous (Commission of Inquiry) Bill 2024 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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 43 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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*)

**19 BILL NO. 28.**— The Order of the Day was read for the Second reading of the Evidence (Children and Special Witnesses) Amendment Bill 2024.

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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 9 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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*)

**20 BILL NO. 33.**— The Order of the Day was read for the Second reading of the Farm Debt Mediation Bill 2024.

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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 8 agreed to.

Clause 9, Amendment made. (Mrs *Hiscutt*)

Page 15, subclause (2), after “duty of the”

*Leave out* “Reserve Bank”

*Insert instead* “Australian Prudential Regulation Authority”.

Clause 9 as amended agreed to.

Clauses 10 to 44 agreed to.

Title agreed to.

Bill to be reported with Amendment.

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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 with Amendment.

*Ordered*, That the consideration of the Bill as amended in Committee be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**21 BILL NO. 20.**— The Order of the Day was read for the Second reading of the Forestry (Miscellaneous Amendments) Bill 2024.



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 Debate be adjourned. (Mrs *Hiscutt*)

## **22 TASMANIAN BUDGET 2024-25: ESTIMATES COMMITTEES OF THE COUNCIL: REQUEST FOR MINISTERS IN THE ASSEMBLY TO ATTEND.—**

A Message from the House of Assembly:—

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*

## **23 BILL NO. 10.—** A Message from the House of Assembly:—

MR PRESIDENT,

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*

## **24 BILL NO. 35.—** 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 *Expungement of Historical Offences Act 2017*',

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

*House of Assembly, 11 September 2024*

MICHELLE O'BYRNE, *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*)

## **25 ADJOURNMENT.—** *Resolved*, That the Council will, at its rising adjourn until 11.00 o'clock a.m. on Thursday, 12 September 2024. (Mrs *Hiscutt*)

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

The Council adjourned at 10.16 o'clock p.m.

C.L. VICKERS, *Clerk of the Council*.

### *Briefings:*

- *Farm Debt Mediation Bill 2024*
- *Industrial Hemp Amendment Bill 2024*