



LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 11

TUESDAY, 21 MAY 2019

1 COUNCIL MEETS.— The Council met at 2.30 o'clock in the afternoon.

2 ELECTION OF PRESIDENT.— The Honourable *Tania Verene Rattray*, Member for McIntyre, addressing herself to the Clerk, proposed to the Council for their President the Honourable *Craig Maxwell Farrell*, Member for Derwent, and moved — “That the Honourable *Craig Maxwell Farrell* do take the Chair of this Council as President”; which Motion was seconded by the Honourable *Leonie Anne Hiscutt*, Member for Montgomery.

There being no further nominations Mr *Farrell* stood in his place, and expressed the sense he had of the honour proposed to be conferred upon him, and submitted himself to the Council.

The Council then called Mr *Farrell* to the Chair.

Mr *Farrell* was then taken out of his place by the said Ms *Rattray* and Mrs *Hiscutt* and conducted to the Chair, where, standing on the upper step he returned his humble acknowledgement to the Council for the great honour they had been pleased to confer upon him by choosing him to be their President; and thereupon he took the Chair.

3 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.— It being the first day of the Budget session the President said: —

“We acknowledge the traditional people of the land upon which we meet today, the Mouheneener People.”

4 PRAYERS.— The President read Prayers.

5 WRITS FOR THE RETURN OF NEW MEMBERS.— The Clerk of the Council laid upon the Table of the Council writs for the return of new Members for the Electoral Divisions of Pembroke, Montgomery and Nelson and, certifying to *Joanna Clare Siejka*, *Leonie Anne Hiscutt* and, *Megan Therese Webb* respectively, having been chosen on the 4th day of May 2019 to serve in the Legislative Council.

6 AUTHORIZATION TO ADMINISTER OATH OR AFFIRMATION.— The Clerk of the Council said:—

“With the authority of a Proclamation issued by the Governor in accordance with Section 30 of the *Constitution Act 1934* I am duly authorised to administer the Oath of Allegiance or Affirmation as prescribed by the *Promissory Oaths Act 2015*”.

Mr President, I advise the Council that *Joanna Clare Siejka* returned upon a new writ for Pembroke and *Leonie Anne Hiscutt* returned upon a new writ for Montgomery have earlier today made and taken the Affirmation and Oath of Allegiance respectively as required by Law”.

7 NEW MEMBER FOR NELSON SWORN.— *Megan Therese Webb* returned upon a new Writ for Nelson made the Affirmation required by law.

8 STATEMENT BY THE PRESIDENT – WELCOME NEW MEMBERS.—
The President said —

“I take this opportunity to welcome to this House and the Parliament the newly elected Member for Nelson and wish her well in her role representing the people that have duly elected her.

I know that I speak on behalf of all Members, Chamber Officers and staff when I say we are ready to offer any support, advice or assistance that you may require, particularly in the early stages of your elected term. Please do not hesitate to ask. You will find, I am sure, that your role at times will be challenging but know you can be assured that you will find it satisfying and rewarding as you now get not only the opportunity to assist and represent the people of your Nelson electorate here in the Legislative Council but to also contribute to the improved welfare of the people of Tasmania.

I extend a warm welcome to you.

Also, I wish to acknowledge and congratulate the Honourable Members for Pembroke and Montgomery on their return to this Chamber and I know that both Honourable Members will continue to work extremely hard for the people of their respective electorates and Tasmania and we look forward to your further contributions in this Parliament.”

9 STATEMENT BY THE PRESIDENT – CHAMBER REFURBISHMENT PROJECT.— The President said:—

“Honourable Members it is obvious to all that the working environment in the Chamber has undergone modification since the Quorum Call on 3 May. The planned Stage Two works have been undertaken and completed by our principal contractors, Voss Constructions, the Contact Mechanical Services Group and Degree C who have installed new lighting and other electrical services.

This completes the Chamber refurbishment with the exception of several ergonomic task chairs which are scheduled for delivery at the end of this month. I have no doubt that the results represent a vast improvement on the environment in which Members and our officers have previously had to work.

There is no doubt that the project had its challenges given the very sensitive and unique heritage value of the Chamber and the space in which our Architect, Mr David Button from Jaws Architects had to work. I believe he has executed his brief very well and I congratulate him and his Design Assistant, Laura Stucken, on their fine work. I also congratulate and acknowledge all of the contractors who have contributed to the end result including, Garrett Leitch from Voss; Brandon Servant – Project Engineer and Terence Ling - Building Services Engineer from Andrew Sutherland Consulting Engineers; Gary Collins – Project Manager from Degree C and his team; Micky Gelormini from Rehab Upholstery; and Stuart Hamilton and Landon Bannister from Southern Lighting. All have been thoroughly professional in their respective roles.

I want to also extend thanks to Peter Hancox, Brett Godfrey and Chris Machin from our own ICT unit for their input throughout the project. Their technical skill and expertise has been invaluable.

I want to finally acknowledge and thank Simon Carter from Voss Constructions who worked on this project physically in the Chamber from day one often from sun up to sun down. His efforts have gone a long way in enabling the delivery of the refurbishment on time.

I well understand that the new seating and desk arrangements will take a little getting used to, however I do look forward to Members and Chamber Officers being able to undertake your work in this Chamber in much improved conditions.”

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

- (1) Report of the Auditor-General – No. 9 of 2018-19. Auditor-General’s Report on the Financial Statements of State entities. Volume 1 - State entities 31 December 2018.
- (2) Tasmanian Water and Sewerage State of the Industry Report 2017-2018.
- (3) Work Health and Safety Act 2012: Statutory Rules 2019, No. 9, containing Work Health and Safety Amendment Regulations 2019.
- (4) Wellington Park Act 1993: Statutory Rules 2019, No. 13, containing Wellington Park Regulations 2019.
- (5) Environmental Management and Pollution Control Act 1994: Statutory Rules 2019, No. 20, containing Environmental Management and Pollution Control (Environmental Licences) Regulations 2019.
- (6) Dangerous Goods (Road and Rail Transport) Act 2010: Statutory Rules 2019, No. 24, containing Dangerous Goods (Road and Rail Transport) Amendment Regulation 2019.
- (7) Living Marine Resources Management Act 1995: Fisheries (Biosecurity) Order 2019.
- (8) Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019. Queensland.
- (9) Department of Primary Industries, Parks, Water and Environment - Ministerial Portfolio of Environment. Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (10) Department of Primary Industries, Parks, Water and Environment – Ministerial Portfolio of Racing. Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (11) Department of Primary Industries, Parks, Water and Environment – Ministerial Portfolio of Heritage. Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (12) Department of State Growth: Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (13) Marine and Safety Tasmania: Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (14) Department of Education. Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (15) Department of Premier and Cabinet. Fees set in accordance with the Fee Units Act 1997 to apply from 1 July 2019.
- (16) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 340m² situate in the Parish of Kingborough, Land District of Buckingham in the Municipal Area of Kingborough.
- (17) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing .1002ha situate in the Town of Bridgewater in the Municipal Area of Brighton.

- (18) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing .0455m2 situate in the Parish of Frampton, Land District of Cornwall in the Municipal Area of Break O'Day.
- (19) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 2645m2 situate in the Parish of Carlton, Land District of Pembroke in the Municipal Area of Sorell.
- (20) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 80.3m2 and 968m2 situate in the Parish of Carlton, Land District of Pembroke in the Municipal Area of Sorell.

11 ROYAL ASSENT TO BILLS.— The President read a Message from Her Excellency the Governor as follows:—

MESSAGE

Kate Warner, Governor

A Bill for an Act to amend the Mental Health Act 2013 (Bill No. 43 of 2018; *Mental Health Amendment Act 2019* (Act No. 8 of 2019))

A Bill for an Act to amend the Adoption Act 1988, the Anti-Discrimination Act 1998, the Births, Deaths and Marriages Registration Act 1999, the Civil Liability Act 2002, the Conveyancing and Law of Property Act 1884, the Criminal Code Act 1924 and the Status of Children Act 1974 (Bill No 47 of 2018; *Justice and Related Legislation (Marriage and Gender Amendments) Act 2019* (Act No 7 of 2019))

A Bill for an Act to amend the Motor Accidents (Liabilities and Compensation) Act 1973 (Bill No 4 of 2019; *Motor Accidents (Liabilities and Compensation) Amendment Act 2019* (Act No. 6 of 2019))

having been presented to the Governor for the Royal Assent, she has, in the name of Her Majesty the Queen, assented to the said Bill.

Government House, Hobart.

8 May 2019

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

13 SUSPENSION OF STANDING ORDER.— *Ordered*, That so much of Standing Order No 16 be suspended as would prevent the Council proceeding to consider business prior to the Governor being notified of the election of the new President. (Mrs *Hiscutt*)

14 DEPUTATION TO NOTIFY GOVERNOR OF ELECTION OF PRESIDENT.— *Resolved*, That accompanied by a deputation of so many of the Members of the Council as see fit to attend, the President notify Her Excellency the Governor of his election, at Government House at 4.00 o'clock pm this day. (Mrs *Hiscutt*)

15 QUESTION TIME.— The President called for Questions without Notice. There were six Questions asked.

16 LEAVE TO TABLE ANSWER TO QUESTION AND INCORPORATE ANSWER INTO HANSARD.—*Ordered*, That Mrs *Hiscutt* have leave to Table answer to Question about the Government's Working Together for Three Year Olds Pilot Program and have the answer incorporated into the Hansard record.

17 SPECIAL INTEREST MATTERS.— The President advised the Chamber of four Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Mrs *Armitage*— The Old Umbrella Shop;
- (2) Mr *Finch* — Tasmania’s Fabulous Emergency Services;
- (3) Ms *Forrest* — Tasmanian Preterm Birth Prevention Initiative; and
- (4) Ms *Rattray* — Simbert Art Gallery

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

18 SPECIAL REPORT OF THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE ‘A’.— A Motion was made (Ms *Forrest*) and the Question was proposed, That the Special Report of the Legislative Council Government Administration Committee ‘A’ on Failure to provide Documents be considered and noted.

A Debate arose thereupon.

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

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 3.36 o'clock p.m. and resumed at 4.55 o'clock p.m.

20 ELECTION OF PRESIDENT.— The President said:—

“I wish to report to the Council that in accordance with Standing Order No. 16, in the company of other Honourable Members, I presented myself to Her Excellency the Governor this afternoon, and informed her that the Council had done me the honour of electing me President.

Her Excellency has sent the following Message:—

‘To the President and Members of the Legislative Council

I congratulate Honourable Members of the Legislative Council on their choice of a President.’

21 May 2019

C.A. WARNER, *Governor.*’ ”

21 SPECIAL REPORT OF THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE ‘A’.— The Council, according to Order, resumed Debate on the Question That the Special Report of the Legislative Council Government Administration Committee ‘A’ on Failure to provide Documents be considered and noted.

And the Question being put,

It was resolved in the Affirmative.

22 SELECT COMMITTEE ON DISPUTES ARISING REGARDING THE PRODUCTION OF DOCUMENTS.— A Motion was made (Ms *Forrest*) and the Question was proposed,

That a Select Committee be appointed, with power to send for persons and papers, with leave to sit during any adjournment of the Council, and with leave to adjourn from place to place, to inquire into and report upon the options for an agreed process to resolve disputes that arise regarding the production of papers, documents and records between the Government and the Legislative Council and its Committees including Joint Committees where Members of the Legislative Council have membership —

And that

Mr Dean;

Mr Gaffney;

Ms Howlett;

Mr Willie; and

The Mover be of the Committee.

A Debate arose thereupon.

An Amendment was made to the Motion. (*Ms Forrest*)

That the words “Mr Willie; and The Mover be of the Committee” be deleted and the following words inserted,

“Ms Webb;
Mr Willie; and
The Mover be of the Committee”

The Council resumed Debate on the Question, That the Motion as amended be agreed to.

And the Question being put,

It was resolved in the Affirmative.

23 BILL NO. 20.— 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 *Workers Rehabilitation and Compensation Act 1988* to remove certain restriction in relation to weekly payments in respect of police officers injured while on active duty’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 21 May 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*)

24 ADJOURNMENT.— A Motion was made (*Mrs Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o’clock am on Wednesday, 22 May 2019.

It was resolved in the Affirmative.

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

The Council adjourned at 6.50 o’clock p.m.

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

Briefing:

- *Biosecurity.*