



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 70

WEDNESDAY, 23 SEPTEMBER 2020

- 1 COUNCIL MEETS.**— The Council met at 11.00 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, present and emerging. 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) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land situate in the South East Traffic Solution – Midway Point Intersection Solution, Municipal area of Sorell.
 - (2) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land situate in the South East Traffic Solution – Midway Point Intersection Solution, Municipal area of Sorell.
 - (3) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 97m² and 348 m² situate in the South East Traffic Solution – Midway Point Intersection Solution, Municipal area of Sorell.
- 5 BILL NO. 26.**— The Order of the Day was read for the further consideration in Committee of the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clause 12 as amended further considered.

Subclause 60ZZM Amendment proposed. (Ms *Webb*)

Page 155, proposed new section 60ZZM, subsection (4), after paragraph (g).

Insert the following paragraph:

- (h) where the project is to be situated on land that is –
 - (i) reserved land, within the meaning of the *Nature Conservation Act 2002*, the project is consistent with the management plan that applies, in relation to the land, under the *National Parks and Reserves Management Act 2002*; or

- (ii) within Wellington Park, the project is consistent with the management plan under the *Wellington Park Act 1993*.

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

Committee divided.

AYES 4

Ms *Armitage*
Ms *Rattray*
Mr *Valentine*
Ms *Webb* (Teller)

NOES 7

Mr *Dean*
Mrs *Hiscutt*
Ms *Lovell* (Teller)
Ms *Palmer*
Dr *Seidel*
Ms *Siejka*
Mr *Willie*

Pair: Mr *Gaffney*

Pair: Ms *Howlett*

So it passed in the Negative.

Subclause 60ZZM as read agreed to.

Subclauses 60ZZN to 60ZZZI agreed to.

Ms *Rattray* in the Chair.

Postponed Subclause 60B as read further considered.

Amendment made. (Ms *Forrest*)

Page 21, proposed new section 60B, subsection (1), after the definition of "relevant regulator".

Insert the following definition:

"relevant State entity" means –

- (a) a State Service Agency; and
- (b) a Government Business Enterprise, within the meaning of the *Government Business Enterprises Act 1995*; and
- (c) a State-owned Company, within the meaning of the *Audit Act 2008*;

Clause 12 as amended agreed to.

Ms *Forrest* in the Chair.

Clauses 13 to 47 agreed to.

New Clause A [Section 61 amended (Appeals against planning decisions) inserted] brought up (Ms *Webb*) and read the First time as follows:—

A. Section 61 amended (Appeals against planning decisions)

Section 61 of the Principal Act is amended as follows:

- (a) by inserting before subsection (3) the following subsection:

- (1) In this section –

"**Panel**" has the same meaning as in section 60B;

"**proponent**" has the same meaning as in section 60B.

- (b) by inserting after subsection (3A) the following subsection:

(3B) If the Panel –

- (a) refuses to grant under section 60ZZM(1)(b) a major project permit in relation to a major project; or
- (b) grants under section 60ZZM(1)(a), in relation to a major project, a major project permit subject to conditions or restrictions –

the proponent in relation to the major project may appeal to the Appeal Tribunal against the decision of the Panel within 14 days after the relevant day in relation to the major project.

(3C) For the purposes of subsection (3B), the relevant day in relation to the major project is whichever is the later of the following days:

- (a) the day on which notice in relation to the major project is given under section 60ZZQ(1) or (2);
- (b) the day on which the final assessment report in relation to the major project is given to the proponent under section 60ZZQ(3).
- (c) by inserting after subsection (5) the following subsection:

(5) If the Panel grants under section 60ZZM(1)(a) a major project permit in relation to a major project –

- (a) a person who made a representation under section 60ZZD(1) in relation to the major project; and
- (b) a participating regulator in relation to the major project –

may appeal to the Appeal Tribunal against the decision to grant the permit (including a decision to impose, or not to impose, conditions or restrictions on the permit), within 14 days after the Panel gives notice to the person or regulator, respectively, under section 60ZZQ(4).

Question proposed, that new Clause A be now read the Second time.

6 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.

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

8 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Prosser, (Ms *Howlett*) be granted leave of absence from the service of the Council for the remainder of this day's Sitting and tomorrow's Sitting. (Mrs *Hiscutt*)

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

10 BILL NO. 26.— The Council, again resolved itself into a Committee on the Land Use Planning and Approvals Amendment (Major Projects) Bill 2020.

(In the Committee)

Ms *Rattray* in the Chair.

New Clause A further considered.

Ordered, That Mrs *Hiscutt*, have leave to Table the following documents and have the documents incorporated into the Hansard record.

– An email from Mr Greg Alomes to Minister Jaensch dated 17 September 2020; and Explanatory material setting out the Major Project Assessment Process.

Question put, That New Clause A be now read the Second time.

Committee divided.

AYES 4

Ms Armitage
Ms Rattray
Mr Valentine (Teller)
Ms Webb

NOES 8

Mr Dean
Ms Forrest
Mrs Hiscutt
Ms Lovell
Ms Palmer (Teller)
Dr Seidel
Ms Siejka
Mr Willie

Pair: Mr *Gaffney*

Pair: Ms *Howlett*

So it passed in the Negative.

New Part A [Part A – Tasmanian Planning Commission Act 1997 inserted] brought up (*Ms Webb*) and read the First time as follows:—

NEW PART A

To follow clause 46.

Part A – Tasmanian Planning Commission Act 1997

C. Principal Act

In this Part, the Tasmanian Planning Commission Act 1997 is referred to as the Principal Act.

D. Section 7B amended (Ministerial statement of expectation)

After section 7B(2) of the Principal Act, insert the following subsection:

(2A) The ministerial statement of expectation may not specify the objectives of the Minister in relation to the Commission's functions under Division 2A of Part 4 of the *Land Use Planning and Approvals Act 1993*.

Question put, That new Part A be now read the Second time.

Committee divided.

AYES 3

Ms Rattray (Teller)
Mr Valentine
Ms Webb

NOES 8

Ms Armitage
Mr Dean
Mrs Hiscutt
Ms Lovell
Ms Palmer
Dr Seidel
Ms Siejka
Mr Willie (Teller)

Pair: Mr *Gaffney*

Pair: Ms *Howlett*

So it passed in the Negative.

Title agreed to.

Bill to be reported with Amendments.

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. (Mrs *Hiscutt*)

11 BILL NO. 49 OF 2019.— The Order of the Day was read for resuming the Debate on the Question, That the Police Offences Amendment (Repeal of Begging) Bill 2019 be now read the Second time.

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

And the Question being put, That the Bill be now read the Second time.

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 4 agreed to.

Clause 5 read.

Question put, That Clause 5 be agreed to.

Committee divided.

AYES 5

Ms *Armitage*
Mr *Dean*
Mrs *Hiscutt*
Ms *Palmer*
Ms *Rattray* (Teller)

NOES 7

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

Pair: Ms *Howlett*

Pair: Ms *Lovell*

So it passed in the Negative.

Clause 5 disagreed to.

Clause 6 agreed to.

Title agreed to.

Bill to be reported with 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 with Amendment.

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

12 BILL NO. 37 OF 2019.— The Order of the Day was read for resuming the Debate on the Question, That the Marine-Related Incidents (MARPOL Implementation) Bill 2019 be now read the Second time.

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

Ordered, That the Debate be adjourned. (Mr *Valentine*)

13 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 Thursday, 24 September 2020.

It was resolved in the Affirmative.

A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council do now adjourn.

It was resolved in the Affirmative.

The Council adjourned at 7.23 o'clock p.m.

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

Briefings:

- *Corrections Amendments (Electronic Monitoring) Bill 2020*
- *Cat Management Bill 2020*