



LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 77

THURSDAY, 29 OCTOBER 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) Legislative Council: Annual Report 2019-2020.
 - (2) Legislature-General: Annual Report 2019-20.
 - (3) Tasracing Pty Ltd: Annual Report 2020.
 - (4) Department of Treasury and Finance: Annual Report 2019-20.
 - (5) Tasmanian Audit Office: Annual Report 2019-20.
 - (6) Tasmanian Economic Regulator: Annual Report 2019-20.
- 5 **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 the electoral divisions of Launceston, Windermere, Derwent, Murchison, Mersey, Montgomery, Prosser, Rumney, McIntyre, Pembroke, Hobart, Nelson and Elwick.

The Clerk of the Council also laid upon the Table of the Council the Annual Return for the former Member for Huon, Mr. Armstrong and the Primary Return for the Member for Rosevears, Ms Palmer.

The 14 Annual Returns and the Primary Return for the Member for Rosevears having been lodged with the President and this day Tabled are deemed to have been published and will be placed on the Parliament's website.
- 6 **SPECIAL REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE 'B'.**— Mr *Dean* presented a Special Report of Government Administration Committee 'B' in relation to an inquiry initiated by the Committee on its own motion.

Ordered, That the Report be received. (Mr *Dean*)
- 7 **MOTION WITHOUT NOTICE.**— *Ordered*, That Ms *Howlett* have leave to move a Motion without Notice.
- 8 **LEAVE OF ABSENCE.**— *Ordered*, That the Honourable Member for Montgomery, (Mrs *Hiscutt*) be granted leave of absence from the service of the Council for this day's sitting. (Ms *Howlett*)

9 BILL NO. 37. — The Residential Tenancy Amendment (COVID -19) Bill 2020 was read the Third time and passed.

10 BILL NO. 37.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Residential Tenancy Act 1997*’

Legislative Council, 29 October 2020

C.M. FARRELL, *President*

11 BILL NO. 39. — The Building and Construction (Regulatory Reform Amendments) Bill (No. 2) 2020 was read the Third time and passed.

12 BILL NO. 39.— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Environmental Management and Pollution Control Act 1994*, the *Land Use Planning and Approvals Act 1993*, the *Local Government (Building and Miscellaneous Provisions) Act 1993*, the *Nature Conservation Act 2002*, the *Strata Titles Act 1998* and the *Water and Sewerage Industry Act 2008*’.

Legislative Council, 29 October 2020

C.M. FARRELL, *President*

13 BILL NO. 6. — The Architects Amendment Bill 2020 was read the Third time and passed.

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

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Architects Act 1929*.’

Legislative Council, 29 October 2020

C.M. FARRELL, *President*

15 BILL NO. 50 of 2019.— The Order of the Day was read for the Second reading of the Teachers Registration Amendment Bill 2019.

A Motion was made (Ms *Howlett*), 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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 11 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 tomorrow. (Ms *Howlett*)

16 BILL NO. 8.—The Order of the Day was read for the Second reading of the Vehicle and Traffic Amendment (Road Vehicle Standards) Bill 2020.

A Motion was made (Ms *Howlett*), 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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 5 agreed to.

Schedule 1 read.

17 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.

18 QUESTION TIME.—The President called for Questions without Notice. There were eight Questions asked.

Ordered, That Ms *Howlett*, have leave to Table information about the waiting lists for colonoscopy and endoscopy in Tasmanian public hospitals and incorporate the information into the Hansard record.

19 PAPER.— The Clerk of the Council laid upon the Table a Notice under Section 13 of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020 regarding the extension of the period by which a council must hold an Annual General Meeting under section 72B(1)(a) of the *Local Government Act 1993*.

20 BILL NO. 8.—The Council again resolved itself into a Committee on the Vehicle and Traffic Amendment (Road Vehicle Standards) Bill 2020.

(In the Committee)

Ms *Forrest* in the Chair.

Schedule 1 as read, further considered and 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 tomorrow. (Ms *Howlett*)

21 BILL NO. 52 OF 2019.— The Order of the Day was read for the Second reading of the State Service Amendment (Validation) Bill 2019.

A Motion was made (Ms *Howlett*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

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

22 SITTING SUSPENDED.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Ms *Howlett*)

The Sitting was suspended at 3.12 o'clock p.m. and resumed at 3.42 o'clock p.m.

23 BILL NO. 52 OF 2019.— The Council, according to Order, resumed the Debate on the Question, That the State Service Amendment (Validation) 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 7 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 tomorrow. (Ms *Howlett*).

24 BILL NO. 33.— The Order of the Day was read for the Second reading of the Anzac Day Trust (Winding-Up) Bill 2020.

A Motion was made (Ms *Howlett*), 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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 9 agreed to.

Schedule 1 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 tomorrow. (Ms *Howlett*)

25 BILL NO. 7.— The Order of the Day was read for the Second reading of the Rail Safety National Law (Tasmania) Amendment Bill 2020.

A Motion was made (Ms *Howlett*), 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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 5 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 tomorrow. (Ms *Howlett*)

26 LEAVE TO TABLE ANSWERS TO QUESTIONS.— *Ordered*, That Ms *Howlett* have leave to Table answers to the following Questions.

Member for Windemere (Mr *Dean*) regarding the registration fees for Architects.

Member for McIntyre (Ms *Rattray*) regarding greyhound pups.

Member for McIntyre (Ms *Rattray*) regarding the status of registered training for thoroughbred, harness and greyhound racing codes.

27 ADJOURNMENT.— A Motion was made (Ms *Howlett*) and the Question was proposed, That the Council will at its rising adjourn until 9.00 o'clock am on Friday, 30 October 2020.

A Debate arose thereupon.

The proposed Motion was, by leave, withdrawn. (Ms *Howlett*)

28 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 4.45 o'clock p.m. and resumed at 5.18 o'clock p.m.

29 BILL NO. 30.— The Order of the Day was read for the further consideration in Committee of the End-of-Life Choices (Voluntary Assisted Dying) 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.

New Clauses C and D [Voluntary Assisted Dying Commission and Meetings of Commission] brought up (Ms *Lovell*) and read the First time as follows:—

B. Voluntary Assisted Dying Commission

- (1) The Voluntary Assisted Dying Commission (*the Commission*) is established by this subsection.
- (2) The Commission consists of –
 - (a) a person who is an Australian lawyer of not less than 7 years' standing as an Australian legal practitioner and who is to be the chairperson of the Commission and the Executive Commissioner; and
 - (b) a person, who is to be the Deputy Executive Commissioner; and
 - (c) at least 3 other members as may be necessary for the proper functioning of the Commission.
- (3) The members of the Commission are to be appointed jointly by the Minister and the Attorney-General.
- (4) A member of the Commission is entitled to be paid –
 - (a) the remuneration fixed from time to time by the Governor; and
 - (b) the travelling and other allowances that are fixed from time to time by the Governor.
- (5) A member of the Commission –
 - (a) may hold the office in conjunction with State Service employment; but
 - (b) is not appointed to the office of member subject to and in accordance with the *State Service Act 2000*.
- (6) The Deputy Executive Commissioner is to act as the Executive Commissioner during any period when the Executive Commissioner is absent from duty or from the State.

C. Meetings of Commission

- (1) Meetings of the Commission may be convened by the Executive Commissioner or by any 2 members of the Commission.
- (2) Three members of the Commission form a quorum at any duly convened meeting of the Commission.
- (3) A question arising at a meeting of the Commission is to be determined by a majority of votes of the members of the Commission present and voting at the meeting.

- (4) The Executive Commissioner is to preside at all meetings of the Commission.
- (5) If the Executive Commissioner is not present at a meeting of the Commission, a member of the Commission elected by the members present is to preside at that meeting.
- (6) The procedure for the calling of, and for the conduct of business at, meetings of the Commission is to be determined by the Commission.

New Clauses C and D read the Second time.

Amendment made. (Mr *Gaffney*)

New Clause C, proposed subclause (2), proposed paragraph (a).

Leave out “who is an Australian lawyer of not less than 7 years’ standing as an Australian legal practitioner and”.

New Clause C as amended and New Clause D made part of the Bill (to follow Clause 108 in Part 17).

To report progress and seek leave to sit again.

The Council being resumed, Ms *Forrest* reported that the Committee had made progress in the Bill, and that she was directed to move that the Committee may have leave to sit again.

Resolved, That the Council will, tomorrow, again resolve itself into the said Committee.

30 ADJOURNMENT.— A Motion was made (Ms *Howlett*) and the Question was put, That the Council will at its rising adjourn until 9.00 o’clock am on Friday, 30 October 2020.

It was resolved in the Affirmative.

A Motion was made (Ms *Howlett*) and the Question was proposed, That the Council do now adjourn.

A Debate arose thereupon

And the Question being put,

It was resolved in the Affirmative

The Council adjourned at 5.50 o'clock p.m.

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

Briefings:

- *Teachers Registration Amendment Bill 2019 (No. 50).*
- *Vehicle and Traffic Amendment (Road Vehicle Standards) Bill 2020 (No. 8).*
- *State Service Amendment (Validation) Bill 2019 (No. 52).*