



# HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 72

WEDNESDAY, 14 OCTOBER 2020

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 5 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
  - (1) Tasmanian Community Fund: Annual Report 2020.
  - (2) Chief Civil Psychiatrist, Chief Forensic Psychiatrist: Annual Report 2019-20.
- 6 PAPERS. – The Attorney-General laid upon the Table of the House the following Paper:-

Royal Tasmanian Botanical Gardens: Annual Report 2019/2020.
- 7 PAPERS. – The Minister for Primary Industries and Water laid upon the Table of the House the following Papers:-
  - (1) Land Acquisition Act 1993: Notice of Acquisition pursuant to Section 18:
    - (i) Dated 11 September 2020, land situate in the Parish of Riversdale, Land District of Glamorgan, Municipal Area of Glamorgan-Spring Bay, Lot 1 on Plan of Survey P179324, registered in the name of Michael Robert Dunbabin for road purposes;
    - (ii) Dated 11 September 2020, land situate in the Parish of Riversdale, Land District of Glamorgan, Municipal Area of Glamorgan-Spring Bay, Lots 2 and 4 on Plan of Survey P179324, registered in the name of Spring Vale (Tas) Pty Ltd for road purposes; and
    - (iii) Dated 11 September 2020, land situate in the Parish of Riversdale, Land District of Glamorgan, Municipal Area of Glamorgan-Spring Bay, Lot 3 on Plan of Survey P179324, registered in the name of Robert Daniel Elliott for road purposes.
  - (2) Private Forests Tasmania: Annual Report 2019-20.
  - (3) Tasmanian Irrigation: Annual Report 2019/2020.

**8** PAPERS. – The Minister for Police, Fire, and Emergency Management laid upon the Table of the House the following Papers:-

(1) Australian Criminal Intelligence Commission: Annual Report 2018-19.

(2) Department of Police, Fire and Emergency Management: Annual Report 2019-20.

**9** PUBLIC WORKS, PARLIAMENTARY STANDING COMMITTEE ON: REPORT BROUGHT UP. – Mrs *Petrusma* brought up the following Report of the Parliamentary Standing Committee on Public Works:

Peacock Centre Redevelopment (Paper No. 35).

*Ordered*, That the said Report be received and printed. (Mrs *Petrusma*)

**10** PUBLIC ACCOUNTS, PARLIAMENTARY STANDING COMMITTEE OF: REPORT BROUGHT UP. – Mr *Street* brought up the following Report of the Parliamentary Standing Committee of Public Accounts:

Review of Tasmanian Government Fiscal Sustainability Report 2016 (Paper No. 32).

*Ordered*, That the said Report be received. (Mr *Street*)

**11** PAPERS. – The Minister for Infrastructure and Transport laid upon the Table of the House the following Paper:-

Office of the National Rail Safety Regulator – Annual Report 2019-2020.

**12** PAPERS. – The Clerk of the House laid upon the Table of the House the following Paper:-

Parliamentary (Disclosure of Interests) Act 1996: Register of Interests for Members of the House of Assembly 2019-20.

**13** MESSAGE FROM HER EXCELLENCY THE GOVERNOR. – The Speaker read the following Message from Her Excellency the Governor:-

MESSAGE.

C. WARNER, *Governor*.

A Bill for an Act to amend the Land Use Planning and Approvals Act 1993 to provide for major projects and for related purposes and, consequential on those amendments, the Environmental Management and Pollution Control Act 1994 and the Historic Cultural Heritage Act 1995. (Bill No. 26 (*Act No. 21 of 2020*))

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

*Government House, Hobart, 13 October 2020.*

**14** BILL NO. 27. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the Corrections Act 1997 to enable electronic monitoring of offenders to be a condition of parole”.

*Legislative Council, 14 October 2020.*

C. M. FARRELL, *President*.

**15** BILL NO. 37 of 2019. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to protect State waters from pollution by oil and other substances, to give effect to certain parts of the MARPOL Convention, and for related purposes”.

*Legislative Council, 14 October 2020.*

*C. M. FARRELL, President.*

**16** BILL NO. 41. – The Minister for Health presented -

“A Bill for an Act to amend the Food Act 2003”.

And Ms *Courtney* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

**17** BILL NO. 42. – The Minister for Primary Industries and Water presented -

“A Bill for an Act to amend the Abandoned Lands Act 1973, the Associations Incorporation Act 1964, the Conveyancing and Law of Property Act 1884, the Conveyancing and Law of Property (Building Title Plans) Regulations 2012, the Homes Act 1935, the Land Acquisition Act 1993, the Land Titles Act 1980, the Land Titles Regulations 2012, the Local Government (Building and Miscellaneous Provisions) Act 1993, the Local Government (Highways) Act 1982, the Neighbourhood Disputes About Plants Act 2017, the War Service Land Settlement Act 1950 and the Wellington Park Act 1993”.

And Mr *Barnett* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

**18** LEAVE TO MAKE MOTION WITHOUT NOTICE. – A Motion being made and the Question being proposed that Ms *White* have leave to make a Motion without notice. (Ms *White*)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

NOES 13

*Dr Broad*

*Ms Archer*

*Ms Dow*

*Mr Barnett*

*Ms Haddad*

*Ms Courtney*

*Ms Houston*

*Mr Ferguson*

*Mr O'Byrne*

*Mr Gutwein*

*Ms O'Byrne*

*Ms Hickey*

*Ms O'Connor*

*Mr Jaensch*

*Ms Standen*

*Ms Ogilvie*

*Ms White*

*Mr Rockliff*

*Dr Woodruff*

*Mr Shelton*

*Ms Butler (Teller)*

*Mr Street*

*Mr Tucker*

*Mr Ellis (Teller)*

So it passed in the Negative.

**19** MATTER OF PUBLIC IMPORTANCE: CHILDREN AND YOUNG PEOPLE – *Ms Houston*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Children and Young People.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**20** BILL NO. 38. – The Order of the Day being read for the Second reading of the Electricity Safety Bill 2020.

And a Motion being made, and the Question being proposed – That the Bill be now read the Second time. (The Minister for Building and Construction)

A debate arose thereupon.

And *Ms Butler* was addressing the Chair.

**21** SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.  
At half-past Two o'clock the Speaker resumed the Chair.

**22** BRAHMINY PROGRAM. – A Motion being made and the Question being proposed – That the House:

- (1) Notes Tasmania is the only State still sending children on care and protection orders to the Brahminy program, at a cost of \$5000 per week.
- (2) Recognises that reliable witnesses have produced compelling evidence that Allen Brahminy has fabricated a background story.
- (3) Further notes that participants in the program have alleged mistreatment, and it is alleged that communications with families are monitored to deter raising complaints.
- (4) Further recognises this style of 'tough love' program is decades out of date and not conducive to current understanding of behavioural therapy.
- (5) Acknowledges that Section 10G of the Children, Young Persons and Their Families Act 1997 requires the placement of an Aboriginal child, as far as practicable, with a member of the child's family or in accordance with local community practice.
- (6) Further recognises with concern that the Commissioner for Children and Young People has no jurisdiction to monitor out-of-state programs.
- (7) Agrees there is no justification for sending children and young people to the Brahminy program.
- (8) Calls on the Minister for Human Services, Hon. *Roger Jaensch* MP to bring these children home, and to investigate any and all allegations of misconduct or maltreatment by this program.
- (9) Further calls on the Gutwein Government to establish and fund a culturally appropriate bush therapy program based in Tasmania for at risk young people in the out of home care system. (*Ms O'Connor*)

A debate arose thereupon.

An Amendment was proposed by the Minister for Human Services:

- (1) By leaving out paragraph (7).
- (2) In paragraph (8), by leaving out "to bring these children home, and".

A debate arose thereupon.

And the Question being put – That the Amendment be agreed to;

It was resolved in the Affirmative.

And the Question being put – That the Main Question, as amended, be agreed to;

The House divided.

AYES 11

*Dr Broad*  
*Ms Dow*  
*Ms Haddad*  
*Ms Houston*  
*Mr O'Byrne*  
*Ms O'Byrne*  
*Ms O'Connor*  
*Ms Standen*  
*Ms White*  
*Dr Woodruff*  
*Ms Butler (Teller)*

NOES 13

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ferguson*  
*Mr Gutwein*  
*Mr Jaensch*  
*Ms Ogilvie*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Mr Street*  
*Mr Tucker*  
*Mr Ellis (Teller)*

So it passed in the Negative.

**23** LEAVE TO MAKE MOTION WITHOUT NOTICE. – A Motion being made and the Question being proposed that Ms *White* have leave to make a Motion without notice. (Ms *White*)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**24** SUSPENSION OF STANDING ORDERS. – A Motion being made and the Question being proposed - That so much of Standing Orders be suspended as would prevent a Motion of Want of Confidence in the Minister for Human Services, of which notice has been given this day, from being brought on for debate forthwith. (Ms *White*)

A debate arose thereupon.

An Amendment was proposed to the Question by the Minister for Infrastructure and Transport after “forthwith” by inserting the following:-

“and that debate on the Motion be completed by 5 o'clock p.m., and that immediately following a vote on the Motion, the House proceeds to ‘Government Private Members Private Members’ Business’.”

A debate arose thereupon.

And the Question being put – That the Amendment be agreed to;

It was resolved in the Affirmative.

And the Main Question, as amended, being put;

It was resolved in the Affirmative.

**25**      **WANT OF CONFIDENCE IN MINISTER FOR HUMAN SERVICES.** – A Motion being made and the Question being proposed—That the House has no confidence in the Minister for Human Services for the following reasons:—

- (1) Serious allegations have been raised about the mistreatment of children in the Many Colours 1 Direction Program.
- (2) The Minister has repeatedly assured this Parliament and the people of Tasmania that children in the Many Colours 1 Direction program in the Northern Territory are safe and are being successfully rehabilitated.
- (3) Video evidence has emerged which shows a participant in the program allegedly speeding in a stolen vehicle, risking the safety of themselves and members of the public.
- (4) The video was provided to the Minister’s office on 5 October 2020 and the Minister viewed the footage on 7 October 2020.
- (5) The Minister knew about this incident when he claimed children in the program were safe.
- (6) The Minister has actively played down concerns about the safety of the children in the program, including describing the disturbing incident of a child stealing a vehicle and speeding through a community areas as “more of a joyride.”
- (7) Despite the Minister viewing the footage on 7 October 2020, the Premier told the Parliament he did not become aware of the incident until 13 October 2020.
- (8) The Minister has demonstrated such appalling judgement that he cannot be responsible for the care of vulnerable children and he is unfit to be a Minister of the Crown. (Ms *White*)

A debate arose thereupon.

An Amendment was proposed by Ms *O’Connor*:

- (1) In paragraph (3) by leaving out “stolen” and inserting instead “borrowed”.
- (2) By leaving out Paragraph 7.

A debate arose thereupon.

And the Question being put – That the Amendment be agreed to;

It passed in the Negative.

And the Question being put – That the Main Question be agreed to;

The House divided.

**AYES 11**

*Ms Butler*  
*Ms Dow*  
*Ms Haddad*  
*Ms Houston*  
*Mr O’Byrne*  
*Ms O’Byrne*  
*Ms O’Connor*  
*Ms Standen*  
*Ms White*  
*Dr Woodruff*  
*Dr Broad* (Teller)

**NOES 13**

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ellis*  
*Mr Ferguson*  
*Mr Gutwein*  
*Mr Jaensch*  
*Ms Ogilvie*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Mr Tucker*  
*Mr Street* (Teller)

So it passed in the Negative.

**26** FEDERAL BUDGET 2020-21. – A Motion being made and the Question being proposed – That the House:

- (1) Commends the Morrison Federal Liberal Government on its 2020-21 Federal Budget, delivered on 6 October 2020 by the Federal Treasurer the Hon. Josh Frydenberg MP, which will rebuild the economy, create jobs, and secure Australia's future.
- (2) Acknowledges that, in the face of the massive impacts of the COVID-19 pandemic, the 2020-21 Federal Budget will provide real benefits to support Tasmanian workers, families, businesses and communities.
- (3) Notes that the 2020-21 Federal Budget includes:—
  - (a) significant personal tax relief measures;
  - (b) tax incentives and concessions for businesses;
  - (c) substantial support for new apprentices and trainees;
  - (d) more transport, water and energy infrastructure project funding; and
  - (e) support payments for aged and disability pensioners and other vulnerable Tasmanians.
- (4) Recognises that the partnership between the Federal and State Liberal Governments, including the 2020-21 Federal Budget, continues to deliver strong benefits for Tasmania. (Mr *Ellis*)

A debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**27** ADJOURNMENT. - The time being Six o'clock, the Speaker proposed - That the House do now adjourn and called for issues to be raised;

The House adjourned at Seven o'clock.

SHANE DONNELLY, *Clerk of the House.*

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MEMBERS. - All present during the day.

The Minister for Sport and Recreation and Minister for Racing attended Question Time.