



LEGISLATIVE COUNCIL
SESSION OF 2018
(FIRST SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 35

WEDNESDAY, 21 NOVEMBER 2018

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

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

- (1) Heavy Vehicle (Mass, Dimension and Loading) National Amendment Regulation 2018.
- (2) Local Government Act 1993: Statutory Rules 2018, containing Local Government (General) Amendment Regulations (No. 3) 2018.

3 SPECIAL REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE 'A' TO COMMENCE INQUIRY.— *Ms Forrest* presented the Special Report of Government Administration Committee 'A' in relation to a Resolution to Commence an Inquiry on the following Terms of Reference:

To inquire into and report upon the impact of the Commonwealth Horizontal Fiscal Equalisation (HFE) system as assessed by the Commonwealth Grants Commission (CGC) as it applies to Tasmania's expenses and delivery of services with particular regard to:

1. Tasmania's assessed and actual expense per capita per category compared to the National average expense per capita per category; and
2. Impact of direct Commonwealth payments on Tasmania's GST receipts.

The Membership of the Committee is:

Hon Ruth Forrest MLC
Hon Kerry Finch MLC
Hon Mike Gaffney MLC
Hon Sarah Lovell MLC
Hon Rob Valentine MLC
Hon Josh Willie MLC

Ordered, That the Report be received. (*Ms Forrest*)

4 BILL NO. 47.— 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 *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*,

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

House of Assembly, 20 November 2018

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*)

5 BILL NO. 43.— 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 *Mental Health Act 2013*';

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

House of Assembly, 21 November 2018

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*)

6 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Elwick, (Mr *Willie*) be granted leave of absence from the service of the Council for the remainder of this week's sittings. (Mrs *Hiscutt*)

7 QUESTION TIME.— The President called for Questions without Notice. There were two Questions asked.

8 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 2.51 o'clock p.m. and resumed at 3.42 o'clock p.m.

9 BILL NO. 39.— The Family Violence Reforms Bill 2018 was read the Third time and passed.

10 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 *Criminal Code Act 1924, Evidence (Children and Special Witnesses) Act 2001* and the *Family Violence Act 2004*'.

Legislative Council, 21 November 2018

J.S. WILKINSON, *President*

11 BILL NO. 33.— The Corrections Amendment Bill 2018 was read the Third time and passed.

12 BILL NO. 33.— 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 *Corrections Act 1997*'.

Legislative Council, 21 November 2018

J.S. WILKINSON, *President*

13 BILL NO. 31. — The Australian Crime Commission Legislation (Miscellaneous Amendments) Bill 2018 was read the Third time and passed.

14 BILL NO. 31.— 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 *Annulled Convictions Act 2003, the Firearms Act 1996, the Forensic Procedures Act 2000* and the *Health Practitioner Regulation National Law (Tasmania) Act 2010*'.

Legislative Council, 21 November 2018

J.S. WILKINSON, *President*

15 BILL NO. 35.— The Order of the Day was read for the Second reading of the Justice and Related Legislation (Miscellaneous Amendments) Bill 2018.

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 53 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. (*Mrs Hiscutt*)

16 BILL NO. 27. — The Order of the Day was read for the Second reading of the Building Legislation (Miscellaneous Amendments) Bill 2018.

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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 58 agreed to.

Clause 59 Amendment made (*Mrs Hiscutt*)

Page 57, paragraph (b).

Leave out that paragraph.

Clauses 60 to 76 agreed to.

New Clause A [Section 22A further amended (Obligation to hold building services licence)] brought up (*Mrs Hiscutt*) and read the First time as follows:—

Section 22A(2) of the Principal Act is amended by inserting the following paragraphs after paragraph (b):

- (ba) an organisation, whether incorporated or unincorporated, if each person managing or carrying out building services work, or entering into a contract to manage or carry out building services work, on behalf of that organisation –
 - (i) holds a building services licence of the occupation and class relevant to the building services work being managed or carried out by that person; or
 - (ii) is not required, under this subsection, to hold such a licence while the person manages or carries out the building services work; or
- (bb) a person who is carrying out building services work, if the person –
 - (i) is employed or engaged to carry out that work by a person (*the relevant employer*); and
 - (ii) is carrying out that work in accordance with a request of another person and the other person –
 - (A) is also employed or engaged by the relevant employer; and
 - (B) holds a building services licence of the occupation and class relevant to that work; or

Read the Second time and made part of the Bill (to follow Clause 63).

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*)

17 BILL NO. 40.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill intituled, ‘A Bill for an Act to regulate gas activities, to repeal the *Gas Act 2000* and the *Gas Pipelines Act 2000*, and for related purposes’, to which the House desires the concurrence of the Legislative Council.

House of Assembly, 21 November 2018

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*)

18 BILL NO. 41.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill intituled, ‘A Bill for an Act to regulate the gas industry, to provide for safety and technical standards that ensure that the gas supply industry, gas facilities, gas installations, gas appliances, gas storage systems and gas conditioning systems are constructed, maintained and operated to a high standard of safety and in a manner that protects persons and property, and for related purposes’,

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

House of Assembly, 21 November 2018

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*)

19 BILL NO. 42.— 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 certain legislation consequent on the enactment of the *Gas Industry Act 2018* and the *Gas Safety Act 2018*’,

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

House of Assembly, 21 November 2018

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*)

20 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 2.30 pm on Thursday, 22 November 2018. (Mrs *Hiscutt*)

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

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

The Council adjourned at 5.45 o'clock pm.

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

Briefings:

- *Justice and Related Legislation (Miscellaneous Amendments) Bill 2018*
- *Crime (Confiscation of Profits) Bill 2018*
- *Building Legislation (Miscellaneous Amendments) Bill 2018*
- *Macquarie Point – Macquarie Point Development Corporation Amendment Bill 2018*