



# LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 82

TUESDAY, 17 NOVEMBER 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 E-PETITION.**— Dr *Seidel* brought up a Petition from 144 citizens of Tasmania calling for the preservation of Garden Island Creek and Garden Island Sands from erosion and the provision of safe beach access.  
*Ordered*, That the Petition be received. (Dr *Seidel*)
- 5 PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
  - (1) Ombudsman Tasmania: Annual Report 2019-20.
  - (2) Notice of Transfer of Equity to Tasmanian Railway Pty Ltd from Sustainable Timber Tasmania under the Government Business Enterprises Act 1995.
- 6 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 *Neighbourhood Disputes About Plants Act 2017*  
*Neighbourhood Disputes About Plants Amendment Act 2020*  
(Bill No 35 of 2019; Act No. 29 of 2020)

A Bill for an Act to amend the *Teachers Registration Act 2000*  
*Teachers Registration Amendment Act 2020*  
(Bill No 50 of 2019; Act No. 33 of 2020)

A Bill for an Act to amend the *State Service Act 2000* and the *State Service Regulations 2011*  
*State Service Amendment (Validation) Act 2020*  
(Bill No 52 of 2019; Act No. 35 of 2020)

A Bill for an Act to amend the *Architects Act 1929*  
*Architects Amendment Act 2020*  
(Bill No 6 of 2020; Act No. 32 of 2020)

A Bill for an Act to amend the *Rail Safety National Law (Tasmania) Act 2012*  
*Rail Safety National Law (Tasmania) Amendment Act 2020*  
(Bill No 7 of 2020; Act No. 37 of 2020)

A Bill for an Act to amend the *Vehicle and Traffic Act 1999*, the *Motor Vehicle Traders Act 2011*  
and the *Taxi and Hire Vehicle Industries Act 2008* and various regulations  
*Vehicle and Traffic Amendment (Road Vehicle Standards) Act 2020*  
(Bill No 8 of 2020; Act No. 34 of 2020)

A Bill for an Act to amend the *Evidence (Children and Special Witnesses) Act 2001*, the *Criminal Code Act 1924* and the *Legal Aid Commission Act 1990*  
*Evidence (Children and Special Witnesses) Amendment Act 2020*  
(Bill No 31 of 2020; Act No. 26 of 2020)

A Bill for an Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the  
*Anzac Day Observance Act 1929*  
*Anzac Day Trust Winding-Up Act 2020*  
(Bill No 33 of 2020; Act No. 36 of 2020)

A Bill for an Act to amend the *Economic Regulator Act 2009*, the *Passenger Transport Services Act 2011* and the *Taxi and Hire Vehicle Industries Act 2008*  
*On-Demand Passenger Transport Services Industry (Miscellaneous Amendments) Act 2020*  
(Bill No 34 of 2020; Act No. 28 of 2020)

A Bill for an Act to amend the *Bail Act 1994*, the *Criminal Code Act 1924*, the *Criminal Justice (Mental Impairment) Act 1999*, the *Justices Act 1959*, the *Misuse of Drugs Act 2001*, the *Police Offences Act 1935* and the *Sentencing Act 1997*  
*Justice Miscellaneous (Court Backlog and Related Matters) Act 2020*  
(Bill No 35 of 2020; Act No. 27 of 2020)

A Bill for an Act to amend the *Residential Tenancy Act 1997*  
*Residential Tenancy Amendment (COVID-19) Act 2020*  
(Bill No 37 of 2020; Act No. 30 of 2020)

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*  
*Building and Construction (Regulatory Reform Amendments) Act (No. 2) 2020*  
(Bill No 39 of 2020; Act No. 31 of 2020)

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

*Government House, Hobart, 17 November 2020*

**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 *Pembroke*, (Ms *Siejka*) be granted leave of absence from the service of the Council for this day's sitting. (Mrs *Hiscutt*)

**9 STATEMENT BY THE PRESIDENT – ABORIGINAL FLAG.**— The President said —

“Honourable Members, I thank Members who responded to the email I sent in regard to the letter from Madam Speaker the Hon Sue Hickey MP and the Resolution of the House of Assembly dated 11 November 2020 to fly the Aboriginal flag at Parliament House whenever the Tasmanian State Flag is raised. The responses I received were positive and I have communicated to the Speaker that

the Legislative Council concurs with the views of Madam Speaker that the flag should be flown over Parliament House whenever the State flag is raised.”

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

- (1) Dr *Seidel* – Preservation of Garden Island Creek and Garden Island Sands;
- (2) Ms Webb – Planning Matters Alliance Tasmania;
- (3) Ms *Armitage*– Playgroup Tas and National Children’s Week;
- (4) Mr *Willie* – Glenorchy Knights Football Club; and
- (5) Ms *Forrest* – Chris Symonds – Wynyard Yacht Club.

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

**11 BILL NO. 48 OF 2019.** — The Mines Work Health and Safety (Supplementary Requirements) Amendment Bill 2019 was read the Third time and passed.

**12 BILL NO. 48 OF 2019.**— 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 *Mines Work Health and Safety (Supplementary Requirements) Act 2012*’.

*Legislative Council, 17 November 2020*

C.M. FARRELL, *President*

**13 BILL NO. 53 OF 2019.** — The Property Agents and Land Transactions Amendment Bill 2019 was read the Third time and passed.

**14 BILL NO. 53 OF 2019.**— 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 *Property Agents and Land Transactions Act 2016*’.

*Legislative Council, 17 November 2020*

C.M. FARRELL, *President*

**15 BUDGET PAPERS 2020-21 AND APPROPRIATION BILLS (NO.1 AND NO.2) 2020: TAKE NOTE.**— The Order of the Day was read for resuming the Debate on the Question - That the Budget Papers and the Appropriation Bills (No. 1 and No. 2) 2020 be noted.

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

**16 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.

**17 QUESTION TIME.**— The President called for Questions without Notice. There was one Question asked.

**18 PETITION: GOVERNMENT RESPONSE.**— Mrs *Hiscutt*, by leave, laid upon the Table of the Council the Government Response to the following Petition: Huntingfield Housing Development and the Kingborough Infrastructure Development Plan:

**19 BUDGET PAPERS 2020-21 AND APPROPRIATION BILLS (NO.1 AND NO.2) 2020: TAKE NOTE.**— The Council resumed the Debate on the Question, That the Budget Papers and the Appropriation Bills (No. 1 and No. 2) 2020 be noted.

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

**20 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, 18 November 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 6.31 o'clock p.m.

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