



LEGISLATIVE COUNCIL

SESSION OF 2025 – 2026

(FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT)

VOTES AND PROCEEDINGS

No. 41

WEDNESDAY, 12 AUGUST 2026

1 COUNCIL MEETS.— The Council met at 11.00 o'clock a.m.

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 and present. We recognise them as the first inhabitants and the continuing custodians of this land.”

3 PRAYERS AND REFLECTION.— The President read Prayers.

4 GOVERNMENT RESPONSE TO THE FUTURE OF LOCAL GOVERNMENT REVIEW'S FINAL REPORT.— Ms *Forrest* asked the Honourable the Minister for Local Government — The Future of Local Government Review's Final Report (October 2023) recommended the Government examine alternative revenue from major commercial operations (Recommendation 17) and undertake a Review of Rating (Recommendation 23), partly in response to council concerns - including Central Highlands Council's own submission to the Review - about rate exemptions on assets such as wind farms, which the Council argued required a structural, equity-based fix rather than a project-by-project approach.

- (1) Can the Minister for Local Government confirm the Government's formal response to Recommendations 17 and 23, and what work, if any, has been undertaken on each since the Government's response was released in May 2024;
 - (a) Was a Payment in Lieu of Rates scheme (PiLoR), of the kind operating in Victoria, considered as the mechanism for implementing either recommendation;
 - (b) If so, why was it not adopted; and
 - (c) If not, why not?
- (2) Was Treasury asked to model the revenue implications of a PiLoR-style scheme for Tasmanian councils as part of this work?
- (3) Why did the Government direct or permit the Valuer-General to apply a bespoke land valuation methodology to windfarm sites, rather than progressing PiLoR?
- (4) (a) Was this an administrative decision by the Office of the Valuer-General under the *Valuation of Land Act 2001*, or a policy direction from Government; and
 - (b) if it was a policy decision which Minister, if not you, approved it?
- (5) (a) Can the Minister confirm whether solar farms remain unrated under the standard 'chattels' exclusion, while windfarms alone have been brought into a valuation-based rating approach; and
 - (b) if so, what is the policy rationale for treating the two technologies differently, and when will solar be addressed?
- (6) Under the current Valuer-General approach, rates liability falls on the host landholder rather than the plant operator:

- (a) Has the Government sought assurance, contractual or otherwise, that lease arrangements between operators and landholders ensure rates costs are passed through to the operator; and
 - (b) At the Ark Energy St Patricks Plains site, where the project spans five separate landholdings, can the Minister confirm whether this results in five separate valuations and five separate billing processes, and what additional administrative cost this places on the relevant council compared with a single PiLoR assessment?
- (7) (a) How does the yield to local government under the Valuer-General's site-by-site valuation approach compare with what the same site would generate under the Victorian-style PiLoR formula (currently a \$67,270 base plus \$1,515 per MW); and
- (b) Has this comparison been done, and will the Minister release it?
- (8) PiLoR is price-indexed annually and tracks consistent megawatt output for the life of the asset, whereas land valuations are periodic and may decline as a generation asset ages.
- (a) Does the Government accept that the current approach risks declining real rate revenue to host councils over time, in contrast to PiLoR; and
- (b) what plan, if any, does the Government have to review or replace the current valuation approach to address this risk?
- (9) Given that most wind farm operators in Tasmania already operate PiLoR-compliant assets in other states, what assessment has the Government made of investor and operator views on Tasmania's divergent approach, and the case for national consistency?
- (10) (a) Will the Government consider introducing legislation to adopt a PiLoR scheme for renewable energy generation in Tasmania; and
- (b) if not, why not?

The Minister answered:

The Government released its response to the Future of Local Government Review in November 2024. In its response, the Government indicated its support for 36 of the Review's 37 recommendations. The Government has laid out a staged implementation program.

With respect to recommendation 17, the Government partially supported the recommendation, noting it would 'consult on potential frameworks to help benefit councils which assist major operations in their local government areas', and indicated this would be included as part of its Local Government Priority Reform Program 2024-26.

In relation to recommendation 23, the Government indicated its support for a rating review as a medium-level priority to be undertaken post-2026. It is noted FoLGR recommended such a review only be undertaken once its other revenue reform recommendations had been considered and implemented.

Initial reform effort in response to FoLGR has focused on priority governance and accountability measures – including those recently considered and passed by the Legislative Council via the Local Government Amendment (Targeted Reform) Bill 2026. Work on longer-term recommendations will continue as part of the Government's staged implementation approach.

As such, no detailed technical investigations have occurred of the type indicated in the Honourable Member's question, nor any specific engagement or consultation with industry or the sector. However, both things would need to be undertaken to support any serious consideration about the introduction of a Payment in Lieu of Rates scheme in the State.

Questions about the role and work of the Office of the Valuer-General are most appropriately addressed to the Minister for Parks and Heritage as the relevant portfolio Minister.

However, I am aware the Office of the Valuer-General recently introduced changes to the Valuation Property Classification Codes (VPCCs). This includes a number of electricity generation, storage and transmission-specific categories. I understand, therefore, the new VPCCs do not apply exclusively to windfarms, but also capture solar and battery installations.

I am aware a number of local councils in the State are pursuing the VPCC option to allow for differential rates to be applied to wind farms and other electricity infrastructure (generation, transmission or storage).

Each year councils set their rates budget for the next financial year and adopt a rates resolution to apportion across properties in the municipality. Importantly, councils have the discretion to utilise either the Land Value, Capital Value, Assessed Annual Value supplied by the Office of the Valuer-General or Average Area Rates.

The discretion afforded to councils under the *Local Government Act 1993* allows them to vary the general rate based on factors such as use, locality or other factors. This can include different applications across uses such as residential, commercial, primary production and industrial. Therefore, it is a matter for the relevant council to determine the amount of rates each property owner is liable for.

I understand the OVG undertook this work as a process to support its own internal systems and on its own initiative, and I can confirm I had no role in directing it be completed.

The introduction of VPCCs is not a substitute for a Payment in Lieu of Rates scheme, nor does it preclude the potential future pursuit and implementation of such a scheme by the Government.

Contractual arrangements between landowners and leaseholders involved in renewable energy developments are matters for the parties to those contracts. Similarly, questions about how councils administratively collect rates from landowners in their municipalities are best directed to the relevant councils.

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

- (1) Audit Tasmania: Report of the Auditor-General No. 1 of 2026-27. Auditor-General's report on the financial statements of State entities. Volume 1 – Annual Audit Update. Audit of State entities and audited subsidiaries of State entities 30 June 2026. Dated 12 August 2026.
- (2) *Judicial Commissions Act 2024*: Instrument of Appointment. Appointment of Major General Steven Lyndon Smith AM CSC RFD (Retd) to the Judicial Council of Tasmania (Non-Legal Member).
- (3) *Second-hand Dealers and Pawnbrokers Act 1994*: Statutory Rules 2026, No. 29, Second-Hand Dealers and Pawnbrokers Regulations 2026.
- (4) *Health Complaints Act 1995*: Statutory Rules 2026, No. 30, Health Complaints (Code of Conduct) Regulations 2026.
- (5) *Defamation Act 2005*: Statutory Rules 2026, No. 32, Defamation Order 2026.
- (6) *Housing Land Supply Act 2018*: Housing Land Supply (Penguin) Order 2026.
- (7) *Housing Land Supply Act 2018*: Housing Land Supply (Ravenswood) Order 2026.

6 RESIGNATION OF SENATOR WENDY ASKEW: A LETTER FROM HER EXCELLENCY THE GOVERNOR.— The President said:—

“Honourable Members, I have received a letter from Her Excellency the Governor which reads as follows:

11 August 2026

The Honourable Craig Farrell MLC
President of the Legislative Council
Parliament House
HOBART TAS 7000

Dear President

I enclose a copy of a letter I have received from the President of the Senate notifying me that, pursuant to the provisions of Section 21 of the Commonwealth of Australia Constitution, a vacancy has occurred on 10 August 2026 in the representation of the State of Tasmania as a result of the resignation of Senator Wendy Askew.

I have also written to the Premier and the Speaker of the House of Assembly to advise them of the vacancy.

Yours sincerely

Caroline Wells
Governor”

Letter from Parliament House, Canberra read as follows:—

“Her Excellency the Honourable Caroline Wells
Governor of Tasmania
Government House
HOBART TAS 7000

Your Excellency,

Pursuant to section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency there is a vacancy in the representation of the State of Tasmania through the resignation of Senator Wendy Askew on Monday 10 August 2026.

Yours sincerely

Senator Sue Lines
President of the Senate

11 August 2026”

7 MOTIONS WITHOUT NOTICE.— *Ordered*, That Ms Rattray have leave to move a Motions without Notice.

8 JOINT SITTING: SENATE VACANCY.— *Ordered*, That so much of Standing Order 329 be suspended to allow for a Joint Sitting of the Houses to be arranged sooner than 7 days after receipt of the Governor’s Message. (Ms Rattray)

Ordered, That on Thursday 13 August 2026 at 10.00 o'clock a.m. the Legislative Council meet the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator Wendy Askew. (Ms Rattray)

Ordered, That the Joint Sitting Rules as distributed to Members in the House be adopted as the Rules for the Joint Sitting of both Houses. (Ms Rattray)

Ordered, That a Message be transmitted to the House of Assembly requesting its concurrence therein and that such Message contain the proposed Rules for the Joint Sitting of both Houses. (Ms Rattray)

9 JOINT SITTING: SENATE VACANCY.— A Message to the House of Assembly:—
HONOURABLE SPEAKER,

The Legislative Council having this day agreed to the following Resolution and requests its concurrence therein:—

Resolved, That on Thursday 13 August 2026 at 10.00 o'clock in the forenoon the Legislative Council meet the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator Wendy Askew; and further that and further, the Legislative Council proposes the following Rules for the Joint Sitting:—

1. PARLIAMENTARY USAGE TO BE FOLLOWED IN DEBATE

That on any Debate arising, the same shall be conducted according to the Standing Rules and Orders of the House of Assembly. On all points of order, and on all questions arising during the proceedings for choosing a person to fill the vacant place in the Senate, the ruling of the Presiding Officer shall be absolute and final.

2. RULES OF PROCEDURE

- (1) The Presiding Officer shall call for nominations of persons to fill the seat rendered vacant by the resignation of Senator Wendy Askew. Each nomination shall be in writing, signed by the proposer, who shall certify on the form of nomination that the person so nominated is willing to hold the seat if chosen and is not disqualified from so doing. The proposer shall also certify that the nominee is a member of the Liberal Party. Nominations shall be handed to the Clerk, who upon being satisfied that they are in order, shall proceed with the preparation of the ballot paper. In the event that one or more nominees are certified to be members of the appropriate Party, those nominees only shall be taken to have been validly proposed to fill the vacancy, and no names other than theirs shall be included on the ballot paper as candidates for the vacant seat.
- (2) If only one person be nominated for the vacant seat, the Presiding Officer shall propose the Question “That (name of proposed person) be chosen to hold the place in the Senate rendered vacant by the resignation of Senator Wendy Askew, should such Question be passed in the affirmative, shall so declare.
- (3) If more than one person be nominated for the vacant seat, a ballot shall be taken in the manner hereinafter provided to determine which of such persons shall be chosen to hold the vacant place. Each of such persons so duly nominated is hereinafter referred to as ‘a candidate’.
- (4) The Presiding Officer shall announce the names of the candidates who have been nominated, and shall then direct that a ballot be proceeded with, after which no other person shall be nominated; and the Clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the division bells of the House of Assembly shall be rung, and the doors shall not be closed till after the lapse of two minutes, as indicated by the said sand-glass. The doors shall be locked as soon after the lapse of two minutes as the Presiding Officer shall think proper to direct, and, unless otherwise ordered, shall remain locked until it shall have been declared in the manner provided in Rule 2 that a candidate has been chosen to hold the vacant place: provided that the Clerk and two Scrutineers may retire from the Chamber in order to prepare the ballot papers, and subsequently, to count the votes.
- (5) The Presiding Officer shall appoint a Member of each House to be a Scrutineer to assist the Clerk of the Joint Sitting (herein referred to as the ‘Clerk’) in ascertaining the number of votes cast for each candidate.
- (6) As soon as practicable after the Presiding Officer has announced that the ballot will be proceeded with each Member present shall be provided with a ballot paper initialled by the Clerk.
- (7) Each Member voting shall forthwith mark on the ballot-paper the order of his or her preference for all candidates, and any ballot paper not so marked shall be rejected as informal.
- (8) The Member shall then fold and place the ballot paper so marked in the ballot box.
- (9) If there are only two candidates, the Clerk shall report to the Presiding Officer the number of valid votes cast for each candidate, and the Presiding Officer shall declare in the manner provided in Rule 2 that the candidate who has the larger number of votes has been chosen to hold the vacant place.
- (10) If there are more than two candidates, the method of counting the votes prescribed by Schedule 5 of the *Electoral Act 2004*, for cases in which only one Member is to be elected shall, so far as practicable, and not inconsistent with these rules, be observed.
- (11) As soon as it is ascertained that any candidate has obtained an absolute majority of the valid votes recorded by the Members voting, the Clerk shall so report to the Presiding Officer, and the Presiding Officer shall declare in the manner provided in Rule 2 that such candidate has been chosen to hold the vacant place.
- (12) If at any stage in the count, two or more of the candidates have an equal number of votes, and one of them has to be excluded, the Clerk shall forthwith report to the Presiding

Officer the results of the count at that stage. The Members shall thereupon proceed to a special ballot to ascertain which of such candidates shall be excluded, but so that if there are more than two of such persons with an equality of votes only one shall be excluded.

- (13) In all cases not provided for in these Rules resort shall be had to the procedure laid down in the *Electoral Act 2004*, so far as the same may in the opinion of the Presiding Officer be applicable and not inconsistent with these Rules.

Legislative Council, 12 August 2026

C.M. FARRELL, *President*

10 MOTION WITHOUT NOTICE.— *Ordered*, That Ms *Forrest* have leave to move a Motion without Notice.

11 GOVERNMENT ADMINISTRATION COMMITTEES A AND B.— *Ordered*, That the following revised list of Ministerial Portfolios be allocated to the Legislative Council Government Administration Committees A and B as a result of Ministerial Portfolio changes, and further that –

Committee A

The Treasurer
Minister for Macquarie Point Urban Renewal
The Minister for Health, Mental Health and Wellbeing
The Minister for Ageing
The Minister for Aboriginal Affairs
The Minister for Energy and Renewables
The Minister for Parks and Heritage
The Minister for Sport
Minster for Arts
Minster for Community and Multicultural Affairs
The Minister for Racing
The Minister for Tourism, Hospitality and Events
The Minister for Infrastructure and Transport
The Minister for Local Government
The Minister for Housing and Planning

Committee B

The Premier
The Deputy Premier
The Attorney-General
The Minister for Justice, Corrections and Rehabilitation
The Minister for Small Business, Trade and Consumer Affairs
The Minister for Environment and Climate Change
The Minister for Police, Fire and Emergency Management
The Minister for Business, Industry and Resources
The Minister for Skills and Jobs
The Minister for Innovation, Science and the Digital Economy
The Minister for Education
The Minister for Children and Youth
The Minister for Disability Services
The Minister for Women and the Prevention of Family and Sexual Violence
The Minister for Primary Industries and Water
The Minister for Veterans' Affairs

And further, That –

The Mover,
Ms *Glade-Wright*,
Ms *Lovell*,
Ms *O'Connor*, and
Ms *Thomas*

be of Committee A

and

Ms *Armitage*,
Mr *Edmunds*,
Mr *Gaffney*,
Mr *Hiscutt*, and
Ms *Webb*
be of Committee B. (Ms *Forrest*)

12 BILL NO. 2.— The Order of the Day was read for the further consideration in Committee of the Residential Parks Bill 2026 as amended in the 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.

Clause 69 further considered and agreed to.

Clauses 70 to 75 agreed to.

Clause 76. Amendment proposed. (Ms *Lovell*)

Page 93, subclause (2), paragraph (a), after “5 years or”.

Leave out “more”.

Insert instead “more, regardless of whether the agreement has been transferred”.

Question put, That the Amendment be agreed to.

The Committee divided.

AYES 8

Ms *Armitage*
Mr *Edmunds*
Ms *Glade-Wright*
Mr *Hiscutt*
Ms *Lovell* (Teller)
Ms *O'Connor*
Ms *Thomas*
Ms *Webb*

NOES 6

Mr *Duigan*
Ms *Forrest*
Mr *Gaffney*
Ms *Palmer*
Ms *Rattray* (Teller)
Mr *Vincent*

It was resolved in the Affirmative.

Clause 76 as amended agreed to.

Clauses 77 to 86 agreed to.

Clause 87, Amendment made. (Mr *Gaffney*)

Page 102, paragraph (b), after “is less than”.

Leave out “a fair estimate of the cost of removal, storage and sale of the property.”.

Insert instead “the amount prescribed in the regulations for the purpose of this section.”

Clause 87 as amended agreed to.

Clause 88 agreed to.

Clause 89, Amendment made. (Mr *Gaffney*)

Page 105, subclause (4), after “have the property sold by public”.

Leave out “auction”.

Insert “auction, within the meaning of the Disposal of Uncollected Goods Act 2020, or by other prescribed means”.

Clause 89 as amended agreed to.

Clauses 90 to 93 agreed to.

Clause 94, Amendment made. (Ms Rattray)

Page 113, after “the commencement of this”.

Leave out “Act”.

Insert instead “section”.

Clause 94 as amended agreed to.

Clauses 95 to 119 agreed to.

New Clause A [Park owner to offer agreement in certain circumstances] brought up (Ms Lovell) and read the First time as follows:—

A. Park owner to offer agreement in certain circumstances

- (1) It is a term of a residential park agreement that a park owner must offer a residential park agreement, in accordance with subsection (2), to a person if –
 - (a) the person (the **new resident**) has purchased a dwelling that is located on a site of the residential park; and
 - (b) the previous owner of the dwelling was an existing resident, in respect of that site, under a residential park agreement that is in force (the **existing residential park agreement**); and
 - (c) the existing residential park agreement is not being transferred to the new resident.
- (2) An agreement to be offered to a new resident under subsection (1) must be offered –
 - (c) for the same term as, or for a longer term than, the existing residential park agreement for the site; and
 - (d) on the substantially same terms as the existing residential park agreement for the site.

Question put, that the Clause be read a Second time.

It passed in the Negative.

Schedule 1, Amendment made. (Ms Rattray)

First Amendment

Page 139, clause 1, after subclause (2).

Insert the following subclause.

- (3) If, on the commencement of this Act, a residential park agreement is in force in respect of a site (the **"existing agreement"**) that does not comply with the requirements of section 14 –
 - (e) the relevant park owner is to prepare a residential park agreement in respect of that site (the **"new agreement"**) that complies with the requirements of section 14, within 6 months after the commencement of this Act; and
 - (f) the terms and conditions of the new agreement are to be consistent with the terms and conditions of the existing agreement, except where –

- (i) the terms and conditions are inconsistent with the requirements of section 14 and this Act; or
- (ii) the park owner and resident agree to terms and conditions that differ from the existing agreement.

Schedule 1, Further Amendment made. (Ms *Lovell*)

Second Amendment

Page 139, after clause 2.

Insert the following clause.

X. Park owner not to require security deposit in certain circumstances

- (1) A park owner may not require a security deposit to be paid by, or on behalf of, a resident under a residential park agreement if, on the commencement of this clause, the resident has held a right of occupancy in respect of a site in the relevant residential park for a continuous period of 5 years or more.
- (2) Subclause (1) ceases to apply in respect of a resident if –
 - (a) the resident ceases to hold a right of occupancy in respect of the relevant residential park for any reason; or
 - (b) the resident, on the resident's own volition, enters into a residential park agreement in respect of a different site at the relevant residential park.
- (3) Subclause (1) ceases to apply in respect of a residential park agreement if that agreement is transferred, after the commencement of this clause, to a new resident.

Schedule 1, Further Amendments made. (Ms *Ratray*)

Third Amendment

Page 139, clause 3, after “day on which this”.

Leave out “Act”.

Insert instead “clause”.

Fourth Amendment

Page 140, same clause, after “as practicable after this”.

Leave out “Act”.

Insert instead “clause”.

Fifth Amendment

Same page, after clause 3.

Insert the following clause:

X. Certain amounts to be repaid to resident

- (4) If, on the day on which this clause commences, a park owner holds a security deposit, however described, in respect of a residential park agreement that is in excess of the maximum security deposit that may be held, under section 43(4)(b), the park owner must refund to the resident the amount held in excess of the maximum security deposit.
- (5) Nothing in subclause (1) prevents a park owner and resident from agreeing that an amount of a security deposit to be refunded to the resident under that subclause is to be –
 - (a) used to pay any outstanding rent that the resident has yet to pay the park owner; or
 - (b) held by the park owner as rent paid in advance by the resident.

Sixth Amendment

Same page, clause 4, after “commencement of this”.

Leave out “Act”.

Insert instead “clause”.

Seventh Amendment

Same page, clause 5, subclause (1), definition of **commencement** day, after “day on which”.

Leave out “this Act”.

Insert instead “section 2”.

Schedule 1 as amended agreed to.

Schedule 2, Amendment made. (Mr *Gaffney*)

Page 144, before “**Residential Tenancy Act 1997**”.

Insert the following:

Disposal of Uncollected Goods Act 2020

1. Section 4(3) is amended by inserting after paragraph (a) the following paragraph:

(ab) goods left behind at the end of a residential park agreement, within the meaning of the *Residential Parks Act 2026*; or

Schedule 2 as amended agreed to.

Title agreed to.

Bill to be reported with further 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 further Amendments.

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

13 BILL NO. 53 OF 2025.— The Order of the Day was read for the Second reading of the Mt Lyell Acid Drainage Reduction (Repeal) Bill 2025.

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

A Debate arose thereupon.

14 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.

15 SITTING SUSPENDED TO ALLOW CHAMBER PHOTOGRAPH TO BE TAKEN.— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Ms *Ratray*)

The Sitting was suspended at 2.30 o'clock p.m. and resumed at 2.45 o'clock p.m.

16 QUESTION TIME.— The President called for Questions without Notice. There were five Questions asked.

17 JOINT SITTING: SENATE VACANCY.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly has agreed to the following Resolution communicated to it by the Legislative Council on 12 August 2026:—

Resolved, That on Thursday, 13 August 2026 at 10.00 o'clock in the forenoon the Legislative Council meet with the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator Wendy Askew; and further, the Legislative Council proposes the following Rules for the Joint Sitting:—

1. PARLIAMENTARY USAGE TO BE FOLLOWED IN DEBATE

That on any Debate arising, the same shall be conducted according to the Standing Rules and Orders of the House of Assembly. On all points of order, and on all questions arising during the proceedings for choosing a person to fill the vacant place in the Senate, the ruling of the Presiding Officer shall be absolute and final.

2. RULES OF PROCEDURE

- (1) The Presiding Officer shall call for nominations of persons to fill the seat rendered vacant by the resignation of Senator Wendy Askew. Each nomination shall be in writing, signed by the proposer, who shall certify on the form of nomination that the person so nominated is willing to hold the seat if chosen and is not disqualified from so doing. The proposer shall also certify that the nominee is a member of the Liberal Party. Nominations shall be handed to the Clerk, who upon being satisfied that they are in order, shall proceed with the preparation of the ballot paper. In the event that one or more nominees are certified to be members of the appropriate Party, those nominees only shall be taken to have been validly proposed to fill the vacancy, and no names other than theirs shall be included on the ballot paper as candidates for the vacant seat.
- (2) If only one person be nominated for the vacant seat, the Presiding Officer shall propose the Question “That (name of proposed person) be chosen to hold the place in the Senate rendered vacant by the resignation of Senator Wendy Askew and, should such Question be passed in the affirmative, shall so declare.
- (3) If more than one person be nominated for the vacant seat, a ballot shall be taken in the manner hereinafter provided to determine which of such persons shall be chosen to hold the vacant place. Each of such persons so duly nominated is hereinafter referred to as ‘a candidate’.
- (4) The Presiding Officer shall announce the names of the candidates who have been nominated, and shall then direct that a ballot be proceeded with, after which no other person shall be nominated; and the Clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the division bells of the House of Assembly shall be rung, and the doors shall not be closed till after the lapse of two minutes, as indicated by the said sand-glass. The doors shall be locked as soon after the lapse of two minutes as the Presiding Officer shall think proper to direct, and, unless otherwise ordered, shall remain locked until it shall have been declared in the manner provided in Rule 2 that a candidate has been chosen to hold the vacant place: provided that the Clerk and two Scrutineers may retire from the Chamber in order to prepare the ballot papers, and subsequently, to count the votes.
- (5) The Presiding Officer shall appoint a Member of each House to be a Scrutineer to assist the Clerk of the Joint Sitting (herein referred to as the ‘Clerk’) in ascertaining the number of votes cast for each candidate.
- (6) As soon as practicable after the Presiding Officer has announced that the ballot will be proceeded with each Member present shall be provided with a ballot paper initialled by the Clerk.
- (7) Each Member voting shall forthwith mark on the ballot-paper the order of his or her preference for all candidates, and any ballot paper not so marked shall be rejected as informal.
- (8) The Member shall then fold and place the ballot paper so marked in the ballot box.

- (9) If there are only two candidates, the Clerk shall report to the Presiding Officer the number of valid votes cast for each candidate, and the Presiding Officer shall declare in the manner provided in Rule 2 that the candidate who has the larger number of votes has been chosen to hold the vacant place.
- (10) If there are more than two candidates, the method of counting the votes prescribed by Schedule 5 of the *Electoral Act 2004*, for cases in which only one Member is to be elected shall, so far as practicable, and not inconsistent with these rules, be observed.
- (11) As soon as it is ascertained that any candidate has obtained an absolute majority of the valid votes recorded by the Members voting, the Clerk shall so report to the Presiding Officer, and the Presiding Officer shall declare in the manner provided in Rule 2 that such candidate has been chosen to hold the vacant place.
- (12) If at any stage in the count, two or more of the candidates have an equal number of votes, and one of them has to be excluded, the Clerk shall forthwith report to the Presiding Officer the results of the count at that stage. The Members shall thereupon proceed to a special ballot to ascertain which of such candidates shall be excluded, but so that if there are more than two of such persons with an equality of votes only one shall be excluded.
- (13) In all cases not provided for in these Rules resort shall be had to the procedure laid down in the *Electoral Act 2004*, so far as the same may in the opinion of the Presiding Officer be applicable and not inconsistent with these Rules.

House of Assembly, 12 August 2026

JACQUIE PETRUSMA, *Speaker*

18 BILL NO. 53 OF 2025.— The Council resumed the Debate on the Question, That the Mt Lyell Acid Drainage Reduction (Repeal) Bill 2025 be now read the Second time.

19 SITTING SUSPENDED. — It being 4.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 4.30 o'clock p.m.

20 BILL NO. 53 OF 2025.— The Council resumed the Debate on the Question, That the Mt Lyell Acid Drainage Reduction (Repeal) Bill 2025 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 4 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 *Rattray*)

21 BILL NO. 5.— The Order of the Day was read for the Second reading of the Police Offences Amendment (Increased Penalties for Damage to Tasmanian War Memorials) Bill 2026.

A Motion was made (*Ms Rattray*), 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 Armitage in the Chair.

Clauses 1 to 4 agreed to.

Clause 5, Amendment proposed. (*Mr Gaffney*)

Page 5, paragraph (b), proposed new subsection (1A), paragraph (a), after “a penalty not”.

Leave out “less than 25 penalty units and not”.

Question put, That the Amendment be agreed to.

The Committee divided.

AYES 6

Ms Armitage
Ms Forrest
Mr Gaffney (Teller)
Ms Glade-Wright
Ms O'Connor
Ms Webb

NOES 8

Mr Duigan
Mr Edmunds
Mr Hiscutt
Ms Lovell
Ms Palmer
Ms Rattray (Teller)
Ms Thomas
Mr Vincent

So it passed in the Negative.

Clause 5, Amendment proposed. (*Ms Webb*)

Page 5, paragraph (b), proposed new subsection (1A), paragraph (b).

Leave out “7 years”.

Insert instead “3 years”.

Question put, That the Amendment be agreed to.

The Committee divided.

AYES 8

Ms Armitage
Mr Edmunds
Ms Forrest
Mr Gaffney (Teller)
Mr Hiscutt
Ms Lovell
Ms O'Connor
Ms Webb

NOES 6

Mr Duigan
Ms Glade-Wright
Ms Palmer
Ms Rattray
Ms Thomas (Teller)
Mr Vincent

It was resolved in the Affirmative.

Clause 5, Further Amendment proposed. (Ms *Webb*)

Page 6, same paragraph, proposed new subsection (1B), after “against subsection (1),”.

Insert “or in substitution for a monetary penalty that is required to be imposed in respect of such an offence,”.

Question put, That the Amendment be agreed to.

The Committee divided.

AYES 6

Ms *Armitage*
Ms *Forrest*
Mr *Gaffney*
Ms *Glade-Wright* (Teller)
Ms *O'Connor*
Ms *Webb*

NOES 8

Mr *Duigan*
Mr *Edmunds*
Mr *Hiscutt*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray* (Teller)
Ms *Thomas*
Mr *Vincent*

So it passed in the Negative.

Clause 5, Further Amendment proposed. (Ms *Webb*)

Same page, same paragraph, same proposed new subsection, paragraph (a), after “community service”.

Leave out “in the community where the offence occurred”.

Question put, That the Amendment be agreed to.

The Committee divided.

AYES 6

Ms *Armitage*
Ms *Forrest*
Mr *Gaffney*
Ms *Glade-Wright*
Ms *O'Connor*
Ms *Webb* (Teller)

NOES 8

Mr *Duigan*
Mr *Edmunds*
Mr *Hiscutt*
Ms *Lovell*
Ms *Palmer*
Ms *Rattray*
Ms *Thomas*
Mr *Vincent* (Teller)

So it passed in the Negative.

Clause 5 as amended agreed to.

Clauses 6 and 7 agreed to.

Title agreed to.

Bill to be reported with Amendment.

The Council being resumed, Ms *Armitage* 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. (Ms *Rattray*)

22 ADJOURNMENT.— *Resolved*, That the Council will, at its rising adjourn until 11.00 o'clock a.m. on Thursday, 13 August 2026. (Ms Rattray)

Resolved, That the Council do now adjourn. (Ms Rattray)

The Council adjourned at 8.11 o'clock p.m.

C.L. VICKERS, *Clerk of the Council*.

Briefings:

- *Statutory Holidays Amendment Bill 2026*
- *Short Stay Levy Bill 2026*
- *Justice and Related Legislation (Miscellaneous Amendments) Bill (No. 2) 2025*