



No. 36

THURSDAY, 29 NOVEMBER 2018

- 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 commenced.
- 5 PAPERS. – The Minister for Women laid upon the Table of the House the following Paper:-  
“Women and Girls In Tasmania: Fact Sheets 2018”.
- 6 QUESTIONS SEEKING INFORMATION. – Questions without notice continued and concluded.
- 7 PAPERS. – The Premier laid upon the Table of the House the following Papers:-
  - (1) Official Ministerial Gifts Given Register 2018.
  - (2) Official Ministerial Gifts Received Register 2018.
  - (3) Answer to Question on Notice No. 99 of 2018.
- 8 PAPERS. – The Deputy Premier laid upon the Table of the House the following Papers:-
  - (1) Answer to Question on Notice 49 of 2018.
  - (2) Answer to Question on Notice 11 of 2018.
  - (3) Answer to Question on Notice 13 of 2018.
  - (4) Answer to Question on Notice 14 of 2018.
  - (5) Answer to Question on Notice 20 of 2018.
  - (6) Answer to Question on Notice 29 of 2018.
  - (7) Response to Petition HA2/2018.
- 9 PAPERS. – The Minister for Health laid upon the Table of the House the following Papers:-
  - (1) Council of Obstetric & Paediatric Mortality & Morbidity: Annual Report 2016.
  - (2) Administrator National Health Funding Pool: Annual Report 2017-18.

## Uncorrected Proof

- (3) Australian Health Practitioner Regulation Agency: Annual Report 2017-18.
- (4) Answer to Question on Notice No. 98 of 2018.
- (5) Answer to Question on Notice No. 31 to 97 of 2018.
- (6) Answer to Question on Notice No. 30 of 2018.

**10** PAPERS. – The Attorney-General laid upon the Table of the House the following Papers:-

- (1) Supreme Court of Tasmania: Annual Report 2017-2018.
- (2) Custodial Inspector: Inspection of Adult Custodial Services in Tasmania 2017 Care and Wellbeing Inspection Report.
- (3) The Magistrates Court of Tasmania: Annual Report 2017-2018.
- (4) The Motor Accidents Compensation Tribunal: Annual Report 2017-2018.
- (5) Equal Opportunity Tasmania: Annual Report 2017-18.

**11** PAPERS. – The Minister for Human Services laid upon the Table of the House the following Paper:-

Custodial Inspector: Inspection of Ashley Youth Detention Centre in Tasmania 2017, Health and Wellbeing Inspection Report.

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

- (1) Tasmanian Audit Office:-
  - (a) Report of the Auditor-General No. 5 of 2018-19, Report on the Financial Statements of State Entities Vol. 3 Local Government Authorities 2017-18.
  - (b) Report of the Auditor-General No. 6 of 2018-19, Report on the Financial Statements of State Entities Vol. 4 Audit Summary 2017-18.

**13** BILL NO. 54. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - " A Bill for an Act to amend the Roads and Jetties Act 1935 and the Local Government (Highways) Act 1982".

*Legislative Council, 28 November 2018.*

*J. S. WILKINSON, President.*

**14** BILL NO. 49. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled – “A Bill for an Act to amend the Local Government Act 1993”

*Legislative Council, 28 November 2018.*

*J. S. WILKINSON, President.*

**15** BILL NO. 66. – The Minister for Planning presented -

## Uncorrected Proof

A Bill for an Act to assist in enabling the enforcement of certain permits under the Land Use Planning and Approvals Act 1993, and the collection and use of information, in relation to short stay premises, and for related purposes

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

**16** LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Health have leave to make a certain Motions without Notice. (The Minister for Health)

**17** ADJOURNMENT. - *Ordered*, That the House, at its rising, adjourn till Tuesday, 12 March next. (The Minister for Health)

**18** FIREARMS LEGISLATION AND POLICY, SELECT COMMITTEE ON. – A Motion being made and the Question being proposed—That the Resolution of the House dated 29 August last appointing the Select Committee on Firearms Legislation and Policy be amended as follows:-

In Section (2), paragraph (a), after “Mr Brooks”, by inserting “or a proxy Member nominated by the Leader of the House, such proxy Member shall exercise all the rights of an appointed Member including voting rights at any meeting of the Committee”. (The Minister for Health)

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ferguson*  
*Mr Gutwein*  
*Mr Hodgman*  
*Mr Jaensch*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Mr Hidding* (Teller)

NOES 11

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

PAIRS

*Mr Brooks*

*Ms Houston*

SPEAKER GIVES CASTING VOTE WITH REASONS. – The Speaker said: “The numbers being equal, I vote with the Noes.”

It was resolved in the Negative.

**19** GOVERNMENT BUSINESSES SCRUTINY COMMITTEE. – A Motion being made and the Question being proposed - That the House of Assembly appoint a Government Businesses Scrutiny Committee, with leave to sit on 6 and 7 December 2018 to inquire into Government Businesses (GBs) in accordance with the following schedule and rules.

## Uncorrected Proof

For 2018 the following Government Businesses are allocated to the Committee as detailed below:—

Thursday, 6 December 2018	Public Trustee: 0900-1000 (1 hour) Hydro Tasmania: 1000-1300 (3 hours) Sustainable Timber Tasmania: 1400-1700 (3 hours)
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Friday, 7 December 2018	TT-Line Corporation Pty Ltd: 0900-1100 (2 hours) Tasmanian Ports Corporation Pty Ltd: 1100-1300 (2 hours) Tasmanian Networks Pty td: 1400-1700 (3 hours)
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### MEMBERSHIP OF THE COMMITTEE—

- (1) The Committee shall consist of four (4) Members appointed by the House as follows:—
  - The Chair of Committees (Chair);
  - Mr *Hidding* (Deputy Chair);
  - One Member nominated by the Leader of the Opposition; and
  - One Member nominated by the Leader of the Greens.
- (2) During sittings, substitute Members may be allowed.
- (3) If a vacancy occurs in the membership of a Committee, the Speaker may nominate a Member in substitution, but in so doing has regard to the composition of the Committee appointed by the House.
- (4) A Committee may proceed with business despite a vacancy in its membership.
- (5) The Chair of a Committee has a deliberative and a casting vote.
- (6) The quorum of a Committee is three, of whom one is the Chair of the Committee or Deputy Chair.
- (7) If at any time a quorum is not present, the Chair will suspend proceedings of the Committee until a quorum is present or adjourn the Committee.
- (8) Any time lost for lack of a quorum shall be added to the time allocated to that session.
- (9) Members of the House who have not been appointed as Members of the Committee, may participate in proceedings by asking questions, but may not vote, move any motion or be counted for the purposes of a quorum.
- (10) The responsible Minister and Chairperson of the Board of a GB shall be examined before a Committee for a maximum period of 4 hours.

### SITTING TIMES

- (1) The Committee meets only in accordance with the time-table adopted by the House or as varied by the Chair.
- (2) The Committee may sit only when the House is not sitting.

### HEARINGS

All hearings of the Committee are open to the public except that any evidence stated by a witness to be of a commercially sensitive or confidential nature shall, if requested by at least one Member of the Committee, be heard in camera. Any such evidence shall not be published or in any way divulged by any Member of a Committee or any other person unless the Committee recommends it to the House and the House resolves that the information be made public.

## Uncorrected Proof

### PROCEEDINGS OF A GOVERNMENT BUSINESS SCRUTINY COMMITTEE

- (1) When the activities of a GB are to be examined at a Committee hearing it shall be represented by the responsible Minister and the Chairperson of the Board.
- (2) Questions may be put directly to the responsible Minister and the Chairperson of the Board.
- (3) A Committee may ask for explanations relating to the activities, performance, practices and economic management of the GB.
- (4) The witnesses who are asked for explanations may be assisted where necessary by other officers of the GB in the provision of factual information.
- (5) Officers may answer questions at the request of the responsible Minister but shall not be required to comment on policy matters.
- (6) Time limits of one minute for a question and three minutes for an answer shall apply in a Committee.
- (7) Questions may be asked on a ratio of two Opposition, one Government and one other Member or in such form as the Committee determines.
- (8) A witness may advise a Committee that an answer to a question, or part of a question, will be given later to that Committee, and where possible that Committee sitting day.
- (9) Additional information may be provided to a Committee about an answer given.
- (10) Additional information—
  - (a) is to be written;
  - (b) given by a time decided by a Committee; and
  - (c) may be included in a volume of additional information laid on the Table of the House by the Committee.
- (11) If any Member persistently disrupts the business of a Committee, the Chair
  - (a) names the Member;
  - (b) if the Member named is a Member of the Committee, suspends the sittings of the Committee until he or she has reported the offence to the Speaker; and
  - (c) if the Member named is not a Member of the Committee, orders that Member's withdrawal from the sittings of the Committee until he or she has reported the offence to the Speaker;as soon as practicable, the Chair advises the Speaker who then gives notice that the Member of the Committee be replaced.
- (12) If any objection is taken to a ruling or decision of the Chair,
  - (a) the objection must be taken at once and stated in writing;
  - (b) the Chair, as soon as practicable, advises the Speaker who makes a ruling on the matter; and
  - (c) the Committee may continue to meet but may not further examine the matter then under consideration.
- (13) Television coverage will be allowed, subject:—
  - (a) to the foregoing provisions contained under “Hearings”; and
  - (b) to the same guidelines that apply to televising of the House of Assembly itself.

### TRANSCRIPT

An unedited transcript of Committee proceedings is to be circulated, in a manner similar to that used for other Committee transcripts, as soon as practicable after the Committee's proceedings.

Evidence taken *in camera* shall be printed on coloured paper and shall only be circulated to the Committee Members and shall not be divulged in any way to any other person.

### REPORTS OF COMMITTEES

## Uncorrected Proof

A Report of the Committee is to be brought up by the Chair or the Deputy Chair to the House and shall be the transcript of the public hearings and the minutes of the meetings of the Committee.

LEAVE FOR MINISTERS TO ATTEND L.C. COMMITTEE

And that the House of Assembly give leave to Ministers of the Crown who have relevant portfolio responsibilities to attend any similar Committee established by the Legislative Council if requested by that Committee as follows:—

Tuesday, 4 December 2018 & Wednesday, 5 December 2018	The Premier and Minister for Heritage The Treasurer and Minister for Local Government The Attorney-General and Minister for Justice The Minister for Energy The Minister for Infrastructure The Minister for Primary Industries and Water The Minister for Racing
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(The Minister for Health)

A debate arose thereupon.

An Amendment was proposed by Mr *O'Byrne* in paragraph (1) before “nominated by the Leader of the Opposition” to leave out “one Member” and insert instead “two Members”;

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 9

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

NOES 13

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ferguson*  
*Mr Gutwein*  
*Mr Hodgman*  
*Mr Jaensch*  
*Ms O'Connor*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Shelton*  
*Dr Woodruff*  
*Mr Hidding* (Teller)

PAIRS

*Ms Houston*

*Mr Brooks*

It was resolved in the Negative.

And the Question being put – that the Motion be agreed to;

It was resolved in the Affirmative.

## Uncorrected Proof

**20** 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.

**21** 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 Premier 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 Health after “forthwith” to insert “and that debate on the motion be completed by 3:30p.m., that the Premier and the Leader of the Opposition shall speak for no longer than 40 minutes each and all other Members speak for no longer than 20 minutes each in speaking to the motion, and that immediately following a vote on the motion the House proceeds to Government Business.”

A debate arose thereupon;

And the Question being put;

It was resolved in the Affirmative.

And the Main Question as amended being put;

It was resolved in the Affirmative.

**22** WANT OF CONFIDENCE IN THE PREMIER. – A Motion being made and the Question being proposed—That the House has no confidence in the Premier, Hon *Will Hodgman* MP, for the following reasons:

- (a) The Premier has failed to demand the highest standards of conduct from his members.
- (b) The Premier has refused to ask the Honourable Member for Braddon, Mr *Brooks*, to resign despite a damning Integrity Commission report which found he repeatedly lied about his involvement in his private company while the Mining Minister and attempted to delete crucial evidence.
- (c) The Premier authorised a payment of almost \$60,000 to cover Mr *Brooks*'s legal bills, which was only revealed through questioning from Labor.
- (d) The Honourable Member for Bass, Ms *Courtney* was rewarded with a new Ministry, despite findings that she breached the Ministerial Code of Conduct by failing to declare a conflict of interest created by her relationship with her Head of Department.
- (e) While the Premier deals with chaos and dysfunction within his Government, he has taken his eye off the issues that are important to Tasmanians, including health and education.
- (f) Under the arrogant and incompetent Health Minister, the Hon *Michael Ferguson* MP, the health system has gone from bad to worse, with health professionals describing conditions in our hospitals as the worst they have ever been.
- (g) The Premier has allowed his divisive and aggressive Treasurer, the Hon *Peter Gutwein* MP, to go to war with public sector workers instead of negotiating in good faith. This has caused workers to take state-wide industrial action simply to get a payrise that keeps up with the cost of living. (Ms *White*)

A debate arose thereupon.

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

## Uncorrected Proof

24 WANT OF CONFIDENCE IN THE PREMIER . - And the Question being put;

The House divided.

An amendment was proposed Ms *O'Connor* by leaving out “and education” and inserting instead “, education, affordable housing, a healthy environment and action on global warming”.

A debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

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

*Ms Houston*

NOES 11

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ferguson*  
*Mr Gutwein*  
*Ms Hickey*  
*Mr Hodgman*  
*Mr Jaensch*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Hidding* (Teller)

PAIRS

*Mr Brooks*

SPEAKER GIVES CASTING VOTE. – The Deputy Speaker said: “The numbers being equal, I vote with the Noes.”

It was resolved in the Negative.

And the Main Question being put;

The House divided.



## Uncorrected Proof

AYES 11

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

*Ms Houston*

NOES 11

*Ms Archer*  
*Mr Barnett*  
*Ms Courtney*  
*Mr Ferguson*  
*Mr Gutwein*  
*Ms Hickey*  
*Mr Hodgman*  
*Mr Jaensch*  
*Mrs Petrusma*  
*Mr Rockliff*  
*Mr Hidding (Teller)*

PAIRS

*Mr Brooks*

DEPUTY SPEAKER GIVES CASTING VOTE. – The Deputy Speaker said: “The numbers being equal, I vote with the Noes.”

It was resolved in the Negative.

**25** BILL NO. 27. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Building Legislation (Miscellaneous Amendments) Bill 2018.

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(In the Committee)

Amendments

Clause 59

Page 57, paragraph (b).

Leave out that paragraph.

New Clause A

To follow clause 63.

A Section 22A further amended (Obligation to hold building services licence)

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

## Uncorrected Proof

- (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

Amendments agreed to.

Resolution to be reported.

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The House being resumed, Mr *Hidding* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Building and Construction)

**26** BILL NO. 27. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to amend the Building Act 2016, the Occupational Licensing Act 2005, the Building Regulations 2016, the Occupational Licensing (Building Services Work) Regulations 2016, the Residential Building Work Contracts and Dispute Resolution Regulations 2016, and the Urban Drainage (General) Regulations 2016”.

*House of Assembly, 29 November 2018.*

SUE HICKEY, *Speaker.*

**27** BILL NO. 50. - A Message from the Legislative Council -

Mr SPEAKER,

The Legislative Council has agreed, without Amendment, to a Bill, intituled - "A Bill for an Act to amend the Macquarie Point Development Corporation Act 2012".

*Legislative Council, 29 November 2017.*

J. S. WILKINSON, *President.*

**28** BILL NO. 56. - A Message from the Legislative Council. -

MADAM SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

“A Bill for an Act to amend the Burial and Cremation Act 2002”,

now returns the same to the House of Assembly, and to requests its concurrence therein.

*Legislative Council, 29 November 2018.*

J. S. WILKINSON, *President*

*Ordered*, That the said Message be taken into consideration forthwith. (The Minister for Justice)

## Uncorrected Proof

**29** BILL NO. 56. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Bill 2001.

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(In the Committee)

Amendment

Clause 16

Page 36, proposed new Part 2B, Division 1, section 27H, at the foot of that section.

Insert the following subsection:

- (3) For the purposes of subsection (2), sell does not include to offer for sale or to agree to sell.

Amendment agreed to.

Resolution to be reported.

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The House being resumed, Mr *Hidding* reported that the Committee had considered the Amendment to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendment of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Justice)

**30** BILL NO. 56. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to Amend the Burial and Cremation Act 2002”.

*House of Assembly, 29 November 2018.*

SUE HICKEY, *Speaker.*

**31** BILL NO. 32. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Residential Tenancy Amendment Bill 2018.

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(In the Committee)

Amendments

Clause 11

Page 15

Leave out the clause.

New Clause A

To follow clause 10 in Part 3.

A. Section 17 amended (Issue of replacement residential tenancy agreement)

## Uncorrected Proof

Section 17 of the Principal Act is amended as follows:

(a) By omitting subsection (1) and substituting the following subsections:

(1) In this section –

“original agreement” means a residential tenancy agreement in relation to residential premises referred to in subsection (2);

“replacement agreement” means a residential tenancy agreement established under subsection (1A)(b) or (c).

(1A) If the person against whom an FVO is to be made is a tenant of residential premises occupied by an affected person, a court may make an order under section 16 to –

- (a) terminate the original agreement; or
- (b) terminate the original agreement and establish a new residential tenancy agreement for the benefit of the affected person and any other party who was a party to the terminated agreement, other than the person against whom the FVO is to be made; or
- (c) terminate the original agreement and establish a new residential tenancy agreement for the benefit of the person against whom the FVO is to be made and any other party who was a party to the terminated agreement, other than the affected person.

Amendments agreed to.

Resolution to be reported.

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The House being resumed, Mr *Hidding* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Minister for Building and Construction)

**32** BILL NO. 32. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to Amend the Residential Tenancy Act 1997 and the Family Violence Act”.

*House of Assembly, 29 November 2018.*

SUE HICKEY, *Speaker.*

**33** CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT. – The Order of the Day being read for consideration of the following message from the Legislative Council:—

MADAM SPEAKER

The Legislative Council having agreed to the following Resolution, begs now to transmit the same to the House of Assembly, and to Request its concurrence therein –

*Resolved*, With Reference to the Report No. 3 of the Joint Standing Committee on Integrity, the Legislative Council adopt a Code of Conduct for all Members of the Parliament of Tasmania in the following terms –

# Uncorrected Proof

## PREAMBLE

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents.

Members are expected to promote and support this Code by leadership and example.

## STATEMENT OF VALUES

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;
- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;
- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;
- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and
- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

## ETHICAL STANDARDS

### *Conflict of interest*

**A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.**

## Uncorrected Proof

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate is affected only as a member of the public or of a broad class of persons.

Each Member is individually responsible for avoiding and managing conflicts of interest.

### *Declaration of personal interests*

**A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the *Parliamentary (Disclosure of Interests) Act 1996*.**

### *Use of public office*

**A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.**

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.

A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

### *Use of official information*

**A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.**

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

### *Use of public resources*

**A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.**

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

### *Gifts and benefits*

**A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.**

## Uncorrected Proof

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the *Parliamentary (Disclosure of Interests) Act 1996*.

### *Accuracy of statements*

**A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.**

A Member must not mislead Parliament or the public in statements that they may make.

Whether any misleading was intentional or unintentional a Member is obliged to correct the Parliamentary record or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

### *Outside employment*

**A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.**

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

### *Upholding the principles of respect, justice and inclusion for all Tasmanians*

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights.

Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

### *Parliamentary conduct*

**A Member conducts themselves in Parliament in ways that will protect the public interest, and enhance public confidence and trust in Parliament.**

A Member must observe proper standards of parliamentary conduct by complying with Standing Orders, and directions of the Presiding Officer.

A Member must take particular care to consider the rights and reputations of others before making use of the unique protection available under parliamentary privilege. This privilege should never be used recklessly or without due regard to accuracy.

*Legislative Council, 27 November 2018.*

J. S. WILKINSON, *President.*

A Motion being made and the Question being proposed—That the Resolution of the Legislative Council be agreed to and that the blank be filled up with the words “House of Assembly and the”.  
(Minister for Health)

A debate arose thereupon.

## Uncorrected Proof

And the Question being put;

It was resolved in the Affirmative.

**34** CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly has agreed to the following Resolution communicated to it by the House of Assembly on 27 November 2018:-

*Resolved*, With Reference to the Report No. 3 of the Joint Standing Committee on Integrity, the House of Assembly and the Legislative Council adopt a Code of Conduct for all Members of the Parliament of Tasmania in the following terms –

### **PREAMBLE**

Members of Parliament recognise that their actions have an impact on the lives of all Tasmanian people. Fulfilling their obligations and discharging their duties responsibly requires a commitment to the highest ethical standards to maintain and strengthen the democratic traditions of the State and the integrity of its institutions.

Compliance with the law may not always be enough to guarantee an acceptable standard of conduct. Members must not only act lawfully, but also in a manner that will withstand close public scrutiny.

This Code sets out ethical standards and principles to assist Members in observing expected standards of conduct in public office and to act as a benchmark against which their conduct can be measured.

Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

Members should also, where possible, avoid giving unnecessary offence to groups in the community whose beliefs and views differ from those held by the Members or by groups the Member represents.

Members are expected to promote and support this Code by leadership and example.

### **STATEMENT OF VALUES**

This Code is derived from the fundamental values of the institution of the Parliament in this State. By adopting and upholding this Code, all Members of Parliament share in and support these values.

As Members of Parliament, we value:

- the public interest and the fundamental objective of public office to act solely in terms of the public interest;
- the improvement of the economic and social conditions of all Tasmanian people, and our service to our fellow citizens to achieve this;
- the promotion of human, social and environmental welfare through the responsible execution of our official duties;
- integrity, honesty, accessibility, accountability, fairness, transparency, courtesy, respect and understanding, without harassment, victimisation or discrimination;



## Uncorrected Proof

- respect for differences, equity and fairness in political dealings, with fellow Members of Parliament; and
- ethical political practices that support the democratic traditions of our State and its institutions, and the rejection of political corruption.

### **ETHICAL STANDARDS**

#### *Conflict of interest*

**A Member protects and upholds the public interest by taking all reasonable steps to avoid, disclose and manage any conflict of interest that arises, or is likely to arise, between their personal interests and their official duties.**

A conflict of interest may be financial or non-financial and may be potential, actual or perceived.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate is affected only as a member of the public or of a broad class of persons.

Each Member is individually responsible for avoiding and managing conflicts of interest.

#### *Declaration of personal interests*

**A Member is personally responsible for full and accurate disclosure of their financial and other interests, in accordance with their obligations under the *Parliamentary (Disclosure of Interests) Act 1996*.**

#### *Use of public office*

**A Member makes proper use of their office to represent and serve the community, conducting themselves in ways that maintains the trust and confidence of the public.**

A Member must not use their influence as a Member to improperly obtain appointment, promotion, advancement, transfer or any other advantage or benefit on behalf of themselves or other persons.

A Member must not appoint their spouse, domestic partner or relative to a position in their own office.

A Member must not receive or seek to receive any fee, payment, retainer or reward, nor permit any compensation to accrue to their beneficial interest, for or on account of, or as a result of, their position as a Member, other than compensation to which they are entitled as a Member of Parliament.

#### *Use of official information*

**A Member makes appropriate use of official information strictly for the purpose of performing their role as a Member of Parliament in the best interests of the public.**

A Member must take care to protect confidential and official information in their possession or knowledge.

A Member must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties or position, for the advantage or benefit of themselves or another person.

#### *Use of public resources*

**A Member uses public resources and assets strictly for the purpose of performing their role as a Member of Parliament, and in accordance with any rules and guidelines regarding the use of those resources and assets.**

## Uncorrected Proof

A Member must not use public resources, or allow such resources to be used by others, for personal advantage or benefit.

A Member must be scrupulous in ensuring the legitimacy and accuracy of any claim they make on the public account.

### *Gifts and benefits*

**A Member must adhere to standards of transparency and accountability in relation to gifts or benefits, and carry out their duties as a Member of Parliament without being influenced by gifts or benefits.**

A Member must not solicit, encourage or accept gifts, benefits or favours which may improperly influence the Member in the exercise of their duties, or may give the appearance of improper influence. Exceptions to this are incidental gifts or customary hospitality of nominal value.

A Member must declare gifts and benefits received, as required by the *Parliamentary (Disclosure of Interests) Act 1996*.

### *Accuracy of statements*

**A Member must only make statements in Parliament and in public that are, to the best of their knowledge, accurate and honest.**

A Member must not mislead Parliament or the public in statements that they may make.

Whether any misleading was intentional or unintentional a Member is obliged to correct the Parliamentary record or the public record, at the earliest opportunity in a manner that is appropriate to the circumstances.

### *Outside employment*

**A Member must manage employment outside of Parliament to ensure that any such employment does not interfere with their duties as a Member of Parliament.**

A Member must not engage in any employment outside Parliament that involves a substantial commitment of time and effort to the extent that it interferes with their duties as a Member.

### *Upholding the principles of respect, justice and inclusion for all Tasmanians*

Members agree to respect the religious and cultural beliefs of others, in accordance with the Universal Declaration of Human Rights.

Members agree to uphold the principles of justice and inclusion among our multicultural society, making efforts to generate understanding of all groups.

Members agree to recognise and value diversity as an integral part of Australia's social and economic future.

Members should promote reconciliation with Indigenous Australians.

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and has filled up the blank with the words “House of Assembly and the”.

*House of Assembly, 29 November 2018.*

SUE HICKEY, *Speaker.*

**35** AMENDMENT TO STANDING ORDERS. – A Motion being made and the Question being proposed:—

That the Standing Orders and Rules of the House be amended as follows:—

**First Amendment:**—

Standing Order 2, paragraph (d), leave out all the words after 'following' and insert instead:—  
"Code of Conduct"

### **PREAMBLE**

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Neither the law nor this Code is designed to be exhaustive, and there may be instances where Members find it necessary to adopt more stringent norms of conduct in order to protect the public interest, and to enhance public confidence and trust. In making choices about conduct, Members should have regard to community values and standards.

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## Uncorrected Proof

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**Second Amendment:—**

Standing Order 2, repeal paragraph (e).

**Third Amendment:—**

Standing Order 325, after "Privileges" insert "and Conduct".

**Fourth Amendment:—**

Standing Order 325, after "Privilege" insert "or the provisions of the Code of Conduct". (Mr *Hidding*)

A debate arose thereupon.

Amendments proposed (Ms *O'Connor*)

- (1) Standing Order 325, by leaving out "five Members" and inserting instead "seven Members".
- (2) That the Honourable Member for Clark, *Ms O'Connor* and the Honourable Member for Lyons, Mr *Hidding* be appointed to serve on the Committee of Privileges.

And the Question being put;

It was resolved in the affirmative.

And the Main Question as amended being put;

It was resolved in the Affirmative.

**36** BILL NO. 52. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on Tuesday 27 November 2018 - That the Supreme Court Civil Procedure Amendment Bill 2018 be now read the Second time;

And the Question being again proposed;  
The House resumed the said adjourned Debate.

And the Question being put;  
*Ordered*, That the Bill be now read the Second time.

And the Bill was, accordingly, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

*Ordered*, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

**37** BILL NO. 52. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled "A Bill for an Act to amend the Supreme Court Civil Procedure Act 1932",

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

## Uncorrected Proof

*House of Assembly, 29 November 2018.*

SUE HICKEY, *Speaker.*

**38** LEAVE TO MAKE MOTION WITHOUT NOTICE. - *Ordered*, That the Minister for Health have leave to make a Motion without Notice. (The Minister for Health)

**39** PRIVILEGES AND CONDUCT, STANDING COMMITTEE ON: QUORUM. – *Ordered*, That in accordance with Standing Order 326, the Quorum of the Standing Committee on Privileges and Conduct be four. (The Minister for Health)

**40** BILL NO. 46. - A Message from the Legislative Council. -

MADAM SPEAKER

The Legislative Council having this day agreed, with Amendments, to a Bill, intituled –

“A Bill for an Act to establish Brand Tasmania and for related purposes”,

now returns the same to the House of Assembly, and to requests its concurrence therein.

*Legislative Council, 29 November 2018.*

J. S. WILKINSON, *President*

*Ordered*, That the said Message be taken into consideration forthwith. (The Premier)

**41** BILL NO. 46. - The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Brand Tasmania Bill 2018.

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(In the Committee)

Amendments

Clause 10

First amendment

Page 12, subclause (1), paragrapg (c).

Leave out the paragraph.

Insert instead the following paragraph:

(c) one person who is nominated by Tourism Tasmania;

Second amendment

Same page, same subclause, paragraph (d), after “less than”.

Leave out “5, and not more than 7”.

Insert instead “6 and not more than 8”.

Third amendment

Page 13, subclause (3), paragraph €, after “heritage conservation,”.

Insert “biosecurity, “. Amendments agreed to.

Resolution to be reported.

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## Uncorrected Proof

The House being resumed, Mr *Hidding* reported that the Committee had considered the Amendments to it referred, and had come to a certain Resolution which was read as follows:-

To agree to the Amendments of the Legislative Council.

*Resolved*, That the said Resolution be agreed to. (The Premier)

**42** BILL NO. 32. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly doth agree to the Amendments made by the Legislative Council to the Bill intituled-

“A Bill for an Act to establish Brand Tasmania and for related purposes”.

*House of Assembly, 29 November 2018.*

SUE HICKEY, *Speaker.*

**43** BILL NO. 59. - The Order of the Day being read for the Second reading of the Land Acquisition Amendment Bill 2018.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (The Minister for Primary Industries and Water)

A Debate arose thereupon.

And Dr *Broad* was addressing the Chair.

**44** 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 thirty-three minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House.*

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MEMBERS. - All present during the day except Mr *Brooks* and Ms *Houston*.