



**HOUSE OF ASSEMBLY**  
**SESSION OF 2018**  
**(FIRST SESSION OF THE FORTY-NINTH PARLIAMENT)**

**VOTES AND PROCEEDINGS**

No. 34

TUESDAY, 27 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 were asked.
- 5 **PETITION.** - Ms *Standen* presented a Petition from approximately 177 residents of Tasmania, requesting that the House encourage the Minister for Health to work with the service provider of the Risdon Vale Medical Centre to increase the number of General Practitioners available to treat local patients as well as extending the opening hours of the Medical Centre (HA4/2018).

Which Petition was read and received.

- 6 **PAPERS.** – The Deputy Premier laid upon the Table of the House the following Papers:-
  - (1) Traffic Act 1925: Traffic (Compliance and Enforcement) Amendment Regulations 2018 (Statutory Rules 2018, No. 63).
  - (2) Vehicle and Traffic Act 1999:
    - (a) Vehicle and Traffic (Vehicle Operations) Amendment Regulations 2018 (Statutory Rules 2018, No. 62); and
    - (b) Vehicle and Traffic (Vehicle Standards) Amendment Regulations 2018 (Statutory Rules 2018, No. 61).
- 7 **PAPERS.** – The Attorney-General laid upon the Table of the House the following Papers:-
  - (1) Tasmanian Museum and Art Gallery: Annual Report 2017-2018.
  - (2) Director of Public Prosecutions: Annual Report 2017-2018.
  - (3) Solicitor-General: Report for 2017-2018.
  - (4) The Mental Health Tribunal: Annual Report 2017-2018.
- 8 **PAPERS.** – The Clerk of the House laid upon the Table of the House the following Papers:-
  - (1) Integrity Commission: Report of the Integrity Commission No. 5 of 2018 – Report of an investigation into allegations of misconduct by *Adam Brooks* MP.
  - (2) Tasmanian Audit Office:

- (a) Report of the Auditor-General No. 3 of 2018-19 – Auditor-General's Report on the Financial Statements of State entities, Vol. 1 Treasurer's Annual Financial Report and results of General Government Sector Entities 2017-18; and
- (b) Report of the Auditor-General No. 4 of 2018-19 – Auditor-General's Report on the Financial Statements of State entities, Vol. 2 – Government Businesses 2017-18.

**9** BILL NO. 64. – The Minister for Primary Industries and Water presented -

“A Bill for an Act to amend the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.”

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

**10** MATTER OF PUBLIC IMPORTANCE: MEAT PROCESSING - Dr *Broad*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Meat Processing.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

**11** BILL NO. 58. - The Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Bill 2018 was, according to Order, read the Second time, and committed to a Committee of the whole House.

And the Speaker having left the Chair, the House resolved itself into the said Committee.

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(In the Committee)

Mr *Hidding* took the Chair.

Clauses 1 to 4 agreed to.

Schedule 1 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The House being resumed, Mr *Hidding* reported that the Committee had gone through the Bill, and had directed him to report the same to the House without Amendment.

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

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

**12** BILL NO. 58. - 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 Ambulance Service Act 1982, the Disability Services Act 2011, the Health Act 1997, the Mental Health Act 2013, the Pharmacy Control Act 2001, the Poisons Act 1971, the Right to Information Act 2009 and the Youth Justice Act 1997”,

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

*House of Assembly, 27 November 2018.*

SUE HICKEY, *Speaker.*

**13** BILL NO. 51. - The Order of the Day being read for the Second reading of the Security and Investigations Agents 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 Building and Construction)

A Debate arose thereupon.

**14** SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.

At half-past Two o'clock the Speaker resumed the Chair.

**15** BILL NO. 51. - And the Question being again proposed;

The House resumed the Debate.

And a Motion being made and the Question being proposed – That the Debate be adjourned until a later hour. (Ms O'Byrne)

A Debate arose thereupon.

And the Question being put;

The House divided.

AYES 11

NOES 11

Mr Bacon

Ms Archer

Dr Broad

Mr Barnett

Ms Butler

Ms Courtney

Ms Dow

Mr Ferguson

Mr O'Byrne

Mr Gutwein

Ms O'Byrne

Mr Hidding

Ms O'Connor

Mr Hodgman

Ms Standen

Mr Jaensch

Ms White

Mrs Petrusma

Dr Woodruff

Mr Rockliff

Ms Haddad (Teller)

Mr Shelton (Teller)

PAIRS

Ms Houston

Mr Brooks

SPEAKER GIVES CASTING VOTE. – The Speaker said: “The numbers being equal, I vote with the Ayes. Whilst there is no chance of this going to a procedural motion due to the fine balance of this

House because we will still be in Government business, I believe this is a matter of public interest and debate would have been a sign of good governance.

The result of the division is 11 Ayes and 11 Noes. I therefore have to use a casting vote. In accordance with standing order 167, I cast my vote with the Ayes.”

It was resolved in the Affirmative.

**16** BILL NO. 51. - The Order of the Day being read for resuming the adjourned Debate on the Question proposed on this day - That the Security and Investigations Agents Amendment Bill 2018 be now read the Second time;

And the Question being again proposed;

The House resumed the said adjourned Debate.

STATEMENT BY SPEAKER. - The Speaker said - “Honourable Members, I would like to make a statement to the House. This afternoon I voted in favour to adjourn a debate to enable a new motion on a matter of public interest, being the Integrity Commission report tabled to the House today by the Premier into the email issues of Adam Brooks. I voted in the interests of good governance that this debate should be allowed to continue.

After I left the Chamber I was yelled at by a member of the Premier's staff regarding this decision, which he apparently disagreed with. I am not used to receiving such communications and I resent this tone.

While I do not intend to take this matter any further today, I stress that any further disrespect shown to the Speaker by the Government or members of ministerial staff will be referred to the Privileges Committee of the House for resolution.

I defend my right to vote in this House as my conscience dictates just as I do for every other member of this House. I never mind rigorous debate but I cannot be intimidated.”

And the Question being again proposed;

The House resumed the 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.

**17** BILL NO. 51. - 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 Security and Investigations Agents Act 2002”,

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

*House of Assembly, 27 November 2018.*

SUE HICKEY, *Speaker*.

**18** CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT. - A 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 –

#### **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.**

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.**

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.

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

**19** BILL NO. 65. – The Minister for Energy presented -

“A Bill for an Act to amend the Registration to work with Vulnerable People Amendment Act 2013.”

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

**20** BILL NO. 57. - The Energy Co-Ordination and Planning Amendment Bill 2018 was, according to Order, read the Second time, and committed to a Committee of the whole House.

And the Speaker having left the Chair, the House resolved itself into the said Committee.

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(In the Committee)

Mr *Hidding* took the Chair.

Clauses 1 to 5 agreed to.

To report progress and ask leave to sit again.

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The House being resumed, Mr *Hidding* reported that the Committee had made progress in the Bill, and had directed him to ask leave to sit again.

*Resolved*, That this House will, at a later hour, again resolve itself into the said Committee.

**21** STATEMENT BY SPEAKER. – The Speaker said “Honourable Members, I made a statement in the House today about an exchange I had with a member of the Premier's staff this afternoon. I am very pleased to report that the Premier has just spoken with me and the other person involved and we have agreed that it was a relatively minor matter and it has been resolved to the complete satisfaction of all parties involved.

I will not be making any further comment on this incident and given that the matter has been totally resolved, I have informed the Premier that I do not want the other person to be identified.

As I have said previously, I continue to strongly support the Hodgman majority Liberal Government's agenda which was endorsed by Tasmanians at the state election. However I reserve my right to be an impartial Speaker when it comes to any other matters before the Parliament.”

**22** BILL NO. 57. - The House, according to Order, again resolved itself into a Committee on the Energy Co-Ordination and Planning Amendment Bill 2018.

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(In the Committee)

Mr *Hidding* took the Chair.

Clauses 6 to 8 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The House being resumed, Mr *Hidding* reported that the Committee had gone through the Bill, and had directed him to report the same to the House without Amendment.

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

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

**23** BILL NO. 57. - 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 Energy Co-ordination and Planning Act 1995",

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

*House of Assembly, 27 November 2018.*

SUE HICKEY, *Speaker*.

**24** BILL NO. 52. - The Order of the Day being read for the Second reading of the Supreme Court Civil Procedure 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 Justice)

A Debate arose thereupon.

And the Minister for Justice was addressing the Chair.

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

**26** PAPERS. - Ms *O'Connor*, *by leave*, laid upon the Table of the House a document in relation to Halls Island Standing Camp referral.

The House adjourned at fifty-two 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*.