



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

**VOTES AND PROCEEDINGS**

No. 40

THURSDAY, 29 NOVEMBER 2018

UNCORRECTED PROOF

**1 COUNCIL MEETS.**— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

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

- (1) Council of Obstetric & Paediatric Mortality & Morbidity: Annual Report 2016.
- (2) Administrator of the National Health Funding Pool: Annual Report 2017-2018.
- (3) Australian Health Practitioner Regulation Agency: Annual Report 2017-2018.
- (4) Supreme Court of Tasmania: Annual Report 2017-2018.
- (5) The Motor Accidents Compensation Tribunal: Annual Report 2017-2018.
- (6) The Anti-Discrimination Tribunal: Annual Report 2017-2018.
- (7) Parole Board of Tasmania: Annual Report 2017-2018.
- (8) Custodial Inspector: Inspection of Ashley Youth Detention Centre in Tasmania, 2017 - Health and Wellbeing Inspection Report.
- (9) Custodial Inspector: Inspection of Adult Custodial Services in Tasmania, 2017 – Care and Wellbeing Inspection Report.
- (10) Equal Opportunity Tasmania: Annual Report 2017-2018.
- (11) The Magistrates Court of Tasmania: Annual Report 2017-2018.

**3 BILL NO. 56.**— The Order of the Day was read for the consideration of the Burial and Cremation Act 2018 as amended in Committee of the Whole Council.

*Ordered,* That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendment was read the First time.

The said Amendment, being read the Second time, was agreed to.

*Ordered,* That the Bill as amended in the Committee, be now read the Third time. (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

**4 BILL NO. 56.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council having this day agreed, with Amendment, to a Bill intituled — ‘A Bill for an Act to amend the *Burial and Cremation Act 2002*’,

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

*Legislative Council, 29 November 2018*

J.S. WILKINSON, *President*

**5 SITTING SUSPENDED.**— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 11.05 o'clock p.m. and resumed at 12.11 o'clock p.m.

**6 MOTION WITHOUT NOTICE.**— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

**7 ORDER OF BUSINESS.**— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 4. (Mrs *Hiscutt*)

**8 BILL NO. 50.**— The Order of the Day was read for the Second reading of the Macquarie Point Development Corporation Bill 2018.

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

A Debate arose thereupon.

**9 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.

**10 QUESTION TIME.**— The President called for Questions without Notice. There were six Questions asked.

**11 BILL NO. 50.**— The Council, according to Order, resumed the Debate on the Question, That the Macquarie Point Development Corporation Bill 2018 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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 20 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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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 Mrs *Hiscutt* have leave to move a Motion without Notice.

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Standing Order No 279 be suspended in respect of this Bill, in order that the Bill may now be read the Third time.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

*Ordered*, That Standing Order No. 279 be suspended in respect of this Bill, in order that the Bill may be now read the Third time. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Bill be now read the Third time.

And the Question being put,

It was resolved in the Affirmative.

*Ordered*, That the Bill be now read the Third time (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

**12 BILL NO. 50.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, ‘A Bill for an Act to amend the *Macquarie Point Development Corporation Act 2012*’.

*Legislative Council, 29 November 2018*

J.S. WILKINSON, *President*

**13 BILL NO. 56.**— The Order of the Day was read for resuming the Debate on the Question, That the Brand Tasmania Act 2018 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.

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(In the Committee)

Ms *Rattray* in the Chair.

Clauses 1 to 9 agreed to.

Clause 10 Amendments made (Ms *Forrest*)

**First amendment**

Page 12, subclause (1), paragraph (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 (e), after “heritage conservation,”.

*Insert* “biosecurity, “.

Clause 10 as amended agreed to.

Clauses 11 to 30 agreed to.

Schedules 1 to 5 agreed to.

Title agreed to.

Bill to be reported with Amendments.

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The Council being resumed, Ms *Ratray* reported that the Committee had gone through the Bill, and directed her to report the same to the Council with Amendments.

*Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

*Ordered*, That Standing Order No. 280 be suspended in respect of this Bill, in order that the Bill as amended in the Committee may be now taken into consideration. (Mrs *Hiscutt*)

*Ordered*, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendments were read the First time.

The said Amendments, being read the Second time, were agreed to.

*Ordered*, That the Bill as amended in the Committee, be now read the Third time. (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

**14 BILL NO. 50.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, with Amendments, to the Bill intituled, ‘A Bill for an Act to establish Brand Tasmania and for related purposes’.

*Legislative Council, 29 November 2018*

J.S. WILKINSON, *President*

**15 BILL NO. 48.**— The Order of the Day was read for the Second reading of the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018.

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

A Debate arose thereupon.

*Ordered*, That the Debate be adjourned. (Mrs *Hiscutt*)

**16 SITTING SUSPENDED.**— *Resolved*, That the Sitting of the Council be suspended until the ringing of the Division bells. (Mrs *Hiscutt*)

The Sitting was suspended at 4.42 o'clock p.m. and resumed at 6.43 o'clock p.m.

**17 BILL NO. 48.**— The Council, according to Order, resumed the Debate on the Question, That the Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018 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.

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(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 read.

*Ordered*, That Mrs *Rattray* have leave to Table a document titled Frequently Asked Questions Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018. and have the document incorporated into the Hansard record.

Clause 1 agreed to.

Clauses 2 to 30 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed him to report the same to the Council without Amendment.

*Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

*Ordered*, That Standing Order No. 279 be suspended in respect of this Bill, in order that the Bill may be now read the Third time. (Mrs *Hiscutt*)

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Bill be now read the Third time.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

*Ordered*, That the Bill be now read the Third time (Mrs *Hiscutt*)

The Bill was read the Third time and passed.

**18 BILL NO. 48.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, with Amendments, to the Bill intituled, 'A Bill for an Act to amend the *Land Use Planning and Approvals Act 1993* and the *Tasmanian Planning Commission Act 1997*'.

*Legislative Council, 29 November 2018*

J.S. WILKINSON, *President*

**19 MOTION WITHOUT NOTICE.**— *Ordered*, That Mr *Dean* have leave to move a Motion without Notice.

**20 LEGISLATIVE COUNCIL SELECT COMMITTEE INTO AFL IN TASMANIA.**

— A Motion was made (Mr *Dean*) and the Question was proposed, That the Terms of Reference of the Legislative Council Select Committee into AFL in Tasmania be amended as follows —

by deleting Term of Reference No. 5 and by deleting Term of Reference No. 7 and inserting instead the following Term of Reference —

If Tasmania were to establish an AFL team, what would be the optimal time for it to commence.'

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**21 SECTION 19 RETURN JUNE 2018 QUARTER LEAVE TO TABLE ANSWERS TO MEMBERS QUESTION AND INCORPORATE ANSWERS INTO HANSARD.**—*Ordered*, That Mrs *Hiscutt* have leave to Table answers to Questions raised in the Section 19 June Quarter Debate and have the answer incorporated into the Hansard record.

**22 BILL NO. 52.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly hath passed a Bill, intituled ‘An Act to amend the *Supreme Court Civil Procedure Act 1932*’.

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

*House of Assembly, 29 November 2016*

S. HICKEY, *Speaker*

The Bill was read the First Time

*Ordered*, That the Second reading of the Bill be made an Order of the Day for Tuesday next. (Mrs *Hiscutt*)

**23 CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT.** — 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 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;
- 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 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.

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

*House of Assembly, 29 November 2016*

S. HICKEY, *Speaker*

**24 BILL NO. 46.**— A Message from the House of Assembly:—

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',

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

*House of Assembly, 29 November 2016*

S. HICKEY, *Speaker*

**25 BILL NO. 32.**— A Message from the House of Assembly:—

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 2004*',

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

*House of Assembly, 29 November 2016*

S. HICKEY, *Speaker*

**26 BILL NO. 27.**— A Message from the House of Assembly:—

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 2016*

S. HICKEY, *Speaker*

**27 BILL NO. 56.**— A Message from the House of Assembly:—

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 2016*

S. HICKEY, *Speaker*

**28 ADJOURNMENT.**— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 9.30 noon on Friday, 15 March 2018. (Mrs *Hiscutt*)

And the Question being put,

It was resolved in the Affirmative.

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council do now adjourn.

A Debate arose thereupon.

*Ordered*, That Mrs *Hiscutt* have leave to Table a letter to Members of the Legislative Council from the Premier and the Attorney-General and have the letter incorporated into the Hansard record.

And the Question being put;

It was resolved in the Affirmative.

The Council adjourned at 8.00 o'clock p.m.

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

*Briefings:*

- *Land Use Planning and Approvals Amendment (Tasmanian Planning Policies and Miscellaneous Amendments) Bill 2018*
- *Macquarie Point Development Corporation Amendment Bill 2018*