

# LEGISLATIVE COUNCIL

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SESSION OF 2021

FIRST SESSION OF THE FIFTIETH  
PARLIAMENT

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## OPENING OF PARLIAMENT

BY

**HER EXCELLENCY'S COMMISSIONERS AT 11.00 O'CLOCK AM**

**Followed by Her Excellency the Governor's Address at  
3.00 o'clock pm**

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**TUESDAY, 22 JUNE 2021**

PROCEDURAL OUTLINE  
As at 17 June 2021

# **FIRST SESSION: FIFTIETH PARLIAMENT**

## **COMMISSIONERS' OPENING**

**Tuesday 22 June 2021**

**10.58 a.m.** Clerk of the Council leads Members to the Chamber at the ringing of the division bells. When bells cease ringing, Black Rod leads the three Commissioners, in procession [Mrs Hiscutt, Madam Deputy President and Ms Rattray], to the Chamber, announcing —

**“Honourable Members, Her Excellency’s Commissioners”.**

The Deputy President as Senior Commissioner instructs the Clerk to read the Proclamation as follows —

**“Clerk of the Council, please read Her Excellency’s Proclamation”.**

The proclamation having been read, the Senior Commissioner says —

**“Usher of the Black Rod, I command you to let the Members of the House of Assembly know that Her Excellency’s Commissioners desire their immediate attendance in this Chamber to hear the Commission read”.**

The Usher of the Black Rod summonses the Members of the Assembly.

House of Assembly Members enter, the Deputy President as Senior Commissioner then says —

**“Please be seated”.**

**“Honourable Members of the Legislative Council; Members of the House of Assembly:- Her Excellency the Governor, not thinking fit to be here at this time, has been pleased to cause a Commission under the Seal of State to be prepared in order to the opening and holding of this Parliament. This will more fully appear by the Letters Patent themselves, which the Clerk of the Council will now read”.**

The Commission having been read by the Clerk, the Deputy President then says —

**“Honourable Members of the Legislative Council, Members of the House of Assembly:**

**“We have it in command from Her Excellency the Governor to let you know that as soon as the new Members of the House of Assembly shall be sworn and the House of Assembly has elected its Speaker in accordance with the Constitution Act, Her Excellency will in person at three o’clock this afternoon in this place declare the causes of her calling this Parliament together”.**

House of Assembly Members then withdraw.

The Senior Commissioner then says —

**“Honourable Members the sitting is suspended until the ringing of the division bells to enable the Council to elect its President”.**

The Commissioners withdraw [Led by the Usher of the Black Rod – Ms Rattray, Madam Deputy President followed by Mrs Hiscutt]. Members leave the Chamber [Led by the Clerk]. The sitting is suspended until the ringing of the division bells.

Ballot for President to be conducted.

Council resumes at the ringing of the division bells.

## **ELECTION OF PRESIDENT**

(1) ..... standing and addressing the Clerk says —

“Mr Clerk of the Council I propose to the Members of this Honourable Chamber as their President, the Honourable ....., Member for ....., and I move, that ... take the Chair of this Council as its President”.

..... standing and addressing the Clerk says —

“Mr Clerk of the Council I second the nomination”.

Clerk says —

“Are there any further nominations?”

Clerk says —

“There being no further nominations, I call the Honourable Member for .....

(2) The President-elect standing in .... place says —

“I am very much aware of the honour proposed to be conferred upon me, and I submit myself to the Council”.

(3) All Members say —

**“TAKE THE CHAIR”, TAKE THE CHAIR”.**

..... and ..... then conduct the President to the Chair.

(4) The President, (standing on the upper step of the dais), says —

“Mr Clerk of the Council and Members of this Honourable Chamber, I wish to express my humble acknowledgement and grateful thanks for the high honour the Council has been pleased to confer upon me”.

(5) President then takes the Chair.

(6) The President then says —

“Honourable Members I suspend the sitting until 3.00 o’clock pm this afternoon.

The President leaves the Chamber, followed by the Members.

**2.40 p.m.** The Governor and Professor Don Chalmers AO arrive, are met by the Senior Australian Defence Force Officer – Tasmania (SADFO), and receive the Royal Salute. The Governor inspects the Guard and moves to the Legislative Council entrance, escorted by the SADFO, greeting Senior Navy, Army and Air Force Officers on the way.

**2.45 p.m.** Guests are seated in the Chamber.

**2.45 p.m.** Legislative Council Members will have assembled in the Clerk’s office.

- 2.45 p.m.** Local Government representative enters the Chamber.
- 2.45 pm** Dean of Hobart enters the Chamber.
- 2.51 p.m.** The Usher of the Black Rod escorts Her Excellency and Professor Chalmers from the entrance foyer to the President's Suite. Service Officers, A.D.C., and Official Secretary follow.
- 2.55 p.m.** The Judges arrive robed, and enter the Legislative Council Chamber.
- 2.56 p.m.** The Clerk leads the Members of the Legislative Council into the Chamber.
- 2.58 p.m.** President's Secretary escorts Professor Chalmers to his place.
- 2.59 p.m.** The Usher of the Black Rod announces the President. All Members and guests rise. The President takes his place at the Chair, and bows right and left.
- 3.00 p.m.** The Vice-Regal procession leaves the President's Suite in the following order:
1. SADFO
  2. Heads of Armed Services (Navy, Army and Airforce).
  3. Usher of the Black Rod.
  4. A.D.C.
  5. Her Excellency.
  6. Official Secretary.

The Usher of the Black Rod announces Her Excellency the Governor. The President moves across to the chair to his/her right as all Members and guests rise.

Her Excellency asks Members of the Council to be seated and commands the Usher of the Black Rod to summon the Members of the House of Assembly. When the House of Assembly Members are in their places, Her Excellency asks them to be seated and delivers her speech. Her Excellency hands one copy of her speech to the President and another copy to the Usher of the Black Rod, who delivers it to the Speaker, and returns to wait beside the dais. Usher of the Black Rod then commands all present to **"please rise"** as the Vice Regal party departs.

**3.25 p.m.** The procession leaves the Chamber and proceeds to the downstairs  
(approx.) entrance foyer, in the following order:

1. Usher of the Black Rod.
2. A.D.C.
3. Her Excellency.
4. Official Secretary.
5. Heads of Armed Services.
6. SADFO
7. Professor Chalmers, accompanied by the Deputy Clerk.

Following the departure of the Vice-Regal Party the President moves back to his normal chair and says "**Members of the Legislative Council and Guests please be seated**".

The Members of the House of Assembly leave the Chamber.

**PRESIDENT:** "**Honourable Members, I shall resume the Chair at the ringing of the division bells, which I anticipate will be at 5.00 pm.**"

Groups then leave the Chamber in the following order:

1. President – All Members rise as the President departs Chamber and should remain standing.
2. Legislative Council Members (the Clerk will lead Members out, Ms Webb following Mr Valentine with Ms Forrest being the last Member to leave the Chamber).
3. Judges
4. Local Government representative.
5. Dean of Hobart.
6. Invited guests leave the Chamber.

The President proceeds to the Reception Room where, with the Speaker, he greets invited guests at Afternoon Tea.

The division bells will summon Members.

When the Council resumes, the President takes the Chair.

## **PROCEEDINGS FOLLOWING RESUMPTION OF SITTING**

### **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE**

**PRESIDENT:** "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 traditional and original owners and the continuing custodians of this land".

### **BILL PRO FORMA**

**The Leader of the Government in the Council rises:**

**LEADER:** "Mr President, I seek Leave to move a motion without notice for the purpose of presenting the Bill Pro Forma".

**Leave being granted:**

**LEADER:** "Mr President, I move — That I be granted leave to bring in a Bill for an Act to amend the *Partition Act 1869*".

**Leave being granted:**

**The Leader moves to the Table and hands the Bill to the Clerk.**

**LEADER:** "I move that the Bill be read the first time".

**The Motion being agreed to:**

**The Clerk reads the Bill the First Time.**

**LEADER:** "I move that the Second Reading of the Bill be made an Order of the Day for Tuesday next".

**The President will put the Question.**

### **ADDRESS IN REPLY**

**PRESIDENT:** "Honourable Members, I have the honour to report the speech of Her Excellency the Governor delivered in the Chamber upon the occasion of the opening of the First Session of the Fiftieth Parliament".

**MR WILLIE:**

"Mr President, I have the honour to move that the following address be presented to Her Excellency the Governor in reply to Her Excellency's speech:

To Her Excellency the Honourable Barbara Baker, Companion of the Order of Australia, Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia.

May it please Your Excellency:

We, Her Majesty's dutiful and loyal subjects, the Members of the Legislative Council of Tasmania, in Parliament assembled, desire to thank Your Excellency for the speech which you have been pleased to address to both Houses of Parliament.

We desire to record our continued loyalty to the throne and person of Her Majesty Queen Elizabeth the Second, and at the same time to assure Your Excellency that the measures which will be laid before us during the session will receive our careful consideration".

*(Mr Willie then speaks briefly to the Motion and then moves that the Debate stand adjourned). Mr Willie will resume the debate on Wednesday, 23 June and Ms Rattray will then second the Motion and make a contribution to the debate on that day also. Contributions from other Honourable Members will then follow).*

## **PROCEDURAL MATTERS**

The President then invites:

- (i) Petitions
- (ii) Notices of Question
- (iii) Notices of Motion
- (iv) Tabling of Papers

President reports communication to Her Majesty the Queen on the passing of *His Royal Highness the Prince Philip, Duke of Edinburgh*.



**PRESIDENT SAYS** — “Honourable Members I wish to advise that on Monday, 12 April 2021 accompanied by the Speaker I visited Government House and presented the following Message —

TO HER MOST GRACIOUS MAJESTY, THE QUEEN:  
MOST GRACIOUS SOVEREIGN,

On behalf of the Members of the Parliament of Tasmania, we, the President of the Legislative Council and the Speaker of the House of Assembly, desire to express to Your Majesty, the deep sorrow with which we have received the news of the lamented death of His Royal Highness The Prince Philip, Duke of Edinburgh, whose long life, leadership, and devoted support of Your Majesty, endeared him to Your Majesty’s subjects in Tasmania, and in all parts of the Commonwealth of nations.

We desire to convey to Your Majesty, and all other Members of the Royal Family, our deepest sympathy in your bereavement.

Hon. C.M. Farrell	Hon. Sue Hickey
President of the Legislative Council	Speaker of the House of Assembly

Her Excellency the Governor made the following reply —

MISTER PRESIDENT AND HONOURABLE MEMBERS  
OF THE LEGISLATIVE COUNCIL

On behalf of Her Majesty The Queen

I thank you for your message.

12 April 2021

Kate Warner  
GOVERNOR”

## **NEW MINISTRY**

**LEADER:** Makes Statement concerning the new Ministry.

## **TABLING OF WRITS**

### **The President calls the Clerk, who says —**

“I lay upon the Table of the Council writs for the return of new Members for the electoral divisions of Mersey, Derwent and Windermere, certifying to Michael Victor Gaffney, Craig Maxwell Farrell and Nicholas John Henry Duigan respectively, having been chosen on the 1<sup>st</sup> day of May 2021 to serve in the Legislative Council”.

### **The Clerk then says —**

“Mr President, I advise the Council that Michael Victor Gaffney, returned upon a new writ for Mersey, Craig Maxwell Farrell, returned upon a new writ for Derwent and Nicholas John Henry Duigan, returned upon a new writ for Windermere have each previously made and taken the affirmation or oath of allegiance as required by law”.

## **STATEMENT BY PRESIDENT: WELCOME NEW AND RETURNED MEMBERS**

“I take this opportunity to welcome to this House and the Parliament the newly elected Member for Windermere and wish him well in his role representing the people that have duly elected him.

I know that I speak on behalf of all Members, Chamber Officers and staff when I say we are ready to offer any support, advice or assistance that you may require, particularly in the early stages of your elected term. Please do not hesitate to ask. You will find, I am sure, that your role at times will be challenging but I know you can be assured that you will find it satisfying and rewarding as you now get not only the opportunity to assist and represent the people of your Windermere electorate here in the Legislative Council but to also contribute to the improved welfare of the people of Tasmania”.

I extend a warm welcome to you.

Also, I wish to acknowledge and congratulate the Honourable Member for Mersey on your return to this Chamber and I know that you will continue to work extremely hard for the people of Mersey and Tasmania and we look forward to your further contributions in this Parliament”.

## **DEPUTATION TO HER EXCELLENCY THE GOVERNOR**

**The Leader of the Government says —**

“Mr President, I seek Leave to move two Motions without Notice”.

**Leave being granted.**

“Mr President, I move — That so much of Standing Order No. 16 be suspended as would prevent the Council proceeding to consider business prior to the Governor being notified of the election of the new President”.

**That Motion being agreed to.**

**The Leader of the Government says —**

“Mr President, I move — That, accompanied by a deputation of so many of the Members of the Council as see fit to attend, you notify Her Excellency the Governor of your election, at Government House at 6.00 o’clock pm this day”.

**That Motion having been agreed to.**

**The Leader of the Government says —**

“Would Members please note that transport has been arranged and will depart from the Legislative Council entrance at 5.50 o’clock pm”.

## **SESSIONAL AND OTHER ORDERS**

**LEADER:** “Mr President, I seek Leave to move Motions without Notice to establish certain Sessional and other Orders”.

**Leave being granted:**

**LEADER:** “Mr President, I move — That the Sessional Orders relating to E-Petitions which were in place in the Second Session of the Forty-Ninth Parliament, be again approved for this Session”.

## **The Motion being agreed to:**

### **LEADER:**

“Mr President, I move — That the following Sessional Orders apply in lieu of Standing Orders Nos. 29(2), 138(2) and (4) —

#### **29. Adjournment for want of a Quorum when notice taken by Member**

- (2) At any time after the Council has proceeded to business, if a Member notices that seven Members including the President or Deputy President are not present, and so states, the Bells shall be rung as for a Division, and if a quorum is not present at the expiration of *four* minutes the President shall adjourn the Council without a Question first put, until the next ordinary sitting time.

#### **138. After division called —**

##### **How Division taken**

- (2) The President will order the division bells to be rung for *four* minutes.

##### **Locking of Doors**

- (4) After the *four* minutes have expired, or such lesser time at the discretion of the President, he or she will order the doors to be locked and no Member will enter or leave the Chamber until after the division.

## **The Motion being agreed to:**

### **LEADER:**

“Mr President, I move — That the following Sessional Order apply in lieu of Standing Order No. 200 —

#### **200:**

- (1) The evidence taken by any Select Committee of the Council, and documents presented to such Committee, which have not been reported to the Council shall not, unless authorised by the Committee, be referred to in the Council by any Member or published or disclosed by any Member or by any other person.
- (2) Paragraph (1) does not apply to —
  - (a) any proceedings of the Committee that are open to the public and the news media;

(b) press releases or statements made by a Member of the Committee on the authority of the Committee; and

(c) written submissions presented to a Select Committee and authorised to be published by the Committee.

**The Motion being agreed to:**

**LEADER:** “Mr President, I move — That so much of Standing Order No. 39 be suspended for the duration of this Session to enable Special Interest Matters to be called on each sitting Tuesday before Notices of Motion and Orders of the Day are proceeded with”.

**The Motion being agreed to:**

**PRAYERS**

**LEADER:** "Mr President, I move — That, upon the President taking the Chair at the commencement of each day's sitting, the following prayers shall be read —

Almighty God, we humbly beseech thee to vouchsafe thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of thy glory and the true welfare of the people of Tasmania.

Our Father, who art in heaven, hallowed be thy name. Thy Kingdom come. Thy will be done on earth as it is in heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive those that trespass against us. And lead us not into temptation but deliver us from evil. For thine is the Kingdom, the power and the glory, for ever and ever. Amen”.

## **PRESIDENT'S AUTHORITY – ADVISERS ON THE FLOOR**

### **President to make Statement concerning Advisers.**

**PRESIDENT:** "By my authority I have determined that Advisers to the Honourable the Leader of the Government, the Deputy Leader of the Government and the Minister for Sport and Recreation, Minister for Racing, Minister for Small Business and Minister for Women be authorised to go onto the floor of this House for the duration of the Session in order to advise and support those Honourable Members".

## **PRESIDENT'S STATEMENT – STAFF APPOINTMENT**

### **President to make Statement concerning a new Staff Appointment.**

**PRESIDENT:** "Honourable Members I am very pleased to advise the House that on 22 April 2021 I appointed Mr Tim Mills to the position of Clerk-Assistant and Usher of the Black Rod. The appointment followed a selection process with a recommendation made to me. This appointment is a significant one.

Tim has a background in Law having been admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 2004. Tim has worked as a Criminal Lawyer and as Crown Counsel in the Office of the Director of Public Prosecutions. In addition, Tim has undertaken important work in the Office of the Secretary in the Department of Justice including legislation development and providing other strategic advice.

In more recent times Tim has been the Senior Adviser in the Office of the Attorney-General and prior to being appointed Clerk-Assistant was the Assistant Director (Administration of Justice) in the Office of the Secretary, Department of Justice.

On behalf of all Members I wish Tim well as he embarks on his new role with our confidence and support".

## **Suspension of Sitting at 5.35 o'clock pm approximately.**

### **The Leader of the Government says —**

“Mr President, I move — That the sitting be suspended until the ringing of the division bells to allow Members to attend at Government House”.

## **Transport to Government House.**

### **The Leader of the Government says —**

“Mr President, vehicles will depart from the Legislative Council entrance at 5.50 o'clock pm sharp”.

## **Sitting resumes at approximately 6.30 o'clock pm.**

## **Election of President.**

### **The President says —**

“I wish to report to the Council that in accordance with Standing Order No. 16, in the company of other Honourable Members, I presented myself to Her Excellency the Governor and informed her that the Council had done me the honour of electing me president.

Her Excellency has sent the following message:

To the President and Members of the Legislative Council  
I congratulate Honourable Members of the Legislative Council on their choice of a President”.

22 June 2021      The Honourable Barbara Baker, AC  
Governor

## **Deputy Chairs of Committees to be Appointed.**

## **Committee Establishment and Appointments to be made.**

## **Adjournment.**