

LEGISLATIVE COUNCIL



SESSION OF 2024

FIRST SESSION OF THE FIFTY-FIRST
PARLIAMENT

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**

TUESDAY 14 May 2024

PROCEDURAL OUTLINE

FIRST SESSION: FIFTY-FIRST PARLIAMENT

COMMISSIONERS' OPENING

Tuesday 14 May 2024

10.58 am Clerk and Members seated in Chamber at the ringing of the division bells. When bells cease ringing, Black Rod leads the three Commissioners, in procession [Mr President, Ms Forrest and Ms Rattray], to the Chamber, announcing —

"Honourable Members, Her Excellency's Commissioners".

The 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 President as 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 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 Clerk reads the Letters Patent.

The Commission having been read by the Clerk, the 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 Commissioners withdraw [Led by the Usher of the Black Rod – Mr President, Ms Forrest and Ms Rattray]. Members leave the Chamber [Led by the Clerk]. The sitting is suspended until 3.00 pm.

Ballot to be conducted for Deputy Chairs of Committees.

- 2.30 pm** Judges and Associates arrive through the Legislative Council entrance [greeted by the Deputy Clerk]. Refreshments in the Deputy Clerk’s Office.
- 2.40 pm** The Governor and Professor Don Chalmers AO arrive with the ADC, are met by the Senior Australian Defence Force Officer – Tasmania (SADFO), and receive the Royal Salute. The Governor inspects the Guard and meets Senior Navy, Army and Airforce Service Representatives and moves to the Legislative Council entrance, – escorted by the SADFO and ADC.
- 2.43 pm** Principal partners will have joined the President and Mrs Farrell in the President’s Suite.
- 2.45 pm** Guests are seated in the Chamber.
- 2.45 pm** Legislative Council Members will have assembled in the Clerk's office.

2.51 pm The Usher of the Black Rod escorts Her Excellency and Professor Chalmers AO from the entrance foyer to the President's Suite. Service Officers, ADC, and Official Secretary follow.

2.55 pm Judges and Associates enter the Legislative Council Chamber, escorted by the Deputy Usher of the Black Rod.

2.56 pm The Clerk leads the Members of the Legislative Council into the Chamber.

2.58 pm Deputy Usher of the Black Rod escorts Professor Chalmers AO and principal partners to their place.

2.59 pm 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 pm The Vice-Regal procession leaves the President's Suite in the following order:

1. SADFO
2. Service Representatives (Navy, Army and Airforce)
3. Usher of the Black Rod
4. Her Excellency
5. A.D.C.
6. Official Secretary

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

Her Excellency asks Members of the Legislative 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 she commands to deliver to the Speaker.

The Usher of the Black Rod returns to wait beside the dais.

The Usher of the Black Rod then commands all present to **“please rise”** as the Vice Regal party departs.

3.25 pm
(approx.)

The procession leaves the Chamber and proceeds to the downstairs entrance foyer, in the following order:

1. Usher of the Black Rod
2. Her Excellency with Professor Chalmers AO
3. A.D.C
4. Official Secretary
5. Service Representatives
6. SADFO

Following the departure of the Vice-Regal party the President moves back to his normal chair and says:

PRESIDENT: "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."

Directed by the Deputy Usher of the Black Rod, 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)
3. Judges and Associates
4. Principal partners
5. 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 Fifty First Parliament".

MR EDMUNDS

"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, His 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 His Majesty King Charles the Third, 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 Edmunds then speaks briefly to the Motion and then moves that the Debate stand adjourned). Mr Edmunds will resume the debate on Tuesday 21 May 2024 and Ms Webb 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

COMMUNICATION FROM **GOVERNMENT HOUSE**

President reads communication from Government House concerning the resignations of the former Members for Elwick and Prosser.

27 February 2024

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

Dear Mr President,

I enclose the resignation of Mr Josh Willie as a Member of the Legislative Council which was received by me on 27 February 2024.

I have asked the Tasmanian Electoral Commissioner to take the appropriate action to fill the vacancy for the electoral Division of Elwick.

Mr Willie has also tendered his resignation as a member of the Parliamentary Standing Committee on Public Accounts.

Yours sincerely

Barbara Baker
Governor

27 February 2024

Her Excellency
The Honourable Barbara Baker AC
Governor of Tasmania
Government House
HOBART 7000

Your Excellency

In accordance with Section 15 of the *Constitution Act 1934*, I hereby tender my resignation as a Member of the Legislative Council for the electoral Division of Elwick with effect from 27 February 2024. I also tender my resignation from the Public Accounts Committee.

It has been an honour and a privilege to be the elected Member for Elwick.

Yours sincerely

Josh Willie MLC
Member for Elwick

27 February 2024

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

Dear Mr President,

I enclose the resignation of Ms Jane Howlett as a Member of the Legislative Council which was received by Her Excellency the Governor on 27 February 2024.

Her Excellency has asked the Tasmanian Electoral Commissioner to take the appropriate action to fill the vacancy.

Yours sincerely

David Owen
Official Secretary

27 February 2024

Her Excellency
The Honourable Barbara Baker AC
Governor of Tasmania
Government House
HOBART 7000

Your Excellency

In accordance with Section 15 of the *Constitution Act 1934*, I hereby tender my resignation as a Member of the Legislative Council for the electoral Division of Prosser with effect from 27 February 2024.

It has been an honour and a privilege to be the elected Member for Prosser.

Yours sincerely

Jane Howlett MLC
Deputy Leader for Government Business in the Legislative Council
Liberal Member for Prosser

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 Hobart, Prosser and Elwick, certifying to, Cassandra Stanwell O’Connor, Kerry John Vincent and Rebecca Jane Thomas respectively, having been chosen on the 4th day of May 2024 to serve in the Legislative Council”.

The Clerk then says —

“Mr President, I advise the Council that Cassandra Stanwell O’Connor returned upon a new writ for Hobart, Kerry John Vincent returned upon a new writ for Prosser, and Rebecca Jane Thomas returned upon a new writ for Elwick have each previously made and taken the affirmation or oath of allegiance as required by law”.

STATEMENT BY PRESIDENT: WELCOME TO NEW MEMBERS

“I take this opportunity to welcome to this House and the Parliament the newly elected Members for Elwick, Hobart and Prosser and wish them well in their roles representing the people that have duly elected them.

I know that I speak on behalf of all Members, the Clerk and Legislative Council staff when I say we are ready to offer you support, advice and any assistance that you may require, particularly in the early stages of your elected term.

At times you will find, that your role as a law maker and representative of your community will be challenging, but it will be will also be rewarding. We are all here to assist you and ensure you succeed in discharging your duties as an elected Member of Parliament and contributing to the welfare of the people of Tasmania.

I, and your fellow Members, extend a warm welcome to you all and look forward to working with you.”

NEW MINISTRY

LEADER: Makes Statement concerning the new Ministry.

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, and the Deputy Leader of the Government 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".

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 Third Session of the Fiftieth Parliament, be again approved for this Session".

The sessional orders were as follows: —

1. An E-Petition is a Petition:
 - (a) in the correct form, stating a grievance and containing a request for action by the Council;
 - (b) sponsored by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
 - (c) persons may elect to indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and signifying their intention to join the Petition.
2. The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.
3. The Member sponsoring the E-Petition must provide the Clerk with the details of the Petition in the correct form; the posted period and a signed acknowledgment that they are prepared to sponsor the E-Petition.

4. Once published on the Parliament's Internet Website an E-Petition cannot be altered.
5. Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament's Internet Website at the same time.
6. Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the Petition) and presented to the Council in the name of the Member that sponsored the E-Petition.
7. An E-Petition published on the Council's Internet Website, but not presented to the Council prior to the prorogation or dissolution of Parliament, shall be presented to the subsequent Parliament and becomes a Petition of the subsequent Parliament.
8. An E-Petition may be sponsored during any adjournment of the Legislative Council and during any period of prorogation.
9. Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
10. A person cannot sign or join an E-Petition more than once.
11. Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
12. The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the sponsoring Member accordingly.
13. The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
14. The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
15. The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
16. The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
17. The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.

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".

The Motion being agreed to:

AFTERNOON TEA

LEADER: "Mr President, I seek leave to move a Motion without Notice".

Leave being granted —

LEADER: "Mr President, I move — That for the period commencing on and from this day through to and including Wednesday, 27 November 2024, whenever the council is sitting at four o'clock pm on Tuesday and Wednesday, the sitting will be suspended for thirty minutes".

The Motion being agreed to:

PRESIDENT'S STATEMENT – STAFF APPOINTMENT

President to make Statement concerning a new Staff Appointment.

PRESIDENT: “Honourable Members I am very pleased to advise that on 3 April 2024 Ramona Long joined the Legislative Council as Deputy Usher of the Black Rod.

Ramona is undertaking a secondment with us from the Legislative Assembly of the Northern Territory. Ramona’s role in the Northern Territory Parliament is the Procedural Support Manager in the Legislative Assembly of the Northern Territory, with responsibility for managing the Table Office. She formerly held the graduate position of Clerk’s Associate, providing direct administrative and operational support to the Office of the Clerk.

Ramona is joining our team through a secondment arrangement through to the end of the year. I am grateful to the Clerk of the Northern Territory for releasing Ramona to assist the Council, particularly in the area of chamber and table support. I am also pleased and proud that the Council has been able to offer Ramona a placement to further her professional development and parliamentary experience. Ramona has already demonstrated exemplary service to the Council in her work with the UBR in organising the Opening of Parliament and I am sure she will contribute further for the remainder of the year.

On behalf of all Members I welcome Ramona to the Legislative Council.”

Deputy Chairs of Committees to be Appointed.

Adjournment.