



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

VOTES AND PROCEEDINGS

No. 38

TUESDAY, 27 NOVEMBER 2018

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) Tasmanian Audit Office: Report of the Auditor-General No. 3 of 2018-2019. Auditor-General's Report on the Financial Statements of State Entities. Volume 1 – Treasurer's Annual Financial Report and results of General Government Sector Entities 2017-2018.
- (2) Tasmanian Audit Office: Report of the Auditor-General No. 4 of 2018-2019. Auditor-General's Report on the Financial Statements of State entities. Volume 2 – Government Businesses 2017-2018.
- (3) Tasmanian Museum and Art Gallery Annual Report 2017-2018.
- (4) Report of the Integrity Commission – No. 5 of 2018. Report of an investigation into allegations of misconduct by Adam Brooks MP.
- (5) Public Trustee: Annual Report 2017-2018.
- (6) Mental Health Tribunal: Annual Report 2017-2018.
- (7) Solicitor-General: Annual Report 2017-2018.
- (8) Director of Public Prosecutions: Annual Report 2017-2018.
- (9) Vehicle and Traffic Act 1999: Statutory Rules 2018, No. 61, containing Vehicle and Traffic (Vehicle Standards) Amendment Regulations 2018.
- (10) Vehicle and Traffic Act 1999: Statutory Rules 2018, No. 62, containing Vehicle and Traffic (Vehicle Operations) Amendment Regulations 2018.
- (11) Traffic Act 1925: Statutory Rules 2018, No. 63, containing Traffic (Compliance and Enforcement) Amendment Regulations 2018.

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

4 LEAVE OF ABSENCE.— *Ordered*, That the Honourable Member for Elwick, (Mr *Willie*) be granted leave of absence from the service of the Council for this day's sitting. (Mrs *Hiscutt*)

5 SPECIAL INTEREST MATTERS.— The President advised the Chamber of four Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) Mr *Valentine* – Menzies Research Facility;
- (2) Mr *Dean* – National Police Remembrance Day;
- (3) Ms *Lovell* – Robyn Colson Campaign for Workplace Safety; and
- (4) Mr *Finch* – Launceston Playgrounds.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

6 CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT. — A Motion was made (Mr *Valentine*) and the Question was proposed, That 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 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.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

7 CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT. — A Message to the House of Assembly:—

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.

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- 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
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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*

8 REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE 'B' ON BLUEBERRY RUST IN TASMANIA.— A Motion was made (Mr *Dean*) and the Question was proposed, That the Report of Government Administration Committee 'B' on Blueberry Rust in Tasmania be considered and noted.

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 four Questions asked.

11 REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE 'B' ON BLUEBERRY RUST IN TASMANIA.— The Council resumed the Debate on the Question, That the Report of Government Administration Committee 'B' on Blueberry Rust in Tasmania be considered and noted.

And the Question being put,

It was resolved in the Affirmative

12 SECOND INTERIM REPORT OF GOVERNMENT ADMINISTRATION COMMITTEE 'A' ON ACUTE HEALTH SERVICES.— A Motion was made (Mr *Valentine*) and the Question was proposed, That the Report of Government Administration Committee 'A' Second Interim Report on Acute Health Services be considered and noted.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

13 BILL NO. 34.— The Crime (Confiscation of Profits) Amendment Bill 2018 was read the Third time and passed.

14 BILL NO. 34.— 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 *Crime (Confiscation of Profits) Act 1993* and the *Crime (Confiscation of Profits) Regulations 2014*'.

Legislative Council, 27 November 2018

J.S. WILKINSON, *President*

15 BILL NO. 25.— The Emergency Management Amendment Bill 2018 was read the Third time and passed.

16 BILL NO. 25.— 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 *Emergency Management Act 2006*'.

Legislative Council, 27 November 2018

J.S. WILKINSON, *President*

17 BILL NO. 30.— The Traffic and Related Legislation Amendment Bill 2018 was read the Third time and passed.

18 BILL NO. 30.— 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 *Traffic Act 1925* and the *Local Government (Highways) Act 1982*'.

Legislative Council, 27 November 2018

J.S. WILKINSON, *President*

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

20 ORDER OF BUSINESS.— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 13. (Mrs *Hiscutt*)

21 BILL NO. 54.— The Order of the Day was read for the Second reading of the Roads and Jetties Amendment (Management of State Highways in Cities) 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.

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.

(In the Committee)

Mr *Gaffney* in the Chair.

Clauses 1 to 8 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

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

23 ORDER OF BUSINESS.— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 16. (Mrs *Hiscutt*)

24 BILL NO. 49.— The Order of the Day was read for the Second reading of the Local Government Amendment (Miscellaneous) 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*)

25 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 6.15 o'clock p.m. and resumed at 7.20 o'clock p.m.

26 BILL NO. 49.— The Council, according to Order, resumed the Debate on the Question, That the Local Government Amendment (Miscellaneous) 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.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 39 agreed to.

Title agreed to.

Bill to be reported without Amendment.

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 the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

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

28 ORDER OF BUSINESS.— *Ordered*, That intervening business be postponed until after consideration of Order of the Day No. 15. (Mrs *Hiscutt*)

29 BILL NO. 56.— The Order of the Day was read for the Second reading of the Burial and Cremation Amendment 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*)

30 BILL NO. 58.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly has this day agreed, without Amendment, to the 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

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*)

31 BILL NO. 51.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly has this day agreed, without Amendment, to the 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

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*)

32 BILL NO. 57.— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly has this day agreed, without Amendment, to the Bill intituled, 'A Bill for an Act to amend the *Energy Coordination and Planning Act 1995*.'

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

House of Assembly, 27 November 2018

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*)

33 ADJOURNMENT.— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 2.30 pm on Wednesday, 28 November 2018. (Mrs *Hiscutt*)

A Debate arose thereupon,

And the Question being put,

It was resolved in the Affirmative.

Resolved, That the Council do now adjourn. (Mrs *Hiscutt*)

The Council adjourned at 8.17 o'clock pm.

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