



# LEGISLATIVE COUNCIL

SESSION OF 2022

(THIRD SESSION OF THE FIFTIETH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 7

TUESDAY, 6 SEPTEMBER 2022

- 1 COUNCIL MEETS.**— The Council met at 11.00 o'clock in the forenoon.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “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.”
- 3 PRAYERS.**— The President read Prayers.
- 4 PAPERS.**— The Acting Clerk of the Council laid upon the Table the following Papers:—
  - (1) National Energy Retail Law (Tasmania) Act 2012: Statutory Rules 2022, No. 38, containing National Energy Retail Law (Tasmania) Regulations 2022.
  - (2) Traffic Act 1925: Statutory Rules 2022, No. 43, containing Road Amendment Rules 2022.
  - (3) Traffic Act 1925: Statutory Rules 2022, No. 44, containing Traffic (Compliance and Enforcement) Amendment (Road Rules) Regulations 2022.
  - (4) Vehicle and Traffic Act 1999: Statutory Rules 2022, No. 47, containing Vehicle and Traffic (Offence Detection Devices) Amendment Regulations 2022.
  - (5) Electricity Supply Industry Act 1995: Statutory Rules 2022, No. 61, containing Electricity Supply Industry Amendment Regulations 2022.
  - (6) Rail Safety National Law (South Australia) Act 2012: Rail Safety National Law National Regulations (Fees and FOI) Amendment Regulations 2022.
  - (7) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 2.691ha situate in 35 Drummond Street, Perth. Municipal area of Northern Midlands.
- 5 MOTION WITHOUT NOTICE.**— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.
- 6 LEAVE OF ABSENCE.**— *Ordered*, That the Honourable Member for Prosser (Ms *Howlett*) and the Honourable Member for McIntyre (Ms *Ratray*), be granted leave of absence from the service of the Council for this day’s sitting. (Mrs *Hiscutt*)
- 7 STATEMENT BY THE PRESIDENT – NEW STAFF MEMBER.**— The President said —

“Mr Simon Munn has recently been appointed to the new role of Facilities and Services Manager for the Parliament of Tasmania.

Simon commenced duties on 22 August 2022.

Prior to starting at Parliament Simon held the position of Project Manager with the Tasmanian Museum and Art Gallery and has previously been employed by the Glenorchy and Hobart City Councils as a Capital Works Manager, and has also worked as a Heritage Project Officer with the Rocks Place Management in Sydney.

Simon has a passion for and knowledge of heritage buildings and I am sure he will be an asset to the Parliament of Tasmania.”

**8 STATEMENT BY THE PRESIDENT – MOTION FOR RESPECT.**— The President said —

“Before we proceed to the business of the day I wish to make some remarks about the Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services which was publicly released on Monday 29 August 2022.

Firstly, I want to thank the Anti-Discrimination Commissioner and her team for their work in undertaking the review.

I would also like to thank the participants in the review, who came forward and shared their stories and experiences. I want to acknowledge their courage and openness. Sharing your personal experiences and insights would not have been easy for some but that bravery has informed this Report and its recommendations.

As President of the Legislative Council I am the employing authority for officers and employees of the Legislative Council and I share joint responsibilities as employer with Mr Speaker for employees of the Legislature-General – our shared services. As Presiding Officer, I also have authority over the Legislative Council and share this authority with Mr Speaker in respect to the precinct generally.

As an employer I have duties and obligations to the officers and employees who work to serve this Chamber, its committees and the Parliament.

The President of the Legislative Council is the representative of the Council itself in its powers and proceedings. My official functions fall into two categories. On the one hand, I am the representative of the Council in its relations with the Crown and other persons outside Parliament. On the other, I preside over debates in the Council and enforce the observance of order in its proceedings. However I recognise that Members have a unique status as elected representatives and are bound by a Code of Conduct and at present I also have a role in ensuring that appropriate standards of conduct and behaviour are met.

The characteristics attaching to my office are authority and impartiality. Confidence in the impartiality of the President and the officers who support me is an indispensable condition to the successful working of this place.

In addition to duties in the House, I am responsible under the Parliamentary Privilege Act for recommending to the Governor the appointment of permanent Parliamentary staff and I have authority to appoint such temporary and sessional employees as I consider necessary. Therefore, at law, I am the employer of many of the people who may have participated in this review or have been affected by the actions of others. I am responsible together with the Clerk for policy and directions relating to the Legislative Council employees, and jointly with the Speaker for the successful operation of the joint service areas.

The Clerk of the Council assists me in the discharge of these duties. The Clerk is the most senior permanent official in the Council and principal adviser on parliamentary law, procedure and practice and has responsibility for the administrative and financial operations of the Legislative Council.

All the people who work here do so to support us, as Members, to undertake our parliamentary and representative duties.

It is important to recognise that the officers and employees employed by me separately and jointly work to serve Members and our institution, not the Ministers or the Government of the day and this distinction is important when considering the reforms recommended in this Report.

I am particularly saddened to see in reading the Motion for Respect Report that many people who came forward have had dreadful experiences and been subject to disrespect. I am sorry that our Legislative Council staff and Legislature General staff have experienced bullying, discrimination, sexual harassment and they have not felt supported or heard. I want to commit where I can to work with our leaders in this place to do better.

I am pleased to see that the Report notes that there was evidence of an overwhelming appetite for culture change. How we give effect to the call for change and implement many of the recommendations of this Report will need to be carefully and collaboratively thought through and planned giving due reference to all the legal and constitutional precedents that we operate under.

While I cannot as President influence everything and I note that not every finding was reflective of the Legislative Council, I can promise you that I will lead and champion change in the areas I have power over and responsibility for.

I appreciate that transforming the way we work and change will be hard for some, but it is a journey we must embark upon to address not only the disrespectful actions and deeds described in this Report, but the structural and cultural issues that underpin these types of behaviours.”

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

- (1) Mr *Duigan* – New Horizons Tasmania;
- (2) Ms *Forrest* – Burnie Arts; and
- (3) Ms *Palmer* – Riverside Men’s Shed.

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

**10 COMMONWEALTH GAMES.**— A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Legislative Council —

- (1) Acknowledges the Tasmanian athletes who represented Australia at the Birmingham Commonwealth Games;
- (2) pays tribute to their dedication and hard work in realising their Commonwealth dream;
- (3) congratulates them all on a successful Commonwealth Games campaign with twelve medals being won by Tasmanian athletes across a range of sports, including nine gold; and
- (4) recognises them as inspirational role models for our young Tasmanian athletes.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**11 VALUE OF PUBLIC ACCOUNTS COMMITTEES.**— A Motion was made (Ms *Forrest*) and the Question was proposed, That the Legislative Council:

- (1) Notes the 160-year history of Public Accounts Committees in Tasmania; and
- (2) recognises the key role of Public Accounts Committees in public sector accountability, ensuring transparency in the scrutiny of government expenditure, service delivery and performance.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

**12 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS.**— A Motion was made (*Ms Forrest*) and the Question was proposed, That the Report of the Parliamentary Standing Committee of Public Accounts “Review of Selected Public Works Committee Reports 27 of 2015: Midland Highway, Mangalore to Bagdad Stage 1 and Midland Highway, Kempton to Melton Mowbray Stage 1; and 28 of 2015: Midland Highway, Perth to Breadalbane Duplication” be considered and noted.

A Debate arose thereupon.

**13 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.

**14 STATEMENT BY THE PRESIDENT – HANSARD MONITORS.**— The President said —

“Members I want to advise that our Hansard monitors are undertaking their role remotely from today and are working from an office in the Salamanca Building. This change in the working environment was made necessary in terms of work health and safety and follows the recommendations of an ergonomic assessment.

An appropriately fitted out space for our monitors in both Houses is being used for the first time today and will continue into the future.

If any Member has a document or other information, such as the spelling of names or reference materials, that would assist in the preparation of the Report of the proceedings, please do not hesitate to forward it directly to the Editor of Debates or her Deputy. If the information is in hard copy please do not hesitate to make contact with one of the Parliamentary Assistants in the Chamber and a copy of the material can be scanned and transmitted to the Hansard team.”

**15 QUESTION TIME.**— The President called for Questions without Notice. There were two Questions asked.

**16 REPORT OF THE PARLIAMENTARY STANDING COMMITTEE OF PUBLIC ACCOUNTS.**— The Council resumed the Debate on the Question, That the Report of the Parliamentary Standing Committee of Public Accounts “Review of Selected Public Works Committee Reports 27 of 2015: Midland Highway, Mangalore to Bagdad Stage 1 and Midland Highway, Kempton to Melton Mowbray Stage 1; and 28 of 2015: Midland Highway, Perth to Breadalbane Duplication” be considered and noted.

And the Question being put,

It was resolved in the Affirmative.

**17 REPORT OF THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION COMMITTEE “A” INQUIRY INTO THE ROY FAGAN CENTRE.**— A Motion was made (*Ms Forrest*) and the Question was proposed, That the Report of the Legislative Council Government Administration Committee “A” Inquiry into the Roy Fagan Centre be considered and noted.

A Debate arose thereupon.

**18 BILL NO. 10.**— The Family Violence Reforms Bill 2022 was read the Third time and passed.

**19 BILL NO. 10.**— A Message to the House of Assembly:—

MR SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, ‘A Bill for an An Act to amend the *Family Violence Act 2004*, the *Community Protection (Offender Reporting) Act 2005*, the *Corrections Act 1997*, the *Criminal Code Act 1924*, the *Dangerous Criminals and High Risk Offenders Act 2021*, the *Evidence Act 2001*, the *Evidence (Children and Special Witnesses) Act 2001*, the *Firearms Act 1996*, the *Justices Act 1959* and the *Sentencing Act 1997*’.

*Legislative Council, 6 September 2022*

C.M. FARRELL, *President*

**20 BILL NO. 19.**— The Order of the Day was read for the Second reading of the Health Legislation (Miscellaneous Amendments) Bill 2022.

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*)

**21 MOTION FOR RESPECT: REPORT INTO WORKPLACE CULTURE IN THE TASMANIAN MINISTERIAL AND PARLIAMENTARY SERVICES.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein—

That the House of Assembly:

- (1) Notes:
  - (a) The Motion for Respect: Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services report released on Monday 29 August 2022; and
  - (b) That the Report provides 14 recommendations to improve workplace culture and processes, and ensure a shared responsibility for the varied workplaces covered by the Report;
- (2) Acknowledges:
  - (a) Those who shared their experiences and apologies for the hurt and harm caused to them;
  - (b) The need to improve workplace culture and processes in the workplaces covered by the Report;
  - (c) That Tasmanians expect Members of Parliament and their offices to set the highest standards in workplace culture and accountability;
  - (d) That staff employed in the workplaces covered by the Report are hard-working, dedicated and valued by Members of Parliament;
  - (e) That the Report addresses a number of individual workplaces with respective needs and employment conditions; and
  - (f) That each workplace must retain its individual rights to employ and manage staff, in line with best practice workplace policies, processes and procedures.
- (3) Resolves:
  - (a) That Members and staff employed in the workplaces covered by the Report have a right to a safe and inclusive work environment free from discrimination, bullying and sexual harassment; and
  - (b) That best practice workplace policies, processes and procedures enable safe and respectful workplaces and contribute towards positive culture.
- (4) Supports:

- (a) The development and sharing of policies, procedures and frameworks, and relevant codes of conduct, that would ensure consistency across the workplaces covered in the Report; and
  - (b) The provision of ongoing professional development and training to deliver a culture of continuous improvement.
- (5) Commits to:
- (a) Ensuring oversight and accountability for the implementation of the recommendations accepted by the relevant employer.

*House of Assembly, 6 September 2022*

MARK SHELTON, *Speaker*

*Ordered*, That consideration of the Message from the House of Assembly be made an Order of the day for tomorrow (Mrs *Hiscutt*).

**22 JOINT SESSIONAL WORKPLACE CULTURE OVERSIGHT COMMITTEE.**— A Message from the House of Assembly:—

MR PRESIDENT,

The House of Assembly having agreed to the following Resolution, begs now to transmit the same to the Legislative Council, and to request its concurrence therein —

*Resolved*, That:

- (1) A Joint Sessional Workplace Culture Oversight Committee be appointed with power to send for persons and papers and with leave to report from time to time, to oversee the implementation of any recommendations, by the relevant employer, contained in the report Motion for Respect – Report into Workplace Culture in the Tasmanian Ministerial and Parliamentary Services (August 2022).
- (2) That the number of Members to be appointed to serve on the said Committee on the part of the House of Assembly be 4.

*House of Assembly, 6 September 2022*

MARK SHELTON, *Speaker*

*Ordered*, That consideration of the Message from the House of Assembly be made an Order of the day for tomorrow (Mrs *Hiscutt*).

**23 ADJOURNMENT.**— *Resolved*, That the Council will, at its rising adjourn until 11.00 o'clock a.m. on Wednesday, 7 September 2022. (Mrs *Hiscutt*)

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

The Council adjourned at 3.45 o'clock p.m.

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