

**Legislative Council
Hansard
Tuesday 11 August 2026**

[excerpt...]

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

MOTION

Time Limits Sessional Order

Ms WEBB (Nelson) - I rise to speak to this motion No.13 on our notice paper and before I begin I would first like, though, to extend my congratulations to the member for Huon on the occasion of her inaugural speech today. Well done, and we look forward to your full participation in this place henceforth. Now to the motion, and I thank other members who have already made contributions and appreciate the things that they have raised as part of those contributions.

Some of them will be aligned with some matters that I speak to in mine, and I probably have a couple of extra matters to speak to as well and, of course, this is not the first time this Chamber has had brought before it the matter of time limits on debates, as we have already discussed. And I acknowledge the member for Launceston's ongoing tenacity on the matter. The two previous debates of 2014 and 2023 are instructive and I believe remain pertinent to the current debate today.

And, at the outset, I will state I held reservations regarding the need for imposing time limits on contributions made by members of this Chamber during the previous debate that I was here for on the matter and I continue to hold those reservations, largely because the arguments raised during those previous debates of 2014 and 2023, which failed to sway the Chamber at those times, I do not consider to be any more convincing now.

Many of those points have been presented already by some others here today. However, I'll touch on a few which I consider to be especially relevant to today's debate, and I think the first place to start is by assessing the motion before us against the role and functions of this Chamber within its broader Westminster parliamentary principles and context. It was approximately six weeks ago that we were all celebrating the bicentenary of the first formal sitting of the Legislative Council held on the 21 June 1826 at Nipaluna/Hobart on the unceded lands of the Muwinina people. The parliament's celebratory materials of this anniversary produced for the occasion states this:

Over two centuries, the Legislative Council has played a vital role in shaping Tasmania's democracy. This bicentenary offers an opportunity to reflect on the Council's rich and complex history and the generations of Tasmanians who have contributed to its work, while also looking to the future, recognising the Council's purpose in representing Tasmania's diverse communities, rigorously reviewing and scrutinising legislation, and upholding accountability and oversight, guided by enduring principles of integrity and independence in service to the people.

To reiterate, as a Westminster house of review, this Chamber's fundamental role and responsibilities are rigorously reviewing and scrutinising legislation and upholding accountability and oversight, guided by enduring principles of integrity and independence in the service of Tasmania's diverse communities.

I'm loath to be taking unilateral action to reduce and limit the democratic rights and tools currently available to members who are elected on behalf of their communities to undertake those fundamental roles and responsibilities. Further, I think it's interesting to note the annotated standing orders of the NSW Legislative Council, which, when considering any amendment of those standing orders for that house of review, states the following:

Any such revisions should, and will, be assessed against the fundamental principles of parliamentary law, practice and procedure, which include that public business be conducted in a decent and orderly manner; that the rights of the minority are protected; and that every member is able to fully and freely express their opinion; that full opportunity is provided for the consideration of every measure; that heedless and impulsive legislative action is prevented; and that the executive government is able to be held to account.

I think that summary crystallises many of the key democratic roles both within and without a house of review, which must be taken into consideration whenever we're considering revising our operational rules. It's incumbent upon us that any revision of our standing and sessional rules for this place furthers and upholds these fundamental democratic and bicameral Westminster principles. An essential component of that consideration isn't just how those rules may benefit the government of the day pursuing its legislative agenda, or our work hours undertaken in this place, but of equal importance is how well those operational rules deliver for those we represent and the broader Tasmanian community.

Specifically, I emphasise the particular point made by the NSW Legislative Council standing orders document, that the rights of the minority are protected, along with the Tasmanian Parliament's description of this Chamber's obligations towards Tasmania's diverse communities. These statements make the significant point that deliberative space needs to be provided for those voices, perspectives, and points of view which are at risk of not being heard or of not being heard as strongly, clearly or loudly as others during particular debates.

Others have already emphasised the specific house-of-review responsibilities this Chamber has, which is markedly distinct to the other place. Yes, both chambers are charged with presenting, analysing and debating legislation and other parliamentary measures dealing with current public policy. However, as has been noted by others, the house of review, this place, is relied upon by the community and stakeholders as providing a second opinion, safeguard if you will. People expect us to be both thorough, exhaustive, as well as ensuring bills are examined from the perspectives of as many potentially affected by it as possible.

As the former member for Hobart Mr Rob Valentine is cited as saying in an Australian Parliamentary Review article by the Tasmanian associate professor Kate Crowley:

Valentine observed that the Council is not there to be a rubber stamp. It is there to examine and to pull apart line-by-line the government's legislation and to make sure that there aren't any unintended consequences, that there is consistency.

Further, as being pointed out, the other place does have time limits imposed on the debates in that chamber, and I have lost count of how many times we hear during debate on bills that in that other place comments from both the government and non- government members that, oh well, we won't have time to go into that here now, or to propose that amendment now, instead, the upper house will need to do it, the upper house will need to clean up.

How often have matters been deferred to this place because the other place could not fit that necessary examination and subsequent fixing of identified issues within their time limits there? I know I've had stakeholders comment over my time in this place, and I'm sure other members also would have had similar statements made to them, that they're thankful the upper House operates without such constraint, to ensure their matter of interest can be thoroughly examined in a comprehensive manner, whether they like the eventual outcome or not. That's the principle of ensuring the rights of the minority are protected and that Tasmania's diverse communities are being represented in action, a fundamental principle which I'm sure every member in this place is keenly aware of and strives to deliver; but we must be very clear we do not inadvertently undermine or inhibit our capacity to do so when contemplating changing our operational procedures.

I mentioned earlier that we need to ensure the Chamber's procedures protect external as well as internal democratic involvement and rights, and by that I mean: a key threshold test is whether our procedures walk the democratic and inclusion talk for both members within the Chamber as well as for our respective electorates, and ultimately the broader Tasmanian community. When it comes to ensuring internal democratic equity, I think it's worth revisiting the 2014 contribution of the honourable Leonie Hiscutt, the then-member for Montgomery:

Whatever the outcomes of this motion, it should be remembered that this Council is a House of review and should not restrict members with time when they have had to do their own research, become familiar with every aspect of a particular issue. This motion will probably advantage parties. For example, there are two Liberal members here at the moment and only one Labor. That gives us, the Liberals, twice as much time as the member for Derwent. When there were five Labor members, as there have been in the past, if they had time limits of 15 minutes, that would give them 75 minutes. That would give them 75 minutes in an argument they have already agreed upon, and each member could address one aspect of each issue in depth. An independent would only have 15 minutes to get their argument across and respond to the points of the five. Whatever time limit is set, that is just an example.

While we know not every member speaks on every matter considered in this place, however, I think that a very significant point made by Mrs Hiscutt back in 2014, and which remains relevant to the debate today, particularly for independent members. As we know, there is inevitably a wide range of views on matters within our electorates. On some we won't hear a whisper from the community or our constituents, and then on others everyone appears to have an opinion, and a strongly-held one at that. They then expect to see in here that their elected member has considered that input. As an independent, I can attest to the fact that the responsibility of reflecting such a range of views and input, and discussing how they may or may not have influenced an eventual vote, is something I consider fundamental to how I am accountable to my electorate. Often, and particularly on contentious matters, it is not enough to just state on the public record how we intend to vote, but also to detail what was considered to inform that vote and why, when weighing up a range of inputs, some were more influential or convincing than others.

One last point on inclusion: this is not our Chamber. We are representatives for our respective electorates, communities, stakeholders. The parliament is the people's and this Chamber is part of that. So, we are merely the temporary custodians on behalf of our electorates and also on behalf of future representatives. I do not feel comfortable introducing a structural restriction upon the future member for Nelson, for example, or for any other future member of this Chamber in the tools that they may have available to them in this place upon which to pursue the matters concerning their communities at some point in the future, and with such minimal examination of a change proposed.

As also noted by other members during the previous 2014 and 2023 debates, it can be difficult to undo changes once made. Other members have made this point too, and I'll come back to it. The key lens by which matters which come before us are viewed is generally the question: what is the problem we are seeking to solve here? Has a problem been established? In terms of this motion, I don't believe a problem has been sufficiently identified and demonstrated with evidence. In this context, is the lack of time limits something continuously and broadly raised as a demonstrated problem, or just as a personal irritation? What is the specific problem it presents? What data supports that contention? Other than the member for Launceston, respectfully, I do not tend to hear this being raised as a problem either by the community or others within this place in terms of a demonstrated issue, other than perhaps people's personal aversion to long speeches or disinclination to make them themselves, which is absolutely fine. Are the current arrangements preventing or choking the government's legislative agenda? Again, others may have a different opinion, but I would say absolutely not.

The most recent Legislative Council Annual Report for 2024/25 details the following: 42 bills were agreed to by both Houses; 11 bills were returned to the House of Assembly with amendments from this place; three bills were not agreed to by this place; and 12 bills lapsed at prorogation. I realise other business also occurred which may or may not be covered by that data. I also note the annual report states the Chamber sat an average of five hours 21 minutes for the 44 days it sat that calendar year, with the longest day being nine hours and 46 minutes; which gets me to another recurrent theme raised during the previous as well as this debate, one which I think risks inaccurately conflating efficiency with curtailed debate and scrutiny options.

For example, we've heard that apparently this Chamber needs to truncate its debates and consideration of parliamentary matters due to the limited number of sitting days scheduled in each calendar year. I'm sorry, but I do find that rather spurious and perhaps argued from a place of ignorance or inexperience. The sitting days of this parliament are no more set in stone than our current standing and sessional orders are. This particular argument would hold more weight if we had seen sustained calls from those making it for additional sitting days to be inserted into the calendar, which we haven't.

Further, this House is master of its own destiny, as most of us are well aware. This Council could move and pass our motion to add additional sitting days for this Chamber if it really felt the need, or felt it would deliver a particularly beneficial outcome. However, this option has not been pursued or even, as far as I'm aware, canvassed in a structured way, indicating that the argument for there being few sitting days and any apparent constraint that presents to the capacity to deal with business before the Chamber is not, it would seem, of paramount concern to those asserting it.

Similarly, there may be an argument made for the need to modernise the parliament by shifting to family-friendly hours on sitting days, which, while I agree to be a laudable and necessary consideration, is not prevented by our current approach to debate contributions and their length. Again, if the key problem we are trying to solve is family-friendly sitting hours,

I would find that an easier argument to accept if other efforts to establish family-friendly sitting hours had been raised and pursued consistently by those making that argument.

Instead, recent examples which come to mind include last year's debate on the stadium order, during which I did seek leave of this House to adjourn debate until the following day at about half an hour after midnight, due to the lateness of the hour and impact on staff, only for that request to be rejected by this Chamber. Further, I note that recently the draft government business schedule issued by the Leader's office has begun to state unilaterally that this Chamber will sit until 10.00 p.m. each Wednesday night. If there were consultative discussions regarding this, I must have missed them, but again, to make the point, potentially one way of addressing the need for family-friendly hours could be to start with a consultative approach with all Chamber members regarding the adjournment of our sitting days and the number of sitting days we have in a year. That's not a conversation that I have seen anyone instigating in this place.

Instead, where we've landed today is a discussion about limiting the very valuable discretion that members have in this place, but more on that later. I'm comfortable acknowledging there have been occasions on which my contributions on government business items in this place have been lengthy. Those contributions, such as on the government's contentious Gaming Control Amendment (Future Gaming Market) Bill in 2021 and, more recently, the equally-contentious Macquarie Point Stadium order are two examples. In both those instances, I held and continue to hold deep and personal convictions regarding those matters. However, it was not just my concerns or perspectives alone that I was voicing during either of those contributions. Just as many other members in this place seek to do, I was also undertaking my responsibility to raise the range of views and concerns held by members of my electorate, of key stakeholders and subject matter experts.

I regard it as significantly important to voice those concerns and that evidence and that input to ensure that they were placed on the public parliamentary record, particularly on matters that are contentious.

In some instances, we do this on behalf of those who felt their voices have been dismissed or ignored or not heard through the other processes in the development and consideration of a bill.

Just for the record in this place, of those examples I just provided of lengthy contributions that I have made in this place, I believe it would be inappropriate to label either as being a 'publicly funded talk fest', for example. If that's the contention of any member of this place, I would suggest they go read those contributions and see that they were delivered with focus, with clear content, with an evidence base, and absolute clarity throughout.

It's a key function of the House of Review to do this work, and as highlighted by Mrs Hiscutt whom I formally quoted, we cannot predict or underestimate when we will have the responsibility of placing comprehensively the range of community views on the record, or note on the parliamentary record matters of evidence or expert advice, or to hold the line for the community on a matter that they feel overwhelmingly strongly about.

We saw that with the government's previous DAP bill where the community letters and submissions were thought relevant and necessary to be placed on the public record, and many in this place gave lengthy contributions to do so.

A more current example may possibly be the upcoming greyhound racing ban bill to be brought on, or continued with. Some members may be quite comfortable speaking briefly or even not at all, whereas I would be surprised if there were not others who feel it would be their

responsibility to place, very clearly and thoroughly, the experiences, concerns, the arguments that they are requested to do on behalf of stakeholders and constituents, and to do in the delivery of their own intentions on that bill.

I may or may not agree with those positions, but I do defend their right to be voiced in their democratic House of Review - this House of Review which is the second opinion, as it were - and for each member to determine what is required to do so faithfully and accountably on behalf of their community in each instance.

It's interesting to hear assertions made in the context of this motion about the purpose of speeches in this place. There seems to be a lot of focus on the fact that speeches in this place are for the purpose of convincing others. I agree that that is one purpose of speeches in this place, but it isn't the sole purpose. A speech in this place isn't delivered merely to try to convince others of your view so that they vote the same way you vote. There are other very important functions of speeches in this place, and they would include being responsible to your community, to be accountable for the position you are taking so that you put on the record in a way that's then publicly accountable to the community what your view is, how you've arrived at it, and a justification for that.

It's also about creating a parliamentary record. Parliamentary records can become very important down the track when things might be contested in the courts, when things might be revisited in other legislation, and legislators at that point in time turn to look at earlier debates in this place and the parliamentary record of it. Placing evidence and matters for consideration on the parliamentary public record is a valid and important function of speeches in this place. Sometimes, on matters of great complexity and depth, that takes a while to do. It's going to be incumbent on any member to use their discretion for how they go about doing that and to what extent.

While the rules suggested in this motion allow for a request to be made to the Chamber for a longer speaking time, I do not regard that as an appropriate safeguard that members will have the opportunity to exercise their discretion to faithfully deliver on what they regard to be their role on behalf of their constituents and community. It's just as likely, potentially, that that request will be denied, and then where will that leave that member? Perhaps, especially, if the request is made by a member who's speaking later in the debate or later in a sitting day on that particular debate, and then seeks for what they believe to be good reason, but cannot express actually, as per the rules of this motion, a good reason to speak for longer.

I believe that's particularly important, and I know the member for Murchison raised a range of questions regarding this in her contribution, and I would absolutely reiterate them, because the same matters and concerns occurred to me regarding this function of seeking extra time. When is that going to need to occur? Is it before you begin business on the bill? Do you have to pre-warn that you have potentially a longer contribution? Is it before you rise to speak, or at the time you rise to speak? Is it, as the member for Mersey I believe said, at the time, you get a ding to say you've run out of time? You know, at what point is this consideration made? As others have mentioned, I believe the member for Murchison mentioned, many times, when we get up to speak, we may have prepared remarks, but we may also have remarks that have occurred to us on listening to others, when we find that there are other points we may want to respond to, or raise, that have been generated in the course of the debate. It's quite likely for many members here, that you may have prepared remarks that you know to be of a certain approximate length of time. We all know how many words we generally speak in a minute, so we can generally know how long our prepared remarks will take, but we don't know what may arise and, in our discretion, we feel need to be dealt with, as part of our remarks during any particular debate.

The other thing that I find quite interesting is to contemplate how on Earth we're going to be measuring success, if this sessional order passes through today, and it's in place for potentially up to three years, through to the next general election that's called. At that time, presumably, when we come to establish the next parliament, post that election, there will have to be consideration of whether to reinstate the sessional order, or whether it potentially becomes a Standing Order, or any of those sorts of options, or whether we step away.

Ms Forrest - Hopefully the Standing Order review will be finished by then.

Ms WEBB - You never know, member for Murchison, you never know. Certainly, it could be taken responsibility for by that committee, and really locked in, I believe.

But what I was going to say about this is, how will we measure success, or outcomes from this motion, at that time of putting these sessional orders in place? Because, of course, we haven't clearly identified the problem to be solved, or the desired outcomes of this motion. It will be impossible, then, to determine the degree to which we have successfully achieved them or addressed the problem. As it stands, the only way we'll be able to measure the success of this motion will be to survey the members of this place to ask if they have been less annoyed by the infrequent lengthy speeches that they had previously been exposed to. That will be the only actual valid measure we'll have, because we haven't actually specified the problem we're trying to solve here, or the data on which we've demonstrated that problem, or what we expect to be delivered as a result of these sessional orders being in place, in terms of that problem, and the data that's associated with it. That is going to be a problem for us.

The other thing about this motion that I have a few questions about relate to - and again, some others have raised some of these, and so I'll just reiterate that I'm also interested to hear some potential answers on it. How will enforcement occur, who's responsible for it, and how we ensure consistency of that? What new equipment, or impact, will this have on the operations, the physical and practical operations of this Chamber? What examination was made of the full impact of this motion and any unintended consequences of it? Who was consulted on the detail in this motion, it's a very detailed sessional orders change that's being imposed, who was consulted on that? Were the Chamber staff, was the Clerk consulted on this, was the presiding officer consulted? I certainly wasn't, maybe other members were, that I'm not aware of. Did we consult with any experts, with any particular experts in the Tasmanian parliament and its functioning, and this Chamber and its functioning? What consultation occurred, and then what consideration was given to what might have arisen from that consultation, and where can we see that?

The key question, really, and I'm sure we'll come back to this at some stage, is why on Earth are we circumventing a process that is already in train. Apparently, from the Standing Orders Committee, there's already consideration through an appropriate channel being given to this matter, and for some reason we are here today contemplating circumventing that proper process and imposing instead something that, as far as I'm aware, has not been remotely consulted appropriately, developed appropriately, or taken through appropriate channels.

I agree with the honourable member for Launceston that it is indeed a sensible thing to do to periodically review our operational procedures to double check that they're fit for purpose and meeting all requirements and considerations to best serve the role and responsibilities of this place. She must be a very active participant of the Standing Orders Committee. No doubt she's pursuing those things through that committee also. However, I'm not convinced that this motion is the best or appropriate process for undertaking such a health check. I note that the previous motions of 2014 and 2023 were not as specific or granular but, instead, sought to refer

the matter for consideration to the Chamber's Standing Orders Committee.

This motion, before us seeks to bypass that step, I recognise it's within the scope of the Chamber to amend our standing orders and rules and session orders just by resolution of this place, such as this motion proposes. However, it is broadly recognised as best practice for any proposed changes and new standing orders to be finalised and implemented following a referral to the parliament's respective standing committee on standing orders or procedures. There is well established precedent across other parliaments, as well as the assembly in this parliament, where those proposed reforms are either introduced for a trial period as sessional orders or immediately as finalised amended standing orders.

I accept the honourable member for Launceston's contention that the motion before us can be perceived as a trial via sessional orders. However, I'm concerned that this motion appears to skip the first procedural step of a referral to our Standing Orders Committee and instead go straight to the implementation within this Chamber's sessional orders for the remaining life of the 52nd parliament, which could be up to a period of three years, as we've said. None of us know what issues, what bills, what other business may come into this place during that time, and what the constraints in this motion will mean to the quality of the work done in this place on behalf of our communities.

I'm also bemused in the light of the fact that, as we have heard today, the Legislative Council Standing Orders Committee is currently in the process of undertaking a review on a range of matters which could include introducing time limits on debates. In that context, this motion does appear to pre-empt the committee's work, which may allow for a more thorough examination of the relevant matters. It would certainly involve consultation with members of this place, which is something that's been skipped here. It may also propose a range of alternative models to inform subsequent Chamber debate on changes to achieve clear ends. I've long argued that decisions we make in this place should be evidence-based. I've heard much opinion and genuine concerns raised as part of the debate today even which are all worthwhile and should be heard. However, those concerns do not provide evidence of an actual or established problem, let alone provide an evidence-based solution. My strong preference is to allow the Standing Orders Committee to undertake and complete its current work, which should then be brought back to this Chamber to inform any further consideration of this matter. That would be the appropriate process.

I think we can all agree that quicker is not necessarily better. If something requires longer examination in the interests of thoroughness and the public interest, then I believe the Tasmanian community would expect that examination to occur without fear, favour or unnecessary constraint. People do not necessarily only want a quick answer, they want the best answer. That is what this constitutional house of review has a proud tradition of providing, or at least seeking on best efforts to provide.

As the member for Murchison mentioned in her contribution, the vast majority of speeches in this place already occur within the time frames outlined in this motion. Let me just pause there. This is, I think, crucial. The vast majority of speeches in this place already occur within the timeframes outlined in this motion - that is not a reason to support this motion. Quite the opposite, in fact. That requires us to ask and consider what this motion will prevent and preclude. Let's be very clear, this motion does not target the vast majority of contributions and business conducted in this place. This motion targets the rare and extraordinary contributions from members. Given it will not touch the vast majority of contributions, the only thing it ensures is that every member of this place will lose their ability to make a rare and extraordinary contribution at least for the next three years and possibly beyond.

That is the outcome of this motion, and that is the outcome that must not be considered lightly. This is about the opportunity for members discharging their duty as they see fit for their electorate and for the state. Because this motion does not affect the vast majority of contributions in this place, its passage will not ensure more businesses conducted in this place. It won't. The passage of this motion will not guard against a lack of focus or lack of cogence in members contributions. We don't police that.

The passage of this motion will affect a tiny fraction of the total overall experience of those community members who may engage with the proceedings of this Chamber. The passage of this motion will not ensure shorter, family-friendly sitting days. It won't. It can't deliver that. Various other mechanisms, many of which we could discuss fruitfully, could deliver family-friendly sitting days. This motion doesn't deliver that.

The member moving this motion suggests this motion provides structure. As you and others in this place are already well aware, we have clear structure in debates in this place and clear mechanisms for appropriately considering changes to those structures. What the passage of this motion would actually do is remove entirely a discretion of each member to undertake their role as they deem most appropriate and required on matters that will be the rare, the out-of-the-ordinary and that a member considers warrants exceptional attention.

That's what we lose with this motion and substantively it delivers us nothing, and that is why when we get to the end of a period, if it comes to be in place, we will not be able to measure its success because we haven't defined the problem, we haven't provided the evidence for it. we haven't decided how we could possibly measure its success. And what it takes away is not the vast majority of the work and the contribution of this place, it takes away a discretion that I find astonishing to think any member would willingly give up in this place.

It's astonishing to me that any member of this place would accede to the removal of that valuable and hallowed discretion in a rare and extraordinary moment to do the work that they deem required for their community. Because, once you remove such things, it is very rare to regain it. So, on that, I will certainly not be supporting this motion.