

PARLIAMENT OF TASMANIA
DEBATES OF THE HOUSE OF ASSEMBLY

DAILY HANSARD

Thursday 10 September 2026

Preliminary Transcript

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UNCORRECTED PROOF

Thursday 10 September 2026

The Speaker, **Mrs Petrusma**, took the Chair at 10 a.m., acknowledged the Traditional People, and read Prayers.

QUESTIONS

Budget - Scale of Cuts

Mr WILLIE question to TREASURER, Mr ABETZ

[10.01 a.m.]

In a newly released report, the McKell Institute has compared your Budget with more than two decades of state and territory budgets. It found the cuts you have budgeted for in 2027-28 would be the largest spending cuts imposed by any state or territory this century. What further services will Tasmanians lose to deliver the cuts on a scale that no Australian government has attempted this century?

ANSWER

Honourable Speaker, I thank the Leader of the Opposition for the question. It is not surprising that the McKell Institute would make a finding of that nature. Nor is it surprising that that finding was funded by Unions Tasmania. I think we can get a bit of a taste of what this study was all about. But I'm not completely biased on these things, so I'm willing to read through what their findings were. One of their findings was, according to the media release:

Both Treasury and economists state, along with the McKell Institute, that spending cuts alone are not the preferred pathway.

If you don't only have cuts, what do you need on the other side of the ledger? Some extra income. And what did the Labor opposition do yesterday? They voted against extra income - income that would have been largely paid for by international and interstate tourists. We now have this ridiculous situation where Tasmanians travelling to Victoria have to pay a 7.5 per cent levy -

Mr WILLIE - Point of order, Standing Order 45, relevance. The question is about the 2027-2028 budgeted year with negative expenditure growth and cuts that no Australian government has attempted this century.

The SPEAKER - Honourable Treasurer.

Mr ABETZ - With respect, I was being directly relevant to the institute's findings, which were that cuts were not the only answer. That is why, when given the opportunity to deal with this finding, to actually raise some extra revenue, Labor and its would-be treasurer in the other place, Ms Forrest, who wrote opinion piece after opinion piece saying we need own-source revenue, at the first hurdle, she fell. She could not bring herself to get us an extra \$32 million into our budget. Labor will be wearing that for the rest of this budget period.

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Is there a need for us to rightsize the Budget? Guess who told us that? Those people opposite sent us to an early, unnecessary, expensive election on the pretext of budget repair.

Mr Willie - Who broke the budget?

The SPEAKER - Order.

Mr ABETZ - So, guess what we're doing? We're engaging in budget repair, only for them to try to sabotage every single attempt, every right-sizing criticised, every attempt to get extra revenue criticised.

Members interjecting.

The SPEAKER - Order, people on my left.

Mr ABETZ - That is why the people of Tasmania rewarded the Labor Party with an historic low vote.

The SPEAKER - The honourable Treasurer's time has expired.

Supplementary Question

Mr WILLIE - I'll ask the Treasurer again: his Budget contains negative expenditure growth. No Australian government has attempted cuts on this scale. What further services are Tasmanians going to lose?

Mr ABETZ - Those opposite sent us to an early, unnecessary, expensive election on the basis of the need for, in their terminology, budget repair.

Mr Willie - What services?

Mr ABETZ - We are going about that. If you don't want us to engage in budget repair, say so. If you think that savings should be made elsewhere, say so. If you think revenue should be raised somewhere else, say so. But in the absence of an alternate budget, the Labor party has absolutely no right to seek to criticise when it is unable to come up with an alternative.

Budget - Forced Redundancies

Mr WILLIE question to TREASURER, Mr ABETZ

[10.06 a.m.]

Tasmanians are increasingly worried that your government's voluntary redundancy program is about to become involuntary. Labor has been contacted through our 'Uncover the Cuts' website, which you wanted shut down, concerned that forced redundancies are now being considered as you pursue the rest of your \$1.5 billion of cuts. Will you rule out sacking workers with forced redundancies for the duration of your cuts program, yes or no?

ANSWER

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Honourable Speaker, I really, really do thank the Leader of the Opposition for this question because it allows me to put on the public record that the two accusations made yesterday by Labor to ministers on this side on the basis of the things they had uncovered -

Mr Willie - You tabled one because it was managed costs, so you fudged it.

The SPEAKER - Order.

Mr ABETZ - by their website have been shown to be false. That is why, having been burnt on two separate occasions on this side, I will not tempt fate and be burnt a third time. I will check out Labor's accusations and, undoubtedly, as we found yesterday after Question Time -

Mr Willie - You fudged it. You tabled the answer because you didn't want to read it out.

The SPEAKER - Order, honourable Leader of the Opposition.

Mr ABETZ - the accusations may well be false. I'm not going to get on the sticky paper with that. What we need in this state is a rightsized budget. Our friends in Canberra acknowledge that and in their budget, they are predicating a reduction in their public service of 41,000 people -

Mr Willie - That's not correct.

Mr ABETZ - and there will be some Tasmanians impacted by that.

Members interjecting.

The SPEAKER - Honourable members to my left, you still have another five questions, plus supplementaries, to go today. While you may not agree with what the Treasurer is saying, you do have other opportunities of this House to prosecute your case. I'm asking the Treasurer to be heard and you can ask more questions.

Mr ABETZ - With 41,000 federal public servants over the forwards to lose their positions - and, look, the right-sizing of the federal budget has to occur.

Mr WILLIE - Point of order, 45, relevance. We are not talking about the federal budget; we are talking about your Budget and forced redundancies. Will you rule it out? You might think it's funny but workers don't.

Mr ABETZ - In relation to our budgets - state, federal, Liberal, Labor, up and down the eastern seaboard, we had a situation and we all know the history: that irrespective of political colour, COVID expenditures increased and then, after COVID, governments allowed that expenditure to continue to increase. The time for rightsizing, be it federal Labor, Victorian Labor or Tasmanian Liberal, we are all engaging in the same exercise. I back federal Labor's decision in relation to right-sizing the Commonwealth public service. I wish you would back the state Liberals' position to rightsize the public service -

Mrs Greene - Just like you sacked 14,000 public sector workers.

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The SPEAKER - Honourable member for Bass, Mrs Greene.

Mr ABETZ - These things are too important to play petty politics with. That is why -

Mr Mitchell - So, you're sacking workers.

The SPEAKER - Honourable member for Lyons, Mr Mitchell.

Mr ABETZ - when a right decision is made in Canberra, I will back it. I encourage you to back the right decisions of this state Liberal government.

Supplementary Question

Mr WILLIE - You can rule out forced redundancies. Are you going to implement forced redundancies? Workers are worried about it. Yes or no?

Mr ABETZ - We have indicated a voluntary redundancy scheme that has been taken up

Mr Mitchell - The lawyer's answer.

The SPEAKER - Order.

Mr ABETZ - by a number of Tasmanian Public Servants and we are continuing to go down that track. We have at this stage no intention to engage in compulsory or non-voluntary redundancies.

Members interjecting.

The SPEAKER - Order.

Endoscopy Wait Times

Ms ROSOL question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

[10.10 a.m.]

The Greens were contacted by a constituent who had a positive bowel cancer screen result in June. He was told by his doctor that he would be put into the most urgent category for a colonoscopy to check if he had cancer. He should have been seen within 30 days. So far, he's waited 80 days. He's been told, with 1000 people on the wait list, he's looking at a wait of 6 to 12 months. This is causing him and his family a lot of stress and it's delaying any treatment he might need. Can you confirm what the health services told Tony about the endoscopy wait times and what will you do to ensure patients like Tony get the procedures they need within clinically recommended timeframes?

ANSWER

Thank you, honourable Speaker, and I thank the member for her question. Obviously, I'm unable to comment on the personal circumstances of individual patients and their treatment,

but of course I empathise with anyone who experiences a longer wait for an endoscopy or indeed for any treatment.

We know that demand for endoscopy is increasing, which is why we have delivered the Statewide Endoscopy Services Four-Year Plan 2023–2027. The target for the number of endoscopies performed is more than 13,000. Since the commencement of the Statewide Endoscopy Services Four-Year Plan 2023–2027, record levels of publicly funded endoscopy activity have been delivered. During 2024–25 nearly 14,000 publicly funded endoscopy procedures were performed exceeding the target in the plan and representing the highest volume of endoscopy activity delivered in a single financial year. This was followed by nearly 13,500 procedures delivered in 2025–26.

Having said that, there has been several initiatives that have been implemented to improve access to endoscopy services, including additional service capacity, partnerships with the private sector, statewide referral and access policies, a nurse-led triage model and improvements to surveillance patient management, as well as the development of rural generalist endoscopist services to support capacity in the north-west.

While these initiatives have supported record service delivery, demand for endoscopy services has continued to grow. Routine statewide monitoring and reporting processes have been established by the department to monitor endoscopy performance.

All patients importantly referred for a colonoscopy following a positive bowel screening test are triaged as priority 1, and while the recommended timeframe is 30 days, wait times may exceed this due to high demand and the need to prioritise cases assessed as emergency.

Supplementary Question

Ms ROSOL - The minister shared a lot of figures there and some actions that the department have taken, but the reality is that triaging a patient for 30 days but then telling them that they need to wait 6 to 12 months is not okay and will potentially result in people developing cancer because it's not picked up early enough. Do you think this is acceptable and what will you do about it?

Mrs ARCHER - I thank the member for the supplementary question. I've just outlined to you, Ms Rosol, what in fact the government is doing and that we have exceeded those targets and reiterate the point that all patients are triaged according to their clinical presentation. If their condition deteriorates, they're asked to follow up with their GPs and also to continue to engage with their doctors.

Short-Stay Levy

Mr O'BYRNE question to TREASURER, Mr ABETZ

[10.14 a.m.]

Yesterday the other place unfortunately voted down legislation for a 5 per cent short stay levy in Tasmania. I didn't agree with your plan to allocate funds raised through the levy to first-home owner grants, but at least it would have raised some revenue from an activity that is having a direct impact on housing affordability and availability. Some of the arguments from

those against this bill seem to be that it did nothing to improve access to housing, but if funds raised by levy were directed to homelessness services and crisis accommodation that would make a positive difference. In May, a motion I moved calling for this very thing was passed by this House. Despite the defeat of the bill, I believe a short-stay levy remains valid, especially if it raises funds for services which support people bearing the brunt of the housing crisis. Treasurer, will your government commit to moving forward with other options for a short-stay levy that the parliament could approve?

ANSWER

As the Premier and I have indicated on many occasions in this place, we are always open to suggestions and ideas, and I thank the honourable member for Franklin, Mr O'Byrne, for his idea. I do genuinely regret the decision of the upper House, and one cannot help but think there was politics at play rather than sensible decision-making. When I find myself voting on the same side as the member for Hobart, Cassy O'Connor, something must be either badly, badly wrong or absolutely a no-brainer, and I think it was an absolute no-brainer. I am thankful that the Green in the upper House saw the sense of voting for that measure. The Greens voted for the need for budget repair. At least they put themselves down on the paper to assist in that endeavour, unlike the Labor opposition.

In relation to issues of homelessness, I would have to defer to my colleague, the Minister for Housing, Mr Vincent, for more detail on that, but as I think many people in this place know, before I entered public life I was involved in the establishment of both a women's shelter and a youth shelter dealing with the issue of homelessness. The issue of homelessness has been with me throughout my journey in public life with Jireh House, the women's shelter, and YASTAS as we called it; Youth Accommodation Services Tasmania, which has been incorporated into Pathways.

The issue of homelessness, which is growing, especially for women now, is a matter of genuine concern to the government, but as to actual details, I would have to defer to Minister Vincent. That said, if there is any indication in the upper House that one or two of the colleagues up there might change their vote, then I am more than happy to discuss that with them to see whether we can come to a resolution.

Short-Stay Accommodation Data

Ms BURNET question to MINISTER for HOUSING and PLANNING, Mr VINCENT

[10.18 a.m.]

On Tuesday, I asked what data your government collected to understand the impact of short-stay accommodation on the housing market and the response was tabled late last night. It said that the available data does not support a definitive assessment of short-stay's impacts on house prices, rents, or housing affordability, and that CBOS cannot currently identify how many properties have moved from the long-term rental market into short-term accommodation—a crucial issue in our rental crisis. Minister, if your government accepts that the data it currently collects does not assist in understanding the impact of short-stay on the housing market, will you respect the call from the House yesterday and ensure an urgent review of the *Short Stay Accommodation Act 2019* and the impact of short-stay on the housing market?

ANSWER

I thank the member for the question and understand your passion and consistency in this area. It's certainly something that has been on everybody's mind lately, especially in the upper House, with the levy debate going through there. I must admit that I have not read that full briefing yet because of taking legislation through on other things in the upper House yesterday, so I do apologise for that. However, it has been suggested that the act is something that needs to be looked at and worked through again.

I have been reading a lot of different things from every media source that I can that comes up on short-stay, and nobody seems to have the perfect answer to the growth in that area. It is a fantastic thing that we are bringing tourists into Tasmania and using a different form of accommodation and that that is putting money into the pockets of a lot of people that rent out their rooms or their houses, and that's a marvellous thing to compliment the unique nature of stays in Tasmania. I recognise the pressures that are there and your passion for this area and I am happy to have discussions that will find a sensible way forward. We do not want to stop people doing what they need to do with their house. We do not want to stop people renting out rooms and the passion of their stays, in country areas and city areas having different sort of environments for us all here in Tasmania to enjoy the beautiful state, but we do have to find a balance. We do have to find sensible ways through the housing situation, whether it's short-stay, whether it's rentals, whether it's homelessness, whether it's women's shelters or whether it's first home buyers having the passion to build their own home or buy their own home and understand that it's one of the most fulfilling moments of your life, when you can have your own home.

I do understand the pressures. I'm happy to talk to you further about looking at the act and continue the discussion. Thank you.

Supplementary Question

Ms BURNET - The minister in his answer talked about tourists and how it's important to make sure that they can be looked after. The review of the act isn't about that. My question from that is: doesn't everybody deserve a roof over their head?

Mr VINCENT - Thank you for the supplementary and, at 66 years of age in another couple of months, I have never met anybody who doesn't deserve a roof over their head. That is where my passion is in this. It has been since I started my apprenticeship in 1975 and it will continue to be putting as many roofs over people's heads as I possibly can in my role.

Health System - Impact of Cuts

Mr WILLIE question to TREASURER, Mr ABETZ

[10.22 a.m.]

We've just heard about a Tasmanian man who returned a positive bowel cancer screening result in June and was placed in the most urgent category for a colonoscopy, meaning he should have been seen within 30 days. Could you imagine almost waiting 80 days and being told that you have to wait between 6 to 12 months for a procedure and being in that situation? If Tasmania's health system cannot provide an urgent cancer investigation within the clinically

recommended time frame, how can you possibly cut \$700 million without making things like this even worse?

ANSWER

Speaker, the issues of bowel cancer and other things are relatively well-known to me. Unfortunately, our situation currently reflects is the reality that we continue to see beds in our hospitals not being made available when they should be for things like elective surgeries. I know that the opposition don't like it because they're terrified of upsetting their federal counterparts, but there is no doubt that the federal government's ongoing lack of action to resolve discharge delays for those awaiting aged care placements or NDIS -

Members interjecting.

The SPEAKER - Order, order.

Mr WILLIE - Point of order, Standing Order 45, relevance. This is a very serious question about a Tasmanian in this situation. It's about your \$700 million of cuts. You can talk about the federal government, but they want to hear what you have to say about your \$700 million worth of cuts.

Mr ABETZ - Speaker, what the people of Tasmania want is a health system that actually works for them, and they are disgusted each and every time when those opposite play the protection racket for their federal colleagues in circumstances. They know that over the forward Estimates there is an extra \$400 million burden being placed on our Tasmanian health sector because the federal Labor government will not live up to its responsibilities in the area of aged care and NDIS.

We have three wards in our hospitals with people in them that should be discharged. Medically and for their mental wellbeing, they should be discharged. That would free up other beds, they would free up beds -

Mr Mitchell - What have you done with the \$700 million they gave you?

The SPEAKER - Honourable member for Lyons, Mr Mitchell, this is your first warning.

Mr ABETZ - for exactly the circumstance of which the honourable member speaks. That is where you can try to put all the blame on the state government in circumstances -

Mr Willie - You are taking \$700 million out of the system.

The SPEAKER - Honourable members to my left, if you're not interested in hearing what the Treasurer has to say -

Ms Dow - You think it's alright. This is shameful.

The SPEAKER - Honourable member for Braddon, Ms Dow, this is your first warning. We'll move on to the next question. You've asked the question. I asked that the Treasurer be heard. I ask the Treasurer to return to the question, please.

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Mr ABETZ - Speaker, when beds are offline because there are other people in them, they cannot be used for other purposes.

Members interjecting.

Ms Burnet - Oh, let's blame [inaudible] -

Mr ABETZ - The member for Clark, Ms Burnet, can scoff at that, but what's the answer to that? Do you mean to say that empty beds couldn't be used?

Members interjecting.

The SPEAKER - Order.

Supplementary Question

Mr WILLIE - I'll make it very clear, because he's politicising a question about a Tasmanian in this situation. Can the federal government address that issue? Of course they can. What we are asking is about how your \$700 million worth of cuts is going to make this situation any better. It won't.

Members interjecting.

The SPEAKER - Order.

Mr ABETZ - Speaker, we finally got the admission we've been waiting for all these months from the Leader of the Opposition

Ms Haddad - The federal government gave \$700 million to the state government and you took it right back out again.

The SPEAKER - Ms Haddad, honourable member for Clark, this is your first warning.

Mr ABETZ - that the federal government can address this issue.

Mr Willie - You're using it as a distraction from your own failings.

The SPEAKER - Leader of the Opposition, this is your first warning.

Mr ABETZ - Now that that has been recognised by the Leader of the Opposition, I encourage him to make representations to his federal colleagues and say, 'Please fix the situation'.

Mr WILLIE - Point of order, Standing Order 45, relevance. People are sick of the Treasurer and the Health minister using this as a distraction. It's about his \$700 million worth of cuts and how it's going to make this situation worse.

Mr ABETZ - Over the forward Estimates, we know what this is costing the Tasmanian hospital system, the Tasmanian taxpayer -

Members interjecting.

Mr Willie - People are dying.

Mr ABETZ - over \$400 million, and in relation to the savings -

Ms Brown - What a callous response that you're giving.

The SPEAKER - Honourable member for Franklin, Ms Brown, first warning.

Mr ABETZ - that we are seeking in the health system the -

The SPEAKER - The honourable Treasurer's time has expired.

Macquarie Point Stadium - Veolia Contract

Mr BAYLEY question to MINISTER for MACQUARIE POINT URBAN RENEWAL, Mr ABETZ

[10.28 a.m.]

During Estimates, it was revealed that an agreement with Veolia to deliver a privately-owned thermal energy plant and network at the stadium site had been abandoned for an as yet unclear alternative power proposal. Answers provided on notice indicated that over \$660,000 had already been paid for this development and up to \$1.8 million more of reimbursements could be paid to Veolia to not deliver the energy infrastructure scheme. There has already been a multimillion dollar payout to a Melbourne developer to not build houses at Macquarie Point. This is just some of the waste and wanton disregard for taxpayer money that epitomises the stadium project and the blank cheque that your government it appears is willing to offer it. Has Veolia been paid out and if so, how much? Is this and the cost of developing and implementing an alternative energy connection part of the \$1.13 billion estimate to construct the stadium?

ANSWER

Speaker, I thank the honourable member for the question. There are matters of detail in that question which are not readily available to me, or I couldn't find immediately in my folder. As a result of that, I will take the question and the detail of it on notice and trust that I'll be able to come back on the adjournment this evening with specific answers.

For those who might be listening in, we should remember that the Greens have opposed the stadium from day one. What I would say to those listening in - I dare say my words will be wasted on the Deputy Leader of the Greens - there has to be a degree of expenditure for the site, irrespective of what the site is going to be used for, so no matter what your ambition is for the Macquarie Point site, there will need to be a new energy source or a ramped up energy source, so you can say that should all be visited upon the stadium. Well, you can do that or say that. What was that great project that the Greens were hoping for?

Members - The Eden Project.

Mr ABETZ - The Eden Project. You know what, I reckon that would have needed a new power supply as well. That would have needed some roadworks around it as well. The idea that you try to lumber every single potential possible cost on the stadium is a bit disingenuous because we all know that no matter what we put the site toward or use the site for, there would have been the need for these upgrades. That is, of course, unless we kept it for another 10 or 20 years as an industrial wasteland without anything else happening on it.

Mr Bayley - You had a plan for it; you paid out a Melbourne developer.

Mr ABETZ - That's not our ambition. While there will be cluster upgrade energy sources, et cetera, I can tell this House I'm looking forward to the day when Mr Bayley walks through the doors of the new stadium and watches a concert or an AFL match and then wonders, 'Why on earth did I ever oppose this wonderful proposition?'

Supplementary Question

Mr BAYLEY - I appreciate the minister taking that information on notice and I look forward to his answer. He talked about the degree of expenditure on this site. I would ask him also to come back to the House with the full extent of the additional expenditure on the site, itemised, what is it above the \$1.13 billion?

Mr ABETZ - Speaker, I can understand that he would like it. I'm sorry to say I'm going to disappoint because we are currently in an active procurement process and all those extra little bits and pieces are all part and parcel of what is being discussed at the moment. As soon as we start talking about those matters, you might score a good political point somewhere along the way, but the people of Tasmania and their finances would be substantially prejudiced if that sort of information got out, because then the creative tension and the commercial tension with two bids being considered would be denied and, as a result, we won't get the best possible value for the Tasmanian, Australian taxpayers and the AFL membership.

TasWater Fixed Sewerage Charges

Prof RAZAY question to PREMIER, Mr ROCKLIFF

[10.32 a.m.]

Resident businesses and charity groups are distressed by the TasWater calculation of fixed sewage charges. Last week it was Rocherlea business an additional \$40,000 per year, a 500 per cent increase. Today, it's Trevallyn Parks and Improvement Association, it holds that head lease on the land known as Trevallyn Parks. Three sporting - Trevelyan Cricket, Tennis and Bowls Club. The cricket club sewerage charge is up 237 per cent, the tennis club 167 per cent, and the bowls club 36 per cent. Yet the association estimated water use for sewerage is only 5 per cent. The majority goes on greens and an oval. TasWater says it's now calculating fixed charging on pipe diameters. What is being done to address this urgent, apparently very large problem?

The SPEAKER - The honourable member's time has expired.

ANSWER

Honourable Speaker, I thank the honourable member for his question and also acknowledge today is R U OK? Day. It was great to see Mitch McPherson in the Long Room before, of course, a wonderful contributor to Tasmania through SPEAK UP! Stay ChatTY.

Thank you, honourable member for the very good question, which is hitting quite a few sporting clubs, as I understand it, and Tasmanians at this present time. I acknowledge the concern these flagged increases are having on community groups, on sporting clubs, on businesses. I've made some views known in recent times with respect to that and right across the state. We are also very concerned about them like you are indeed.

It is important to note that TasWater is primarily owned by Tasmania's 29 councils with a 10 per cent state government shareholding, so that needs to be put into perspective. This is a very important issue, and councils must also be part of the solution.

I met with TasWater yesterday and the Treasurer was also in attendance, also with the Local Government Association representatives as well, and we raised concerns regarding these areas. It was a productive meeting. Obviously, TasWater must ensure that Tasmania's water infrastructure is fit-for-purpose and we recognise there are some work to do over the course of a number of years to ensure that when Tasmanians turn on the tap, that they get clean, fresh drinking water. It also must keep up with the growth that we're seeing and our communities as well, in terms of subdivisions and housing and the like.

So, we support good growth right across the state, but these increases are large and they hurt and it's time, in my view, that TasWater look to pause these increases to consider easing the pain that they will cause. I would encourage councils also to support a pause to take the time to get that balance right in terms of cost-of-living, but also ensuring that there can be a forward plan for infrastructure development and ensure that, as I say before, we have the right infrastructure in place so we can continue to build and maintain the infrastructure our communities need, while being attuned to the very real impact increases like this have, which you've well articulated in your question.

Health System - Cuts

Mr WILLIE question to TREASURER, Mr ABETZ, referred to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

[10.36 a.m.]

A Tasmanian man who returned a positive bowel screening has been told he may have to wait 6 to 12 months for a follow up procedure. Treasurer, colonoscopy is not a procedure that generally needs a bed in a ward. If Tasmania's health system cannot provide an urgent cancer investigation within the clinically recommended timeframe now, how can you possibly cut \$700 million from the system?

ANSWER

Speaker, that is very much in the Health portfolio, and I defer to the Minister for Health-

Mr Willie - It's about your \$700 million of cuts.

The SPEAKER - Order, order. Honourable Leader of the Opposition, the Treasurer can refer to another minister.

Mrs ARCHER - As I responded earlier, of course it would be not appropriate to talk about the individual circumstances of a patient, and I do empathise with anybody who is seeking medical attention right across the system as well. We do know that demand for health services is increasing and we are continuing to invest right across our health system: \$10 million every day, \$15 billion over this budget and 35 percent of the entire state budget. We have been open about the fact that we are seeking efficiencies across the budget as well. I think what is being overlooked here is that when we talk about that what we're talking about is making sure that we have a sustainable health system into the future so that people can access the health system into the future.

Ms Haddad - Sustainable, for people to wait a year for a colonoscopy?

The SPEAKER - Honourable member for Clark, Ms Haddad.

Mrs ARCHER - What is having a direct impact on that at the moment, and I keep talking about it, and I would reiterate that it is not a partisan issue, it is not a political issue, and I have stood with your colleagues from right across the country to raise this issue up to the federal government. It is a really serious issue that is having a direct impact right across all of our health systems, right across the country -

Mr Willie - So is your \$700 million worth of cuts.

The SPEAKER - Order, honourable Leader of the Opposition, I'm asking that the minister be heard. You have more questions left. I ask that we continue on today and allow the minister to respond to your question, please.

Mrs ARCHER - Savings efficiencies are about sustainability and when you talk about those numbers, one of those numbers is \$432 million, which is the somewhat conservative estimate over this budget of keeping long-stay older patients in our hospitals where they don't need to be, but what is really important in relation to the example that you are giving is that they are taking these beds offline in our hospital -

Mr Willie - Colonoscopies generally don't need a bed.

Members interjecting.

The SPEAKER - Order. Sorry, minister. Honourable members to my left, you still have more questions that you can prosecute your case. Plus, there's other forms at this House that you can use. You've asked a question. For the sake of all of us watching and, here in this Chamber, I ask that the minister be heard in silence, please, because you have other opportunities in this House.

Mrs ARCHER - When those beds are offline or they're not available in the hospital system for a whole range of presentations, it has effect-

Mr Willie - It's not impacting this case.

The SPEAKER - Alright, honourable Leader of the Opposition, second warning.

Mrs ARCHER - It has a direct impact on all of these cases-

Ms Butler - It's day surgery.

The SPEAKER - Honourable member for Lyons, Ms Butler, first warning.

Mrs ARCHER - Because it takes beds offline. Three wards of beds are offline, that impacts-

The SPEAKER - The honourable minister's time has expired.

Supplementary Question

Mr WILLIE - Colonoscopies don't generally need a bed, so you can't try and hide behind that. How will your \$700 million worth of cuts improve this situation? It's only going to make it worse.

Mrs ARCHER - Thank you. It has a direct impact right across the system. That's three entire wards of patients. What I have been repeatedly saying to you is that it is \$432 million -

Mr Willie - Stop hiding behind it and address the question.

The SPEAKER - Leader of the Opposition, this is your third warning.

Mrs ARCHER - that could be utilised in our health system for healthcare, not for the aged care responsibility, which is that of the federal government.

Ms Brown - Your cuts will cost lives, minister.

The SPEAKER - Honourable member for Franklin, Ms Brown, your second warning.

Farmers Rally

Mr Di FALCO question to PREMIER, Mr ROCKLIFF

[10.41 a.m.]

There may or may not be a farmers rally out the front of this place today. My question for you is simple: what are you doing for our farmers?

ANSWER

I declare an interest, but can I thank the honourable member for his question and the seriousness behind the question. I have witnessed tractors, actually, outside there parked very dutifully prior to the rally, I believe at 11 a.m. today.

There is enormous investment for our farmers. We must always ensure that when it comes to easing the red tape burden on farmers, we're very much listening to them, and we are. The discussion today is around matters of red tape and matters of how farmers and entities can work together more productively. I commend Lindsay White for rallying the cause, if you like, and look forward to meeting Mr White at 12.30 p.m. today with a number of the participants, of course, outside.

We must also not lose sight of the fact of the enormous investment as a state government, and a federal government, and, indeed, of farmers themselves, when it comes to that key partnership of water development. That has changed the landscape of Tasmania, the productivity, but also provided enormous opportunity for farmers as well, as they invest in their businesses and, indeed, governments invest in communities and regional communities as well. I am very much on side of the farmers when it comes to standing up to large supermarkets and backing in our local butchers and also backing in our farmers as well, beef farmers in this case, when it comes to the brand awareness and the very strong reputation that Tasmanian producers have right across a range of agricultural and horticultural sectors, not only locally, nationally, but also interstate as well.

There are a range of areas where we are supporting our farmers, as your question alludes to, and you can see that every day as you see the transformation of the landscape across rural and regional Tasmania, particularly over the course of the last decade or more. I'm very mindful that governments need to ensure that they are working with producers and with small businesses. Everyone, of course, accepts there needs to be robust regulation but needs to be sensible and balanced to ensure that our small businesses, including our farmers, can get on with a job, do what they do best, grow the wonderful produce and support for their families and their rural and regional communities.

The SPEAKER - The honourable member's time has expired. For the sake of the Independents, I am trying to spread it around. I do keep a list of who's been asking first questions and everything else

Macquarie Point - Hazardous Waste Removal Safeguards

Mr GEORGE question to PREMIER, Mr ROCKLIFF

[10.45 a.m.]

Whatever is to be built at Macquarie Point will involve disturbing and removing many contaminants and contaminated soil, including 30,000 tonnes of highly toxic Level 3 waste. My question isn't relevant to what is going to be built there, it comes from quite a few residents and constituents who express concern to me about the impact of waste removal that includes asbestos, petrochemicals and other hazardous waste. In previous estimates, we have heard confusion about the exact tonnages to be removed, and the lack of clarity from the Macquarie Point Development Corporation and the government itself about plans to deal with it. Now, with excavations underway, will you detail what safeguards are in place to protect residents from dust, soil, and liquid contaminants being taken from the site, and will you confirm that the Copping landfill can adequately and safely manage 30,000 tonnes of Level 3 waste?

ANSWER

I thank the honourable member for his question. I'll need to get some detail on some of those matters in terms of tonnage for you. I'm not sure if it's in the hand of our minister, but we can update the House at a later time if you'd like. Of course, there are bulk earthworks happening with local company, Hazell Bros - a \$4.5 million contract, which is fantastic. Works by Hazell Bros commenced on site in July ahead of more substantial bulk earthworks, and archaeological excavation works are underway as part of the preparatory works to meet the order requirements as well. These involve the removal of upper fill delays before targeted hand excavation. Any archaeological features and artefacts uncovered will be carefully recorded, collected and managed. Targeted remediation is also being undertaken as part of these early works.

The main bulk of earthworks are expected to commence in October and the works will involve the removal of existing in situ contaminated material to relative level 2.4 metres within the stadium footprint, and the transportation of material to waste disposal facilities and bulk excavation will continue until the main contractor is appointed for the delivery of the stadium. As part of the precinct development, the main sewer line running through the site needs to be relocated, and TasWater is undertaking the works for relocation as well.

I'll look in more detail at the honourable member's question. I can understand the sentiment behind the question and if we can find that information before adjournment this evening, we will provide it.

Supplementary Question

Mr GEORGE - Thank you for that, Premier, I appreciate that. The best that I've been able to find on behalf of constituents is site environmental management plans for 2021 and 2024. If you could provide an update to that, because I assume that with the beginning of excavations there will be a contemporary 2026 site environmental management plan.

Mr ROCKLIFF - Yes, I'm sure we can provide information. I will also make the point that whatever one builds on the site, whether it's the domes, a hotel, or a stadium, whatever it might be, there will have to be removal of contaminated material.

Mr George - I accept that, it's part of the question.

Cuts - Impact on Public Services

Mr WILLIE question to TREASURER, Mr ABETZ

[10.49 a.m.]

Campbell Newman's cuts in Queensland became notorious for the damage they did to public services, but the McKell Institute finds the cuts you are planning in 2027-28 are nearly 10 times larger than the cuts imposed by the Campbell Newman government. Treasurer, why should Tasmanians believe their hospitals, schools, and emergency services can absorb cuts on a scale far greater than Campbell Newman's without services getting worse?

ANSWER

Speaker, I will continue to remind the Leader of the Opposition that he and his colleagues sent the people of Tasmania to an early, unnecessary, expensive election on the back of the need for, in their language, 'budget repair'. We are setting about budget repair. Now, I can understand that if we suggest certain rightsizing in a particular area, Labor might say don't do it here, do it over there or they might say instead of making savings, how about you increase the revenue stream from somewhere, but the Labor Party if they want to have any credibility in this debate, need to come up with alternatives and there is -

Mr WILLIE - Point of order. The question is about cuts that are 10 times greater than the Campbell Newman government that did great damage to the public services in Queensland.

Mr ABETZ - Speaker, in relation to that which may or may not have occurred in Queensland, that, I confess, I'm not an expert on. What I do know is that a budget was delivered with certain forecasts and that budget went through this House and the other house without opposition. This is a budget that the Labor Party seems to like to personalise, to me, and look, does the buck stop with me? Yes, but as the honourable Leader of the Opposition might one day find out - but if he keeps going as he is, I doubt that he will- the budget is a cabinet process, then a party room process, then a parliamentary process and it's been through all those three processes -

Mrs Greene - You're not even being honest about where the cuts will be.

The SPEAKER - Honourable member for Bass.

Mr ABETZ - And if the honourable Leader of the Opposition is willing to make or find fault with particular aspects of the budget, I would encourage him to put forward an alternative budget -

Mrs Greene - Be honest about where the cuts will be, Treasurer.

The SPEAKER - Honourable member for Bass, Mrs Greene, this is your first warning.

Mr ABETZ - And Speaker, I confess -

Mrs Greene - Why are you cutting hours at Service Tas in Flinders Island at 10 hours a week?

The SPEAKER - Honourable Member for Bass, Mrs Greene, second warning.

Mr ABETZ - I confess that I have not made a comparison with Queensland, but what I can say is I have, as has the Cabinet, the party room, the parliament, undoubtedly made an assessment as to what the needs are for Tasmania if we are to have a sustainable health system, a sustainable education system, a sustainable emergency service system. If we want to have sustainability in our budget then certain decisions need to be taken and that is what we're doing.

Supplementary Question

Mr WILLIE - Treasurer, Campbell Newman's cuts did great damage to schools and hospitals. What makes you think cuts 10 times larger in your budget won't do the same thing?

Mr ABETZ - Speaker, if the honourable Leader of the Opposition wants to go down memory lane, he might like to go to Queensland- I'll stick in Tasmania and remind him of his predecessors in the Labor-Green government that shelved, what, 200 hospital beds? Sacked a nurse a day for nine months straight. That is the record -

Members interjecting.

Ms Brown - What do you think you're doing?

The SPEAKER - Order.

Mr ABETZ - of Labor and the Greens when they were in government because they lost control of the budget. I, and the Liberal government here, do not intend to lose control of the budget like those over there did.

Biosecurity - Cuts

Ms FINLAY question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr PEARCE

[10.54 a.m.]

Tasmania is now dealing with potato mop-top, serpentine leaf miner, H5 bird flu and varroa mite has been detected at the Port of Geelong. We know potato mop-top may have been in Tasmania for years before it was detected. Government surveillance didn't find it. A grower did. The same happened with serpentine leaf miner; a grower raised the alarm. Your government is demanding millions in savings from NRE, ending the additional Biosecurity Officers initiative and cutting future funding to keeping Tasmania disease-free. Minister, at the exact moment biosecurity threats are increasing, why are farmers paying more and why on earth are you cutting biosecurity?

ANSWER

Can I thank the member for the question and this very important issue, in fact, so important that no one, no government has invested more into biosecurity than this government. No government has invested more than this government. Stopping pests and diseases before they arrive to Tasmania has been a key priority for successive Tasmanian Liberal governments for decades. We've done so by record investment in Biosecurity, legislating reform like the establishment of the *Biosecurity Act 2019*. Successful responses to incursions, remember the fruit fly? Investment in planning for known risks of varroa mites is another one and preparation for avian influenza, which we are now dealing with.

Ms Finlay - You are cutting critical services in Biosecurity.

Mr PEARCE - Can I finish, Deputy Leader? In addition to the \$113 million in funding already committed by the Australian Government to strengthen our nation's preparedness for H5 bird flu, ministers noted that on 21 July 2026, the National Management Group committed a cost share of up to \$24.8 million to support responses activities undertaken since the first confirmed detections of H5.

Ms Finlay - What happens to the balance of the Biosecurity needs?

Mr PEARCE - Tasmania's well prepared for bird flu. This has been going on since 2023. I want to take this opportunity, and I'm glad you raised it, to thank Biosecurity for the tireless work that they do.

Ms Finlay - They don't need cuts.

Mr PEARCE - To thank the specialists, our veterinarians, our pest and disease specialists that exist within and work tirelessly within our department. I want to thank the relationship that they've formed with our farmers, with our industry, with all facets of agriculture.

Ms Finlay - They are working on such low resources.

Mr PEARCE - I want to thank the relationship which has been formed and highlight the relationship that's been formed with our logistics, with our freight, with our ports, with our airports, with our points of entry, with our risks that we see for points of entry coming in and out of the state. I want to thank the work that's being done with those agricultural lobbyists and representatives from different facets of agriculture and the relationship they've formed with NRE and with BT. Biosecurity Tasmania have a lot on their plate.

Ms Finlay - They have, and they don't need cuts.

Mr PEARCE - They haven't received cuts. We've said, and I refer you to the Premier's statement when he said in this place:

That additional resources required to coordinate the response of bird flu incursions into this state would be made available as they require.

The SPEAKER - The honourable minister's time has expired.

Supplementary Question

Ms FINLAY - Tasmanian Labor join, and I'm sure with everybody in this parliament, the great work of Biosecurity Tasmania, that was not the question. We have incredible people right across the state doing extraordinary work, but they don't deserve cuts. Can you guarantee today that there will be no frontline Biosecurity workers, that there will be no surveillance, diagnostics or disease operators cut out of your budget?

Mr PEARCE - In relation to this supplementary question, Speaker, I can confirm that there will be no operational cuts to our front line.

Ms Finlay - No operational cuts in Biosecurity?

Draft master plan for St Johns Health and Wellbeing Precinct – feedback timeframe

Ms JOHNSTON question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

[10.58 a.m.]

Yesterday you released the draft final master plan for the St Johns Health and Wellbeing Precinct, three long years after public consultation on the draft version had closed. This has unfortunately been a long-awaited development, but the consultation three years ago did result in some welcome proposed changes such as redeveloping the renal unit which currently is not fit for purpose. Minister, you would agree that feedback on the final version is very important, but you have only provided 11 days to receive it. It's wrong to expect patients battling health challenges in particular to respond so quickly. Will you extend the consultation time on the master plan to at least four weeks to allow for meaningful feedback?

ANSWER

Thank you, honourable Speaker, and I thank the honourable member for her question and her interest and her advocacy indeed on this issue. We are committed to transforming both our mental health system, but also that St John's Park precinct as well. As you identified, it has had some challenges to reach this point and certainly I am happy to say we would be pleased to extend the time for consultation.

Heath Services Access for LGBTIQ+ Community

Ms ROSOL question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

[11.00 a.m.]

The ACCC recently approved the sale of Hobart Private Hospital to Calvary Healthcare, with the handover due to take place in November. Calvary will not provide fertility services, terminations or gender-affirming care, in a policy position that is not only discriminatory but also limits service access for people with private health insurance. This will place more pressure on the public system. I understand that IVF will be available through Hobart Day Surgery, but where do you anticipate people will go to access other reproductive and gender-affirming care? Is it your plan that the public system will pick up this slack? How will this impact on public service provision? What are you doing to address this looming loss of services for people, including those who are LGBTIQ+?

ANSWER

Thank you, honourable Speaker. I thank the member for her question and, again, for her interest, and, indeed, many members across the parliament who have made representation in relation to this issue - I note Rodney in the Gallery as well, welcome. Our government welcomes the ACCC's approval of the sale of Hobart Private Hospital to Calvary Healthcare. It is a good result for Tasmanians who access private healthcare and is a positive outcome ensuring that Tasmanians continue to have access to a range of healthcare services around the

state. It will ensure the continued availability of private health services for Hobart and surrounds and help to take pressure off our public system and support Tasmanians when they need it.

I do understand the concerns raised regarding what services will be offered by Calvary, and I note that the ACCC's acknowledgement that some services would likely cease. We have been very clear that we will ensure that there is no service gap for vulnerable Tasmanians, with some services already resolved such as IVF services. We continue to work through details to resolve others, but I am confident that we are getting closer and we will have solutions for all of those issues.

The sale and transfer of operations for the hospital is not expected to be completed until late-2026. In the meantime, Healthscope will continue to own and operate the hospital. We are committed to ensuring that healthcare services will continue without disruption, as continuity of care is essential for patients and the wider Tasmanian community. We'll continually monitor developments as the sale process rolls out to support safe, effective and sustainable delivery of services. I'm advised that regulatory approvals are yet to occur, and the terms of the agreement are yet to be negotiated, including the full range of clinical services that will be provided.

I'm advised that the Department of Health will continue to consult with the health sector and negotiate terms with the new operator before the expected handover. We are absolutely committed to working closely with all partners to ensure continuity of care, patient choice and sustainability of both public and private health services.

Farming Rally - Independent Review

**Ms FINLAY question to MINISTER for PRIMARY INDUSTRIES and WATER,
Mr PEARCE**

[11.03 a.m.]

Anger on the lawns outside parliament today isn't about one decision or one bureaucrat. Things don't escalate to tractors at parliament because farmers feel unheard just once. Farmers are dealing with unclear rules, heavy-handed enforcement and penalties that don't always reflect legitimate farming practices. TasFarmers say farmers need fairer rules, proper recognition of agricultural activity and a stronger voice in government decision-making. Concerns about red tape, regulatory cost, complexity and government processes extend right across primary industries, not just ag, including seafood and aquaculture. You can't eat red tape, Minister. These are the people in industries you are supposed to represent inside government. How much louder do they have to get before you listen? Will you support the independent review farmers are asking for?

ANSWER

I thank the member for the question and the fact that, on this side, we take this matter very seriously. The Premier's already detailed just how seriously earlier on today in his Question Time. I hear daily from farmers about the obstacles that are placed in front of them and I commit daily to reducing those red-tape obstacles and make it easier for them to access what their mission is.

There are, as you rightly pointed it out in your question, issues that cut across departments, that cut across all sorts of portfolios, and I look to the minister for forestry over here. This particular rally, this particular point today, is probably aimed at that part of -

Ms Finlay - I reckon there are all sorts of people on the lawns today with problems, Minister.

Mr PEARCE - Can you hear me out?

The SPEAKER - Order, honourable Deputy Leader of the Opposition, I ask the minister to be heard, please.

Mr PEARCE - Thanks, Speaker. Whilst I understand that today, and the issues around the Forestry Practices Authority (FPA), extend far broader than that -

Ms Finlay - It's not just about the FPA.

The SPEAKER - Honourable Deputy Leader of the Opposition.

Mr PEARCE - I get it loud and clear. Reducing red tape is one thing. Reducing effective reduction of red tape is another. There are rules and regulations; you know how precarious this is. The last question that you raised was around biosecurity and the risk of pathogens and pests that we have coming into our great state.

Ms Finlay - And there are cuts there, and you said that there aren't.

The SPEAKER - Deputy Leader of the opposition, first warning.

Mr PEARCE - We can't simply absolve ourselves of all of that responsibility. There needs to be a threshold between the responsibility aspect and allowing people to move forward in a practical way, in a pragmatic way. That's what negotiations like this are all about. That's why later on, the Premier, myself and the minister will go out there. That's why we talk to people like Lindsay White -

Ms Finlay - They have to bring their tractors to the lawns to be heard.

The SPEAKER - Deputy Leader of the Opposition, second warning.

Mr PEARCE - That's why, on a daily basis we talk with people like Lindsay White and I respect everything that he puts in front of us. I really do. That's why I've had three phone calls this morning with TasFarmers. We are constantly -

Members interjecting.

Mr PEARCE - You smile? What's so funny?

The SPEAKER - Honourable minister, go through the Chair, please.

Mr PEARCE - Yes. My point, Speaker, is that we take very seriously the issues that the industry raises through TasFarmers, through Mr White's organisation, through farmers just being generally concerned and ringing us; through people coming into our elected offices.

The SPEAKER - The honourable minister's time has expired.

Supplementary Question

Ms FINLAY - The minister says he talks daily, and I hear lots of great feedback about the minister but, minister, there is so much red tape. There is so much lack of clarity in the systems and the rules. The decision-making is so poor that we have hundreds of farmers from across the state who have brought their tractors to the lawns, not just for the FPA, but for a whole range of reasons there are people on the lawns. When will you listen? Why does it take a day when the farmers bring their tractors to the lawns, that TasFarmers have to be on the phone to you multiple times for you to make the changes that farmers need?

Mr PEARCE - I appreciate the question. I appreciate the issue. I look forward to hearing from those farmers today. This is not something you can undo, you can wave a magic wand. This is not something we can just fix in a day, in a 24-hour period or a press release. This is a structural issue that we need to work through very carefully. We have to be careful also in fixing something we don't create another issue.

All of these things are complex and it is difficult. We've been through this whole issue of Rushy Lagoon. That has been complex. That's why we're having an inquiry to find out what has happened to that, so you can see that's not going to happen overnight but we will get to the truth.

Members interjecting.

The SPEAKER - Order.

Mr PEARCE - We will get to the truth of this and that's what this is all about.

Firmus Data Centres - Communication with Aboriginal Community

Mr GARLAND question to Minister for ABORIGINAL AFFAIRS, Mrs ARCHER

[11.09 a.m.]

Representatives from several Tasmanian Aboriginal organisations have informed me that you have not directly consulted them on AI or on AI data centre proposals. This is despite your government knowing about at least 10 data centres proposed across Tasmania. Firmus Technologies has been based in Launceston since 2019 for a similar length of time that you have been a federal state member for Bass. Minister, what year did you first meet with representatives from Firmus? How many times have you met with Firmus in the past eight years, including in your role as minister? Since becoming Aboriginal community about their thoughts on AI and AI data centres? Will you now commit to meeting with the Aboriginal community on AI data and data centres within the coming weeks, before parliament returns on 27 October?

Mr ABETZ - Honourable Speaker, on a point of order, if I may. I understand the gist and the vibe of the question, but I thought that questions could only go to the minister's portfolio responsibilities and not in relation to matters that she may have undertaken in other roles, such as the federal member.

The SPEAKER - Thank you, Treasurer, but it is up to the minister to refer to another minister if she wants to. The honourable minister can choose to respond because part of it was relevant to the Aboriginal Affairs portfolio.

ANSWER

Honourable Speaker, I thank the member for his questions. A couple of ones in there. Firstly, I met with Firmus as a federal MP several years ago and visited their St Leonards data centre. I have not met with Firmus since I have been elected to the state parliament. I regularly meet with Aboriginal people and Aboriginal community organisations across Tasmania about a range of issues. They have not as yet raised the issue of data centres specifically with me. I'm happy to have those conversations, as I am about a range of other issues.

It is reasonable for people to ask questions about green data centres and about all of those issues, including impacts on water use, energy use and local impacts, and we need to make sure that those benefits are shared by all Tasmanians. There are strong regulations around these things through our planning schemes, whether those are environmental standards or, indeed, the processes around Aboriginal heritage, for example. There is work underway on a new *Aboriginal Heritage Act* for Tasmania as well.

These data centres are relatively new to Tasmania. It's reasonable that people are going to ask a range of questions about that. We have regulatory processes in place, including around Aboriginal heritage. But I would always welcome engagement from Aboriginal people and Aboriginal communities about any issue they want to discuss.

Time expired.

CONSTITUENCY QUESTIONS

Designated Area Migration Agreement

Ms ROSOL question to MINISTER for SKILLS and JOBS, Mr ELLIS

[11.12 a.m.]

My question is on behalf of Archana Brammall, who owns co-owns Tatler Lane and Sweetbrew, a busy hospitality business in Launceston. She asks what progress has been made on the Designated Area Migration Agreement (DAMA) for skilled workers in Tasmania? You've promised Ms Brammall an outcome several times this year, including reassurance that all would be resolved by July. She went ahead and employed five skilled staff she would then sponsor under the agreement. But with the DAMA still not in place, she is now looking at losing three of these staff by November, despite them being key to operations. Ms Brammall is aware of many other employers in similar situations, waiting with bated breath for the agreement that will enable them to fill critical employment gaps. Exactly where is the DAMA

process up to, why is it taking so long for the agreement to be approved and when can Ms Brammall expect it to be finalised?

Health - Charge for North West Regional Hospital Accommodation Unit

Ms DOW question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

[11.13 a.m.]

My question is from my constituent Gary in Smithton. Gary presented to the Smithton District Hospital emergency department late at night, was unable to be treated and consequently had to travel to the Burnie emergency department, where he was treated, discharged and asked to present again early the next morning. He asks why he had to pay \$70 a night to stay in the units of the North West Regional Hospital. Why are already disadvantaged regional and remote Tasmanians having to pay for accommodation to access basic emergency department services that aren't available in their own town? I thought these units were provided for accommodation for people travelling from rural and remote areas so they could get timely access to care.

GM Canola Trial Site Regulatory Requirements

Mr SHELTON question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr PEARCE

My question is from a farmer in my electorate quite close to Longford who had a GM canola trial site in the early 2000s. He asks what the government is doing to simplify regulatory requirements for the former GM trial sites across the state while retaining Tasmania's GM moratorium? Can the minister outline what the government is doing to reduce the regulatory burden on affected landholders?

Gynaecologist Wait Times in Southern Tasmania

Ms BURNET question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

My question is from a constituent in Claremont who recently contacted my office regarding the unacceptable wait times to see a public specialist gynaecologist in southern Tasmania. She says: Women in our community are waiting up to a year, or even longer, for basic non-urgent public gynaecological care, while jurisdictions like the Australian Capital Territory maintain far greater specialist availability and shorter wait-lists. Essential healthcare should not depend on your post code. What immediate, concrete steps is the government taking to recruit public gynaecologists to the Royal Hobart Hospital to ensure women in Claremont can access timely bulk billed specialist care?

NRE Tasmania - Complex Regulatory Processes

Mr GARLAND question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr PEARCE

A constituent from Ridgley has raised concerns about navigating the Department of Natural Resources and Environment (NRE) Tasmania's regulatory processes. He has encountered application systems that were not fully in place and accreditation processes where requirements weren't publicly available upfront, with additional demands emerging during the process amounting to tens of thousands of dollars in unforeseen costs. He is now even reluctant to continue lawful selective clearing on his own property for fear of unknowingly falling foul of the rules. He isn't asking to avoid environmental or biosecurity responsibilities but he wants clear rules, transparent processes and government working with farmers, rather than dictating to them. Will you bring back generalist extension officers who can work directly with farmers, much like a GP in medicine, understanding the whole farm, providing practical advice and bringing in specialist expertise when it is needed?

Small-Scale Meat Processor Recommendations

Mr WINTER question to MINISTER for PRIMARY INDUSTRIES and WATER, Mr PEARCE

Small-scale meat producers in southern Tasmania felt the pressure of repeated closures and a loss of access to their local abattoir. Across Tasmania, producers like them face continuous hurdles due to a fragmented regulatory system, overly complex planning rules and a prohibitive waste management threshold. They're not even allowed to sell their own meat processed on their property. Your document to support small-scale Tasmanian meat processors is a big disappointment to them. Despite identifying key recommendations to address these issues, including updating outdated waste definitions, providing clear guidelines for mobile processing and securing affordable local meat safety inspector training, it then points to resourcing and funding restraints as reasons not to progress reform.

Can you outline to these producers in my electorate when action will finally be taken to implement these vital recommendations so our local small farmers can get on with business?

Queenborough Oval Improvements

Ms OGILVIE question to MINISTER for SPORT, Mr DUIGAN

My constituent in Hobart has heard about the great improvements to Queenborough Oval and was interested to know more about this project and who would benefit, for example, women's football.

Bass Highway Investment

Dr BROAD question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

UNCORRECTED PROOF

My question is from Michael in Devonport who asks: have you forgotten about the Bass Highway? People in the north-west want to know when they're going to see real investment in the roads they use every day.

Time expired.

PETITION

Vegetation Clearing and Land Management Enforcement Framework

Mr Di FALCO (Lyons) - Honourable Speaker, I have the honour to be the bearer of an e-petition signed by approximately 2803 petitioners calling upon the House to conduct an urgent review into Tasmania's vegetation clearing and land management enforcement framework, ensure penalties are fair and proportionate, particularly where activities relate to ordinary farming practices and land management. The petition conforms with the Standing Orders of the House.

Petition received.

QUESTIONS ON NOTICE - ANSWERS

No. 38 of 2026 - Presentations to Emergency Department

Mr GARLAND question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

See Appendix 1 on page x.

No. 52 of 2026 - Mental Health

Ms BURNET question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

See Appendix 2 on page x.

No. 54 of 2026 - King Island Paramedics

Ms DOW question to MINISTER for HEALTH, MENTAL HEALTH and WELLBEING, Mrs ARCHER

See Appendix 3 on page x.

GOVERNMENT BUSINESS GOVERNANCE REFORMS BILL 2026 (No. 44)

UNCORRECTED PROOF

First Reading

Bill presented by Mr Abetz and read the first time.

CONVERSION PRACTICES PROHIBITION BILL 2026 (No. 45)

First Reading

Bill presented by Dr Woodruff and read the first time.

SITTINGS DATES

[11.23 a.m.]

Mr ABETZ (Franklin - Leader of the House)(by leave) - Speaker, I move -

That the House at its rising adjourn till Tuesday, 27 October at 10.00 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

Water Charges

[11.24 a.m.]

Prof RAZAY (Bass) - Honourable Speaker, today I rise to speak about the impact of TasWater's fixed pricing structure, in particular, on community organisations and businesses. TasWater has stated that it's \$1.2 billion investment over the next four years will improve water security, protect public health and the environment, renew ageing assets, and strengthen the reliability of services that communities rely on every day. No one disputes the importance of safe, reliable water and sewerage infrastructure, but affordability and fairness must also be part of the conversation. The Tasmanian Economic Regulator's final determination for the 2026 to 2030 period approved annual price increases of 5.7 per cent, rather than 11.5 per cent TasWater originally sought. While that ruling moderated the proposed increase under Price and Service Plan 5, in 2026-27, alone, TasWater forecast the average household can expect an increase about \$80, a typical small business \$172, but these averages do not capture some of the outrageous increases being experienced by some TasWater customers because of fixed sewer charges and inherited infrastructure. Over recent weeks, I have been contacted by both non-profit community groups and businesses concerned about TasWater's new charging structure. They are facing increases in their water bills ranging from 26 per cent to 500 per cent. Yes, 500 per cent.

These increases are not driven by actual water use but by how fixed charges are calculated and a far cry from 5.7 per cent. One example is that the Landale Street Community Hall in Launceston, whose volunteers advise that the halls fixed sewerage charges are expected to rise from \$930 to more than \$2000, an increase around 120 per cent. Much of this increase relates to the size of the connection required for fire hose reels at the hall. Removing or altering that infrastructure is possible, but only at a considerable cost.

This hall is not a commercial operation. It's a community space used by singing groups, dancing groups, craft groups, and many others. It runs on a limited budget and survives because of the goodwill of volunteers, that the Trevallyn Parks and Improvement Association wrote to me only this week-

Members interjecting.

DEPUTY SPEAKER - Excuse me, could you keep your voices down? Thank you. Continue.

Prof RAZAY - Thank you. The Trevallyn Parks and Improvement Association wrote to me only this week, informing me that Trevallyn Bowls Clubs fixed sewage charges has increased by 36 per cent, the crickets club by 237 per cent and tennis club by 167 per cent. It amounts to \$1400 in total increases for just a quarter in sewage charges alone. The association president says TasWater's methodology is flawed as there is absolutely no nexus between main connection and sewerage system usage. He asked where does all this extra money come from? Remember, these are sporting clubs run by volunteers.

The Launceston RSL has raised similar concern. Even before the fixed pricing calculation change was introduced, it was paying about \$2200 per quarter in water charges. This is even though actual water usage accounted for only about \$50 of the amount. Businesses are also feeling the brunt. A steel fabrication operator in Rocherlea, Launceston employing 35 people, contacted my office after a fixed sewer charge rose from around \$630 to \$3800 in July, a rise of around 500 per cent. This business is now facing additional costs of around \$40 000 a year.

For any small or medium business that this is not a small adjustment, it's a serious impost on competition, cash flow and confidence. The business manager was told by TasWater that this change, fully revealed, should be a shock but, in her word:

To any small businesses, 500 per cent increase in basic infrastructure cost is a shock.

Community Hall - thank you.

[11.29 a.m.]

Mr ABETZ (Franklin - Treasurer) - Thank you, Deputy Speaker. Sometimes I wonder why those sitting along that bench are called crossbenchers, because there's a very happybencher in Prof George Razay and I think the terminology of crossbenchers does apply to some of his colleagues, but to him, it shouldn't. He is very much a happybencher and I thank him for raising this matter and note that he is not only raised Trevallyn. I, in fact, signed a letter this morning in relation to visit Lansdale and I know that previously, in question time, the honourable member has raised the Launceston RSL.

I thank him for that. I can also inform the House that two other very active members in your part of the world, namely the member for Bass, Michael Ferguson, and the member for Rosevears, the honourable Jo Palmer, and I had a discussion only yesterday about TasWater charges. Trevallyn have written to me as well and that letter was very effectively amplified by both Mr Ferguson and Ms Palmer. As the Premier indicated, the Premier and I had a meeting

with the chair and CEO of TasWater yesterday. The message is being received loud and clear that there are genuine problems with some of the methodology that has been involved in TasWater's billing. The need for it has water to raise funds is clear. There was a backlog, a heritage of issues that they need to deal with, and they want to build for the future as well, so there is that frustration.

Also, we have a situation where the state government is only a 10 per cent shareholder and gets no dividends whatsoever from this organisation. The 29 councils, they lift about - I think it's roughly \$20 million per annum by way of dividends out of TasWater which, potentially, is an issue that might be looked at. Some of the councils rely on that dividend for their budgeting. From the GBE scrutiny hearings, TasWater is the only organisation, as I understand it, that sits there without a minister at the table. As a result, there is some difficulty with the current situation. What's more, the pricing and the charging that TasWater engage in is based on the Economic Regulator who sets the fees and charges and TasWater then applies them. I can advise the honourable member that the government is giving very detailed considerations as to how this situation might be able to be rectified. I can indicate that TasWater comes in for its fair share of criticism and part of that, I think, is justified.

On the other side of the equation, however, we do have to acknowledge that over the more recent years, we now don't have the boiled water alerts that used to be so regular in so many townships. That has been virtually reduced to nil or to very few, so there have been substantial improvements. That said, clearly not enough; more needs to be done.

TasWater is limited in relation to what it can borrow and it's basically at its limit of borrowing now. Therefore, the issue becomes how do we address all these issues? You raised examples where voluntary organisations are facing substantial increases in bills and also legacy issues where people who have put in big pipes in anticipation of potential future development and are not using them are then being charged on the basis of the size of the pipe and not the basis of the usage of water. Some who have done so for the purposes of firefighting are now being penalised. Do they close and get rid of that? Hopefully not.

A lot of work needs to be done from the Premier down. We are onto it and I thank Professor Razay for raising this issue.

[11.35 a.m.]

Mr WINTER (Franklin) - Deputy Speaker, I want to start by thanking Prof Razay today as well. It's R U OK? Day which is about mental health and I want to say about Prof Razay, it makes me feel happy every time I see him when he wears his trombone tie. He's colourful, and he's always happy when you talk to him around here. He's been a breath of fresh air since he was elected. I really want to acknowledge that. Prof Razay, you make me feel better about being here, so I look forward to seeing you and I really appreciate you bringing something that's really important to the table here as well.

The MPI you've brought today is something that is a real issue for the state, for business, for households, for the community sector. As the Treasurer's just outlined as well, this is a real issue that is causing a lot of frustration, I would just describe it as, particularly in the business community.

TasWater is a reform that Labor is proud of. It was the former Labor government that brought together the 29 councils' assets together, because at that point in time there were boiled

water alerts, there was infrastructure that was literally falling apart and something needed to be done. By bringing that infrastructure together, it started a journey towards Tasmania finally modernising its water and sewerage system. It hasn't been perfect either, Professor Razay, and I think everyone would acknowledge that. Yes, it's a lot better than having 29 councils each running their own small water and sewerage systems, but it certainly hasn't been perfect. The reforms from 2018 certainly haven't been perfect either.

The frustration that I have is the lack of understanding, it seems, right across Tasmania about how the new governance structure - not-so-new governance structure - actually works. I'm holding a copy of the TasWater Corporate Plan 2027-31. That corporate plan is approved by the owners of TasWater, all 29 councils and one other owner, which is the Tasmanian state government. As a former mayor, I've been in the room as that process takes place. Not recently, more than five years ago, I was. Representatives from the Department of Treasury and Finance arrive and also vote on the corporate plan.

To my knowledge, this government has never flexed its muscle on this, and I believe it should have. It never flexed its muscle in July last year when TasWater, through its last corporate plan, proposed a 40 per cent increase in revenue and a 50 per cent increase in the dividends going back to council - and this Tasmanian government voted yes. They supported the increase in dividends and the 40 per cent increase in charges to the community sector, to residents, and to business.

Then when TasWater, following on from that corporate plan, then submitted its pricing plan to the regulator, this government - having voted for the plan that enabled it - then attacked it publicly. I mean, you couldn't make this stuff up. You must have had the minister for Education out doing media that day attacking the plan. The Premier attacked the plan. The plan was only possible because they voted for the corporate plan. They do have influence. Yes, they don't own the whole thing, but the reforms that came through after 2018 actually allow them to have a say in the corporate planning process - and yet they refuse to do anything about it.

More recently, the government claimed it was shocked by the removal of the 24-month developer exemption on fixed service charges. The Premier put out a media release calling it a development tax that threatens housing supply. I agree with him. But look closely at the corporate plan that his own government signed off on in July this year. The financial framework clearly locks in, and I quote, 'Increased revenue from new customer connections alongside full compliance with the economic regulators pricing determination'. This government voted for the policies that enabled it and then once again, as they did 12 months earlier, attacked it. This government claimed it wanted more control over TasWater and it got it, through the parliamentary process. The law was changed so that it got more control. Then it did nothing with it, then when TasWater did something it didn't like - which it had already approved - it attacked TasWater.

The first thing we need to do is have a government that actually turns up to these meetings and clinically goes through this document, because this is the document that drives TasWater's behaviours, and this government does have a say. TasWater's performance and behaviour - I have to say I'm very much looking forward to being part of the Public Accounts Committee. The announcement earlier this week is very welcomed, I know, by business and the community who want TasWater to be held better to account.

[11.39 a.m.]

Ms BADGER (Lyons) - Thank you to Prof Razay for bringing on what is an incredibly important motion, as has already been said. It is timely. I'm sure every single person here would have heard from at least one constituent who is really, really concerned about the increase in prices that they are seeing from TasWater coming forward. As we've heard from the Treasurer already, TasWater's structure is incredibly unique in how it's set up, being very different to all of the other GBEs.

There is confusion in the community as well, as Mr Winter has pointed out, about exactly where the responsibility for TasWater falls. That's a challenge for us in this place as well. When it comes to things like our budget Estimates in the past and how we really get to the bottom of certain questions that we have of TasWater, it makes it even more difficult to have the adequate scrutiny that we need but that's notwithstanding, as Mr Winter has just pointed out, that the state government still has a seat at the table. They do still have responsibility and there are levers that they can pull to help improve things.

I've been hearing from businesses in Deloraine, and there's at least three, with the increased charges that they are facing in this coming year, are considering closing because that has tipped them over the edge with everything else that's compounding that they are currently facing.

I've heard from a business in Glenorchy, they're facing a \$4000 increase on their sewerage charges. They've got one toilet at that business; there's no shower, there's no washing machine. They've got 5 employees and they're now facing a \$4000 annual increase on their bill, and they're wondering as well, how on earth are they going to continue to stay open to justify that cost. For everyday Tasmanians and businesses, there's a cost-of-living crisis to contend with as well.

Across Tasmania, when you're in the TasWater zone, you're paying for water and sewerage in your bill. But in areas, and I think of where I live in Ellendale as well, 90 per cent of people are not actually connected to sewerage. They've got their own septic system in place. They're still paying for it and, generally, that goes into other services that we see in other parts of the community. It's something that everyone pays for generally, and that's okay because it's going back into other public infrastructure. But when we're seeing those prices go up in the current cost-of-living crisis, it's incredibly difficult for households.

I'm thinking of the properties along riverways. We have people reaching out to us, where the upgrades that need to happen to old septic systems, particularly on properties next to river systems or along our coastline, that are going to be incredibly costly for those property owners. They do have a responsibility to do it, but now they're also facing paying for sewerage that they're probably not actually connected to in addition to needing to upgrade septic tanks. The cost burden is enormously on the individual.

We do need an entire rethink of how TasWater is going about its business. The Premier said it this morning, to make sure that there is a forward plan for infrastructure, and that is absolutely what we need from TasWater but also holistically, as well, from councils in situations where there are things like outdated septic tanks, and that comes into play with the state government needing to support people as well.

We've just spent an enormous amount of public money at Coles Bay to upgrade some of the sewerage system there, but a lot of people, as I've already said, are on their own septic system and these are septic systems that were put in a long time ago. They're still valid under council rules, but they were put in for a household that might have had maybe four people there over the summer holidays. Now they've become Airbnbs and they've got six to eight people in them for six months of the year. The infrastructure and the requirements are simply not holding up.

We've seen recently in the media, and I understand a motion passed in the other place from the independent member for Huon regarding Environment Tasmania's new website Map the Crap, and that is looking at what we really need in terms of real-time data for untreated sewage bypass events into our river system. It was highlighted in the media, particularly Kanamaluka/Tamar River, but it's not exclusive to there. This is happening right across Tasmania. Yes, we need real-time data, but wouldn't it be ultimately better if we just were not having those events happen in the first place?

This also involves water health monitoring. That's under the Primary Industries minister who's particularly evasive when we ask him any kind of questions about this. Yes, the Treasurer did point out, and it was the first time I think I'd really considered the serious reduction in boiled water alerts that we currently have, but it's still happening and I think, particularly in the Northern Midlands Council in my electorate of Lyons, that it still happens, not as frequently, but particularly now they're facing more common no-swim events in various riverways, it happens quite often around Blackmans Bay as well. Therefore, there's a variety of changes that we need and we need to get on with them.

[11.44 a.m.]

Mr FERGUSON (Bass) - Deputy Speaker, I appreciate Dr Razay bringing the MPI to the House today. I've been working as Liberal member for Bass on the very same issue, including raising certain correspondence I've been receiving. I think some of that's in common with you, Dr Razay, and no doubt other members, but I've been very concerned about this issue and as the Treasurer kindly told the House, I met with him only yesterday about the same matter that you've raised in the MPI today.

It is a matter of public importance. I'm disappointed with some of the remarks from the Labor Party spokesperson on this matter. The Labor shadow treasurer may well be proud of this as a Labor reform, but the reform is not working on the ground for Tasmanians. It was the case that, in the face of a need for upgrading infrastructure right around the state, the 2013 Labor government lawmaking around the creation of TasWater has actually locked in some of the problematic corporate structure and the reliance on dividends that councils will continue to draw on, out of the business, which is part of the challenge now.

I want to remind the House that, I think it was in 2017, that the Liberal government wanted to take over TasWater so that this House and this parliament could fully deal with, and take responsibility for, these challenges. The Labor Party fought tooth-and-nail against our proposed takeover of TasWater, which would have seen TasWater become a state-owned entity, it would have seen TasWater at GBE scrutiny hearings, it would have seen TasWater mainstreamed as a state-owned business, and it would have seen the House, the parliament, and whoever's in power actually in a position to take responsibility for the challenges that are being faced and Labor fought against it tooth-and-nail and won.

I also want to make the point that while the Tasmanian government is a 10 per cent equity owner of the business, it takes zero per cent of the dividends, because we didn't want a situation - under the then-Hodgman government—that while we were prepared to make investments after having been effectively defeated on the TasWater takeover, we wanted to make investments into the infrastructure pipeline for the business. But, as Mr Winter was then-mayor, we didn't want to see ourselves then expecting a return on that investment in the way of dividends. Why? Because it only would have led to higher water and sewerage bills, and that's the hypocrisy of the Labor Party that I want to call out here and now today.

I also want to make a different point, and that is that Mr Winter has unfortunately conflated the corporate plan with the independent Economic Regulator's determinations. That has been an unfortunate conflation because it's only the Economic Regulator that under these laws - created by Labor - it's only the independent regulator that can make a pricing determination.

I know the Economic Regulator, respect that office, and respect the person as well, but I'm concerned that we're now in a situation where we have a determination which is in force, in effect under the PSP5, and I don't believe that it's operating as it was potentially intended. We now have a perverse situation where, for example, fixed service charges are now linked to the size of a customer's water connection, and that's deemed as the amount of connection fees that need to be charged on your sewerage. That, I see as a huge problem that must be overcome and without breaching into a meeting yesterday that's the point I've made to others as well. If there can be a way for the government to use its officers - that is, its relationship and its ongoing partnership with TasWater - I want to see the government doing that with TasWater and with the regulator, and to see if there isn't a path for the Economic Regulator to reconsider some of these matters, potentially on the basis of the information that's now coming forward with the charging experience that customers are having.

I've been supporting a number of sporting clubs, I've been supporting a number of individual businesses, and I've also been supporting some individual householders who haven't, I don't think, been mentioned yet - I could be wrong - but some householders who have more than one water connection, still only have one flushing toilet in the house and by legacy alone, have more than one water connection and they're now being charged for two sewerage connections, which is totally perverse. I can only imagine that the Economic Regulator wouldn't have imagined that scenario.

I appreciate the member having brought the issue forward and I ask the Treasurer and the House to help us find a pathway with the business and the regulator.

[11.49 a.m.]

Dr BROAD (Braddon) - Deputy Speaker, I think it's pretty clear that TasWater, as it operates at the moment, is not working. I'll give you some examples. There's a real issue in Ulverstone now with the water supply. The water supply is basically capped out at capacity. This is a massive issue and it is blocking development. TasWater should be an entity that helps development, but what we have in Ulverstone at the moment is a developer with a 23-unit development, and TasWater says for him to proceed with that development he's going to need to pay \$1.5 million to upgrade the water supply in Ulverstone. That is \$65,000 per unit. That makes that whole development completely uneconomical.

This is the problem: we have a flat block in a fantastic spot in Ulverstone, well within the town boundary. It would be a fantastic development. It would create housing relief and relieve pressure on housing and homelessness. But for that development to proceed would require \$1.5 million for a 23-unit development.

For the town of Ulverstone, which is the biggest town in Tasmania, development is now capped because the water supply needs an upgrade. If this water supply is to be upgraded, it will be up to the first developer who shows up to spend the money to allow growth within the Ulverstone town boundary. This is just obscene. It is good evidence that the TasWater system, as we see it, is broken. We see the first mover disadvantage in issues like this. The first developer who wants to develop after the water supply cap is reached is up for fixing the whole problem for everybody from then on. This is something TasWater needs to do. It needs to solve problems like this. These problems are not going away. Ulverstone only has enough capacity for small developments, one block at a time. Any developer who wants to do anything of size is going to be up for \$1.5 million. This means that it will be virtually impossible to economically do any developments in Ulverstone from now on. TasWater is not working.

There is a long history here with TasWater. The member for Bass, Mr Ferguson, went into some of it, but it goes back further than that. I don't think anybody, if you'll pardon the pun, has clean hands. Tasmania's water and sewerage system was set up by small individual councils and things weren't done at scale, things weren't done the best way they could have been if you had a blank slate. We have to accept that. TasWater has actually done a good job in getting rid of all the 'boil water' alerts. When TasWater was created there were 'boil water' alerts all around the state. Now there are none. That is something we can be proud of. But there are issues. We can't have an entity like TasWater holding up developments. It cannot be a handbrake on the state's economy, but at the moment it is. It's not just housing developments. Housing is something we desperately need at the moment. We desperately need more houses. If it's impossible to do a reasonable-sized development in a town like Ulverstone on a flat block well within the town boundary, then TasWater is broken.

We can't go on. The system is broken. We need reform on this. Let's talk about fixing it rather than talking about blame. There are options we should be discussing rather than trawling over the history. TasWater has significant issues with their sewerage systems as well. We don't want to see the sewerage systems holding up developments. We also don't want to see the upgrades required for sewage treatment systems being pushed back onto developers and major industrials. We are seeing that, and we've seen that in the past. We have dealt with issues in the past around things like grease traps, which had a massive impact on small business. This is something that has been ongoing. I believe that, as a state, we need more control of TasWater, to give TasWater more direction and to give TasWater the ability to seek more funding through the federal government, and so on, because these problems are not going to go away. At the moment, they are holding the state back.

[11.54 a.m.]

Mr GEORGE (Franklin) - Honourable Deputy Speaker, I thank Prof Razay for raising this relevant issue in the debate. He has a knack of putting a finger on the pulse, as befits a professor of medicine. All of us recognise the problems Tasmania is facing with a shocking lack of funding for upgrading water and sewerage infrastructure everywhere, some of which is 100 years old. But costings raise issues of fairness, transparency and the impact these increases are having on ordinary households, especially households struggling to manage day to day, week to week. Which brings me to some constituents in Lindisfarne living in a small collection

of nine villas, people of a certain age already struggling to make ends meet. I've been in communication with the Treasurer about their shock and distress when they receive notice of massive increases in their fixed water charges. According to the information provided to me, individual quarterly accounts rose from \$240.67 to \$845.90 in just six months, an increase of more than 250 per cent. I thank the Treasurer because he has said he will look into it.

These increases arose because residents were suddenly being charged on the basis of a 100-millimetre fire service connection that dates back decades, rather than a standard residential arrangement. This case is particularly concerning as the residents say they have been raising the issue for years. Records indicate that as far back as 2013 there were discussions about installing more appropriate water metering, but that work never occurred. The consequences of that historic failure now appears to be falling on residents, many of whom are elderly, single and living on fixed incomes. The residents tell me they are willing to have an appropriate metering solution installed. They are struggling but they're not seeking special treatment. They are simply asking for a fair outcome and recognition of the unique circumstances that have led to this situation.

This case raises a broader question for TasWater and for the parliament. When legacy arrangements, historical anomalies and administrative decisions create unreasonable outcomes, there should be reasonable mechanisms to which consumers can turn. We know that there are mechanisms in place but when it comes to dealing with them in the real world, many people tell me that they do not prove fit for purpose in far too many cases. Tasmanians should not be hit with extraordinary increases because of infrastructure decisions made decades ago and over which they have no control. Water, of course, is an essential service. People cannot choose to go without it. That places a very special responsibility on monopoly providers to act with compassion, flexibility and common sense.

I sincerely believe the Treasurer will take seriously my correspondence on behalf of my constituents, the latest of which was delivered yesterday.

Mr Abetz - That I will.

Mr GEORGE - Thank you. The last thing needed by these constituents of mine, who are trying to do the right thing, is to receive a bill that leaves them wondering whether they can afford both essential services and essential living expenses. This isn't just a billing issue. It's a question of fairness.

Matter noted.

**INTEGRITY COMMISSION AMENDMENT (MANDATORY NOTIFICATIONS)
BILL 2025 (No. 69)**

Bill Returned from the Legislative Council Without Amendment

UNCORRECTED PROOF

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 22)

Bill Returned from the Legislative Council With Amendment

[11.58 a.m.]

Mr ABETZ (Franklin - Leader of the House) - Deputy Speaker. I move-

That the last-mentioned message be taken into consideration at a later hour.

Motion agreed to.

FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026 (No. 30)

In Committee

Resumed from 9 September 2026 (page 168).

Clause 15 agreed to.

Clause 16 -
Section 28 amended (Applications for licences)

Ms BADGER - There will be on clause 16, but not from me. I could have a yarn for a minute on that if we need to.

DEPUTY CHAIR (Mr Mitchell) - Any takers for clause 16?

Ms BADGER - It's Ms Johnston's. I was going to do a quick quorum call, but I can talk instead, to pre-empt some questions I might have. On the amendments to clause 16, I'm foreseeing that perhaps Ms Johnston may come in and move shortly. It's my understanding that this is going to be in relation to some earlier amendments that she has foreshadowed. We've already had a bit of a discussion in this place in relation to the responsibilities of a firearms dealer employee, and how we have given them similar responsibilities to that of the dealer, really what we're doing to help shift that responsibility as well.

My question to Ms Johnston in relation to the amendment that she was going to make to clause 16 is whether and when we need to go back to clause 12. I understand there was one amendment going to be moved yesterday and we've shifted that into two today. I'd just like to hear how those two new amendments under clause 12 and clause 16 are going to work in today's proceedings.

Ms JOHNSTON - Thank you very much. I'll catch my breath now from running into the Chamber. I would like to move an amendment to clause 16. I move -

Page 24, after paragraph (d).

Insert the following paragraph.

'(ff) by inserting the following paragraph after paragraph (cb) in subsection (2):

(cc) in the case of an application for a firearms dealer employee licence, contain the name and address of each person who is a close associate of the applicant and particulars of the nature of that close association; and'

In speaking to the amendment, this really does follow on from the work that we did last night where we looked at the definition of a 'close associate' in relation to a firearms dealer employee licence, where we agreed as a Chamber to include that provision into the bill. This makes the practical application of it relevant in terms of the actual licensing process itself. The physical application needs to have the particular disclosure on it. That's how it interacts.

I caught, I think, the tail end of the honourable member for Lyons Ms Badger's question in relation to how it would affect my new clause to follow clause 12 - the old clause C, now clause X and clause Y. They are two separate kind of components. The new clause C, which is now the new clause X and Y, as circulated this morning, is in relation to the powers of the Commissioner around temporary classification of new technologies and also the permanent reclassification of modified firearms. It doesn't necessarily relate to the provisions relating to employees of firearm dealers, whereas clause 16 is specifically about the application process. It's a commonsense amendment subsequent and consequential to the one that we did last night where we actually acknowledged that close associates should be considered when determining an application by a firearm dealer employee. This is the practical part that needs to follow that.

Mr ELLIS - As we noted last night, the government didn't support Ms Johnston's initial amendment, viewing it as administratively burdensome for applicants and police while not producing any offsetting community benefits. We believe requiring a dealers' employees' licence to list close associates and the nature of that relationship is unnecessarily burdensome. A firearms dealership is a legal place of work. It's already subject to some of the toughest regulatory standards in the country, and police already have intelligence and powers when it comes to considering licence application and taking action against current licensees. We mentioned before about the broad potential expansion when it comes to their financial arrangements, that actually may be more administratively burdensome than the dealer who owns the primary licence.

That being said, obviously, this has passed previously, so we won't be opposing it.

What I might flag as well is just over the course of the coming weeks between now and the upper House debate, potentially there may be an opportunity to work with colleagues about perhaps providing a definition in the act for 'close associates'. There are a range of different definitions and they have potential impacts in a range of potentially unforeseen ways. I flag with colleagues that this is an area that we think may need some harmonisation across the act but, as we mentioned before, understand that we passed a previous amendment last night in this similar vein, so we won't be opposing it, noting that we would have opposed it if that other one previously didn't get up. But I think there's some opportunity for some further work just so that we can make sure that the act is usable and consistent.

Mr O'BYRNE - Consistent with my position last night, whilst I still am concerned about the establishment of - within the meaning of the relationship that for an employee but not the dealer, I still think that is an issue and maybe the government would consider working on that between this House and the other place. The thing that makes me more comfortable is a significant influence is a very high threshold, so I accept the issues that the minister raised but I think that is a high threshold in terms of the act.

Ms BADGER - Again, the Greens will be supporting this amendment, as we've already touched on last night, the general importance of it and accept that this is a continuation that needs to be placed within this.

We would like, and I've just signalled, based on what the minister's spoken about, potential amendments in terms of what the harmonisation, as he put it, with 'close associate' might look like in the coming weeks and welcome some open and constructive dialogue from his office in that as well. That is something that we looked at and appreciate there are some of our amendments that also have 'close associate' written into it. I just want to put that on the table now ahead of what would be that debate in the Legislative Council moving forward, in case there is a genuine way that we can work together and make sure that any amendments that do go to the other place in relation to 'close associates' by no means diminish or lessen what's been put forward here and certainly what we agreed to in relation to the definition that was put forward by Ms Johnston yesterday.

Ms BUTLER - I would like to thank Ms Johnston for bringing on this amendment and we will be supporting it. Thank you.

Ms JOHNSTON - I thank others for their contribution and I, likewise, would be very keen to work with colleagues and the minister in relation to the 'close associate' definition and what I'm hoping that we can achieve today is, obviously, the intent behind it. We want to make ensure that we have the right protections in place when we're extending the powers, roles and functions of employees. Obviously, the Office of Parliamentary Counsel (OPC) has drafted these particular amendments both for me and others, so there needs to be some harmonisation there if it's not the case. Once the bill is completed in its entirety with whatever amendments come in, obviously there's time to do that work and I'd be keen to be involved.

As I said, it's just a simple sort of a consequential amendment as a result of new clause B, which was inserted last night, so I thank members for their support.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clause 17 -

Section 29 amended (General Restrictions on Granting a Licence)

[12.09 p.m.]

Ms BADGER - Thank you, Chair. This is our first amendment that we will move and then speak through probably some high-level things more broadly and then get to the amendment itself. This is for page 25.

I move -

First amendment

Page 25, after paragraph (b).

Insert the following paragraph.

“(AA) by inserting the following subparagraph after subparagraph (ii) in subsection (2)(a):

(iii) to threaten, or cause unlawful harm or damage, to another person or to an animal or property;”

Chair, just for members' general understanding, this is the first of several amendments that we are going to be moving to clause 17. Ms Johnston also has some complementary amendments, so some of what we're doing here might feel a little bit disjointed in terms of having to move some amendments, Ms Johnston will then move some, and then we will have to come back to some other consequential ones of mine. Therefore, I'm going to have two, Ms Johnston will have two, and then I'll have a series of others before we go back to Ms Johnston.

In relation to these amendments, these are all regarding the 'fit and proper person test' to contemporise that for Tasmania, to look at what we've heard, particularly from the family violence sector, to look at things and implications regarding coercive control and how we can tighten up our 'fit and proper person test' to this.

I note that, with all of these amendments, we have used mostly the language from the South Australian test. That is because, aside from theirs being at present a step ahead of Tasmania in terms of what we're looking to amend, their language also fitted particularly well within the Tasmanian legislation. Some of the thresholds that we're going to be looking at are those which New South Wales have recently implemented as well.

In terms of this first amendment: this is to provide the commissioner the ability to consider any likelihood of a person using a firearm to threaten or cause, importantly, unlawful harm to another person or to an animal or property. This is providing the commissioner with that additional ability to look at the likelihood of a person doing this. This is particularly in relation to things like coercive control and other patterns of behaviour. It is important to point out it does have the words 'unlawful harm to' when it comes to an animal. This is, in no way, impinging on general recreation or anything that you might actually be using a firearm for.

This is just further strengthening up what we already have in particular. We hear some terrible incidents of things where people are posing threats, threatening to harm wedge-tailed eagles and things like that that are a protected species, and that sort of thing does unfortunately happen. That's really where this is helping to tighten up what we already have.

Mr ELLIS - Thank you, Chair, and Ms Badger and the Greens for moving this one. I think this should be a good area of general debate where we can find a fair bit of common ground. I think, across this parliament, we all recognise that keeping firearms out of the wrong hands is a key part of our challenge when it comes to this legislation and where we can ensure

that either we provide additional powers or that we clarify the powers that are already existing. That's worthwhile, absolutely in this case.

I note that, in this particular case, the government will be supporting—we would view this amendment particularly as clarifying some of the existing powers of the commissioner, but it makes it clear and that's helpful in a legislative sense as well. It would require the commissioner to consider the 'fit and proper person test' where the applicant would use a firearm to threaten or cause unlawful harm or damage to another person, animal and property. I concur with your assessment about the difference between lawful and unlawful there, Ms Badger. These are factors that would already be considered by the Commissioner under 29(2)(a)(i) which covers a firearm being used for any unlawful purpose, but again, for the purpose of clarification, we support the amendment.

Mr O'BYRNE - Thank you, Chair. Again, I think this is a very sensible amendment put forward by the Greens. I acknowledge that when we asked a few questions, the inclusion of 'unlawful' was very important. We were sitting around talking about this amendment and not having unlawful means even if you were to deal with vermin control, which is a lawful act, that you might be inadvertently captured under this definition. I think the suggestion that we put forward, and thank you for taking that on, I think this is sensible and appropriate given the too-many circumstances we see where people and families are threatened and having their animals threatened under family and sexual violence circumstances. This is a very important amendment and it has my support.

Ms BUTLER - Thank you, Chair. We thank Ms Badger for bringing this on. It is a really sensible amendment. From one of the submissions from the Tasmanian Family and Sexual Violence Alliance, their submission to the Firearms Amendment (Miscellaneous) Bill 2026 states that:

Firearms may be used to threaten victim/survivors, intimidate children, threaten pets and livestock, facilitate coercive control, restrict the victim/survivors ability to leave, or reinforce an ongoing pattern of fear. Many of these behaviours never result in criminal firearm offences, yet they represent some of the highest risk indicators for future serious violence. Public reporting significantly underestimates the prevalence of firearm-related coercive control. Victim/survivors frequently disclose that firearms were used to intimidate or threaten them without those incidents ever being reported to police, often because of fears of escalation or concerns that they will not be believed.

In the spirit of the information provided from this amazing submission, we'd also like to thank them for this submission, and the thorough, honest advice. We look forward to running through this host of amendments that will be brought to this Chamber by Ms Badger and also Ms Johnston in relation to family violence. It's a very important issue. Thank you.

Ms BURNET - Thank you, Chair. I rise also to thank the Greens and Ms Badger for this amendment. We know, and I know, that from the changes in the first amendment that Ms Johnston made, we're looking at reducing harm and that psychological trauma which can occur when we're looking at this through the lens of family and domestic violence. So, I really appreciate this and wholeheartedly support this amendment.

Ms JOHNSTON - Thank you and, again, I, like others, thank Ms Badger for bringing forward this motion. It certainly, as the minister indicates, provides greater clarity. Whilst the police have a broad range of discretion in terms of looking at different risk factors, it really makes it very clear if we have it named up in the legislation, precisely the intent of the parliament when it comes to what we believe fit and proper people would be in order to determine a licencing requirement.

I think it's important when we look at the range of amendments to 29 to look at them in the context and to note, as Ms Badger's amendment, in particular, goes to looking at what the Commissioner is to take into account. So it's not must, but is to take into account, this particular amendment is the likelihood. So it's not a definitive thing. It's about a risk assessment. It's a likelihood that cause harm or damage to another person or to an animal or property might occur, or be threatened.

I want to thank, also, Thomas from the Greens for very carefully constructing a complete version of clause 29. I do appreciate the members. It's very confusing that we are pulling out individually sub-clause by sub-clause and deliver them individually - so, I'm trying to see them in its totality: the effect of how this parliament could express those factors that the Commissioner ought to take into account when considering fit and proper person test. I thank him for his work because it makes it much easier to see how we are building one amendment on another amendment to protect Tasmanians, to put public health and public safety first and paramount in our legislation. So, I want to thank Thomas because that wasn't an easy task to do and it makes hopefully everyone in this Chamber's life a little bit easier as we go through this discussion.

Amendment agreed to.

Ms BADGER - Thank you, Chair. I now move our second amendment, which is on the same page of the bill and that is after paragraph B -

Second amendment

Same page, after paragraph (b).

Insert the following paragraph.

“(BB) by inserting the following paragraph after paragraph (b) in subsection (2):

(ba) the reputation, honesty and integrity of the following persons:

(i) the person;

(ii) each close associate of the person;

(bb) in the Commissioner’s opinion, whether the person has failed to comply with the requirements of this Act in relation to the handling, use, storage or transport of a firearm;”

Chair, this second amendment introduces two new additional provisions - this is from South Australia, again, as I'd already pointed out - into Tasmania's fit and proper person test. In relation to the proposed new paragraph, (ba), this allows for the Commissioner to importantly consider - again, it's not a must, we're talking about the consideration - the reputation, honesty and integrity of a person. On that point, this is important in relation to - again, this was raised in the submissions that we've got formally on the bill from the family violence sector. This has been an ongoing conversation for a very long time in that sector as well, again, in the coercive control space, this is important, but it goes on; as well as a close associate of a person. Again, looking back at close associate, we are going to look at moving a definition of that, which will be our fourth amendment if members want to move forward, but that will include, for example, a partner, a relative and further prescribed person, and a person whom, by virtue of a financial or business relationship, can exercise power over the person.

Now, the proposed paragraph (BB) allows for the commissioner to consider whether a person has failed to comply with the requirements of the act in relation to the handling, use, storage or transport of firearm. This is, again, further clarity that we'd be putting forward as well.

Mr ELLIS - Thank you, Chair. I appreciate the Greens bringing this one forward. This isn't one the government can support. Broadly speaking, it's on the basis that reputation, honesty, integrity is too subjective when compared to the fit and proper person test, because broadening the fit and proper person test to require the commissioner to assess the reputation, honesty, integrity of the applicant and each of their close associates for a firearms licence application is likely to be extremely time-consuming and practically unworkable in many cases.

I'm sure many of us have been subject to free character assessments from time to time, and for a reputation of lacking honesty and integrity, we generally take these judgments on the chin, accept them as part of the job, but it is quite another matter to suggest that, should we wish to apply for a firearms licence, the commissioner should be considering what type of reputation we have and whether we are considered to have honesty and integrity.

Likewise, I'm sure that none of us would wish to see family members disadvantaged because they may have some may have the misfortune of having someone in the family that has a reputation for being less than 100 per cent honest. Of course, as the old saying goes, a child should not have to suffer for the sins of the father and I certainly would put my hand up and say that no families are perfect and having that lower bar and that subjective test is very challenging.

If the concern, though, is that someone who is not a fit and proper person may get access to a firearm, then that's actually already covered and comprehensively so, by section 29(4) of the act, which states that:

The Commissioner must not grant an application for a licence if the Commissioner has reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in the possession of the applicant.

Let me repeat that: The Commissioner must not grant an application if they have a reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in possession of the applicant. So, the act already has extremely

strong provisions which provide clear direction to the commissioner and asking police to subjectively assess the reputation, honesty and integrity of an applicant or their relations or work colleagues does not actually improve community safety. It doesn't take firearms out of the hands of criminals.

It does however seek too low a bar and it certainly could have a significant impact on everyday people making applications. Police already have the power to refuse a licence if they think that a firearm will fall into the hands of someone who is not fit and proper. In fact, they actually must do so on those grounds and we don't need to be subjecting law-abiding citizens to a character assessment of their reputation, honesty and integrity simply because they want a firearms licence.

In regards to the addition of failure to comply with the firearm storage and transport requirements as part of the fit and proper person test, the police already actively monitor compliance with firearms storage requirements throughout the licence period. It is entirely incorrect to assume that police wait until a licence reapplication to consider these matters. Police can and do suspend and cancel licences because of incorrect storage and transport of firearms. 29.2D, any offence committed by the person under the act or under the *Guns Act 1991* already covers the ability to consider an application or reconsider a current licence if the person has been convicted of storage offences.

So, in this case, for an amendment for this to be considered as part of the fit and proper person test, it doesn't actually achieve a substantial improvement. It gives police no powers they don't already have and no ability to consider factors that they do not already appropriately consider within any licence application. For those reasons, the government will oppose the amendment.

Ms BUTLER - Thank you for bringing on this amendment, your second amendment I believe, in this pack. It's our understanding that the wording 'reputation, honesty and integrity of the following person, and each close associate of the person' comes from the South Australian act that is considered a gold standard when it comes to fit and proper assessments. I think that is also one of the reasons why they weren't so keen to take on a model of caps, because their 'fit and proper persons' is already well in place and has great precedent as well, I believe.

Would you be able to provide to the House some of the insights you've learned from studying that South Australian model, and why you've chosen this for ours? It's also my understanding that the Commissioner may, though they're not obligated to undertake this, but it's another step that the Commissioner can draw from. That's my understanding of this, that it's to strengthen the opportunity or the means by which a Commissioner may refuse a firearms licence, and it provides even more scope. Thank you.

Mr O'BYRNE - Thank you, Chair, and again, I thank the member for bringing this amendment, and I understand the thoughts behind it and the intent. Extending to 'each close associate of the person' is probably where I have an issue with it. I think there are practical consequences of introducing a discretionary consideration which can be vague - integrity and those kind of things - so I think I'm echoing the minister's position in terms of where reputational issues are covered.

Section 29(3)(e) which prevents a person from being granted a firearms licence if in the Commissioner's opinion - having regard to intelligence reports or other information held in relation to the person - the person is a risk to public safety. Section 29(4) states that the Commissioner must not grant an application for a licence if the Commissioner has a reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in the possession of the applicant.

The minister has referred to section 29(2)(d) which refers to handling, use, storage, and transport requirements and refers to the *Firearms Act* which assists in determining whether someone is a fit and proper person. Whilst I understand the intent, I think you're introducing a provision which is vague and may have practical consequences beyond the person who is the actual licence holder. I think there's enough there in the act to apply a 'fit and proper person' test in the Commissioner's discretion to the person who has a firearm licence.

Ms BURNET - Thank you, Ms Badger, for this amendment as well and I have a question along similar lines. In relation to the wording in quotation marks is 'to' the same as 'may', and will this make a practical difference?

Ms JOHNSTON - I thank other members for their contributions and whilst I can understand their concern around what's perceived with the vagueness around reputation, honesty, integrity, and the breadth that it covers close associates, I make the point again that this is just highlighting the suite of things that the Commissioner can take into consideration when deciding whether somebody is a fit and proper person. It's not a definitive list by any stretch of the imagination. The Commissioner does have raw powers already, but what it is doing is providing clear guidance to the Commissioner - the current commissioner, future commissioners - what parliament's intent is when we think about who should be the holder of a firearms licence.

Some of the things we want to make sure of are really clear. We want people to be honest, to have solid reputations, to be acting with integrity, to be ensuring that they are complying with the rules and regulations around firearms. They're the key things that this parliament, I believe, in contemplating public safety and public health, ought to be quite explicit about in a bill or in a piece of legislation that talks about giving someone access to a dangerous item. It's by no means a complete list of things that should be considered but it's by no means definitive either. It gives a broad scope. I read it in the context of that. This is another tool in the toolkit that the commissioner can use. It may be that the commissioner considers the reputation or honesty of a close associate to be of concern, but not significant enough to not provide a licence. It's in the context of all the other things the commissioner needs to weigh up in determining whether someone should be a fit and proper person.

I recognise the contributions of the minister and Mr O'Byrne in relation to other provisions under 29(3) and (4), in particular. Yes, they are very broad, but there is no harm, as a parliament, in making some clear expressions of intent about the kinds of character or aspects or traits of a person who is fit and proper explicit in the bill. The more guidance we can give the commissioner, I believe, the stronger this bill is and the stronger their power to determine who is a fit and proper person.

Ms BADGER - Chair, I thank everyone for their contributions. As multiple members have asked and pointed out, it's not a binding requirement on the commissioner. They may

consider these things if they feel it is necessary. As Ms Butler pointed out, this is from South Australia, which has the gold standard when it comes to this fit and proper person test.

In relation to some examples, you've heard the words 'subjective' and 'broad' thrown around. Well, to a degree. But it is really about contemporising the powers to look at things like coercive control, where we are looking at the person who might be around that licence holder, in terms of their integrity and what they're doing. We've all heard of incidents, and it has been noted in the submissions we have received, where someone has had an abusive partner who is not of good character, does not have a good reputation, and so on. And they are coerced by their partner into being the one applying for the licence for the firearm and that sort of thing. So, that close associate is important to look at.

When we get to the definition, which is further on, that further constrains exactly who that close associate is. The suggestion that this is going to be enormously burdensome and everybody who applies for a licence would be going through this is not correct. This is just something extra the commissioner can do if they want to. If it came to it and there was a genuine misunderstanding in terms of what was constituted, anyone is still able to dispute a decision from the commissioner. We don't foresee this happening but I'm just laying it out for members who have that concern. There is always the ability to go through an appeal process with the commissioner in terms of that decision-making.

This is not binding. It is just an additional tool to look at other circumstances around the person and in the context of public health and safety, being able to consider those other factors now we better understand the influences people might be facing. This is an important additional tool for the commissioner.

Mr O'BYRNE - Chair, I wish to make clear that I've supported a range of amendments around coercive control and family violence. I don't see this amendment debate having an issue in terms of exercising power under the *Firearms Act* to protect women and families and children. Motions directly dealing with that issue I will absolutely support.

There is an issue with what you've just said, Ms Badger. You say that the commissioner 'may' or it's up to the commissioner. The amendment starts:

In deciding whether a person is a fit and proper person, the commissioner is to take into account ...

Not 'may'. It's more directive. You're not asking for the commissioner to apply a vague test if they think it's appropriate. This will direct the commissioner to do it. That's the problem I have.

Mr ELLIS - Chair, just to add - and I'll be making a similar point with Ms Badger's fourth amendment, when it comes to close associates, it might help the committee when it comes to considering this matter of the application of family violence here. The act already provides the commissioner with the power to refuse a licence if they have reasonable grounds to believe that firearms will be accessible to someone who is not fit and proper. In fact, in that case, the commissioner must refuse to grant the licence on those grounds. In certain cases I've actually corresponded with people in that regard. So, it's important to note that there are powers when it comes to concern about someone else in the house. We're talking particularly there about a perpetrator. If there are concerns that that person is not fit and proper, there are already powers for the commissioner. Indeed, they are powers where the commissioner must refuse it.

But by making the test much broader and more subjective, and a significantly lower bar, we think that substantially reduces the effectiveness and would have a greater impact on people going about their lawful business.

Ms JOHNSTON - Chair, following on from Mr O'Byrne's concerns in relation to whether it's 'may' or 'is to', certainly, (2) does say 'is to take', but then it follows with 'into account'. While they need to take it into account, it doesn't mean to say that it's determinative. It's a range of factors that -

Mr O'Byrne - It's not 'may'.

Ms JOHNSTON - It's not 'may', it is to take into account but it's not that they have to determine it. So, if someone falls foul of any of the provisions below, it doesn't mean they are automatically excluded. We speak about it all the time and the minister himself has constantly referred to finding the right balance. The commissioner is to take into account all the factors that follow from (2) into consideration, but they don't have to. Or they could determine that this particular factor is outweighed.

Mr O'Byrne - The point I'm making is they have to apply the test.

Ms JOHNSTON - They have to apply the test, absolutely. And that's surely that's what the parliament would want them to do, any future commissioners, to apply a test around a fit and proper person and to take into consideration each of these particular provisions. There are other areas under (3) or (4) of subsection 29 which maybe broadly could capture the intent of Ms Badger's amendment. But surely there is no harm in this parliament being quite explicit when we're coming to what our expectations are around someone who holds a firearms licence to ensure that much guidance and direction is given to the commissioner in making difficult decisions. As the minister has outlined, I'm sure there will be applications that have a number of concerns but then maybe the overall weight is that, yes, this person should be licensed because of these following reasons. It is a balancing act that the commissioner needs to undertake. Surely, the more direction and guidance we can give the commissioner, the better it would be.

Ms BURNET - Chair, I appreciate the explanation that Ms Johnston and Ms Badger have made. I don't want to get hung up on language, but I also want this to be effective. I wonder why we would adopt South Australian language when we could be using the same phrase or same word that is contemplated in Tasmanian legislation. The concern I have is that if the commissioner's taking it into account and it was a relevant factor, and they had sufficient information, in the Tasmanian bill is the requirement stricter? And will that have any unintended consequences and impacts on the police to chase more information? I support the intent of what you're doing, but I feel that complicates matters that don't really need complicating.

Ms BUTLER - Chair, just to go back on some of the argument provided by the minister in relation to Ms Badger's amendment, it's our understanding that reputation, honesty and integrity of the person is a consideration when one becomes a lawyer. That is a benchmark used. Your argument is that the benchmark to become a lawyer should be higher than the one to become a firearm owner. It is already a requirement under many professional groups. I think we should be setting the highest bar that we possibly can - like we do for our lawyers. Ms Johnston, you're a lawyer, I'm sure there's a few other people in the room. Their reputation,

honesty and integrity are central to their condition of becoming and being admitted as lawyers. We should have the same of our firearm licence holders. I do dispute your argument there. We should always have the highest standards when it comes to issuing licences to such a potentially lethal tool - an important tool, especially for our primary producers, but a lethal tool. If there is an opportunity for our Police Commissioner to be able to assess and draw that into an understanding of whether or not a person is fit and proper for them to be able to draw on reputation, honesty and integrity. if we have to do it for lawyers, we should certainly be doing it for our firearm owners.

Ms BADGER - I just want to clarify in terms of when I was talking about - Ms Johnston summed it up better than I did. I admit that was clumsy when I said in terms of the 'may' in that that's not written into the amendment. Just to clarify - and please do so on interjection so you don't have to jump again, Ms Burnet - when you spoke in terms of the language from South Australia versus what's already in the Tasmanian act, what word are you referring to in the Tasmanian act? Is that 'may'?

Ms Burnet - Yes, 'may' versus 'is to'.

Ms BADGER - Here it is 'is to'. I want to go back to when we're looking at what we're trying to put in place in relation to looking at what a gold standard in this would actually be. We want to make sure that it is not only - and I understand the example that Ms Butler was giving, but in terms of relating that to close associates as well, and that importance in making sure that they have that reasonable 'reputation, honesty and integrity of those persons'. If we just jump forward in terms of what a 'close associate' is in relation to the questions of unintended consequences and the flow-on et cetera, just to be clear, because we haven't put that fully on the record for a while. To be clear, that also still relates to those under the *Relationships Act 2003*, which is similar to the debate that we had yesterday. That was raised as well. A relative of the applicant is not extensive. We're not talking about your great, great, great - well, you wouldn't go backwards like that, but you know, your fourth cousin.

Mr Ellis - You may if you're lucky.

Ms BADGER - You could if you were as lucky that that person was still alive, minister Ellis.

It includes those with a direct financial interest as well, which is similar to what we were looking at in terms of the extension of the considerations of powers - not just around the licence, but those when we were extending the responsibilities of, for example, their employees, similar to the dealer as well. This goes a step further, it is a further step up, another notch in terms of looking at those around licence holders. A lot of the language from other states, not just South Australia as well, does relate to other things such as gangs that are more prevalent. There are other issues. We have different laws in relation to that in Tasmania as well. I acknowledge that. It strengthens it for all of those different reasons. It is just something else that the commissioner is taking into consideration on that front.

DEPUTY CHAIR (Mr Mitchell) - The question is that the amendment be agreed to.

The Committee divided -

AYES 15

NOES 17

Ms Badger
Mr Bayley
Dr Broad
Ms Brown
Ms Burnet
Ms Butler
Mr George
Mrs Greene
Ms Haddad
Ms Johnston
Ms Rosol
Mr Willie
Mr Winter
Dr Woodruff
Ms Dow (Teller)

Mr Abetz
Mrs Archer
Mr Barnett
Mr Di Falco
Mr Ellis
Mr Ferguson
Mr Garland
Ms Howlett
Mr Jaensch
Ms Ogilvie
Mr Pearce
Mrs Petrusma
Prof Razay
Mr Rockliff
Mr Shelton
Mr Vermey
Mr O'Byrne(Teller)

PAIRS

Ms Finlay

Mr Fairs

Amendment negatived.

Ms JOHNSTON - Thank you, Deputy Chair. I'm up next with my first amendment to clause 17, which is also on page 25. I move -

First amendment

Page 25, after paragraph (b).

Insert the following paragraph.

“(xx) by inserting the following paragraphs after paragraph (c) in subsection (2):

- (ca) whether the person has a history of behaviour, whether in Tasmania or elsewhere, that would be considered family violence within the meaning of the Family Violence Act 2004, if the behaviour occurred in Tasmania;
- (cb) whether the person has a history of behaviour, whether in Tasmania or elsewhere, that, in the Commissioner’s opinion –
 - (i) is a recognised precursor or risk factor for family violence, within the meaning of the Family Violence Act 2004, including, but not limited to, coercion, intimidation, damage to property or increased police attendance; and

(ii) shows a pattern of escalation in the behaviour;”

This amendment responds to concerns and submissions that many family violence perpetrators have never been subject to restraint orders, police family violence orders, or family violence orders, or been declared a serial family violence perpetrator and so would not be declined a firearm licence under the bill's provisions.

This amendment expands a factor to be considered in the fit and proper persons test to include behaviours that are offences in the *Family Violence Act 2004* and recognising that often perpetrators are not convicted or have an offence recorded.

As the Tasmanian Family and Sexual Violence Alliance point out in their submission - and I share the congratulations of Ms Butler, the member for Lyons, in thanking the Family and Sexual Violence for their very detailed and compelling submission on the bill - as they say:

Firearms may be used to threaten victim/survivors, intimidate children, threaten pets and livestock, facilitate coercive control, restrict a victim/survivor's ability to leave or reinforce an ongoing pattern of fear, yet many of these behaviours never result in criminal firearm offences.

That is precisely the point, and that's the very nature of family violence, unfortunately.

Tasmania records one the highest rates of family and sexual violence in Australia, sadly, including the nation's highest rate of intimate partner violence, emotional abuse, economic abuse, stalking and child maltreatment notifications. In the budget Estimates this year, Tasmania Police said in the last four years the use of family violence incidences involving firearms has sadly doubled.

Wherever we can take firearms out of the hands of perpetrators of family violence, the safer women and children, in particular, are in Tasmania. Again, I'll continue to harp back to what we did last night, the fantastic work we did to recognise as an object of the principal act public safety and public health that speaks to family violence and the impact of family violence within our community. I strongly urge members to support this amendment. It's an important one that has come directly from stakeholders who work in the family violence and sexual violence sector. I commend the motion of the amendment to the House.

Mr ELLIS - Thank you, Chair, and I thank Ms Johnston for bringing forward this amendment. The government will be supporting it. It gives more specific details to the fit and proper person test. It's probably in the category of providing some clarification, noting that already in section 29(3)(e) it empowers the Commissioner to have regard to criminal intelligence reports or other criminal information held in relation to a person if a person is a risk to public safety.

It's also worth noting and foreshadowing for members that it is the intent of this bill to further increase that discretion by the removal of the word 'criminal' from section 29(3)(e), which would mean that the Commissioner has greater powers of being able to assess a wide range of information in determining whether to grant a firearms licence or not. This would include family violence offenders or any other intelligence that is available to the Commissioner from not only Tasmania but all of Australia. The removal of the word 'criminal'

in this case - just to flag it up so you know what you're looking at when we do get there, actually empowers the Commissioner to assess any information or intelligence, criminal or not. We are supportive of this amendment and appreciate Ms Johnston bringing it forward.

Mr O'BYRNE - I thank the member for bringing on this amendment, this is a very important one given the emerging evidence and information around patterns of behaviour and the escalating actions of family, sexual, and violent perpetrators. I think the inclusion of the history of behaviour in Tasmania or elsewhere, which is very important in terms of intelligence sharing, point two of (cb), is important. It shows a pattern of escalation in the behaviour is crucially important. That's a very important element to assist Tasmania Police and the Commissioner in intervening earlier in a process to remove the risk and to make women and children safer. This is a very important amendment and I thank the member for bringing it on.

Ms BUTLER - We would like to also show our support for this very well-worded and well-intentioned amendment to this bill. We also appreciate that it takes into account showing a pattern of escalation in behaviour. I think that is quite an important aspect on top of the other points that this amendment provides. Thank you again, we will be supportive.

Ms BURNET - I thank Ms Johnston for this amendment. It is very important to have this reflected in this bill and eventually, hopefully, the piece of legislation that we get to.

I have a question in relation to (cb)(i) - you're talking about a precursor or risk for family violence, and I wonder if you're referring specifically to any sort of universally recognised list of precursor risk factors, and whether that is something that is in the pack of information available to people considering that.

Ms JOHNSTON - Thank you to the independent member for Clark for that question. It's within the context of the meaning of the *Family Violence Act 2004*. Family violence is obviously defined within that particular act to talk about a number of kinds of behaviours and conducts. It's the precursors to that. It might be the first, second or third particular instance of that. It's the nature of that behaviour. The second or the final part of that particular provision talks about things like increased police attendance. There might not be quite enough that's occurring at situations that would result in a police family violence order being issued or a family violence order being provided, but there's enough to be concerned that the behaviour that the police -

Sitting suspended from 1 p.m. to 2.30 p.m.

FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026 (No. 30)

In Committee

Resumed from above.

Ms JOHNSTON - Before the lunch Adjournment I was responding to a question from my colleague, the member for Clark, Ms Burnet, in relation to (cb)(i) as a recognised precursor or risk factor for family violence and explaining that within the meaning of the *Family Violence Act* which, obviously, encompasses a range of behaviours and conduct that is not limited to and

including coercion, intimidation, damage to property and increased presence, and it's the escalation of that behaviour, I suppose, and the very early stages of some of that, so where behaviour is not quite at the level of an assault, for instance, or an abduction or a rape or economic abuse but is leading to that kind of behaviour.

Whilst I appreciate it's not a clearly defined term, in terms of precursor when the police are giving consideration of whether to put in place a police Family Violence Order, they're obviously thinking about the kinds of conduct that's leading to what would be necessary to form those kinds of grounds for a police Family Violence Order, so it's that behaviour that's escalating over time that leads to the kind of behaviour that we're talking about within the context of the *Family Violence Act*.

Mr Ellis - Ms Johnston, is this your first amendment?

Ms JOHNSTON - Yes, it is my first amendment.

Amendment agreed to.

Ms JOHNSTON - I now move on to my second amendment. I move -

Second amendment

Same page, after paragraph (b).

Insert the following paragraph.

“(yy) by inserting the following paragraph after paragraph (d) in subsection (2):

(da) whether a family member of the person, or a member of the person’s household, is not a fit and proper person;”

In speaking to this particular amendment, it responds to concerns, again raised submissions, that a relationship of coercive control could see a firearm get into the possession of a perpetrator and the Tasmanian Family and Sexual Violence Alliance said:

Within coercively controlling relationships, control over firearm storage, keys, combinations and access may itself become a mechanism of power and in doing risk assessments around a fit and proper person, there should be, therefore, consideration who has effective access and control, rather than relying solely on who is legally responsible for the firearm or whether storage requirements are technically met.

Chair, I spoke in my second reading contribution of a story that had been shared with me - last week I think it was now - from a victim/survivor who was happy for me to share this here today. They said that their experience with a particular person in their relationship would play with the keys to the storage cabinet over and over again to demonstrate that they were displeased with this particular person's conduct and it was a clear threat.

In those circumstances there is that threatening behaviour and if it's in relation to a person who's making an application for a firearms licence it's important that the nature of that behaviour is taken into consideration.

I make the point and I know in speaking with the minister's office and some others in the Chamber, it's felt that maybe Section 29(4) of the principal act already deals with this in a broader sense in terms of looking at the risk of people who might be able to effectively get control of a firearm.

Whilst that is, I suppose, technically true in a general sense, I believe it's really important that this parliament elevates and highlights the risk of family violence, in particular coercive control and the setting of coercive control in the act and recognise it specifically in this provision to ensure that we understand and highlight that in this day and age we have a greater understanding of the environments in which violence can occur and particularly the impact of coercive control, and I note that when this bill was initially drafted in 1996, coercive control wasn't necessarily on the radar of legislators at the time. As, I think, Ms Butler made the point yesterday, it was drafted up in circumstances where, perhaps, that wasn't the primary consideration for what should have been in the bill. But we have moved such a long way, in particular in recent years, as parliament has recognised the insidiousness of coercive control and family violence situations. I think it's fit and proper that this parliament elevates that whenever it can to recognise that we see these people and we see what the harm it's doing to communities and families, in particular, women and children, and we elevate it in our legislation. That's why I would encourage members to support this particular provision, which does speak directly to the issue of coercive control when an applicant is coerced into making, in particular, an application for a firearm when it's not for them to be intending to use it, it's for somebody else in that household. It's a particularly risky situation for that. I'm sure other members have read, again, the Family and Sexual Violence Alliance submission with the details and the case studies that they had included in that. So I encourage them to support the amendment.

Mr ELLIS - Thank you, Chair. I thank Ms Johnston for the amendment. There are some challenges in here. The amendment seems to be expanding the provision to consider not only the applicant's behaviour, but the activity of another person who may have influence over the applicant. Family member is not defined so could be interpreted very widely. I'd suggest that in this amendment an agreed definition of relative would potentially be helpful. Relatives, also, as we know before, a terminology used in Ms Badger's suggested amendments to this clause.

I'd note also that this section could probably be better expressed as consideration of the likelihood of another person who is not a fit and proper person gaining access to the applicant's firearms. That would then be duplicative with 29(4), which already considers this issue. In 29(4), the Commissioner must not grant an application for a licence if the Commissioner has reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in the possession of the applicant. This is similar to what we spoke about in the previous amendment, that, I think, was moved by Ms Badger, around honesty, integrity and reputation, that was not moved forward. As I noted then, section 29(3)(e) already empowers the Commissioner also to have regard in any criminal intelligence report or other criminal information held in relation to the person, is a risk to public safety. As I mentioned previously, as well, it's the intent of the bill to further increase that discretion by the removal of the word criminal from section 29(3)(e), which I've already covered.

Perhaps, to assist the debate, what we propose is an amendment. I've circulated it to members, I think you've got one there as well, Ms Johnston, to clarify around the definition of family member, so that we can ensure there's some harmony there. Amend the proposed insertion (yy) by:

In subparagraph (da) remove all the words after 'whether a' and

insert instead

“relative of the person, or a member of the person's household, is not a fit and proper person;

For the purposes of this Act, a 'relative' means a person who is in a significant relationship or caring relationship (within the meaning of the Relationships Act 2003) with the person, or who is the person's parent, grandparent or other lineal ancestor, child, grandchild or other lineal descendant, or brother or sister.”

As I mentioned before, it's important that we can find some harmony in this and we think that that will ensure the accuracy in what's drafted.

Now, I understand that there might be some challenges in terms of the breadth of that relational sort of disclosure that's being asked to work through. Certainly we would view some of the existing powers in terms of preventing people from having a firearm if there is a likelihood that someone else would be able to access their firearm if they're not a fit and proper person to be important. But similarly when it comes to this amendment, we think that this will help assist with where the member's going and help the House more broadly to ensure that the legislation has good clarity.

Mr O'BYRNE - Thank you, Deputy Chair, and I thank the minister for that explanation. My original position when seeing this amendment was that it is covered in 29(4) and it is a reach within the concept of what we're trying to achieve here in terms of a fit and proper person and significant others. I think the amendment from the government is quite sensible in defining it and making it consistent with the *Relationships Act 2003*, which is something you've previously introduced into the debate, and into the proposed amended act once we land on it. On the basis of that, I would support the amendment because it makes the principle of what you're trying to achieve far clearer and addresses the issue of significant control, exertion, and all of those things. I think I'm more comfortable with the amended amendment from the member. Thank you.

Ms JOHNSTON - On the amendment to the amendment, I'm supportive of the amendment put forward by the minister. I'm certainly happy for the definition of 'relative' to be tied to the *Relationships Act 2003*. It speaks exactly to the situation that we're talking about when we're talking about coercive control within the family context, so I'm more than happy that I don't think it changes the principal intent.

Ms BUTLER - We support the government's amendment to the amendment.

Ms BADGER - On both the amendment that Ms Johnston has moved, and indeed the amendment from the government, we do support this second amendment moved by

Ms Johnston. It does cover a lot of the intent of the previous motion that we had tried to move as well, so I'm not going to double up on what this is trying to achieve.

In terms of the amendment that the government has put forward, that is fair in consistency throughout the act as well, so we will support that.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Ms BADGER - For members, this is the Greens' third amendment on clause 17. After paragraph B, I move -

Third amendment

Same page, after paragraph (b).

Insert the following paragraph.

“(CC) by omitting from subsection (2)(e) “reasonable” and substituting “continuous, reasonable”;

This enables the Commissioner to consider continuous reasonable ability to have control over a firearm. This is yet another strengthening of our current provisions. It is, again, taken from what is under South Australia's fit and proper person tests. It is putting us back up with the high bar that we're seeing in terms of changes nationally, like where a person might have various intermittent behaviours and struggles in their life that are not necessarily continuous. It gives that extra opportunity for the commissioner to take that into consideration regarding the person in any given moment. That could be anything around different patterns of troublesome behaviour. It could also look at intermittent health struggles that someone might have that can impact their ability to exercise reasonable control over their firearm.

Mr ELLIS - Thank you, Deputy Chair, and I thank Ms Badger for moving the amendment. Unfortunately, I can indicate that the government will be opposing this one. The reason being that this amendment, as constructed, is likely to prevent many lawful activities, including lending of firearms and storage of firearms by another on your behalf. The bill itself actually deals with those matters in the substantive amendments that we are putting forward further down in a more precise way, particularly when it comes to on-lending and the requirements for due diligence there. The requirements for continuous control of a firearm is a very high bar.

If you legally lend your firearm to another licenced firearm owner complying with all the relevant conditions, are you in continuous control of it? If you're going overseas for a month and legally and responsibly store your firearm with your firearm dealer for security, are you in continuous control of it? There is a strong likelihood that this amendment would interact poorly with lawful firearms practice, including those that we actively want to encourage, such as ensuring safe storage of firearms when the owner is unlikely to be able to monitor their usual place of storage for an extended period of time.

We don't believe that the amendment is precisely drafted. It provides no improvement for community safety and would potentially operate in direct opposition to other firearms practises that are lawfully permitted under the act. Therefore, the government does not support this amendment. However, for members, the government does have amendments in the bill that would address some of the on-lending matters that are important to ensure that there is a proper process for this when you're providing firearms to other people.

Mr O'BYRNE - Thank you, Deputy Chair. I understand the motivation behind what you're trying to achieve, but I think there already is a section that deals with it, 29(2)(B), where the commissioner is required to consider the mental and physical health of the applicant in making a fit and proper person assessment. I think, over a person's life, we all have moments and we all have moments where we seek support or seek professional help, and I think, in terms of not so much what the minister referred to, but in terms of the person's personal journey and their relationship with either the bush or their property or their recreation or their sport, that this could inadvertently cause an outcome or a consequence for someone who will refuse to seek mental help because of the circumstances they're in.

They're fearful and they may perceive it would break that continuity of ownership. Therefore, I understand what you're trying to do. I think in terms of the mental and physical health, there is a test that the commissioner can apply and can concern. Reasonable and responsible control is important. Continuous, I think, is a bar that will create significant difficulties, so I can't support it.

Ms BURNET - Thank you, and I think this is an interesting discussion and I appreciate what Ms Badger was intending here. But I do have similar questions about that; how someone can exercise continuous control if they lend it to a third party. I know that's an issue in itself, but how will 'continuous' interact with the lending provisions that exist and work in our act, knowing that this is taken from the South Australian example?

Ms JOHNSTON - Thank you, Deputy Chair. I am supportive of this provision and I think it's important to read it in the context of the entire subsection here. It is continuous, reasonable and responsible control. It's not just continuous alone, there's a reasonable aspect to that and a responsible control aspect to that as well. I think it's incredibly important that this is included here in section 9 of the principal act because—and I know we haven't quite got there yet, to clause 47 of the bill, where we look at lending and borrowing of firearms, where I have some significant concerns that I will be asking the minister about when we get to that time, around the responsibility of a firearm owner and the obligations on that firearm owner when lending their firearm, to be aware of what their firearm is being used for, where it is. One of my particular concerns is clause 47, section 121A. Lending and borrowing of firearms, where it says:

- (4) A person who lends a firearm to another person must, if requested to do so by a police officer -
 - (a) tell the police officer where the firearm is located, as far as the person is aware;

That's an incredible thing to see written in a bill or a piece of legislation like this, that it's a defence to just say, 'Well, as far as I'm aware, a person has it'. This is an incredibly dangerous

item, and falling into the wrong hands it is even more dangerous. To only have a defence being 'As far as I'm aware, they had it' is simply not good enough.

I think it's even more important, if this particular provision goes through unamended later on under clause 47, that we have front-ended into the fit and proper person test a responsibility around continuous reasonable and responsible control over the firearm as a part of that assessment. In my mind, if you had the privilege to have a firearm licence and are privileged to have a firearm, then you have a continuous responsibility - not just a moment in time, but a continuous responsibility. Whether you're in the state, out of the state, or it's at somebody else's property, if it's licensed to you, you have a responsibility that is ongoing to yourself, to your family members and broadly to the community to be reasonable and responsible in the way that firearm is controlled.

I put on record now my concerns with the lending and borrowing provisions under clause 47. I feel that the amendment proposed by Ms Badger is an appropriate response, whether 47 gets up or not, to ensure that it's really clear this is not just a tick and flick exercise. You need to be exercising continuous control over a dangerous item. That might be that you provide regular checks on it. It doesn't mean you have to have it in your possession 100 per cent of the time. It is about reasonable continuous control. I urge members to support this amendment, particularly in the context of 47, which we'll deal with later.

Ms BADGER - Thank you, Chair, and just building on that a little bit further, taking us back to the full statement is the ability of the person to exercise continuous, reasonable and responsible control over a firearm. The ability section of it is important to build on. As Ms Johnston rightfully pointed out, if in this instance as the discussion has gone towards the instance of lending firearms, we are talking about what is continuous, reasonable and responsible control over the firearm at that point, it is indeed looking at who you are lending it to and that they are also a responsible person and the right person. It is not for literally continuous control of that firearm in at all times. It's the ability of the person to exercise their reasonable control, even if it is not physically in their hands at that time. That also extends to things like storage and transport as well.

I note in relation to what Ms Burnet and a few others asked as well, while this is from the South Australian legislation, it hasn't led in South Australia to issues such as what the minister has already outlined, so we've no reason to believe that it would do so here either.

Ms BURNET - I suppose it raises the issue for me that it is not clear how somebody is fit and proper to have a continuous licence. I think there are lots of grey areas as to how that is assessed. I find it somewhat difficult. I appreciate what the Greens are intending and I support that, but I find that this is too much of a grey area for what we have before us.

Dr WOODRUFF - I would pose a question to Ms Burnet and other people who have raised this: what would the opposite look like? Are we then saying that it is reasonable to expect a person can have a firearm and not have continuous control over it? What does that mean? Sporadic, occasional, itinerant or not continuous control. If you look at the reverse, it doesn't seem reasonable that we would find that situation acceptable. I see that our amendment is an avoidance of doubt to clarify the expectation that owning a firearm is a privilege, it is a lethal weapon and it needs to be continuously under control.

Mr O'Byrne - There are other elements of the act that cover that, though.

Dr WOODRUFF - Then there's not a problem with clarifying it further here.

Mr GEORGE - Chair, the word 'continuous', to me raises doubt. What does 'continuous' mean? Unless you're able to do a deep dive into the word 'continuous' under the circumstances, I can't see how it works. You might go away for the day or a few days and you leave your weapon locked up as it should be. You may take a holiday with your family. You're not in continuous control of it. In fact, you may not be continuous control of it if you go to work. 'Reasonable and responsible' surely includes the idea of generally continuous control over your firearm. This goes one step beyond what is a rational need to be in control of your firearm on a permanent basis.

Ms BADGER - Chair, I thank members. I will just reiterate that it is not being used in the context of literally on you all the time; 'continuous' is not necessarily physically on you. For example, if you go to work, it's continuous in storage. Nothing of it points to being physically on you. That's not what this is about. This is also in relation to the fit and proper person test. It covers everything from handling the firearm itself through to storage and lending. But as we've said, it has not prevented lending in other states that have that same wording that is in place.

DEPUTY CHAIR (Ms Howlett) - The question is that the amendment be agreed to.

The Committee divided -

AYES 5

Ms Badger
Ms Johnston
Ms Rosol
Dr Woodruff
Mr Bayley (Teller)

NOES 27

Mr Abetz
Mrs Archer
Mr Barnett
Ms Brown
Ms Burnet
Ms Butler
Mr Di Falco
Ms Dow
Mr Ellis
Mr Ferguson
Ms Finlay
Mr Garland
Mr George
Mrs Greene
Ms Haddad
Mr Jaensch
Mr Mitchell
Ms Ogilvie
Mr Pearce
Mrs Petrusma
Prof Razay
Mr Rockliff
Mr Shelton
Mr Vermey

Mr Willie
Mr Winter
Mr O'Byrne (Teller)

Amendment negatived.

Ms BADGER - Chair, just a note to members, this is our fifth amendment. We are not moving the fourth one as that was related to the second one, which did not pass. This is on page 26. After paragraph 3, I move -

Fifth amendment

Page 26, after paragraph (c).

Insert the following paragraph.

“(EE) by inserting the following paragraph after paragraph (a) in subsection (3):

(aab) within the period of 10 years before the application was made, has been convicted of –

(i) a family violence offence, within the meaning of the Family Violence Act 2004; or

Chair, what this does is increase the exclusion period of any conviction of an offence involving family violence from five years to ten years. This is an important step, not only for this, but in strengthening our family violence piece in this state as well. This is something that's been based on amendments to the New South Wales legislation that's gone through there. It was recommended by stakeholders as part of the consultation on the bill, in particular the Alannah & Madeline Foundation, and I recognise that Steven Bendle is in the Chamber with us here today.

This is important in the context of, if we look at the victim/survivors who have faced family violence, the exclusion period around a firearm of five years is actually not a lot of time for the victim when they're trying to rebuild their lives. There's a whole process in terms of the offender being convicted, but there's other legal processes that might be in place and ongoing as well. When we have Family Violence Orders (FVOs), Police Family Violence Orders (PFVOs), and the like, which are in place for two years, then they often have renewals, for example, of 12 months at a time. When people are going through that process, five years is actually going pretty quickly. They might be looking for alternative and safe accommodation somewhere. By extending the exclusion period to ten years, it offers a safe buffer for victims and survivors, in particular, who, more than likely, when they've had a firearms incident in their house or if they've been a victim of coercive control, that ten year period is going to offer them the time to ensure that any other, for example, legal processes that are ongoing are going to be completed.

It could offer them the opportunity to move to a safer location and do so without the concern that for ten years after that offence they're not going to have that concern of the family violence offender getting a licence for a firearm to be able to in any way, not just harm them,

but to threaten them with harm as well. So, we feel that this is an important step. It has already been done in New South Wales, so the bar has been set both from a firearms perspective and from a family violence safety perspective as well. In both of those two components, Tasmania has an incredibly proud history in leading the nation on. So, we feel that this is a really important but simple amendment that we can make here today to make Tasmania a much safer place.

Mr ELLIS - Thank you, Chair. Delighted to rise to support this amendment and thank Ms Badger for bringing it on. It would extend the Commissioner's consideration period of a family violence related offences from five years to ten years. Actions have consequences and those that commit family violence offences deserve those consequences. We all agree that the right number of firearms for a family violence perpetrator is zero. Those convicted of a family violence offence should be subject to a high level of scrutiny when acquiring a firearms licence in Tasmania. We have led the way, as Ms Badger mentioned before, we have strong powers to seize firearms and to cancel a licence. This would ensure a longer period. Five years is a significant period, but given the serious nature of these offences and the additional risk that the presence of a firearm may add for family violence incidents, an increased period for consideration is absolutely appropriate.

Extending the period for offences for which the Commissioner is to have regard, from five to ten years, is also appropriate. The government supports this amendment. I'd like to acknowledge the work across the Chamber to strengthen the family violence provisions of this Act and also the firearms provisions in the *Family Violence Act*. It's important work of which we all share, and similarly I acknowledge Steven Bendle and the work of the Alannah & Madeline Foundation who proposed this amendment and appreciate the submission and the consultation and the work that's been done.

Ms BUTLER - Thank you, Chair. I would also like to thank Ms Badger for bringing his most important amendment into this debate today and we will be supporting this. We think it's an extremely important development and a great outcome as, when it boils down to it, the overarching purpose of this bill is to improve community safety and public safety and we know that the risk to so many women in our community is the threat of family violence and the threat of family violence towards women, especially from someone who potentially has a firearm, often goes unreported and sometimes there's also experiences where that person may skip to skip to different relationships.

They may become just as dysfunctional each time, the new person who enters into a relationship with that person would probably not be aware of their previous history and if they if they were told that the person may have been violent or threatened with coercive control and so forth, they may not believe them anyway because they may also be under a fair bit of coercive control. So, we think that this is a really good provision. It provides a great statement to the rest of Australia, that here in Tasmania, we take community safety very seriously and in the spirit of this bill, we think that this is completely appropriate and that it prioritises the purpose of the bill, and that is to improve community safety.

Mr O'BYRNE - Thank you, Chair. Any provision that improves the safety for women and families is something I would support. I do have a question, though. So, currently the Commissioner is required to consider family violence convictions in determining whether someone is a fit and proper person to hold a firearms licence. So, that's a pretty powerful and discretionary role that the commissioner has. Now, in terms of the ten-year exclusion, and if

convicted of a family violence offence, those offences are fraud and I'm not minimising or saying- but for example, verbal abuse is a family violence offence, quite rightly, but there's also a five-year exclusion for someone who's convicted of offence involving violence, so actual violence as opposed to just abuse.

So, five and ten seem to me - I'm trying to rationalise that, and I think the power should be not necessarily mandated, but left to the discretion of the Commissioner to determine. If the government's for it, I'm not against it, but I just think it creates an anomaly there based on my reading. I may have that wrong but based on my reading, someone who's convicted of a family events of verbal abuse gets a ten-year exclusion, someone who actually assaults someone in the street, not related to the family violence, only gets five. Now, I'm not advocating everyone gets ten, but I just think surely that's a discretion for the Commissioner to assess the person's behaviour, either within a family environment or within a public street.

Ms BURNET - Look, I think Mr O'Byrne has raised some of the concerns that I have. I appreciate what the Greens and Ms Badger are doing, but I just wonder about how disproportionate this sanction may be and perhaps Ms Badger, you could answer this or perhaps, through the minister, just in relation to an offence- we're talking about an offence involving violence, but you can breach a family violence order for a non-violent offence and so, I'm just wondering about how that works in the context of your amendment, if that makes sense?

Ms BADGER - Yes, it definitely does. I'm just trying to find the exact spot. So, I think that's an absolutely valid concern in terms of potential disproportionality. However, if you look at 29(af), it goes a little bit further into what the offence is under the *Family Violence Act*. This talks about whether a person is subject to a restraining order, interim restraining order, family violence order. It goes through a variety of those as well, and whether they've been subject to such an order is a part of their consideration while (fa) goes on to clarify whether a person is a serial family violence perpetrator within the meaning of the *Family Violence Act 2004*.

Mr O'Byrne - By interjection, we did debate. We approved an amendment earlier on talking about escalating behaviour and the role of the commissioner to intervene, so I just worry that it's a layer upon a layer, upon a layer, upon a layer. If the government supports it, we're all good [inaudible 3.16.14]

Ms BADGER - No, no, absolutely. For the record of the debate, I think it's good not to use up any more time. But there is a section - and perhaps I can come back to you on it, in relation to some of the non-violent offending. Sorry, that's the wrong thing. But I can seek advice in terms of other powers. It's 29(2), five and 10.

Ms JOHNSTON - Chair, I thank Ms Badger for bringing forward this amendment. When I think about the context of family violence and the way we've discussed this in other bills previously about when people are most at risk, it's not just one single point in time. It happens over a history; times in Family Court matters, for instance, when things are particularly contentious. We know that women are significantly at risk when they're leaving. That's a really critical point of heightened risk. But we also know that there are other heightened times of risk later on. That might be, for instance, with court matters. It might be the first time it's in court; it might be the second time it's in court. It might be years later when perhaps the family violence order has expired because the person has complied with the order, which is a good thing. But that still doesn't mean that the risk isn't there. It doesn't just stop at the five-year level mark.

This is a nature, particularly when children are involved in a family violence situation where there is potential for trigger points. Excuse the pun there, but there are a number of times when child matters come before courts where there can be heightened tension and heightened concern for risk.

This provides the Commissioner the opportunity to look at a broader spectrum and a longer period to ensure that there is absolute safety. Not to diminish acts of violence in the community unrelated to family violence, but it speaks to a broader context of relationships. That's why it's important that we extend it from five to 10 years, noting Mr O'Byrne's concern that we might have two standards for a public offence, if you like, in relation to assault as opposed to a family or domestic context. There is a long relationship that is often occurring within that context and I think it's important that we extend that.

Mr O'Byrne - Which is why I supported the escalating behaviour stuff before.

CHAIR - The question is that the amendment be agreed to.

Mr BAYLEY - Chair, if I may, please, before you put the question.

CHAIR - Can I remind all members to use the Standing Orders and seek the call, please.

Mr BAYLEY - Chair, I want to speak to this issue given the significance of family violence, the statements that have been made in this House and the fact that the overwhelming majority of perpetrators are men. Being the only man in the Greens party room, I'm proud that we've brought this amendment forward. We do need to draw a line and demonstrate there is absolutely no tolerance for family violence. This is not a criticism of Mr O'Byrne, but the notion of 'layer upon layer' of protections here, I don't think we can have too many layers of protection when it comes to family violence. This, to me, goes to the heart of the issue that firearms ownership is a privilege and not a right. If you are a family violence perpetrator and you've been convicted, you lose your privilege to own a firearm. I think it's entirely appropriate.

Mr O'Byrne - Yes, you're completely right.

Mr BAYLEY - I'm not criticising you, Mr O'Byrne. It's entirely appropriate that it's elevated from five years to 10 years because of all the reasons people have spoken about. On the proportionality issue, I think it's one we should not put too much weight on because we know family violence issues escalate and can escalate really quickly. No matter what family violence offence someone has been convicted of, it is appropriate that somebody loses their privilege to hold a firearm for 14 years. If we believe in community safety and making community safety paramount, this kind of amendment is critical.

Amendment agreed to.

Ms BADGER - This is the Greens' sixth amendment. I move -

Sixth amendment

Same page, after paragraph (c).

Insert the following paragraph.

“(FF) by inserting the following paragraphs after paragraph (c) in subsection (3):

- (ca) has been convicted in Tasmania or elsewhere of an offence involving the use of fraud, or deception, to procure, or attempt to procure –
 - (i) a firearm, firearm part or ammunition; or
 - (ii) a licence, permit or other authorisation that would entitle the person to possess a firearm, firearm part or ammunition; or
- (cb) in the Commissioner’s opinion, has –
 - (i) made a threat of violence in respect of the use of a firearm; or
 - (ii) stated that the person intends to acquire or use a firearm for an unlawful or unauthorised purpose; or
 - (iii) sought to acquire or use a firearm for an unlawful or unauthorised purpose; or

This amendment includes two new automatic exclusion provisions to subsection (3), the first of those being if a person has been convicted of fraud, particularly involving an attempt to obtain a firearm, parts, ammunition or a licence. That is an important level of oversight that the commissioner can take into consideration. The second section, paragraph (cb), introduces the exclusion if a person has made a threat of violence involving a firearm, or a statement that they intend to acquire or use a firearm for an illegal purpose, or sought to acquire a firearm for an illegal purpose. The 'threat of' section that is being added is particularly important. I don't know if it's something we have been seeing a little more of recently just because we were going to have this debate, but I'm sure all members have noticed the increase of threats in relation to firearms that have been circulating in the community. Certainly, the community is telling us they are seeing a lot more threats out in the community. That's one part of it, the possibility for an exclusion if, in the commissioner's opinion, someone has made the threat in relation to violence and a firearm.

The first section, where someone has been convicted in Tasmania or elsewhere, of any kind of fraudulent behaviour in attaining a firearm, part or ammunition is a particularly important aspect to be able to have in terms of exclusion. If someone is already showing that behaviour in order to acquire a firearm, that's not good enough. If you're not honest from the very start when seeking the privilege of owning a firearm, the commissioner should have the power for the exclusion. That's part of what this is going to be putting in place.

There are two parts to it. They are both important safeguards that we need in place as part of further considerations. It is adding another layer of consideration to this, but it is a very important one. This is something that South Australia already has in place. I think Tasmania would do well to follow their lead.

Mr ELLIS - Chair, I thank Ms Badger. The government supports the amendment, give me a moment, my page has reloaded right at the wrong time. We agree that those that have been convicted of attempting to gain a firearm, firearm part, or firearms licence through deception or fraud do not deserve a licence or a firearm. It's a sensible amendment that will help to improve community safety. Similarly, we agree that those who use firearms to threaten violence do not deserve to become licensed firearms owners. Legal firearms ownership is a significant responsibility. Those in the Commissioner's opinion have used firearms to threaten violence or intend to acquire firearms for unlawful purposes are not worthy of this responsibility. Section 29(3)(e) of the current act already provides that the Commissioner must not grant an application where a person has been sentenced to a term of imprisonment for an offence involving violence to another person.

This amendment provides a higher and additional threshold, or I suppose another way of putting it, a lower and additional threshold. While the government notes that the Commissioner's opinion is a lower threshold than the criminal conviction, we note that the decision is appealable. The government supports the amendment.

Ms BUTLER - We also support the amendment and thank Ms Badger for bringing this important amendment on. It's really important that we are able to provide the Commissioner with the ability to factor in the making of threats of violence in respect of the use of a firearm, or statement that the person intends to acquire or use a firearm for an unlawful or unauthorised purpose, or sought to acquire or use a firearm for an unlawful or unauthorised purpose. We also think that by providing that automatic exclusion for a person if they have been convicted of a fraud offence involving an attempt to obtain a firearm parts or ammunition or a licence - we do have a problem in Tasmania with stolen firearms and also with the modification of firearms. This provides a really good opportunity to make sure that the Commissioner can be on top of that when making these decisions.

Amendment agreed to.

Ms BADGER - This is our seventh amendment and it is essentially building on the one that we have just talked about. I move -

Seventh amendment

Same page, after paragraph (c).

Insert the following paragraphs.

“(GG) by inserting in subsection (3)(d) “or a similar order in another State or Territory” after “firearms prohibition order”;

It is exactly what it says, the ability of any other orders in other states, and this is a consistency that was moved as a part of the South Australia act as well.

Mr ELLIS - The government supports the amendment. We note the National Firearms Register will improve information and intelligence sharing between jurisdictions. We agree that individuals subject to firearms prohibition orders interstate should not be granted a firearms licence in Tasmania. This is a sensible amendment. It will help improve community safety and

it's in keeping with the national direction of reform to improve information sharing between jurisdictions.

Ms BUTLER - We also support this amendment. Thank you.

Dr WOODRUFF - I have a question for the minister about the National Firearms Register. You said it will enable that. Can you tell us the timeframe for that to be functioning and happen?

Mr ELLIS - It will largely depend on the national project. Tasmania is one spoke of a hub and spoke model. We will likely begin in the weeks after the eventual passage of this bill. The bill's drafting effectively provides the legal platform and basis for our progression on that. It is then a technical build out. Each jurisdiction needs to build out their own spoke, I suppose, with the national hub. Sufficed to say that Tasmania is one of the leading jurisdictions in that regard. We are one of the only jurisdictions that are actually meeting all of our milestones at this stage. So, in some ways I can't necessarily speculate on when the entire national process will be done but Tasmania's process, we would seek to be among the leading jurisdictions. Part of that is, as I mentioned before, upgrading our register and our system, particularly from paper based to digital, will actually have its own inherent benefits and then we'll be able to share information better among Tasmanian users of the register, of which there are, of course, many, and we would then expect that that would flow at the right time for when the national project is stood up.

Now, information sharing between the first jurisdictions to make it onto the national project and the last, again, there will be that challenging time frame gap, but nationally we'll work towards harmonisation in terms of any challenges that some states have with delivery. It's also probably worth noting that some states have now indicated some concern about bringing their legislation forward at this stage with, I suppose, all the national debate that's going on around firearms legislation.

So, we have made the decision to proceed and progress because we recognise that, while the national project is facing some challenges, Tasmania's part in that is important both nationally and in a Tasmanian context.

Dr Woodruff - Thanks.

Amendment agreed to.

Ms BADGER - Thank you, Chair. You're doing a fantastic job. This is our eighth amendment. This is on the same page, same section, and I move-

Eighth amendment

Same page, after paragraph (d).

Insert the following paragraph.

“(HH) by inserting the following paragraph after paragraph (d) in subsection (3):

- (da) in the Commissioner's opinion, is not fit to possess a firearm or ammunition due to illness, disorder, infirmity or other circumstances; or”

As we have seen in other states, again, this is just part of naming up another section in our fit and proper person test, to be really clear, so the amendment is just clarifying that someone would be excluded, indeed, if they had any of those circumstances, that they would be rendered unfit to possess a firearm, if so, in the Commissioner's opinion, is the important aspect of that amendment.

Mr ELLIS - Look, I appreciate what the member is trying to achieve here but unfortunately, the government cannot support this amendment. The act already provides for the commissioner to assess the mental and physical condition of the applicant under 29(2)(b). The act already provides under 29(2)(e) for the Commissioner to assess the ability of a person, to exercise reasonable and responsible control over the firearm. There's no clarity provided as to what additional grounds this amendment would address that are not already covered by the act.

29(2)(b) provides a more holistic, whole of person grounds for assessment compared to this amendment, which is more narrowly focused on illness, disorder and infirmity. Many firearms owners possess disabilities. Shooting is a sport that caters to many ages and physical abilities. These individuals are responsible firearms owners and they comply with their responsibilities under the act. They may have an illness or infirmity, but they often overcome it to enjoy their pastime responsibly.

The amendment of 29(3) of the act would be a hard exclusion on the basis of a person's illness, disorder, infirmity or other circumstances and the government doesn't want to see reasonable and responsible and lawful firearms owners impeded upon by a narrow clause that potentially sees their illness or infirmity as a significant barrier to their participation. I think we'd all acknowledge that what is trying to be achieved here.

However, we believe that the act already provides appropriate safeguards. The bill doesn't change that and we don't think that it gets the balance right, so the government can't support this particular amendment.

Ms BADGER - If I could, Chair, minister, that is a good summary. Just for members understanding, that was put in there for consistency with the other amendments that were put forward, that we have also borrowed a lot of the language, et cetera, from South Australia. We are happy with the minister's response in terms of how this is covered in other parts of the Act. If he feels that this does not need to be in here for consistency in this particular section, then we are satisfied to withdraw the amendment. I seek leave to withdraw the amendment.

Amendment withdrawn.

Ms JOHNSTON - Thank you, Chair. I believe I'm on my last amendment now to clause 17, which is my third amendment. I move -

Third amendment

Page 26, after paragraph (f).

Insert the following paragraph.

“(g) by omitting from subsection (4) “if the Commissioner has reasonable cause to believe” and substituting “if, in the Commissioner’s opinion, there is a foreseeable risk that is not insignificant”,”

Chair, I believe this is particularly important. It gives the Commissioner a stronger duty to investigate whether there is a foreseeable risk that is not insignificant that a person who isn't a fit and proper person could gain access to the applicant's firearms. We've talked about this particular section, which is 29(4) of the principal act, at length during the debate on this in terms of the broad powers, or the discretion it can provide to the Commissioner. So it's really important that we are very clear about what that duty is on the Commissioner there.

This is the same evidentiary test as the breach of duty under section 11 1 of the *Civil Liability Act*. I note an earlier amendment where we talked about reasonable risk, and I thank other members for raising questions about what would that mean in terms of a commonly understood test that has been used before. So, we have changed it with OPC's advice to read 'If, in the Commissioner's opinion, there is a foreseeable risk, that is not insignificant'. That's a test that is understood and has been applied elsewhere in other legislation. This lowers the threshold of the current assessment, which is based on a reasonable cause to believe, which requires the Commissioner to be satisfied that a person is likely to gain possession of a firearm in the possession of the applicant. This lower threshold for assessing risk is in line with advocates, particularly victim/survivors, who are calling for firearm regulation to reflect the reality of how firearms are enablers of family violence and coercive control. So, again, it asks the Commissioner to consider what is a foreseeable risk. It isn't insignificant, so it's not just the near presence of a firearm. There needs to be something that's more than that. But that there is a foreseeable risk that is not insignificant in order for the Commissioner to exercise their discretion in this particular aspect.

Again, in the context of our greater awareness of family violence, in the context of that and the context of our responsibility as legislators to put public safety and public health first, I urge members to support this amendment.

Mr O'BYRNE - Thank you. I thank the member for this amendment and the discussions we've had over the last couple of days clarifying what you mean around not insignificant, et cetera. Essentially, to me, this goes to the heart of Bondi: having a family member who's become radicalised, that is a significant risk. I think, whilst it does lower the threshold, it actually does go to the heart of problem that we face with gun ownership in the Bondi case, so completely support this amendment.

Mr ELLIS - Thank you, Chair. I thank Ms Johnston for bringing it forward. We've had a fair bit of consideration of this one since receiving it, and appreciate what Ms Johnston's trying to achieve here. I note the comment from Mr O'Byrne as well. Indeed, when you look at New South Wales as a jurisdiction, they had substantial challenges with their appeals against Commissioner's decisions often being upheld. That is, Commissioner's decisions being knocked out and found, I suppose, inadequate, for want of a better term. Whereas, in Tasmania we don't necessarily have that same challenge. We actually have quite a strong track record with it. The concern that we have with this amendment, after some consideration, is not its intent, but it's drafting. Replacing 'reasonable cause to believe' with a test based on the

commissioner's opinion actually removes an established objective standard and replaces it with a more subjective one. This may make decisions actually harder to defend and harder for the community to understand as well. The phrase 'foreseeable risk that is not insignificant' is also uncertain. It's not a commonly used test in firearms legislation and may actually create questions about what level of risk is required before action can be taken.

A licencing scheme ultimately, we would hope, would provide clarity and not invite litigation over the meaning of individual words and particularly in the case, as I mentioned, that Tasmania Police has a relatively strong track record of its decisions being upheld.

Tasmania's firearms laws are already built around concepts of public safety and where a person is a fit and proper person to possess firearms, introducing a new risk threshold risks creating uncertainty about how the threshold interacts with the existing framework.

If the objective is to better address family violence, coercive control and other, say, emerging risks, there is merit in strengthening the act. However, we believe that that can be achieved while retaining an objective evidentiary standard. The commissioner should be able to act where there are reasonable grounds to identify risk, particularly in circumstances, say, involving family violence.

I'd also note that the commissioner already effectively has the power to exercise this type of judgement in section 29(3)(e), noting that it is the intent of the bill to further increase the discretion by the removal of the word 'criminal' from section 29(3)(e) which I've spoken about a little bit before, meaning that the commissioner has even greater powers of being able to assess a wide range of information and intelligence in determining whether to grant a firearms licence or not. This includes family violence offenders or any other intelligence that's available to the commissioner and, of course, not only from Tasmania but all of Australia. The removal of the words 'criminal' in that case actually empowers the commissioner to assess any information or intelligence, criminal or not, but it enables that to be done in an objective framework, rather than introducing a subjective one which may interact imprecisely with other elements of the act. Therefore, after some consideration and some deliberation and advice, it is the government's position to oppose the amendment but I note certainly the intent that Ms Johnston is trying to deliver with the amendment.

Ms BURNET - Thanks, Deputy Chair. I rise to support the amendment. I appreciate all the work that has gone into getting to this point and appreciate the reworking and so forth, and the support from your office in helping to understand the intention. I don't have the concerns that the minister seems to be reflecting and I think what this does is provide that reasonable cause belief that a person is fit and proper, so I heartily support it.

Ms BADGER - Thank you, Deputy Chair. Thank you, Ms Johnston, for bringing this on. We absolutely back in the reasons that you are doing this. We hear a little bit of what the minister has put forward. I'm sure you're going to be addressing that shortly, as well. It is our view that it is fair and it is over to the commissioner's opinion in this case. It is also part of the amendment as well which we're open to. I also want to back in the comments that others have made in relation to thanking both yourself and your office for helping us understand some of the reasoning behind this as well.

Ms JOHNSTON - Thank you, Deputy Chair. Thank you, members, for your contributions, and particularly the honourable member for Franklin, Mr O'Byrne, in

recognising the context of this is completely relevant. It's beyond just a family context which we have discussed beforehand. I know I did speak about family violence in particular, but it does extend to other associates, whether it be someone who's a regular visitor or an employee, for instance, on a property or a farm or a business who has the ability to access firearms, it is important that we provide this Commissioner with the ability to consider foreseeable risk that is not insignificant.

I note the minister's concerns about an objective versus a subjective test. Unfortunately, too often we wait for the objective evidence, which in the case of firearm violence is an absolute tragedy, before we can really consider what we should have been doing in that particular instance. It does lower the threshold. The commissioner, at the moment, is required to have 'reasonable cause to believe' which requires the commissioner to be satisfied that a person is 'likely to gain'. Therefore, there's some evidentiary basis they are likely to gain, whereas this does lower it to, as I say, a risk that is not insignificant and it's a foreseeable risk. That means that the Police Commissioner can use all the information - intelligence they've gathered, discussions, considerations, and investigations that they've done in terms of their assessment under the remainder of section 29 - to form that view; is there a foreseeable risk that there will be harm caused by someone accessing a firearm? I think that's a completely reasonable test.

In relation to concern from the minister, that this is not an understood test, it certainly is. It's applied in the civil liberties act of 2002, it's a well-established principle at law, the courts are understanding in applying that in an instance. Of course, everything that we do here is appealable in terms of the 'fit and proper person' test by anyone who feels that they have been unfairly dealt with by the Commissioner. It is up to the court to determine that at some later stage. We have a test that is completely defensible when it comes to such matters and is tested, so I would strongly urge members to support this. As we have done through the entire discussion of clause 17, I think this really does speak to trying to ensure that we're giving the commissioner the greatest possibility and breadth to be able to understand what a 'fit and proper person' is in the interest of public safety.

I remind members that the commissioner has a dual role to safety of the community, but also to her officers. We need to give her - or whoever it might be in the future - as much power and guidance to ensure that she can make sound decisions in a risk-averse, precautionary approach to ensuring that there's community safety.

Mr O'BYRNE - Just briefly - and I'm on the second time - but unfit persons gaining access to firearms is at the heart of what we're trying to do, to protect law-abiding firearm owners. Giving the commissioner the power to intervene at certain points - and we're talking about a failure of intelligence at Bondi - but if the intelligence is there, giving the commissioner an extra ability to act if there's a foreseeable risk is not insignificant. I think that would be well known to the Commissioner of Police, it will be well known to our security and intelligence services across Australia.

I would urge the government to reconsider this because this is the kind of gap which undermines every law-abiding firearm owner. People who are doing the right thing. It's unfit people, it's exactly what happened in Bondi. Those people should not have had access to licences and guns, and that's why we're here, so I would ask that the minister reconsider.

Mr ELLIS - Again, I appreciate where members are coming from on this one. Again, I'll remind you about the fact that there is the change to remove the criminal requirement, which

then opens up the ability for the commissioner to assess intelligence as part of those assessments. That's actually a part of the bill that is not necessarily readily visible at face value, but that's what it seeks to do, in response to Mr O'Byrne's commentary.

I'm certainly not saying that the test isn't understood. It's more that the test, generally speaking, isn't applied in the *Firearms Act 1996* and that an objective test is typically what we would seek. Again, we're talking about a jurisdiction that had significant challenges with firearms appeals being upheld against the commissioner. Famously, I think it was 'Jihad Jack' who was able to maintain access to firearms after appeal, whereas typically in Tasmania the objective basis of some of our tests may actually be one of the strengths of that, and part of the reason why we haven't had the same level of challenge that they have had in New South Wales.

Again, this is one that has been taken on the basis of legal advice and consideration. I understand where members are coming from and what are you trying to achieve with this amendment. We're also seeking to achieve a similar thing with similar or different amendments. I think that there is not necessarily a kind of cross purpose here. It's just the legal structures in which we're trying to achieve that, and any unintended consequences that have been flagged by police.

The advice I'm providing is, generally speaking, the preference, providing greater powers in the way that you're seeking to, while introducing some subjectivity, which is potentially a concern, it's also something that we would work through. I may take further advice on and come back and resume debate, potentially in the other place and with further discussion with you as well, Ms Johnston, about the intent that you're seeking and how we might line it up. Certainly that's the advice that I've received, that we have an objective test. We're seeking to expand it to provide more access or more ability for the Commissioner to take into account intelligence and other non-criminal threshold issues, which seems to be what you're also trying to achieve. That's part of the reason why we wouldn't prefer to replace the objective test with a subjective test, particularly if we're talking about people being able to get access to firearms on the basis of appeal, which is the challenge that exists in New South Wales and which we haven't had here.

Ms Johnston - By interjection, can I clarify - your concern is around the fact that it may be appealed, because the test hasn't been tested before? Is that your concern? You're suggesting you're not supportive because you don't want it to be appealed? We've got a pretty good track record of not having appeals. Would it not be better to be cautious, not issue a licence, have someone appeal and then have it overturned, than issuing a licence to someone who's not a fit and proper person, or who has risk of someone who is not a fit and proper person accessing that firearm? Would that not be the better approach, rather than worrying about appeals?

Mr ELLIS - I suppose what I'm saying is if an appeal is upheld against a Commissioner's decision where the commission has actually made the right decision but the basis of it was too subjective, you wind up in a situation like New South Wales experienced where a known terrorist won an appeal and was able to have access to that firearms. There are challenges there. I'll just double-check with our team on any further advice that I might be able to share. I think I've got the nature of your question, but I'll just make sure.

Just to reiterate what I was saying, basically we could wind up in a situation that, if we have this legislation that goes through, is a not ideal situation, whereby the courts, and the Commissioner in making her decision, would have a subjective test and an objective test. It can

be conflicting and challenging to work through which particular way that it's applied. In many ways, from what I am advised, it would be better to have, as we do currently, more consistently objective or subjective the way through, and that would help to ensure consistency and robust decision-making processes, and ones that can withstand scrutiny and appeal. To reiterate, with the changes we are proposing that would enable the Commissioner to take into account all intelligence and all matters that are in that non-criminal area, where there hasn't been an actual charge laid, that achieves what you're seeking to achieve here without introducing the concern that we have about a subjective test sitting or nestled within other objective tests. I'm getting nods from the team, so hopefully I've explained that faithfully.

Ms Johnston - I ask in clarification by interjection, how does that relate to concerns the commissioner might have about mental illness in the household in terms of someone being able to access that firearm. So, they might not be a fit and covered person themselves but they might not meet the requirements of 2(b) for instance. How does that interact? It's not an intelligence report. Is the commissioner looking at health reports? How are they liaising at the moment, with PACER health teams, that kind of thing, to understand whether there is a forcible risk that someone who's not a fit and proper person for the purposes of suffering from mental ill health has access to a firearm, particularly in the context of firearms suicide?

Mr ELLIS - So, I will just read out a text message that's coming through so that I'm being as accurate as I possibly can for you here, Ms Johnston. So, again:

'Conflicting tests in the same section makes it more likely for an appeal to get up against a decision that the commissioner has made. In 29(4), the Commissioner must not grant an application for a licence if the Commissioner has reasonable cause to believe that a person who is not a fit and proper person is likely to gain possession of any firearm in the possession of the applicant.'

That already covers someone else in the house getting access to that, and I think you've also asked me about mental health challenges and I'll just-

Ms Johnston - How does the Commissioner determine reasonable cause, at the moment, for mental health?

Mr ELLIS - Yep, and I'll just double check with the team. So, in the case of mental health, there is already strong requirement in some parts, for example, of some professions, a medical practitioner, they actually have a duty to report that information through if there are mental health concerns about a person who has a firearms licence and that gives police the ability to immediately intervene as part of that process. It's important to also note that when we say intelligence, we're not just talking about in that context of criminal intelligence. It also includes, for example, medical and mental health intelligence that's come through from, say for example, friends and neighbours and colleagues or mental health professionals as well.

I'll just see if there's anything further you want me to add. No. And that's all correct? Great.

Ms Johnston - Sorry, by way of interjection, thank you very much for your leniency here. Just really clear so we can understand and so the other place can understand it, can we give the example of where I've applied for a licence and I'm living with a parent who has

dementia. They might not meet the fit and proper person test as it is, there is a foreseeable risk that that parent might access my firearm if I was to be licenced. How does the Commissioner get that information under the current test of having reasonable cause to believe that someone who's not affected for the person, my parent with dementia, might have access and how would that be better addressed if there was a foreseeable risk?

Mr ELLIS - Interesting. So, I actually don't think that example that you provided is perhaps the strongest example that you could raise to make this argument. I'll just double check with the team about some of the specifics.

Ms Johnston - Happy to have a better example if you think of it.

Mr ELLIS - And that's the thing, I'll actually ask them if there's something that's maybe a little bit more precise for what you're asking for, because in that case, you certainly shouldn't be providing the ability for that person to be able to access the, say, for example, the keys to the gun safe but I'll just double check with the team on that example and if there's a stronger example that we maybe could address as well.

In terms of the test that's available, in terms of 29(4), that item deals with access and 29(3)(e) deals with intelligence. The two sections actually interact and the Commissioner takes decisions on the basis of both in conjunction, if that's what she has concerns about. They are not necessarily separate or mutually exclusive. It's also important to note that the Commissioner can proactively ask a medical practitioner, for example, if they have concerns about certain people, and can order a storage inspection as part of the usual course of proceeding, so that they can then examine if there are, say, concerns that you've raised about another person in the home not being a fit and proper person for medical reasons. That is, I suppose, effectively safeguarded in that it doesn't have to be passively brought forward to police. Police can proactively go out and seek that information, either from medical practitioners or by way of a storage inspection and other matters. If they do have concerns, of course, from there they can make the decision to cancel licences and seize firearms as is appropriate. So, 29(4) - access, 29(3)(e) - intelligence. In deciding whether a person is a fit and proper person, the Commissioner is to take into account the following: any likelihood of the person using a firearm I) for an unlawful purpose or II) to harm himself or herself and B the mental and physical condition of the person, and in 29(2)(b), the Commissioner may seek additional information.

Ms BURNET - I'll just add that I think, unfortunately, the minister has tried to make it clear, but I think that kind of strengthens the reason why Ms Johnston's amendment is so important in this context.

Amendment agreed to.

Clause 17, as amended, agreed to.

Sitting Times

[4.04 p.m.]

Mr ABETZ (Franklin - Leader of the House) - Chair, pursuant to Sessional Order 18(a), I move -

That for this day sitting the House shall not stand adjourned at 6 p.m. and that the House continue to sit past 6 p.m.

I think the reasons for this are pretty obvious, so I won't speak to it.

Motion agreed to.

[4.05 p.m.]

Ms JOHNSTON - I move -

New Clause D to follow Clause 17

“D Section 29BA inserted

After section 29A of the Principal Act, the following section is inserted in Division 5:

29BA. Restrictions on granting firearms dealer employee licence

- (1) The Commissioner must not grant an application for a firearms dealer employee licence unless the Commissioner is satisfied that the applicant's close associates, if any, are fit and proper persons to be close associates of the holder of a firearms dealer employee licence.
- (2) In deciding whether a person is a fit and proper person to be a close associate of the holder of a firearms dealer employee licence, the Commissioner may, as regards that person, take into account any of the matters that are to be taken into account under section 29(2) in respect of an applicant for a licence.”

This really is the application of the two earlier clauses where we've considered firearms-dealer employees previously in the initial requirement of defining a 'close associate' and then the other requirement of requiring them to disclose those close associates. This is now really the implementation of those two particular provisions that we've already placed in the bill. This ensures that the same 'close associate' requirements for employees are applied that already exists for dealers and, as I say, it just confirms what we've already done and it's the workings of those two previous amendments.

To make it really clear for members, under 29A of the principal act, there are already the same provisions required for firearms dealers. Given that we are extending the rolls, functions and powers of employees to match those of a dealer, obviously in the dealer's absence, then it's important that we apply that 'close associate' test to the application of a Firearms Dealer Employee Licence.

Again, to be clear it's the applicant's close associates, if any, are fit and proper persons to be the close associates of a Firearms Dealer Employee Licence, exactly the same provision applies for firearms dealers now and then, obviously too in deciding whether a person's a fit

and proper person to be a close associate of a firearms dealer employee, and it applies to dealers in the principal act already. The commissioner may, as regards that person, take into account any of the matters that'll be taken into account under section 29(2) which we've just spoken at length about in respect of an applicant for a licence. Really, it's ensuring that we apply the same rules and safeguards around dealers, for employees, particularly where we're extending their powers to replicate that of a dealer and it is just an extension of the two existing amendments we've made in relation to employees. That's logical.

Mr ELLIS - Noting that we didn't support the other two associated amendments but understand that this logically flows on and is consistent with what was proposed previously and passed in this in this place, we won't be imposing on that basis.

Amendment agreed to.

Clauses 18 and 19 agreed to.

Clause 20

Section 37 amended (Genuine reasons)

Ms BADGER - On clause 20, as I have already foreshadowed in my second reading speech, we will not be supporting clause 20 remaining in the bill. This is a new power for the Police minister to prescribe regulations for additional 'genuine reasons' to obtain a firearms licence. In terms of the history that has been provided on this, that it is something that was worked on extensively, that being the list of genuine reasons back in 1996. It was revisited again in 2017. I'm open to hearing from the minister if there have been any circumstances or examples that he can provide to us in recent times where he actually would have needed, as the minister, to prescribe any other genuine reasons. But, ultimately, we feel that it is an overreach. It's not necessary and it shouldn't be in the bill.

Mr ELLIS - The government supports the amendment. As previously explained during the briefings, police advised on this amendment as required to potentially support the implementation of the National Firearms Register, noting that there are other kinds of genuine reasons in other jurisdictions that don't exist in Tasmania, but as acknowledged in the briefing, we're relatively comfortable that that is not necessary. Police advise they don't anticipate any disadvantage from this removal from the bill. The original amendment was drafted on advice of police and, given police advice, it's now no longer required.

The government supports the amendment. If there are genuine reasons that do come forward, ultimately, I'm fairly comfortable that that would be a matter for the parliament to debate. I'll also note that there is an amendment proposed further down - I can't remember whether it's Ms Johnston or Ms Badger - that proposes that the minister may be able to reclassify a kind of firearm. I would actually be of the view that that would be in a similar vein, that that would be something that would be best dealt with by the parliament.

There is an amendment which is different which is a temporary classification of a novel form of firearm. That is quite a different matter and that provides time for the parliament to then decide about the appropriate classification. My contribution on this one, I suppose, is broad ranging across three, but how I think the government believes that we can find a consistent principle that we could all potentially land on.

Mr O'BYRNE - Super briefly: Well done, Minister. If there's a genuine reason, let the parliament sort it out. Not by regulation, not by any other matter. Given the topic, given the history.

Clause 20 agreed to.

Clauses 21 to 22 agreed to.

Ms BUTLER - Thank you, Deputy Speaker. I move -

New Clause A to follow Clause 22

“A. Section 47A inserted

After section 47 of the Principal Act, the following section is inserted in Division 7:

47A. Conditions relating to maximum number of firearms

- (1) It is a condition of each firearms licence that the holder of the licence may not possess –
 - (a) more than 10 firearms, in aggregate, under all of the firearms licences of the holder; and
 - (b) in addition to paragraph (a), if the genuine reason for holding one or more of the firearms licences is recreational hunting or vermin control – more than 5 firearms, in aggregate, for that reason under all the firearms licences held by the holder.

The above provisions establish a maximum number of firearms that a person may possess for any purpose without an exemption. They also provide that where the genuine reason for possessing a firearm is vermin control or recreational hunting, a person may possess a maximum of five firearms without an exemption.

DEPUTY CHAIR - [inaudible 4.15.46] lost you after [inaudible].

Ms BUTLER - I'm sorry. I just gave a little summary of that. Would you like me to not do that and go back?

DEPUTY CHAIR - [inaudible 4.15.52]

Ms BUTLER - Okay, that's fine.

DEPUTY CHAIR - If we can take it from the end of 47(ab) [inaudible].

Ms BUTLER - Held by the holder? Yes.

- (2) Despite subsection (1)(a), the Commissioner may authorise the holder of a firearms licence to possess more than 10 firearms, in aggregate, if the Commissioner is satisfied that –
 - (a) the holder has a legitimate reason for possessing more than 10 firearms in aggregate; and
 - (b) it would not be contrary to the public interest for the holder to possess more than 10 firearms in aggregate.
- (3) Despite subsection (1)(b), the Commissioner may authorise the holder of a firearms licence to possess more than 5 firearms, in aggregate, for the genuine reason of recreational hunting or vermin control, if the Commissioner is satisfied that –
 - (a) the holder has a legitimate reason for possessing more than 5 firearms, in aggregate, for that reason under all the firearms licences held by the holder; and
 - (b) it would not be contrary to the public interest for the holder to possess more than 5 firearms, in aggregate, for that reason.
- (4) If, under subsection (2), the Commissioner authorises the holder of a firearms licence to possess more than 10 firearms, in aggregate, each firearms licence of the holder is to include a condition that specifies –
 - (a) the maximum number of firearms, in aggregate, that the holder may possess; and
 - (b) if the Commissioner believes it is reasonable in the circumstances to do so, the maximum number of firearms, in aggregate, that the holder may possess for any specified reason.
- (5) If, under subsection (4), the Commissioner authorises the holder of a firearms licence to possess firearms more than 5 firearms, in aggregate, for the genuine reason of recreational hunting or vermin control, each firearms licence of the holder is to include a condition that specifies the maximum number of firearms, in aggregate, that the holder may possess for that reason.”

The provisions that we have just read into the *Hansard* establish a maximum number of firearms that a person may possess for any purpose without an exemption. They also provide that where the genuine reason for possessing a firearm is vermin control or recreational hunting, a person may possess a maximum of five firearms without an exemption. The above provisions establish the manner in which the commissioner is to consider whether to provide an exemption in the instance of an individual requiring more than 10 firearms. The above provisions establish the manner in which the commissioner is also to consider an application for an exemption where an individual requires more than five firearms for the purpose of recreational hunting or vermin control.

Section (4) of our amendment establishes how licence conditions are to appear on a person's licence and also provides that the licence must specify the maximum number of

firearms a person may possess and the genuine reasons for which they may be possessed, for example, five firearms for vermin control and 10 firearms for professional sport shooting where an exemption has been granted.

Section (5) establishes how licence conditions are to appear on a person's licence and provide that the licence must specify the maximum number of firearms the person may possess for the genuine reason of recreational hunting or vermin control.

In relation to our policy on introducing caps, we made a clear decision as a party that this was not going to be a political decision that we made in relation to wanting to reduce the firearms in our community. I did notice a chuckle there from someone across the other side of the room - this is a really serious issue. This is one of the most serious issues that we will have to deal with, I think, in this House, because it very much asks us to think about, as individual members of this parliament, to put our political allegiances aside, or whatever offers we've been given, or whoever's in our ear, whoever's got the loudest noise. It asks us to think about what we want Tasmania to look like in the future. What kind of place do we want to live in?

One of my best friends lives in South Africa, and she can't believe that we're even having a debate about whether or not you should have a limit on the number of firearms. She said 'There should not be firearms. You should see what's happening in my country'. The only people who should have firearms are people who legitimately need them for primary production or legitimately they need them for work purposes. She actually thinks that we shouldn't have been having a debate at all about the limit on firearms and a cap of 10 or a cap of five, because she said 'Look what's happening my country. We have people being shot all the time. Everyone has a gun.' We want Tasmania to remain a really safe, nice place to live. I don't think that we should be prioritising the voices of a gun lobby, prioritising the voices of a gun dealer above what's best for Tasmania's people.

We can't forget that we are also the state where the most horrendous thing happened to us as a community 30 years ago. It happened here and the rest of Australia stood by us. We've always been very proud for having some of the safest gun laws in the country. There is oodles of evidence, which I will respond to when people ask me questions around our amendment, there's oodles of evidence that there is a huge benefit in reducing the amount of firearms that you have in your community. Caps are not - no one is saying you can't go shooting anymore. All we are asking for is to have a reduction in the amount of firearms we have in our community.

I believe that this letter was sent to one of our members this morning, and it is from a survivor in Port Arthur. I want us all to stand here and think about how we're going to reflect on this decision not to take the opportunity to reduce firearms in our community - because we have that opportunity here. It's very, very rare that as members of parliament we get to make a decision on what we want Tasmania to look like in the future. We can reduce firearms in our community. We can make our community safer. He sent this to a member of this House and he sent a copy to me:

Today I hope you will support a cap on firearms in Tasmania. You have a unique chance to create a public health legacy in this state, especially as the most qualified medical expert in the current Tasmanian Parliament. We have spent the last 30 years trying to make Tasmania safer. We have ongoing health issues, gunshot wounds, PTSD, depression and anxiety amongst many

others. Life is hard for us 30 years later. We have lost homes, jobs, marriages and livelihoods.

We have been trying to meet the Premier since December. We have been ignored. The Police minister has caused great harm to us. His rhetoric has been ill-informed and dangerous. Please listen to your medical colleagues and the Police Commissioner who strongly urge a cap on gun ownership in Tasmania. They are experts with community safety as their priority, not firearm owners with vested interests. Please do the right thing. This is above politics.

I implore with every member in this House: please do the right thing. This is the right thing to do. You have to sleep at night. I worked for David Llewellyn, and he said to me the trick to the game is to make sure that you always make the right decision so you can sleep at night. I can sleep very well knowing that we will do everything we can to reduce the number of firearms in our community. This will save lives. This is about the future of Tasmania and I implore you to support this amendment.

Mr ELLIS - We strongly oppose this amendment that's been moved by the Labor Party. We think it gets the balance wrong. It doesn't have the suitable evidence base behind it. We've spoken before about the importance of ensuring that we focus on getting firearms out of the hands of the wrong people, the people who would do harm, the terrorists and the criminals, rather than punishing and penalising people who've done the right thing for decades, people in our rural and regional communities right across the state, who need firearms as a tool of the trade, as sporting shooters who represent our country and our state, and hunters who help manage the land and pass on the Tasmanian way of life to the next generation. It is vital that we protect public safety and public health in this process but firearms caps would do none of that. We know that because the data clearly indicates this. Research by Dr Samara McPhedran found little evidence to show even a link between firearms numbers in this country and firearms crime. The evidence is clear. We now have 4.1 million legal firearms in Australia, compared to 3.2 million firearms in 1996, yet firearms homicides have halved. The data clearly shows that there is no link between the number of firearms in the community in that way.

Indeed, in many ways, larger holdings of firearms have much higher safety requirements. The legislation passed in 2015 requires those larger holdings to have advanced and augmented anti-theft requirements and stronger storage. That actually helps to make sure that firearms don't fall into the wrong hands, rather than a process that would spread them more widely as people seek to distribute the firearms.

It's also important to note that since 1996, we have never had and, under this legislation, won't have unlimited firearms in our community. Every single firearm that is legally owned in Tasmania is owned by a licence holder who has to prove a genuine reason, and every single one of those firearms has a police-approved permit to acquire. The work that was done in 1996 and has been bolstered through these years has shown that it's all about making sure that we prevent firearms falling into the wrong hands. It is not the number of firearms that is ultimately important; it is the hands that they are in. As we've seen, the best way to prevent theft is to have stronger measures and stronger laws to prevent theft, such as the augmented and increased storage requirements passed in 2015-2016. Firearms theft peaked in that year at 260 firearms. Despite the fact that we have more firearms in our community now, the number of firearms stolen has fallen to 149. That's a nearly 40 per cent reduction. We will be seeking to address

that even further in this legislation with mandatory sentences for people who would traffic in stolen firearms and steal firearms. That's how we ensure that the community is kept safe, by making sure that we prevent firearms falling into the wrong hands.

Of course, we're having this debate in the shadow of Bondi and I acknowledge all those who passed on that tragic day. The Bondi experience is instructive when it comes to caps because, despite what the opposition leader wrongfully stated in his contribution on the second reading, there were not six firearms present at Bondi. There were three firearms between two people. It is a solution that does not fit this problem. Nor does it fit other problems. It didn't fit when it came to the tragedy we experienced in Port Arthur. There weren't more than five firearms there on the day at Port Arthur. Similarly, with the shooting of Constable Keith Smith, someone that wasn't even licensed, who shouldn't have had firearms but they didn't commit that murder with multiple firearms. The important thing for us to focus on is that those people should have had zero firearms.

Indeed, much of the work that we have done today and where we've seen broad agreement across this Chamber has been on the principles that were established very firmly in our legislation in 1996. What 1996 didn't establish was a cap on firearms owners. What it did establish was stronger requirements for people to get a firearms licence, stronger mental health requirements, fit and proper person tests, greater intelligence sharing within Tasmania Police and soon with the National Firearms Register, which we seek to establish the legislative basis for here today. Better intelligence sharing between states, and between states and Commonwealth agencies, because that's what failed on the day at Bondi. People who should have never had firearms licences, people who went to terrorist training camps, which was known about by law enforcement and by intelligence agencies, people with interest in explosives. That was shared with the National Security Hotline. People who were on ASIO watchlists for years and yet were still able to get access to firearms, they should have had zero and regardless of whether they had five, ten, it wouldn't have made a difference on the day. What would have made a difference is better intelligence sharing and ensuring, as well, stronger penalties for those who steal firearms and who traffic in stolen firearms would ensure that what generally happens, which is criminals seek to get access to illegal firearms, that we can disrupt and prevent that trade by throwing the book at those people, by offering stronger punishment, stronger deterrence and ensuring that those people who do the wrong thing know that they'll be put away.

Those people should be going to jail and that will be very much, strongly, our focus. There is no evidence basis for caps. There is a strong evidence basis for what we have put in through our legislation here in this state and in the majority of other states around Australia, a focus on getting firearms out of the wrong hands. Most states in Australia have refused to go down the path of caps because they acknowledge that fundamental principle and you don't need to be a Liberal, you don't need to be a national. Labor premiers, like Peter Malinauskas. Labor premiers, like the former premier, Jacinta Allan, who said herself; 'the focus should be on preventing the wrong people from getting their hands on one gun.'

One gun in the hands of the wrong person is one gun too many and, indeed, in this debate we've heard discussion from the Labor Party and the Greens, who've claimed that the premier signed on to caps in the national cabinet agreement. That is patently false and it was actually demonstrated by the Deputy Leader of the Greens, when he read out the communiqué of that meeting, where members were simply tasked to explore options when it came to these matters.

Mr Bayley - Develop options, not explore options, minister. Develop them. Make them.

DEPUTY CHAIR - Order.

Mr ELLIS - Develop options, and exactly what I'm saying and you and you don't need to take my word for it. Take the word of all of the other jurisdictions who haven't signed up to caps. We've worked together to deliver a suite of measures that would get firearms out of the wrong hands and where we have had agreement in this debate is actually relatively narrow. It's on a principle that was not agreed in the legislation in 1996. It's on a principle that was not agreed by the firearms committee that reported to this place in 2019.

It was on a principle that was not provided to me in advice when I passed the community safety legislation for firearms in 2023. It's on a principle of whether we should have caps on firearms. It is the least effective and highest impact on the people who've done the right thing. The people, the farmers, the sporting shooters, the hunters and others, who've done the right thing for generations, for decades, who continue to abide by the law and to feed our family and pass on a rural and regional way of life and this is a policy that has the biggest impact on those who've done the right thing.

It's also one that costs \$40-90 million based on projected estimates and yet would not remove one single illegal firearm off our streets. \$40-90 million: It's almost larger than my entire crime intelligence funding for Tasmania Police and yet would not remove a single illegal firearm from our streets, those people who would seek to do us harm. We need to be focused on the area that will have maximum impact on community safety while also supporting law-abiding, responsible firearms owners who've done the right thing in this country. The caps proposal that's been put forward by Labor and the Greens has failed that test. It's part of the reason why it's been rejected in this jurisdiction and in others around the country of different colours in government, because people recognise the importance of getting the balance right, the balance in this conversation, of community safety and supporting law-abiding firearms owners and that's why, as a government, we'll be opposing this amendment.

Ms BADGER - Thank you, and as I said in my second reading speech, the Greens are proud to be supporting this amendment from the Labor Party and we thank you for bringing it on and working in such good spirit with everybody on making sure that this happens. This is something that the Greens and, indeed, Labor have been speaking about for months now and it's not like the minister is presenting caps as the be all and end all of firearm safety. This is another mechanism, this is something else in the toolbox to help lessen the amount of firearms in our community.

It is caps in conjunction with everything else that we are doing and that we are talking about here today that is going to help make our community so much safer. That is why other states have done it and they haven't done it in isolation. They too have done it in conjunction with a myriad of other changes - from their 'fit and proper person' test, to strengthening the information sharing - all that we too are going to be doing.

This is going to add another check and balance in terms of our firearm system. It's going to give an opportunity to really ask: is that additional firearm necessary? Do I need to have more than the cap, particularly of 10? What Labor is proposing does provide a fair exception when it is genuinely needed, and now we will have the opportunity to have that extra level of assessment as to what is or isn't necessary.

In terms of what the minister said and claims that no illegal firearms will be removed, that is a complete hypothetical. There is no evidence behind that whatsoever and I completely dispute it. Because when we have these limits and changes that are actually going to be put in place, there are going to be more checks and balances done by the police - looking at how many firearms people actually have, and additional searches. Looking at these changes, is the minister now claiming that there is no way that Tasmanian police are actually going to find additional firearms that might not be registered? Is that what is being ruled out?

Mr Ellis - They don't get handed in in the caps.

Ms BADGER - They don't have to be handed in minister?

Mr Ellis - The caps don't apply to law-abiding farmers.

Ms BADGER - The fact is, we're talking about the other things that are going to be complementary to caps. This has been so simplified and taken out of context for the meaningful action that caps can actually provide for Tasmania. Mr Bayley is completely right when he said, and it is exactly what we spoke on and quoted yesterday, that premiers from right across this country signed on to develop options. We haven't seen any adequate evidence that this government truly and genuinely looked at what caps would mean for Tasmania. It's not in any of the results that we're seeing, from the limited information that we can get in terms of what the Firearms Consultative Committee was able to discuss on the very few meetings it had before this minister disbanded it.

In terms of what's been proposed by Labor, it is fair, fives and tens are a consistent top-level limit right around this country. We've seen this in the Police Commissioner's submission to the original bill as well, looking at the real statistics of the average number of firearms that Tasmanians own and what they use them for. I said it in my second reading speech, that the percentage of Tasmanians - as we've seen this situation where everyone's going to be so incredibly disadvantaged and this is unfair for everybody - that the percentage of people that are going to have to be assessed under caps isn't great. But it is a few and as I said, it is going to allow double-checking of what is necessary to have. It is a privilege, and this is our opportunity to reassess what the genuine reason is.

The minister is right when he says this wasn't something that we talked about in 1996. No, because we're here in 2026, thirty years down the line asking 'What do we do now?' What do we do now to help community safety so that we're not waiting for another terrible incident to come up. The terrible incident has happened. This was proposed as something to develop options on, as a suite of things that we could be doing, and should be doing, to help improve community safety. The minister claims that this is the least impactful thing that we could do. No, that is absolutely wrong. That is a foolish thing to be saying in such a debate.

What would the cost of this be? Well, how do you put a cost on community safety? How do you put a cost on that? What is being proposed is completely fair. It is not helpful for anyone the way that this has been taken out of context in terms of its potential implications.

We were supposed to develop options as other states have done, and we can point to those who chose not to do it, or who are still considering it, but some have done it. But we're Tasmania and we have always led the way when it comes to sensible firearms reform. We have

a history of that. We have a proud history of that right across this Chamber and in 2026, thirty years on from Port Arthur, when we have seen horrific things happen at Bondi as well, it is our responsibility to continue to lead the nation, to continue to be the reputable decision-makers when it comes to firearm safety, to community safety in this place. That does mean that in the absence of the government doing so, the opposition, the Greens and the crossbench have been prepared to look at the options that can be put in place, and this is one. This is absolutely one that can be part of it. So, thank you to Labor, again, for bringing this on. There is evidence supporting this. It's been well circulated to this Chamber. I'm not going to stand here and re-read it all to members who have had considerable time to go over all of that. I know that there have been so many meaningful conversations from the likes of the public health sector who have spent enormous amounts of time talking to everybody to educate everybody on their perspective on this. The same goes for the family violence sector and what it would mean for them in terms of having caps in place and reducing the number of firearms in our community. Those conversations have been had. We are proud to support this and we hope that everyone else does as well because as Tasmanian decision-makers in this context, we have an obligation to do what is right. This is just one tool in a suite of mechanisms that are a part of this reform that is so incredibly important, and it's important that we pass it here in this place today.

Ms JOHNSTON - Chair, I rise to support the amendment moved by the honourable member for Lyons, Ms Butler, to introduce a cap on the number of firearms a person may legally own in Tasmania. Australia's National Firearms Agreement has rested for 30 years on a single proposition: that firearm ownership is a privilege, not a right, and that the overriding consideration in our firearms laws must be public safety. Indeed, this House yesterday passed objects to the principal act that public health and public safety is our paramount consideration. Our Police Commissioner told this government in the plainest possible terms what in practice that means. Commissioner Adams wrote to Mr Ellis saying:

Public safety must take precedence over the privilege of firearms ownership.

She went further, warning:

Firearms present a real and increasing threat to both the public and our officers.

That is not the view of activists or a lobby group. It is the considered professional advice of the person this state charges with keeping Tasmanians and our own officers safe. It's a dual responsibility, a burden that she bears and she's given her advice very clearly. The government and others argue that law-abiding licensed firearm owners are not the problem and that a cap unfairly punishes people who have done nothing wrong. That argument misses the point entirely. You could assume that a firearm stays in the hands of a person it was lawfully issued to. It does not. Firearms theft is now the principal way legally owned guns become illegal guns in this country. Research from the Australia Institute found that more than 44,000 firearms were stolen across Australia in the past 21 years, including 9000 since 2020. On that data, a gun is stolen in this country roughly every four hours. That tells us the more legal guns there are, the more that can be stolen and become illegal guns.

Analysis from the Australian Institute of Criminology found a significant share of firearms theft involved nothing else being taken from the property, pointing to the firearms and those who hold them being specifically targeted. The member for Lyons reinforced this point in her speech yesterday, saying it is not just an Australian thing. Research by David Hemenway

and colleagues at the Harvard School of Public Health found gun owners with larger collections are disproportionately targeted for theft, at close to three times the rate of owners with fewer firearms. The more firearms concentrated in a single location, the greater the potential reward for someone seeking to steal them. It is not the law-abiding owners that are the problem. The more are firearms sitting in any one place, the larger and more attractive that collection becomes to thieves and, of course, the greater the chance those firearms end up in the wrong hands. Introducing a cap is not a slur on lawful firearm owners; it's target hardening, a well-accepted principle of crime prevention that we use for other aspects. It reduces the size of the pool available to be sold on, diverted and misused. That is directly in line with the advice of our Police Commissioner and police, the very people we are asking to face those guns.

Medics for Gun Control helpfully circulated yesterday, I believe, some informative documentation in relation to the evidence. They carefully collated the evidence in a global, Australian and Tasmanian context. I point members of this place, in particular to the research and literature from Leigh and Neill (2010). Their finding was that reducing firearms stock by 3500 guns per 100,000 people was associated with a reduction in firearm suicide of close to 80 per cent with no statistically significant increases in non-firearm suicides, so no substitution effect. Firearm homicide rates also dropped substantially. Today is World Suicide Prevention Day. We have clear evidence before us that one of the most effective things we can do to reduce suicide by firearm is to put a cap on guns to reduce the availability of guns in our community. We know that the leading cause of death by firearms is suicide in Tasmania. It's important we listen to the evidence before us. It's also important we listen to Faulkner et al (2021), who found Tasmania's firearm suicide victims were less likely to have a pre-existing mental illness, meaning access, not diagnosis, was a key variable. It found 54 per cent were licensed owners. Again, it points to the fact that if you reduce the availability of guns in the community, you assist in the reduction of suicide.

A cap is not a ban. It's a proportionate upper limit on how many firearms anyone licensed can hold at a particular time.

Ms Butler - With an exemption.

Ms JOHNSTON - With an exemption, absolutely. I want to correct the minister, and I ask that he correct the House. In his contribution earlier, he suggested that this cap would have no impact or relevance to the Bondi shooter because they only had three firearms. That is incorrect. The Bondi shooter had six guns legally in their possession, according to the New South Wales commissioner.

Mr Ellis - Not at Bondi.

Ms JOHNSTON - They had six in their possession. There were six lawfully licensed.

Mr Ellis - No, not at Bondi. Mr Willie said he had six at Bondi, and they didn't. They only had three.

Ms JOHNSTON - A cap of five would have been relevant in this case. They had exceeding that cap, so it is entirely relevant and I ask you to correct the record.

We have been contacted by many people who have been affected by gun violence. We have a unique history here in Tasmania following Port Arthur. I recognise the survivors of Port

Arthur and those who've been impacted by the Port Arthur tragedy, particularly first responders. Professor Razay, the honourable member for Bass, was sent an email this morning from a Port Arthur survivor. Ms Butler and I were copied into that email. I have permission to read out that email sent to Professor Razay today:

I am a public servant in Launceston. I was working on 28 April 1996. I saw the worst of humanity. Today, I hope you will support a cap on firearms in Tasmania. You have a unique chance to create a public health legacy in this state, especially as the most qualified medical expert in the current Tasmanian parliament. We have spent the last 30 years trying to make Tasmania safer. We have ongoing health issues, gunshot wounds, PTSD, depression and anxiety amongst many others. Life is hard for us 30 years later. We have lost homes, jobs, marriages and livelihoods.

We've been trying to meet the Premier since December. We have been ignored. The Police minister has caused great harm to us. His rhetoric has been ill-informed and dangerous. Please listen to your medical colleagues and the Police Commissioner, who strongly urge a cap on gun ownership in Tasmania. They are the experts, with community safety as their priority, not firearm owners with vested interests. Please do the right thing. This is above politics. Kind regards and thanks for your time.

This Port Arthur survivor has articulated exactly what this parliament should be doing. We have committed to put public health and public safety paramount in our consideration of amendments. This amendment clearly does that. It clearly speaks to the fact that we can do something to reduce the prevalence of guns in our community. It speaks directly to the fact that we can reduce the risk of suicide by reducing the number of guns in our community. It speaks directly to the fact that we can make police lives and their daily duties that little bit safer. It is not the absolute solution to the problem of gun-related violence, but it's something tangible we can do here in this moment to make our community and our police safer. From a public health approach, I implore members of this House, Professor Razay, other members who are undecided as yet, to listen to the voice of Tasmanians who've been deeply impacted by gun-related violence in this state, to hear their plea, to do the right thing, to listen to the Police Commissioner.

She has been very clear and consistent in everything she has said. My heart goes out to her, with the heavy burden she carries as Police Commissioner. She is the one that has to front the cameras when there's been an incident and talk about the tragedy, the impact on the family of that particular victim and, when it involves a police officer - someone under her direct care, duty and responsibility, she then also has to face that family. An unbelievable burden that she has, and she's called on us to act. Victim/survivors from Port Arthur have called on us to act. We know it's the right thing. There's plethora of evidence here to say this is the appropriate public safety and public health approach. I hope that my colleagues here today can do the right thing and act to protect Tasmanians in the future.

Mrs ARCHER - Thank you, Deputy Speaker, and I thank you for the contributions that we have heard in relation to this issue. I acknowledge that it is an emotional debate and it's a particularly emotional situation for Tasmanians. I acknowledge those points that the member for Clark had made around, of course, the priority ought to be keeping Tasmanians safe and the safety of Tasmanians. But that's important because the decisions that we make must be

based in evidence as well. A firearm cap targets how many firearms a licenced, vetted and compliant person owns, rather than whether they present a risk. Public safety is improved by identifying dangerous individuals, strengthening fit and proper person testing, and intervening where risk factors emerge, not by imposing an arbitrary numerical limit on lawful ownership.

Jacinta Allan said, when Victoria rejected firearm caps, the focus should be on the wrong people getting their hands on a single gun. That is the real public safety question. Whether a law abiding farmer owns five firearms or 15 firearms tells us little about risk. Whether a dangerous person gains access to one firearm tells us everything. Likewise, Peter Malinauskas has argued that responsible firearms owners deserve certainty, fairness and respect, reflecting the principles that governments should focus on risk, criminality and misuse, rather than imposing arbitrary restrictions on people who have complied with every requirement of the law.

There is no clear Tasmanian evidence that increasing lawful firearm ownership has increased firearm crime or violence. Since 1996, the number of registered firearms in Tasmania has increased from around 120,000 to more than 158,000. Yet total homicides have remained broadly stable at between five and nine deaths per year. The national evidence points in the same direction. Australia now has more than 4.1 million legal firearms, compared to approximately 3.2 million in 1996. Yet firearm homicides have fallen by more than 50 per cent over the same period. If more lawfully owned firearms automatically produced more violence, Australia's own data would show it. It does not. Firearm policy researcher, Dr Samara McPhedran, has observed that Tasmania has experienced increasing lawful firearm ownership, while firearm deaths, thefts and armed robbery have generally remained stable or declined. Her conclusion is that the evidence does not support a simple relationship between the number of legally owned firearms and levels of firearm misuse. Claims that firearms inevitably lead to more theft are not supported by Tasmania's experience. Firearm theft peaked at 260 firearms in 2015-16, but had fallen to 149 firearms in 2025-26, despite continued growth in lawful firearm ownership. If ownership numbers were driving theft, theft should have increased rather than almost halved.

Tasmania already has extensive safeguards. Every firearm acquisition requires a genuine reason. Every owner must be licenced, every firearm must be registered, and larger collections attract more stringent storage requirements. Owners with 10 or more firearms are subject to enhanced security obligations, including additional storage measures. These are the types of things that we want to strengthen. Claims of unlimited ownership are misleading because firearm ownership is already constrained by genuine reason requirements, registration, licencing, storage, compliance and ongoing oversight by Tasmanian police.

A cap does nothing to address the pathways through which criminals actually obtain firearms. Theft, trafficking, diversion and illegal possession are the real risks. That's why stronger penalties, enhanced tracing, intelligence sharing and the National Firearms Register are far more likely to improve public safety than restricting firearm numbers amongst already vetted licence holders. The Australian Criminal Intelligence Commission has estimated that thefts account for just one in 10 firearms diverted to the criminal market.

Farmers, pest controllers, sporting shooters and collectors often require multiple firearms for different lawful purposes. A cap does not assess risk, suitability or behaviour. It simply counts firearms. Good policy should focus on risk, not arithmetic. The case for firearms caps rests on a simple assumption that more legally owned firearms must mean more crime and

more harm. The evidence does not support that proposition. Since 1996, legal firearm numbers in Australia have increased, yet firearm homicides have fallen by more than half. A firearm cap may be politically attractive, it might make you feel better, but there is little evidence that it would make Tasmanians safer. The evidence instead points to stronger licensing, better intelligence sharing, tougher action against theft and trafficking, and earlier intervention when genuine risks emerge. Those are the measures that improve public safety.

Mr WILLIE - I rise to speak on this amendment and I thank my colleague Jen Butler, the member for Lyons, for moving it. Make no mistake, this is a moment in time that we need to harness. This is an opportunity to take a public health approach and to improve community safety, just like the 1996 buyback did. It was a public health approach that drove that reform. There were people who showed courage. There are moments in this place that are very, very important and this is one of those moments. I don't want to look back on my career and know that I had this choice in the parliament and I didn't take it.

This is the opportunity to partner with the federal government on a buyback scheme to reduce firearms in our community. I know my federal colleagues are at the table. They want to sign a deal. They know our position. They know what might happen in the parliament. They want to get this government to sign a buyback agreement so that people can be fairly compensated. It was the approach in 1996 and it was about fewer firearms in the community, fewer incidents of firearm related threat and harm. This was evidenced in the 1996 amnesty and buyback where there was a marked decrease in firearm related harm and an increase in community confidence in firearm regulation.

It was a decision back then that transcended politics. You had the former prime minister, a Liberal prime minister, John Howard, who said, 'We took a decision across the political divide because we thought it was the right decision in the interest of the overwhelming majority of the Australian community.' You had a deputy prime minister from the Nationals Party who courageously stood up against people in his own party. Those two men I have the utmost respect for, for their courage. You had the prime minister going to public events to talk about these reforms with a bulletproof vest on. That's how much courage he showed in that moment. Our country is much safer because of it. We can do it again.

After that buyback, the results were undeniable. Until Bondi, Australia had no mass shootings since 1996, compared with 13 massacres before. Total firearm deaths fell 4.9 per cent annually, with the most significant decline in firearm suicides. We're standing here on a significant day. The Australian Institute of Criminology reported that firearm deaths dropped from 629 in 1991 to 333 in 2001, a 47 per cent decrease. You have experts in public safety like the Police Commissioner saying that this is what we should do as a state.

We have this traumatic and tragic history here. This is the state of the Port Arthur massacre. I remember being in Grade 7 at the time and hearing the news at my school at an evening event. I'm sure there are Tasmanians who remember exactly where they were when that happened. We cannot allow other states to go ahead of us. We are that state that has had these tragic events. We should have the strongest gun controls out of any other state because it's entrenched in our memories. It is part of who we are, so the Police Commissioner is recommending that. She's doing that because she knows it will improve community safety; she knows it will improve the safety of her own police officers, and we've had tragic events in recent times in that regard.

You have Medics for Gun Control who pick up the pieces after firearm-related crime and suicides recommending that we should do this. You have the Australian Medical Association (AMA) recommending that we should do this. You have Stephen Bendle from the Alannah & Madelin Foundation, who I have a lot of respect for, who knows firearm laws all over the country and has been a terrific advocate on behalf of that organisation. And, of course, Walter Mikac, who said it's pathetic that this government has walked away from implementing firearm cuts. Walter Mikac was the person who wrote to John Howard. John Howard had spoken about this, that letter from Walter helped change his mind and gave him the courage to go ahead and do what he needed to do.

We have this moment in time. Now we have a federal government that wants to partner with us to shoulder some of the compensation to make sure people are fairly compensated. This is about getting the balance right, it's not drastic. This is about saving lives, restoring confidence and making sure that Tasmania is a safe place.

Of course, there is a role for primary producers, sports shooters and recreational hunters to have tools of the trade. They will still be able to access tools of the trade. If they need more than the cap, there will be a very reasonable exemption process and they will be able to continue those activities but those activities and that responsibility of firearm ownership shouldn't come at the expense of the rest of the population.

We are talking about 157,000 registered guns in Tasmania to 37,00 people. Nearly 9000 licence holders own more than six guns. That is just 1 per cent of the population in Tasmania, 1 per cent, and I know there are many Tasmanians who support this reform. They want to see this parliament act with courage and get it done. This is one of those moments in time where you have a choice and I don't want to look back on my career and say that the Labor Party made the wrong choice.

Mr PEARCE - Can I say very genuinely from the outset, I listened to everyone's contribution with a great deal of respect and sincerity, and I mean that. We sometimes forget in this place that there's a whole other world out there. I personally was reminded of that today with the tractor rally where our farmers came, hundreds of them on the lawn, and I listened to them very carefully. They come from a different world. They come from the real world. I have an inordinate amount of respect for those folk who gathered on our lawns of Parliament House today and mean that.

I also want you all to know that I am not a gun nut. Whilst I have carried a firearm for most of my adult life, both in the civilian world and the military, I've looked evil in the eye and I've had those firearms brought upon me literally, and there are not a lot of people in this place who can say that. When I say that, it's not, 'look at me', but what it is a very different lens that I view this from and it's that evil that I look to. And it's that evil that I place my emphasis on. It's that evil that I know our police officers rely on that real time intelligence that comes from our intelligence gathering agencies for our specialists to paint the tactical picture of where the threat is, and the threat needs to be matched with a response.

The risk needs to have a mitigation. There needs to be a tangible outcome for any risk and that is what I want to talk to you about today. Those farmers - let's go back to that scenario - those farmers will go home to their properties. They are responsible people. They care for their families, they care for their farms, they care for their animals, and they'd do anything for them. But their farms are vast. Their operations are varied. They want to go shooting a wallaby,

for instance, they'll use a .17 or a .22-calibre rifle. If they want to engage a deer at range, then they will require a .243-calibre, .308 or above. If they have vermin that they have a crop protection permit for, then they will probably use a shotgun, a .410 or 12-gauge, a 20-gauge. There are varied tools of trade, because that's what these farmers, that's what our primary producers view firearms as. They're not something out of Hollywood, they're not something off the television. They're tools of trade, like a hammer or a saw. A different tool for a different job, a specific firearm for a specific job to do that job safely. They do that safely and they do that in a responsible way. Those people, those real folk outside of this place in that real world that I talk of, are the ones that I want everyone in this place [inaudible 5.06.35]. Are we going to say to them that, 'You have an obligation because I said that you can have a certain amount of firearms in your possession?' Is that doing them justice? Is that treating them with respect? Is that considering their operations and all the varied forms of firearms that they require to go about their business. I don't think it is.

If we go back to the National Firearms Agreement back in 1996. I genuinely appreciate and respect those - I mean, Leader of the Opposition, you made a good point of the bravery that was involved in those decisions - but that decision on the National Firearms Agreement back in 1996 was based on, not caps, it was based on genuine reason. It was based on genuine reason. It's almost constitutionally ingrained that it was genuine reason, and genuine reason is what I'm talking about. It's what those farmers think about. This is not fantasy for them. This is a genuine reason to employ that tool of trade, that firearm, for a specific role on their farming operation. A genuine reason, a genuine outcome for a genuine risk. I think we owe them the respect not to simply say that there's an arbitrary number that we're going to place on the amount of - What are we going to do? They came with their tractors today, are we suddenly going to, in another couple of months, put an arbitrary number on how many tractors they're allowed to have? Goodness me. Because a tractor to them is very - we think of a tractor in the same way we think of a firearm.

Mr Bayley - It's not a weapon. That's ridiculous.

Mr PEARCE - Who said the word weapon?

Mr Bayley - It's not a weapon. It's a ridiculous comparison.

Mr PEARCE - A weapon is a firearm placed in the hands of an individual, and that's where a firearm goes from being a firearm to being a weapon. That is the definition.

A genuine reason. The point was raised about the number of firearms being aggregated in the one particular - I think, Ms Johnston, you raised that point about the number of weapons as almost an enticement into theft. But I point out to you that that there is also legislation around once we get over the number - forgive me if I'm wrong, minister - but 10 firearms, then the storage requirements for those firearms becomes greater. You have to have CCTV, you have to have monitored alarms, and many other issues or postures around the storage of those firearms.

Minister Ellis made a good point when he said that he wants to protect his officers. He wants to protect his communities. Community safety is important. I implore that the good way, that the mature and moral way, that you approach that. But if he wants to protect his officers - and he knows this, and I know this also - then it's the intelligence that he needs to provide those officers. Bondi was a terrible tragedy and I don't have the words to describe that.

It's just terrible. There were also fundamental breakdowns in the passage of real time tactical intelligence that tipped officers off. ASIO knew about this, but it wasn't passed down to states and territories. In the military, if we don't have intelligence on the battlefield, then we can't fight the battle. This is where we need to be placing our effort - on the evil. I told you about that at the beginning. That evil was the thing that I was frightened of, was the thing that made my heart beat. It wasn't the firearm that they had in their hand, it was the person, the human being on the end of the thing that was shooting at me. I ask everyone to think about that.

Commensurate risk and commensurate outcomes, and please let's think about John Howard and those brave decisions that were made that day, or in that particular time. Let's get back to the real, genuine reason, not an arbitrary number.

[5.11 p.m.]

Prof RAZAY - I would like to thank the honourable Member for Lyons for bringing this amendment forward. This has been a very difficult bill to determine, specifically on the caps issue. There is, understandably, so much public investment. It has also generated a great deal of community division, which breaks my heart. To the hundreds of people who sent through emails, phoned my office, and numerous peoples and groups I have met with over the past few months, thank you.

For my part as a medical practitioner and as an individual, I have devoted my life to the care and wellbeing of the community. As a state member I represent the people of Bass, but I also have a larger responsibility to all Tasmanians. When I consider policy I look at both sides and try to find middle ground. We heard today passionate speeches from both sides, those who support it and those who are against gun caps. I want to keep Tasmanian safe, and as such, I feel this bill has already made significant improvement to addressing public safety. I believe today we have shown how we work together, and we passed so many amendments to improve public safety. But I am not convinced that this amendment will equal greater public safety while striking a sufficient balance.

Drive in any direction from the centre of Launceston and you find yourself in regional and agricultural Tasmania within 10 to 15 minutes. This is somewhat of a unique position that we have as a state. We are surrounded by wildlife, working farms, properties which require active management many constituents have shared the impact a firearms cap would have on their workplaces and their lifestyles. They have detailed how they require different firearms for different situations. This is important. Hunters tell me that it is imperative to use the right calibre weapons to avoid animal cruelty.

They were also concerned that the buyback scheme details are not in place and can we afford it when so many issues and shortfalls in other areas need to be addressed? All of this, and the argument for and against a cap have weighed heavily, very heavily with me as it has on the community.

I have considered the balance between rights, obligations, and community expectation, and I don't feel that the current cap proposal and the gun buyback have been carefully worked through. While I believe there is a merit in a cap scheme, I don't feel this amendment has found the right balance and as such, I can't support the amendment.

Mr MITCHELL - Thank you, Deputy Chair. Well, I must say I was very disappointed to hear Prof Razay deciding that he's going to be voting against the opposition's amendment.

I've had the great honour and privilege of representing the seat of Lyons federally and in the state for 10 years now, and much of that rural and regional area that he speaks of is in my electorate. I'm well acquainted with the myriad issues that he's talking about in terms of requiring access to firearms for stock control, for pest control, for hunting, recreational use, competition shooting. I'm aware of all that, and despite that, I support this amendment. I support this amendment because it improves community safety and that is my overarching obligation to the people of this state. It will probably cost me politically. I don't know what that cost will be, but I know I'm taking a very big political risk in supporting this amendment given my constituency, and that's a price worth paying because the cost otherwise is too high to pay.

When you boil this issue down, it comes to a very simple proposition. Do you support unlimited guns in Tasmania or don't you? It's as simple as that. Strip away everything else. Do you support the presence of unlimited guns in Tasmania or don't you? Because, if this cap fails then the Health minister's talked about people having access to five, 15, it could be 150 guns. It could be as many guns as they want, as many as anybody wants who's got a licence and for whatever reason; unlimited guns in the Tasmanian community.

In his contribution, the minister says that the evidence base has not been proven for a cap. We have the Police Commissioner, the person charged with community safety, the most senior official in the state charged with community safety calling for a cap. Medics for Gun Control calling for a cap. The AMA calling for a cap. The Alannah & Madeline Foundation and all the history with that Port Arthur tragedy calling for a cap. The evidence is there.

The minister and the Health minister have talked about how a way of life is being threatened. People can still hunt, still shoot, still control their pests, still do the competition shooting. It is absolutely false to suggest that these caps will alter the rural way of life in Tasmania. It will have an impact on a very small number of people who currently go over the cap. Farmers can continue to farm. Shooters can continue to shoot. Hunters can continue to hunt.

Somebody mentioned, I think it was the minister for Primary Industries. He gave three examples of different calibres in use. This cap calls for 10 firearms for primary producers and if you're a farmer and you're married and your partner is also a farmer, they can also get their own licence. There's 20 firearms in the household. Your adult kids on the property, they can get a licence. There's thirty. The justifications being trotted out, the lines that are straight out of the American gun lobby against these caps are just beyond the pale.

The minister talks about having to draw a link with crime and that the real focus should be on making sure firearms don't fall into wrong hands. Too right? We support strong laws against gun theft. We support those laws. This is not either or, this is both. We've had 15 allegedly stolen firearm at Coles Bay. We've had 50 per cent more robbery incidents involving firearms in the year to May with a jump from eight incidents to 12. We've had a 19 per cent jump in assault incidents involving a firearm being used as a weapon, going up to 64. We've had 40 gun theft incidents with 155 guns stolen with only 29 recovered.

Police Commissioner Adams cites rising family violence firearm offences, high rates of gun thefts, and community safety. The evidence is there. The most highly credentialed official in Tasmania whose role is to protect community safety is calling for this cap and we have the temerity in this Chamber to say we know better. Do you trust your police? Do you trust your Police Commissioner, minister?

We've had Tasmanian gun licence cancellations quadruple in five years, reflecting what I'm told has been a sharp increase in offending or risk of harm posed by legal gun owners.

I'm disappointed Professor Razay has come to the conclusion that he has because this is a very simple issue before the House. Do you support the presence of unlimited guns in Tasmania, or do you think there should be a cap on the number of guns in this state? It's as simple as that. There are some in this Chamber who absolutely support unlimited guns and that's their ideological position and I can sort of respect that, Mr Shelton, member for Lyons; the member for Braddon, Mr Pearce; I can understand it, I can respect it, but how you, Prof Razay, and I'm sorry to personalise it and put it on you but you are -

Members interjecting.

Mr MITCHELL - Well, I am because his vote is critical in this Chamber.

Members interjecting.

Mr MITCHELL - He is the most credentialed medical professional in this Chamber and it has weighed on him, but he has come in and he has stated his position that he is voting against this amendment. If there is even the smallest glimmer of hope that he can reconsider what he said at the microphone, then I'll take it.

A member - Bully him into it.

Mr MITCHELL - No, I implore him. I object to that. That is such a juvenile use of that word. We are all adults here. We can take it. We've got thick skins and we can take a bit, so Prof Razay can take the criticism I'm offering because it's not dished out to him in a vindictive way. I regard him very highly, that's why I was so disappointed with his contribution because frankly I don't understand how he's come to it, given the evidence that we've been presented with: Commissioner Adams, Medics for Gun Control, the AMA, The Alannah & Madeline Foundation, all that evidence and at the end of it all the simple proposition: do we want unlimited guns in this state or don't we?

And I don't, and that's why I'm voting for caps. Thank you.

Mr ABETZ - Thank you, Chair. As one of the pallbearers at the funeral of what was assumed to be the last victim of Port Arthur. I thought I would involve myself in this debate having listened to some of the contributions. Also, I was there when the vote went through the federal parliament in relation to gun laws at the time, and there's been a bit of rewriting of history. The Howard amendments, if they are to be called that, to our gun laws were based on getting rid of a lot of automatic and semi-automatic weapons out of the community. At Port Arthur the perpetrator, and I won't say his name, had three guns in his possession on the day, as I understand it. Bondi, three guns in their possession on the day. Would a cap have made a difference in either of those horrendous crimes? No, it wouldn't have.

So, the architect of those gun laws of 1996, thankfully, is still present with a great able mind at age 86, and I had the privilege of seeing Mr Howard relatively recently. But on the back of Bondi what did he say to the Australian people? It wasn't the gun laws that were the problem, it was anti-Semitism that was the problem.

I wish we would hear a little bit more about the ugliness and that which the member for Braddon, the minister for Primary Industries, mentioned: the evil. The evil of these crimes isn't the actual item, it is in the person that perpetrates. Mr Howard has stated it very clearly that it was the antisemitism and not the gun laws. One of the great failings in the total situation was the lack of intelligence sharing. That is going to be, I think, overcome and a lesson learnt by all Australians.

I can understand people having emotional contributions in this debate. It's a tough one. There's a lot of personal feeling about it, but trying to monster people in the debate, I don't think is appropriate, especially in such a sensitive area, like with nearly all matters. Chair, when I was a lawyer, you'd go to court very often with experts on one side, experts on the other side and the poor judge on the bench had to make the determination as to which expert should be or might be believed. It doesn't mean that one or the other expert is better than the other in all the circumstances, but experts and men and women of good faith can actually disagree on issues. When people tell us, 'We've got to listen to this particular expert because', but when that expert says something that we disagree with, we quickly discount it. We do it with economists, we do it with all sorts of people and we do it with the medical professionals as well.

The member for Bass, Prof Razay, made a very thoughtful and considered contribution, I think one of the standout contributions in this debate, and one of the references he made was what would the cost of this be? I think a figure of some \$40 million has been considered. I suppose, I stand here as well, Chair, in my capacity as Treasurer that there will be huge financial consequences. But, having been on the foundation committee of a women's shelter and honorary legal adviser for about 10 years prior to entering the Senate. In relation to domestic violence and the crime that it is, the number of women - mainly, I think it was only women in relation to guns, there was never a situation that, 'He threatened me with three, four, five, 10 guns. He threatened me with the idea.' The cap, of itself, will not provide the sort of protection and support that some people are asserting. I back Prof Razay's very considered contribution, and will also put into perspective that which Mr Howard, who has been quoted often in this debate, actually did and what he has said since. Caps simply won't make a difference -

Mr Mitchell - He didn't say that.

Mr ABETZ - and it's interesting that so many of the Labor states have also decided not to follow the idea of a cap.

Mr Di FALCO - Chair, I will not be supporting Labor's amendment to introduce firearms caps. My position on this has been consistent from the beginning. Before parliament imposes any arbitrary limit on the number of firearms a licensed person may possess, someone needs to demonstrate the evidence for doing it. I asked the Police Commissioner during Estimates what evidence Tasmania Police could produce to justify firearm caps. I am yet to hear a convincing answer. I'll read a quote from the Police Commissioner's submission to the consultation about caps:

This aims to address the concentration of large numbers of firearms within a comparatively small proportion of licence holders.

I remind the Commissioner that your department approved every single one of those firearms through the permit to acquire (PTA) process. I know how seriously you take public safety, so

I can only assume your department rigorously reviewed each of those approvals with public safety in mind.

She then goes on to reveal reduction in firearm crime statistics from 1991 to 2001. During that period there were no arbitrary caps, so I am unsure what the correlation is. In an official submission, you would think that would be the time to produce your overwhelming evidence on caps. I'll read a quote from the AMA's submission:

All the evidence does not identify a single optimal numerical cap.

So, if there was any evidence, it's a guess. I'm not willing to spend \$90 million of Tasmanian money on a guess.

Mr Willie - That's a gun lobby figure. It's not \$90 million. I've got the figures.

Mr Di FALCO - I'll read a quote from the AMA. Sorry -

Mr Willie - The government's saying \$40 million.

Mr Di FALCO - I'll read a quote from the Alannah & Madeline Foundation submission:

If a person can lawfully hold 10, 20, 50 or more firearms, the community is entitled to ask why that level of access is necessary and how it advances public safety.

Ms Butler - This is the man who wanted semi-automatics in New Zealand, the man that fought against the Port Arthur reforms.

DEPUTY CHAIR - Member for Lyons, I ask that the member be heard in silence.

Mr Di FALCO - I agree with you and it is a good thing this is currently in place. Every firearm owner goes through the process to purchase every firearm they own. And do you know who approves each firearm? Your star witness, the Police Commissioner. If you would like to know why someone owns a firearm, ask them. Unfortunately, yes, I sound like a broken record. That is what is most concerning when you're asking for evidence to restrict people's personal freedoms and no one can answer it.

Mr Bayley - It's not a freedom to own a gun.

Mr Di FALCO - It is, it's a personal freedom.

DEPUTY CHAIR - Honourable members to my left, I ask that the member be heard in silence.

Mr Di FALCO - If Labor has the evidence, this is the opportunity to present it. Why the number? I think we all know why. The honourable Mr Willie received a phone call from Canberra and the rest is history. Why is a person safe with the firearm immediately below the cap but apparently a greater public safety concern with the next one? What changes? The person has not changed Their background has not changed. Their genuine reason hasn't changed. Their licence hasn't changed. Their storage obligations haven't changed. Their status

as a fit and proper person hasn't changed. The only thing that has changed is the number, and this is not evidence-based firearms policy.

If the argument is about theft, let's talk about theft. If someone possesses a significant number of firearms and additional storage requirements are justified, I'm prepared to have that discussion. Strengthen safes, alarms, different storage arrangements, additional security for particularly large collections. Those measures at least address the identified risk. A cap does not make firearm number 10 harder to steal than firearm number 11. Caps do not target criminals. Those people are not going to suddenly surrender their illegal firearms because parliament introduces a cap for licensed owners. There are legitimate reasons why people own multiple firearms. Farmers use different firearms for different purposes. Hunters use different calibres for different species and circumstances. Sporting shooters participate in different disciplines. Collectors accumulate firearms because that is the entire purpose of collecting. Firearms are tools, they are sporting equipment and they can be valuable historical objects. The fact that someone owns more than an arbitrary number tells us almost nothing about whether that person presents a danger to the community.

There's also another problem: once parliament accepts the principle of a cap, the debate never ends. Today it might be 10. Someone will eventually argue for eight then five, then three. If there's no evidence-based point at which risk materially changes, then the number becomes entirely political. That's not how firearm legislation should be written. I want Tasmania's firearms laws focused on risk. Is a person fit and proper? Simply asking how many firearms they own is not improving community safety. Unless Labor can produce compelling evidence demonstrating why its proposed number represents an identifiable public safety threshold, I cannot support this amendment. We should not regulate arbitrary numbers for the sake of being able to say we have done something.

Mr FERGUSON (Bass) - Chair, while there is clearly a line of division through the Chamber on this particular question, the debate has actually been great to listen to. It has been good for our community to be exposed to the very different points of view and the perspectives behind the positions that have been taken by members of this House. I appreciate contributions that have been made around the Chamber, in particular from the Treasurer just earlier and Professor Razay who made one of the finest contributions I have heard since the debate began on Tuesday.

I will draw out a couple of points. First of all, I think one or two members on the other side of this Chamber have based their remarks on a false belief that for members on any side of this Chamber or the crossbench this is somehow ideological. I'm a former firearms owner and a former firearms licensee. For our own family reasons, which I won't be discussing in detail, we made the decision that when we had children, we wouldn't have firearms in the House. That was our decision and I surrendered those firearms myself. My choice, our choice. If anybody would like to explore that with me, you're most welcome to at another time. But that's not a choice that I seek to impose on any other family. So long as the basic tests of being an appropriate, fit and proper person, to be licenced, you've done the training, you don't have a problematic criminal history, you have a genuine reason to be licenced and to own and possess and use certain categories of firearms, and that they're stored appropriately.

Now I think Prof Razay - he's now absent from the Chamber - and I feel more empowered to speak to this now - made an inspired point and that is that much of the debate that we've already had around this bill and now into the clauses has actually been around a wraparound

stronger safety net. Safety all round. That the bill makes a whole range of important improvements to the management of this Act, an Act that has really had very minimal change in those 30 years since the *Firearms Act* was enacted in 1996. It's now had a thorough review and resolving areas of law that have been deficient and in need of improvement for some considerable period of time.

I really want to remind the House that - and we're all guilty of this at times - but if those of us old enough to remember 1996, let me remind you that, as the minister for Primary Industries pointed out, in that Howard government era - and I hope it would have been just the same if it was not a Liberal government - we saw strong leadership on, not just responding to Port Arthur and the tragedy that shook our nation, but also responding with a risk based approach. Because the risk was about rapid repeating semi-automatic and automatic firearms, which were in homes around our country, including this state. It was a direct response. That level of government paid 100 per cent of the cost of the buyback. What a contrast.

Also, in the context of Bondi, let's remember the real causes of that tragedy, which grieved us all, in particular, our Jewish brothers and sisters, that is our Australian brothers and sisters who belong to the Jewish faith or have a Jewish ancestry. Australians, our fellow Australians. The backdrop to that was not the nature of the firearm. The backdrop to that was the absolute failure of far too many senior political leaders in this country to give what John Howard called what was needed a full throated denouncement of the antisemitism that had been tolerated for far too long. The ugliest scenes of which were at the synagogue in Caulfield and, of course, the Sydney Opera House, where police were dithering over whether or not they said, 'Gas the Jews' or 'Where's the Jews'. That was the backdrop to the debate that then was forced upon this country about the need for a particular Albanese led firearms laws, and here we are today.

I don't think that this debate is a healthy one if we attempt to summarise it as to whether or not you're for caps or against caps. That would be a poor perception that we send from this House today, because there's been so much goodwill and so much rapid repair around the overall legal framework. A whole range of people now are going to be subject to more scrutiny when they apply for their licence or apply for a permit to purchase. I believe we've done a lot of good work and, particularly with media listening, I wouldn't want our whole debate to be, if you like, summarised around the polarised element that we've confronted here today.

I want to close with this point. The same arguments around caps today could equally have been made with 10 firearms for recreational hunters and 20 firearms for primary producers. The same arguments could have been made, and where's the science in that? The same arguments could have been made if, let's say, the opposition were moving that recreational hunters could only have two firearms and primary producers could only have four. The same arguments could have been made. The nature of our debate would be no different. Where's the science in that? I recognise that as 35 politicians, all of goodwill on this subject, I genuinely know and believe that all of us want to leave this House today, when the bill is completed, believing genuinely that we tried to find the right balance. There are different opinions on where that balance ought to lay.

I want to close where I started. I will not allow my position, which is a strongly held one which I've now articulated on two occasions, and I say this with respect to the member for Lyons, Mr Mitchell, I wouldn't want it to be misunderstood as ideological, because I'm a father, and I'm a grandfather now, and I think very, very carefully about the safety of our children, our

vulnerable, our shopkeepers, our people in the street, people who are suffering coercion and worry about their future. I think about that a lot. I want them to be safe. I want them to be as safe as possible with an evidence based approach. Even though this is the Liberal Party's position which is shared by a number of members of the crossbench, it's also my personal position.

With the amendment or without the amendment, there will be no guarantee of no future disasters or massacres or tragedies. None of us can guarantee that on either side of this question. But we do at least owe it to our electorates - indeed each other and our families - that we've struggled through this and that we've respected the different points of view. If Dr Razay had given a different position but with the same passion he displayed here today, I would congratulate him equally as I intend to do when I next speak with him. They're the reasons that I don't support the amendment by the opposition, and I respect others who've chosen a different path.

Mr O'BYRNE - Thank you, Chair. I'll be brief, I've provided my indication of where I'm voting on this position in my second reading speech, but I just want to put context to that, given some of the contributions today.

I've spent the last four or five hours, and three hours last night, working with the Greens and working with the member for Clark, Ms Johnston, on opposing some of the measures by the government, to improve this legislation to make it safer for the Tasmanian community. I've opposed the Shooters, Fishers and Farmers on a number of matters. We've worked together with the minister to improve elements of the bill before us, to respond to the circumstances of Bondi, to respond to the clear and present danger that is presented within our current gun laws, the improvements for families and for women, for people suffering from family violence or sexual violence. The improvements are significant.

I want to acknowledge the people who have passionately written to me and articulated their views and their stories, personal friendships. It's been humbling for people to share deeply personal stories around this issue with me. I feel that we have honoured their passion and honoured their contribution by the work that we've done clause by clause by clause to improve this bill to make Tasmanians safer. To say that if I vote against this amendment, that all of that is for nothing, I don't think is fair. I don't think it's right. I respect the position of people that hold in support of this amendment - I don't agree. The vast majority of arguments I've had put to me about caps are essentially about firearms regardless of the number. I respect and understand that.

The Leader of the Opposition, Mr Willie, you are correct to champion the work of Tim Fisher and prime minister John Howard. Absolutely correct, but the circumstances of 1996 are different to the circumstances of 2026. Prior to 1996, essentially it was a free-for-all. The amount of weapons you had, the velocity, the power, the capacity to kill, compared to where we are now in a highly regulated, highly transparent, highly responsive legislative environment across the country. It's a very, very different set of circumstances. We should champion political strength and political leadership. I think we need to put it in context and I'm not dismissing your arguments by any means. You're right to challenge that, to challenge the government in terms of the legislation before us.

In relation to this position, I've made it clear: the evidence that I hear in support of this amendment is actually an argument against firearms, unregulated firearms. We are in a heavily regulated environment. I know that the member is behind me and I respect her putting the

proposition in the argument on behalf of her party passionately. But in her contribution, she compared Tasmania to South Africa. Hobart to Johannesburg. That's a place which has the highest rate of gun violence and murders globally.

Ms Butler - That's what happens when you don't do anything about it.

Mr O'BYRNE - By interjection, the member has said, 'That's what happens when you don't do anything about it.' I've just said, I've spent the day here working on amendments with Ms Johnston, the member for Clark, with the Greens, on top of an already-regulated environment for firearm ownership and use. But to compare Tasmania to South Africa is irresponsible. It does nothing to support your argument. I understand the passion with which you've prosecuted your case for caps -

Ms Butler - With evidence.

Mr O'BYRNE - But argue the basis of caps. I'd like to hear the evidence that compares Tasmania to South Africa.

Ms Butler - I'll read it out in my response.

DEPUTY CHAIR - Order.

Mr O'BYRNE - With greatest respect, Chair, I will agree to amendments that I think and I believe will make Tasmanians safer. I've been doing it all day and once we get through this amendment there will be more work to do and I commit to doing that, but I cannot support this amendment.

[5.52 p.m.]

Mr GEORGE - Thank you honourable Chair. I'll be as brief as I can be and I recognise what a serious debate this is. However, this debate does remind me of the 1970s television advertisement for a non-alcoholic drink called Claytons Tonic with the catch phrase, 'It's the drink you're having when you're not having a drink.' This debate seems familiar to me in that sense because I think this is actually a debate about the caps that you have when you're not really imposing a cap. Leastways, it's not a hard cap, because the amendment proposed by Labor has clauses that enable any gun owner to apply for more than five or 10 prescribed weapons - firearms sorry - in the amendment. A farmer, a hunter, a sporting enthusiast, an Olympic competitor. Each of those have the potential to own well over the limit proposed in this amendment. Section 42A, subsection 2 would enable the commissioner to remove the cap if there's a legitimate reason to do so and the commissioner thinks there's no contrary public interest, and this seems very sensible to me. It prescribes what I see as an imposition of a so-called normal maximum, but with clear provisions for exemptions on application. Those exemptions seem perfectly reasonable to me.

At its core, those who oppose this amendment are actually questioning the character of the Police Commissioner herself. Quite a number who have spoken to me from the perspective of gun owners who oppose a cap clearly think the Police Commissioner is simply too tough on them. They complain she's inflexible, too conservative, afraid of making the wrong decision that may backfire on her, afraid of making the wrong decision, not having to wear the unlikely potential consequences.

Well, this government clearly placed its faith in the commissioner. It appointed her. As far as I know, the government has not lost faith in her decision making or her character or her competence. I know I haven't. I think it's incomprehensible that the government, having appointed her, has ignored her advocacy and that of her police union advocacy, informed by her concerns for her officers on the front line.

I believe the Commissioner would be quite content to have the responsibility and the discretion to approve more than the basic number of weapons where it is appropriate and if those who own more than the basic number of firearms are indeed fit and proper people to own a small armoury, then they need only apply and present valid reasons as collectors, hunters, competitive shooters, and farmers.

As I've mentioned at this place before, I've seen a bit too much of what firearms can do, but I've put those experiences aside to approach this debate in as balanced a manner as I can. I came out, I admit, very early on this issue, advocating a maximum of four weapons under normal circumstances. Now I've listened and I have listened a lot over the weeks and across a broad spectrum of opinion, and I'm prepared to accept that in Tasmania, and perhaps across Australia, a higher number of firearms might be reasonable as proposed by this amendment.

I don't want to dwell on the outrage of Bondi, but I know very well indeed that the close Jewish members of my family who live close to Bondi and still suffer the trauma of that event, would be praying that this parliament will put very strong restrictions on the number of firearms in this state, as they intend to do in New South Wales.

I am listening to the debate and I do compose my speeches as I listen. I'm weighing the contributions on the floor of the House with the intent of weighing those arguments against my conscience. I have heard minister Pearce make a passionate contribution and equally passionate contributions I've heard from across the floor, the opposition, and from the crossbenchers.

I have heard Prof Razay struggle with his conscience as he describes the reasons behind his decision to oppose what so many of his medical colleagues believe. I know Prof Razay has been listening, and I hope that he has been listening enough to change his mind in the course of this debate. I know others on the crossbench are also listening and I hope, too, they may find some of what I say is persuasive, is sensible, is rational, and is enough to make them reconsider their positions, because this amendment does not impose a hard cap. In fact, it instils a sensible minimum for a fit and proper person, rather than a maximum in many ways.

If the honourable minister genuinely believes that he needs more than 10 firearms to work his farm, then he need only put that to the Police Commissioner and I'm sure that she would respond sensibly. If the honourable member for Clark, a sporting hunter, genuinely needs or even wants more firearms, I'm sure that he could speak rationally to the Commissioner and he would get approval from the Commissioner, too. In fact, if any fit and proper person can show good reason for more, or even far more firearms, then that person is able to make the case and receive an exception if they're the right sort of person and if they have the right sort of reasons. That, I can assure members who still have an open mind on the so-called 'caps', seems to me to be an utterly reasonable outcome.

Mr BAYLEY - Thank you, Deputy Chair. If I may, I will take a few moments to talk to the issue of caps and reflect on some of the debate. I offer that, as I indicated in my second reading speech, as perhaps one of the few licenced firearm users in this place and someone who

has both grown up on a farm and has used firearms for my entire life. I'm not ignorant to some of the things that minister Pearce spoke about in terms of the need and the tools of the trade, but I'm going to speak really passionately for this amendment and I commend the Labor Party and Ms Butler for bringing it forward because it is critically important.

I want to acknowledge the contributions of others. I listened to Mr O'Byrne, and yes, we've made some really positive progress on this bill in terms of strengthening community safety. We've done that collaboratively, we've done that constructively, and I commend the minister for his approach as well. But when it comes to firearms we cannot make the community too safe. There is no line that we overstep here and suddenly the community is going to be too safe, so I simply don't buy the argument that we have done enough and that as a result we can leave this to the side.

The issue of caps is attached to the notion of theft, and we have some of the highest rates of theft - in fact the highest rates as I understand it - of theft in the country per capita. It is a significant issue and this is another step that we as a parliament should take to keep the community safe.

In my second reading, I expressed my fear that this debate has largely descended into a cultural war from those who are opposing caps. I feel the advocates for caps have got plenty of evidence and plenty of advocates that sit behind them. But when it comes to the opposition to this notion, it's largely based on emotion. Minister, I do want to condemn you in that space because I think you're largely responsible for this in terms of the language you're using about this 'penalising' legal firearm owners. This has been punitive in nature and I feel like it's absolute abrogation of your responsibility as a minister and as a leader to manage change. Change is happening, and we have to manage it, and we have to manage people's expectations.

In fact, the Premier did agree to this change. He agreed to this change at the National Cabinet. While the minister says that he agreed to 'explore options' when it came to developing caps, I'm happy to read again into the *Hansard*, minister for your benefit, this is a statement that your premier signed onto and it reads -

First ministers agreed to strengthen gun laws across the nation and have commissioned their police ministers and attorneys-general to develop options, including limiting the number of firearms to be held by anyone individual.

That's not an optional thing. That's not, we're going to look at this and we're just going to consider it. We're going to develop options and we're going to implement them.

I do raise the question: where the hell is the Premier in the context of this debate? He hasn't been in the Chamber for one iota apart from to congratulate Dr Razay. He is the one who has signed up to this commitment on behalf of us as a parliament and us as a state. I do hope and I do call on the Premier to come into this Chamber and articulate his position about why it's okay for his party to ultimately lead this rearguard action against caps and articulate why that's okay in the context of his agreement with the Prime Minister and every other first minister in this state.

For those on the other side who want to point at Labor states who are not doing this, I beg you, don't compare us to other Labor states. Don't compare us to the lowest common

denominator in this country. We have, in the past, led in this context and we can do it again. Don't drag our standards down to those, the inadequacies and the failures and the weakness of other states in this country, because we are better than that and we owe it to our people to be better than that.

I think this is a culture war on behalf of those opponents of this proposition, because I beg the question: how many guns do people need? I point out again, as others have, that this is a mechanism. There is a mechanism in this amendment to actually have more than 10 if you need. This is not an arbitrary cap on firearm ownership; it's a requirement to prove if you want more, there's a requirement to prove it. If you can prove that you can get it.

I think this is largely a culture war. I acknowledge the emails and the advocacy that we've had from people. People have called me begging and opposing caps. I know people have called other members who are saying, 'Don't implement caps'. I raised the question and I know the answer: how many guns do those people generally have? I don't think any of them are got more than five if they are a rec shooter or got more than 10 if they're an agriculture primary producer or a sporting shooter. I actually don't think they do. They just don't want to be told that they can't have more than that. It's about optics and it's about culture.

I completely acknowledge they are tools of the trade. I listened to you, minister Pearce, I acknowledge your passion and I also 100 per cent acknowledge your service. I reject a lot of what you said. You talked about the Police minister and protecting his police officers. You pointed to the police officer in the Chamber here today. Minister Pearce, the Police Commissioner herself has asked and implored this Chamber to impose caps because one of the reasons is to protect police officers. One of the reasons is because caps will help limit the number of thefts. It will help limit the number of then-illegal firearms that end up in the community. I acknowledge the work of the Police Commissioner. I acknowledge her, I think, bravery in the face of this to put forward a position on behalf of the police that's actually looking after the interests of her members, her employees and indeed us as a community and farmers in the real world.

Minister Pearce, again you mentioned it again that they needed numerous tools for this trade and again you mentioned three types of firearms: a 22, a 243 and a shotgun. I agree you; need a 22 for rabbits and cats; you need a 243 or bigger for deer and you need a shotgun if you want to shoot something that's moving. There's room for seven more in this debate, honourable minister. You can have 10 if you're a primary producer, so I just don't buy this argument that farmers are going to be penalised.

My family has a safe full of guns but there's not more than 10 there. We have plenty to do what we need to do on the farm. Minister, you can't compare a firearm to a hammer or a saw or a tractor. If hammers and saws kill people, if they were stolen and traded illegally, then I'd buy your argument but I'm afraid I just cannot do it. It's just a ridiculous comparison, honourable minister.

The Treasurer talked about experts and he talked about weighing up the experts and judges here and there and so forth but I'm yet to see an expert body that doesn't have vested interests who's actually backing or opposing these caps and you match that against the Medics for Gun Control, the Alannah & Madelin Foundation, the AMA, Gun Control Australia, the Family Violence Alliance and indeed, the Police Commissioner. Which experts are you

listening to? That's a question I would really appreciate the Premier in his contribution answering. Which experts are you listening to when it comes to this debate?

Mr Di Falco talked about freedoms. Well, I'm sorry, Mr Di Falco, I interjected, but we are not the United States of America. We don't want National Rifle Association language in this state. Owning a firearm is a privilege. It's not a right. It's not a freedom. I'm afraid we in the Greens will push back every single time you try to claim that gun ownership is some kind of God-given right or freedom because we are not the United States of America.

Lastly, I just want to touch on Mr Ferguson's contribution. I completely acknowledge you surrendered your firearms and I actually completely understand why you did that. My wife herself refuses to have firearms in our house and I completely accept that but you said it's not something you want to impose on others but, again, I beg the question, Mr Ferguson, how many did you have? Did you have five firearms or did you just have one or two? This is just a false argument. It's part of a culture war and I think the people who are pushing back on the notion of caps are really doing it because of the optics about not wanting to be told what to do.

Gun theft is a problem. The number of guns in our community is a problem. Capping guns helps to address that problem. It won't fix the problem but it will help to address the problem and I commend this motion and I thank the member again for bringing it forward.

Ms ROSOL - I rise to speak in support of this amendment and I want to draw attention to a couple of things that have really shocked me and disturbed me about the debate here today. I've been genuinely shocked by some of what I've heard here. In particular the minister for Health, the person responsible for policies and actions that protect people's health, that help people stay healthy and yet she got up in here earlier and she spoke against all of the evidence, against all of the submissions that were made by health stakeholders. She swept that aside and ignored it and spoke against gun caps despite all the evidence. What a disappointment for a Health minister to have done that in here today.

The minister for Police has a Police Commissioner who has strongly advocated for gun caps in the state. He brushes that aside and he says that's fine. That evidence, we don't need to listen to it because we know better.

What even is this government? They don't listen to evidence. They think they know better. They brush the evidence aside and they sell the state short. They should be doing the best for Tasmanians, following the evidence, listening to it and enacting it. I'm disgusted by the things that I've heard here from our ministers who are not doing the best thing for the people of Tasmania.

Now, I would expect the member for Lyons, Mr Di Falco, to get up and say what he said about gun caps today. His devotion to firearm ownership has been well documented and well aired over a long period, but to have ministers of this place, of this state, who are supposed to be protecting Tasmanians, get up and brush the evidence aside. That's disturbing. Some of that evidence has come from organisations who are very well respected. I'm talking about the Australian Medical Association. I'm talking about the Royal Australian College of General Practitioners (RACGP) Tasmania, Medics for Gun Control. These people are experts in health. I've spoken with the Australian Nursing and Midwifery Federation (ANMF) and they are deeply concerned about the risk and the dangers of having unlimited gun ownership in our state. They are strongly in support of a firearm caps. We've heard from the Alannah & Madeline

Foundation, we've heard from the Family Violence Alliance. We know that we need to be doing things that keep Tasmanians safe. There is evidence that gun caps do that, yet it is being ignored in here today.

So, we have a minister for Health who has startlingly chosen this moment to join the debate. I'm staggered that this is the moment the minister for Health would get up and join this debate and go against all the evidence. The minister for Police who ignores their own expert on public safety. Then we have some other arguments that have been disturbing and shocking. The impacts of gun caps have been emphasised again and again in here. What are those impacts? The impact on the loss of freedom, the impact on workplace and lifestyle. Prof Razay earlier said this will have impacts on the workplace and lifestyle of people who are gun owners. Just stop and listen to those words for a moment: workplace and lifestyle. What about lives? Think about the impact of gun violence, because it's not just an impact on lifestyle, it's an impact on life. People die because of gun violence, and that can never be undone. People lose their life, their families lose their loved ones forever.

Then we have this talk about balance, we need to balance the arguments. Well balance that for me: someone losing their lifestyle - they can still own as many guns as they want, they just have to apply for them - someone losing their lifestyle of owning as many guns as they want, versus someone losing their life. How on earth does that balance? It doesn't. What a false argument. Balance someone being able to have 10 guns and if they need more they can apply for it, with someone losing their life. Balance the need to apply for an exemption, with someone having their life cut short. It doesn't balance, because it can't. Human life is invaluable. It's irreplaceable, and it's worth doing all we can to protect it. And the evidence is clear that gun caps protect lives. It's a sad day when we choose to ignore evidence. It's a sad day when we choose to ignore pleas for police safety and public safety. It's a sad day when we focus more on the limit on gun ownership than the limit on life. I support this amendment and I'm pleading with people to vote for it because this is about evidence and it's about protecting lives.

Ms BURNET - Thank you, Chair. I thank Ms Butler for introducing this and the Labor Party for their stance and their impassioned speeches. I think that caps is, clearly, the nub of this debate right now, but also an important step for us post-Bondi to introduce this.

Back in 1996 we had significant reforms. And we had what's missing now. We had a tripartite approach from across this Chamber. Everybody was united to rein in guns and to support the buyback. We know that across Australia there were 640,000 guns handed back. 640,000 guns taken out of circulation. That was one approach. It was an approach to reduce the access to high calibre rapid fire firearms. And there was this approach which was united both here in the Tasmanian parliament but also at the federal level. We've heard about John Howard and his position and his leadership, but there were other leaders who took control as well.

I just want to talk about the Police Commissioner and her position, but also the position that was taken by the Victorian government in the wake of the Bondi massacre. The Victorian government commissioned a rapid review of its firearm laws, including whether a limit should be imposed on the number of firearms held by an individual, and the review was overseen by former Police Commissioner, Ken Lay AO APM and he concluded that there is a strong and well-established correlation between lower levels of firearm availability in the community and reductions in firearm related harm. So, lower levels in the community and reductions in firearm related harm.

The post-Port Arthur massacre reforms were associated with significant declines in firearm deaths, both in total numbers and on a per capita basis and this relationship provides an important policy rationale for regulation aimed at reducing the overall number of firearms in the community. We've seen the number of deaths caused by firearms after 1996 decline by two thirds. This should come as no surprise because the number of Australians holding a firearms licence declined by 48 per cent, according to research by the University of Sydney. However, there has been growth in the total number of firearms in Australia, which is being driven by existing firearm owners acquiring more firearms. The Commissioner in his report gave examples of fisheries management which shows how practical catch limits can reduce harm without banning a lawful industry. You could still have firearms, but you bring in caps. It's not banning it completely, you just bring in caps and that can help. The limits are monitored, enforced, and adjusted as better data becomes available. Caps are a practical way to manage risk where unrestricted growth could increase harm.

Victoria took up that challenge in the wake of the Bondi massacre. They tasked an independent expert to transparently assess those options for reform and the recommendation - caps. The fact that the Victorian government rejected their independent expert recommendations was a political decision. What matters is what the experts recommend, and they recommend caps. So I'll listen to the experts and I won't be playing the politics of my decision.

Chair, we owe this to not only the Police Commissioner and the people under her command, those people, those first responders who are on the front line going to dangerous situations - everyday they are at risk. They put their own lives at risk, she's spoken out about that and we've heard that from many people across the Chamber. But we owe it to the first responders, we owe it to every victim of family violence, we owe it to the legacy of those people who were killed or injured at Port Arthur and at Bondi and the ripple that goes through our community now.

We need to introduce these caps and I do implore the crossbench to reconsider. For those members who have decided that they don't believe that caps is the way to go, this is too critical for our community. It has ramifications for first responders, people who are associated with those who are also facing family and domestic violence and we know that it's too high. We've had fantastic leadership and advocacy from many people and I commend this amendment. I think it's an important amendment and it would only strengthen this bill.

[6.20 p.m.]

Ms HADDAD (Clark) - Chair, I wasn't intending to speak on the amendment, but I will. I recognise that this has been a tough debate for many members across this Chamber and it's been a very emotive debate. It does seem to me that it has been, in some people's views, distilled down to whether or not we support firearm ownership or not, and that's not the case. Nobody in this place is against responsible firearm ownership. Nobody in this place, to my knowledge, denies the fact that they are a tool of the trade when it comes to farming. My grandparents were dairy farmers. My aunts and uncles have gone on to be cattle farmers. They have firearms on their farms, between one and five. This is not about limiting anybody's ability to own more than that. There are exemptions in this amendment that would mean that if - and I know there are cases, I've had messages from sporting shooters who have explained to me that there are times when they would need more than the caps proposed. That's okay, that's allowable.

Nobody in this place, least of all us in the Labor Party moving this amendment. are trying to suggest that owning firearms in and of itself is a bad thing. We recognise the rights of hunters, we recognise the rights of farmers, we recognise the rights of recreational shooters. But the evidence is overwhelming that reducing the overall number of firearms in the community does reduce harm, just like other public health measures like wearing seatbelts. It might not seem like a relevant comparison, but it is because those are both public health responses to something that does carry with it a risk. Reduce the number of firearms in ownership and you will reduce the number of firearms that are being spread around the community through theft and through black markets.

When people have spoken in this place today and said that there isn't any evidence and that there's not been any evidence provided, that's just not the case. They are choosing to hear the evidence and ignore it. They are choosing to hear the evidence of bodies who represent the family violence sector and survivors of family violence and ignore it. They are listening to the evidence of health bodies - the AMA, Medics for Gun Control, and they are choosing to ignore that evidence and say that it hasn't been presented. They are choosing to ignore groups like the Alannah and Madeline Foundation. Let's not forget that we are ground zero in this place. Tasmania is ground zero for responsible gun ownership and responsible gun laws. We are losing sight of that. People who have said there's been no evidence provided are hearing that evidence of the Alannah and Madeline Foundation and choosing to say it doesn't exist. Alarming, they are choosing to hear the evidence of the Police Commissioner herself, the most highly credentialed police officer in our state and someone I have enormous respect for, and they are choosing to say that evidence hasn't been presented and it doesn't exist. Let's be honest about it. Everyone has heard that evidence. They have heard it, they have seen it, they have read it, and they are choosing to say it's not there. They are choosing to ignore it.

This is about a simple question: do we want to limit the amount of harm that is possible in our community? It's not about reducing the ability for people to own firearms and use them as tools of the trade. It isn't about demonising firearm owners or suggesting that, by the very nature of owning firearms, that people wish some harm on the community. Not in the slightest. But it is about recognising, backed up by that evidence people have heard and chosen to ignore, that lowering the number of guns in the community does lower the amount of harm from gun-related violence. The leading cause of death by suicide in this country is through firearms. I have had messages from friends and family members while I've been sitting in the Chamber listening to this debate who have lost loved ones to firearm suicide. If we can do something in this place to reduce the possibility that we lose more lives through firearm-related suicide, we should take that step. For people who need to own more than the cap for legitimate purposes - for recreational shooting, for sporting shooters, and for farmers who, yes, use firearms as a tool of the trade, if they need to own higher than the cap, there is a mechanism for that to occur.

I implore those members who are still undecided to think about the possibility of what we have before us here in this Chamber. We won't be affecting the lives of every farmer. There are very few who will need to apply for a licence to hold higher than the cap, but for those that do, there is an avenue for that to happen. I implore people to think about those who survived Port Arthur and those affected more recently by the Bondi massacre. That's why these laws are being proposed around the country. We have a chance here in Tasmania to make a real difference, to think about the effects on our community while also respecting the valid use of firearms in those many places where they are. I implore any members who are still yet to make up their mind on this important amendment to think about that and think about the possibility

that we have ahead of us as the parliamentarians who have the privilege and honour of being in this place at this time.

Ms JOHNSTON - Chair, I rise for a second time to make a contribution on this amendment because I want to make sure when I go home tonight and go to bed that I haven't left anything unsaid. Last night when I left this place, I'm not ashamed to say I cried the entire way home because I thought how close we came to making police officers' lives that much less safe with the suppressor amendment that Mr Di Falco was moving last night. Thankfully, we did the right thing in this place. I want to make sure tonight when I go home that I feel like I've done everything to contribute to this debate to try and convince my colleagues to put public health and public safety first. I feel sickened, in listening to the contributions, that on World Suicide Prevention Day we've arrived at this place where it seems that the very reasonable amendment by Labor to implement caps is unlikely to succeed.

I recognise the contribution of the Independent member for Braddon, Professor Razay, and I'm disappointed by it. I respect that Professor Razay comes into this place seeking to find compromise often on policy issues and tries to work collaboratively. But as the Greens member for Bass articulated well, we're not trying to find a balance between two equal things here. We're trying to find a balance between - well, Prof Razay is trying to find a balance between impact on lifestyle or work compared to the impact on life. They're not equal. There's a clear impact on life, taking it away in the worst-case scenarios, from a lack of a public health and public safety lens when we're talking about firearm regulation and laws. We have the opportunity here tonight to do something about that. It's not equal.

I sit quite comfortably in having a range of activities that I lawfully engage in restricted because I know it causes a greater good because of that restriction. I think I heard by interjection the honourable member for Lyons, Mr Mitchell, talking about speed limits that we impose because we know that there's a danger if we drive over the speed limit and that it causes a danger to others. We impose limits on our daily lives all the time for the benefit of other people. It's because we are a caring community. It's a public health response to things. That's the appropriate thing to do here. We have a plethora of evidence before us that says this is an appropriate public health and public safety response to a crisis of gun violence in our community. I'm disappointed that Prof Razay has chosen not to heed that advice.

When it comes the contribution of the honourable member for Lyons, Mr Di Falco, I'm not surprised. Yes, it is a long-held position. But I find it disgraceful the flippant way he talks about our Police Commissioner. I don't know if the Police minister himself has recognised it, but this Police Commissioner recently won a national award for leadership, an outstanding contribution to policing. She is nationally recognised and I know amongst other Police Commissioners, highly regarded. She's provided very clear evidence, a very clear statement of what would make this state and her officers much safer and the way that Mr Di Falco speaks about her, I find incredibly disrespectful. But I think I'm perhaps most angry at the Police minister in the way he has conducted himself in this debate by enraging members of the public by talking falsely about punity of action, punishing people.

We're not doing that. We're making Tasmanians safer. We're taking a public health lens. We're saying, yes, there are some limitations to what you can do. Exemptions? Certainly, exemptions but there are some limitations to what you can do but in the interest of public good.

I find it absolutely disgusting and enraging that this Police minister is more than happy to wrap himself in the blue when it's convenient, when there's a camera about but when it comes to standing up, as the Police Commissioner has implored him to do, for the safety of her officers, he's missing in action.

He, apparently, says there's no evidence. Well, Police minister, there is a plethora of evidence. Medics for Gun Control have circulated, and I'm sure they provided this to you, journal after journal of evidence. There's Bangalore & Messerli; Shell; Calfore; Gryphon, Smart & Morale, Shell, Smart & Morale Santelli, Chenarara, Serta; *Scoping Review*; Firearms Legislation and Mortality; Rand Corporation: Science of Gun Policy; Chapman, Alpers & Jones; Chapman, Stewart, Alpers & Jones (2018); Leah Neill; Duenow & Connolly; Faulkner, Ogle & Stubeski; and Scott. They're just a few of the very-well credentialed, peer-reviewed literature as evidence base for these caps. You've ignored it.

You go out to the Police Academy; you talk to the graduates there at graduation time. These are the officers who are going to be in the frontline dealing with the reality of gun violence in this community, knowing that you shook your responsibility to protect them and implement a gun cap.

It makes me sick to the core. You go out and you go to visit police stations all the time saying you support them. Well, do that. Show that. It's not just words; it's action and the best action you can do today is to support gun caps, to back in your Police Commissioner because every time you go out and just say, 'We're there to support you, we protect you, we see you,' and do nothing, it is disgusting. It's vile. Wrapping yourself in the blue.

It's not just the dangers of being shot at, being killed that they face. It's a mental health impact. I've heard you talk here in Estimates about the mental health impact of our first responders when they're dealing with some of the most atrocious situations. It's a good opportunity to do that for me today. There is absolutely an opportunity to do that.

Do you want to talk about the impact of suicide within the police force in this place and what you could do here today to make a difference? No. You wrap yourself in the blue and ignore the reality and the evidence of what you can do. It's disgusting and I hope when you go home tonight you reflect next time you go out to a police station, go to a graduation ceremony, that you think about the consequences of what's happening here tonight, the opportunity we have and present here today, to tell the nation that we see the danger, we understand it acutely because of our history, and we're prepared to step up and respond on an evidence base that is so damn clear. We back in our Police Commissioner when it comes to public safety and that of her officers.

I sincerely hope that the Police Commissioner is never put in the position that she was put in last year again. But if she is, it's on your head, minister, absolutely on your head. You have the responsibility to do something now to make police officers safer, to make our community safer, and you're shrugging that responsibility.

Ms BUTLER - I'd like to thank everyone in the House for their speeches today in relation to Labor's amendment on caps and we recognise that what is quite a sensible solution. It's a bit of a no-brainer really. It's recognising that there's a problem and that if you reduce the amount of firearms that are in a community, you can do that without stopping our way of life, without stopping the ability for our very respected hunters, very respected primary producers and very

respected professional shooters. Without stopping our way of life. You can find a balance with that because there is an exemption process within Labor's proposed cap. We didn't propose a cap on firearms because we wanted to fight with the government, or because we just wanted to make stuff up or really annoy a lot of people who own firearms in our community. We did it because the evidence suggests that it is a really good community and public health measure. It reduces suicides in a community, it protects our police service, it protects Tasmanians.

We also recognise that we are one of the places in the world that has to have, and should always have, the strongest gun laws that you can possibly have because we know exactly what it feels like when things go pear-shaped. Because it went very pear-shaped for us 30 years ago. Speaking to some of those people who were there 30 years ago and saw what happened that day, those people formed together and the one thing that gave them solace, and still gives them solace after everything that they went through that day, that their families went through as they recovered, was the fact that they fought for some of the best gun laws in the country, if not in the world. That is the one redeeming feature that came out of Port Arthur. That is that feature, that one redeeming feature, which is being so undermined by political decision-makers.

I know how hard we've all been lobbied. I think I've probably been lobbied harder than anyone else in in this place. Oh my God, I have been told a lot of times how little I know about things, and guess what? I really had a journey over the last eight months, as most of my colleagues and most people in this room, because, geez, I tell you what, this has brought out the absolute worst in some people, and the absolute best in other people. But one thing that I will always be is very brave. I will always be very courageous, and I will always understand that my role in this place as a member of parliament, as with everyone here - and I spoke to this yesterday - is to make profound decisions based on the greater good.

When it comes to caps, the beauty of caps and the simple task of reducing firearms in the community - not to levels where people can't go shooting anymore. I tell you what, it reminds me also of 1996 when the gun lobby came in force after Port Arthur. They hated everything. They didn't want any of those changes that came in after Port Arthur, a bit like now. I met with someone from the gun lobby - and this is no conspiracy, this is actually true, minister, because I'm sure you've met with a few of these people before - and he said to me, 'Jen, we weren't very well in 1996. We got taken by surprise. But I can tell you what, we're really organised now. You're never going to be able to get this across the line.' How's that? You see it. They have been so well organised and you can see them infiltrating different people in this House. You can see them infiltrating different political parties. You can see the language coming through. I know the language because I've heard it. They've been speaking it to me as well. I understand that.

We're all entitled to make our own decisions on where we sit when it comes to community safety and what we're prepared to accept and what we're not prepared to accept. I'm not prepared to accept a less-safe Tasmania and I will do everything I can to make sure that Tasmanians have the safest community possible. I think there can be a balance, but I don't think it helps by having clickbait algorithms coming from a Police minister - a Police minister of all people. I really can't see how your position as the Police minister will be tenable after this. I cannot see how that relationship will work in the future. We do have a highly esteemed Police Commissioner. Our Police Commissioner is super experienced, super clever, super respected and also stands with all other Police Commissioners from around the country who all agreed on caps. It was a political decision by different leaders around Australia to choose to do caps

or not. Interestingly, the Liberal ones all said, 'No, we're not doing caps', just like that because it became a political decision. But your commissioners all agreed on that. So that's on you.

What's also on you is how are you going to feel when we have an incident? No-one here wants an incident, but the reality is there will be one and just that little thing of maybe getting 1 per cent of the Tasmanian population who own a firearm that might have to hand them in and get financially awarded for handing that, in just 1 per cent of the Tasmanian population, but you said no, that's too much of an ask. Too much of an ask. How are you going to feel? Because you had the opportunity to introduce something really simple and something that would also be complemented with an increase in intelligence sharing and the National Firearms Register and the opportunity to work with other states, and hopefully not cut \$70 million from the police budget and be able to afford them with the right amount of money, they need to be able to conduct their invaluable work. They've said they're not safe at work. They have said they're not safe at work. They would like caps because they want to have firearms in our community reduced because there has been a really big spike in the amount of firearm thefts. There's also been a large spike in firearms being used as a weapon.

Tasmania, we do have a problem. Have you asked yourself, there's no evidence? Well, we've told you all about the evidence today. Have you asked what evidence you have that doing nothing will make the situation better? Because being tough on crime, what's the next step from being tough on crime? What does that look like? What does that look like? Because how's that worked out for America? You need to do more than just have a mantra. You need to do more than throw people in jail. We have the highest recidivism rate in the whole country - I think it's more than 50 per cent of people that go to jail reoffend. So, how is being tough on crime going to be enough to reduce gun theft and gun crime in our community? How is just being tough on crime going to stop the problem? Because we know it takes more than just that. We also should be reducing the number of firearms that we have in our community. It is an absolute no-brainer. Ask yourself, how will you feel? How will you feel? Were you on the right side of history when we have another incident? None of us here wish that upon anybody, but it is the reality. The more firearms you have in a community, the more chance there is that there will be danger in that community from firearms. People do steal firearms and not every person who owns a firearm in Tasmania is doing the right thing. Not every person is doing the right thing.

So I ask you, please, if you could just look beyond your politics. Make a decision based on your grandchildren. Make your decision based on your children. Make the decision based on your family. Make the decision on how you would feel if someone was shooting at you. Because I tell you what, the police officer I talked to said, 'Oh, the politicians, they all think it's all great. They all don't want to support caps. They don't really want to do that much about firearms until someone's shooting at them because I tell you what, it doesn't feel nice.' Put yourself in the police officer's position. Put yourself in the position of someone like Mr Piers who served, does not feel nice to be shot at.

So I ask you, where do you want to be on this side of history? Where do you want to be the decisions you make today? This is not a political decision. This is just a logical decision. A cap is this tiny impost on the people of Tasmania. It's a tiny impost. It is not going to change your lifestyle. It is not going to change how Tasmanian you are. It's not going to change barely anything in such a small percent of our population's existence and life. This is a logical decision. Please, I implore you, put the politics aside. Don't listen to all those loud voices. Listen to your spirit. Thank you.

DEPUTY CHAIR (Ms Howlett) - The question is -

That the amendment be agreed to.

The Committee divided -

AYES 15

Ms Badger
Mr Bayley
Ms Brown
Ms Burnet
Ms Butler
Ms Dow
Mr George
Mrs Greene
Ms Haddad
Ms Johnston
Mr Mitchell
Ms Rosol
Mr Willie
Dr Woodruff
Mr Winter (Teller)

NOES 15

Mr Abetz
Mrs Archer
Mr Barnett
Mr Di Falco
Mr Ellis
Mr Ferguson
Mr Garland
Mr Jaensch
Mr O'Byrne
Mr Pearce
Mrs Petrusma
Prof Razay
Mr Rockliff
Mr Shelton
Ms Ogilvie (Teller)

PAIRS

Dr Broad
Ms Finlay

Mr Vermey
Mr Fairs

DEPUTY CHAIR - In accordance with Standing Order 257, I cast my vote with the noes.

Amendment negatived.

Ms BADGER - Chair, this is the Greens' new clause A to follow clause (22). I move -

New Clause A to follow Clause 22

“A. Section 49 amended (Period of licence)

Section 49(a) of the Principal Act is amended by omitting “5 years” and substituting “2 years”.”

This is in relation to reducing the maximum licence period to two years. This is something we've already seen happening in New South Wales. This is an important step. This is something that is going to help the frequency of review in regard to the fit and proper person assessment, when people are renewing to get a licence. It gives an opportunity to pick up on more things. This is something that was spoken about a little bit in some of the submissions we received on this bill. It was also something talked about further back in the 2019 firearms inquiry regarding ways we can have more assessments more often. Moving the licence period

from five to two years is not a big unjust obligation to ask of firearms holders when, as we have heard frequently, it is a privilege to have a firearm and we are talking about a deadly weapon.

When we think about other forms of licence renewal, if you're working in primary industries and you're dealing with chemicals, for example, you get a special permitted licence from NRE to deal with that. You have to go through an annual renewal for that. That involves all the usual checks and balances, from administration through to checking your storage. You have storage requirements with that as well. That's something that people would regularly check. There's been comparison made to the danger that vehicles can pose. If you wanted to get a Confederation of Australian Motor Sport licence to race cars, that involves an annual renewal with things such as a full medical attached.

Looking at this from either a recreational perspective or something you are doing for work, as a business, reducing this period for five years to two years is not an unjust ask and it does provide those extra checks and balances not only for the individual, but when their circumstances change as well. We've already made some amendments around other considerations. I touched on this before when we were talking about the amendments we've made in extending the period for a family violence offence. This was raised by some of the family violence stakeholders in relation to the different orders and the regularity with which they roll over. There are numerous circumstances that can be considered. This will allow that more frequent assessment of people. It's not an entirely burdensome ask. It's something we've already seen happen in other states, so it would be good to see Tasmania partnering with them and being on a similar level.

Mr ELLIS - I appreciate everyone's contributions in the previous debate and note everyone's passion and the consideration which they gave everything. In terms of this amendment, I appreciate Ms Badger bringing it forward, but the government cannot support this one. This would be an additional administrative burden with no offsetting benefit to the community. It's important to note that the police do not actually wait for licence renewal to assess compliance with the act. Monitoring is actually continuous. It's a fundamental misunderstanding to assume that police wait until renewal. What reducing the maximum period would do is actually create unnecessary extra administrative work. It would not actually improve community safety.

I refer to my earlier answer in relation to the continuous nature of fit and proper person checking. Yes, fit and proper person checking occurs at the time of a licence application or a licence renewal and the Tasmanian Police processes currently have built in triggers relating to family violence, criminal charges, information or intelligence received that may be relevant to a person's continuing suitability to hold a firearms licence. Delivery of the NFA will enhance the intelligence capability as Tasmania Police will then know about firearms licensing decisions in other jurisdictions that may impact a decision for a person now living in Tasmania. Tasmania already complies with the National Firearms Agreement in relation to not having open-ended licensing. This was a particular area that New South Wales sought to address. You mentioned New South Wales before. The issue that they had was actually entirely open-ended compared to Tasmania, where we comply with the National Firearms Agreement, we have a maximum five-year licence period.

I also mention that Tasmania has reduced licence periods for Category C and Category D licence holders. The Category C licence granted to a primary producer is limited to five or three years. A Category C licence granted to their employees is only 12 months, and a Category D

licence granted to animal population control or firearms collection is only 12 months. We're reducing the period of general licensing to two years, and forcing all applicants to reapply every two years and Tasmania Police process to the application every two years does not enhance public safety. The proposal will simply increase the administrative burden on licence holders and Tasmania Police, notionally by 250 per cent to process applications. An assertion that shortening licensing periods from where we are currently will somehow trigger reviews of fit and proper person assessments does not actually recognise the current processes or the fact that these assessments are ongoing through the life of a licence.

Mr O'BYRNE - I understand the thoughts behind and the intention behind the amendment, but essentially I don't think it adds anything, because if there's an offence, conviction or intelligence provided, then they take immediate action. I'm not sure what you would capture by going from three or five down to two. I think Tasmania Police have better things to do than just churning through renewals. They need to be out doing their policing role. In terms of the current process on disclosing immediately if there's an issue with a licensed firearm owner, then that will occur immediately, and that's probably what Tasmania Police should be doing as well, as well as random inspections of how firearm owners house their firearms.

Mr Di FALCO - I rise to oppose this amendment, which would reduce a period of firearms licence from five to just two years. I struggle to understand what problem this amendment is actually trying to solve. We've already had a licensing system, we already have cheques and requirements around who can hold a firearms licence. Police already have the powers to suspend or cancel a licence where circumstances change or when a person is no longer considered a fit and proper person.

What additional public safety benefit do we achieve by forcing every licensed firearm owner in Tasmania through the renewal process every two years instead of five? Before we impose another administrative requirement on thousands of Tasmanians. We should be able to clearly answer that question because this amendment does not change a number in the act from five to two. It has a very real administrative consequence. It means Firearms Services will have to process licence renewals two-and-a-half times as frequently. Every licence holder who currently goes through this process every five years will instead have to go through it every two years. That means more applications coming through the system, more paperwork, more processing, more correspondence, more staff time. This is being proposed at a time when we already hear concerns about the time it takes to get matters processed through Firearms Services. We have spent considerable time throughout this debate discussing how the Firearms Services system operates and where improvements are required. If the system is already under pressure, why would we deliberately create significantly more work for it without demonstrating a corresponding safety benefit? That is a part I cannot reconcile.

If there was evidence before us showing that five-year licences were creating a particular safety risk, then we should have had a different conversation. If there is evidence showing that reducing the licence period to two years would prevent firearm-related offending or materially improve public safety, then put that evidence before the House. But simply making people renew more frequently does not automatically make the community safer. It creates more administration, more work for Firearms Services and more work for Tasmania Police. And it creates another burden for law-abiding licence holders who are already complying with the law.

There is also an opportunity cost here. Every hour a staff member spends processing an additional renewal is an hour they cannot spend processing another application, permit or inquiry. If we substantially increase the volume of renewals without substantially increasing the capacity of Firearms Services, something has to give. Processing times increase, backlogs increase, licence holders wait longer, staff come under greater pressure and ultimately the government will either have to put additional resources into administering this change or accept a deterioration in service. Neither outcome should be dismissed as insignificant.

Good firearms regulation should be targeted at risk. It should identify where there is a genuine weakness in the system and address that weakness. It should not create additional bureaucracy simply for the sake of being seen to do something. A person who is considered fit and proper to hold a firearms licence does not suddenly become safer because we'll make them fill out renewal paperwork every two years. Importantly, we do not have to wait until a licence expires to deal with someone who becomes unsuitable to possess firearms. The existing regulatory framework provides mechanisms to deal with licence holders where circumstances change. That is where our attention and resources should be directed.

Ms BADGER - Chair, it was not implied that the police were not doing checks at other regular times. As I said, this is an additional mechanism that can be in place. I note that a lot of the arguments made against a two-year renewal period were not just around a two-year renewal period, but renewal periods at all, because actually, we can do all this stuff anyway. We will obviously respect the numbers of the House, but I just make that point.

Amendment negated.

Clauses 23 to 38 agreed to.

[7.05 p.m.]

Ms JOHNSTON - Chair, I move -

New Clause E to follow Clause 38

“E. Section 99AB inserted

After section 99A of the Principal Act, the following section is inserted in Division 2:

99AB. Firearm dealer employee licence to be cancelled in certain circumstances

- (1) The Commissioner must cancel a firearms dealer employee licence if the Commissioner is satisfied that the holder has a close associate who is not a fit and proper person to be a close associate of the holder of a firearms dealer employee licence.
- (2) In deciding whether a person is a fit and proper person to be a close associate of the holder of a firearms dealer employee licence, the Commissioner may, as regards that person, take into account any of the matters that are to be taken into account under section 29(2) in respect of an applicant for a licence.”

This is the final amendment that I have in relation to firearms dealer employees. It's another consequential amendment from the four others that we have dealt with previously. This follows on from the amendment that we made to inserting new clause D where we talked about the issuing of a licence. This is in regard to the cancellation of licence.

It replicates exactly what the provisions are currently for firearms dealers and, obviously, the purpose of that replication is because we extend the powers of employees to replicate those and functions and roles of dealers. Thus, it's another logical extension of what we have already done and wraps it all up quite neatly, so I'll leave it there.

Mr ELLIS - As we noted on the previous one, we do think that there is a challenge with the differing definitions of 'close associates' that are now present in the bill. We'll work through that over the coming weeks and in the upper House to see if there's a way that we can find a resolution on that, but as such, the government doesn't oppose this particular amendment and we are looking forward to working through with colleagues.

Amendment agreed to.

New Clause E to follow Clause 38 agreed to.

Clauses 39 to 46 agreed to.

Clause 47 -
Section 121A inserted.

Ms JOHNSTON - Thank you, Chair. As I indicated earlier in the contribution, I'm keen to understand from the minister the practicalities regarding this. I'm particularly interested in the application under 121(4)(a) where it speaks of a person who lends a firearm to another person must, if requested to do so by a police officer, tell the police officer where the firearm is located as far as the person is aware. This seems to me an extraordinary provision that means that under this particular section that you can lend your firearm out and the obligation for you to have knowledge, control and understanding of where your firearm is used and stored is only 'as far as you're aware'.

I'm keen to understand how that might be applied as a defence in a court where, perhaps, a person is charged under this particular provision. 'As far as I was aware, Your Honour, it was stored at my mate's house.' 'Did you make any checks and balances to try and ensure that that was the case?' It seems quite extraordinary to me that we are [inaudible 7.09.59 p.m.] for lending powers here but no obligation to actually get the firearm licensee to ensure that there is actually a proper process and it's been stored correctly and used appropriately.

Mr ELLIS - I appreciate your patience colleagues, I'll just give you the straight-up-and-down OPC answer on this one as it comes through.

Regarding clause 47, as far as the person is aware, it has been included so that the person cannot be found guilty of an offence if they tell the police officer where the firearm is located and the firearm isn't there. The person lending the firearm has an obligation under the proposed new section 121A(2) to ensure that the borrower has the means and intention to comply with

the storage requirements under the act and to notify the commissioner under proposed new section 83(2)(c) if the firearm is to be stored in a new location.

There's no requirement for the person lending the firearm to know where the firearm is at all times while it is in the possession of the borrower, and therefore it seems unfair that the person would be guilty of an offence under proposed new section 121A if they didn't know where the firearm was at all times.

Ms BUTLER - I must admit, that was the passage that Ms Johnston has just referred to. In a court, I'm concerned about the work that may have been put in - from a drafting or policy perspective - because as far as you're aware, how would that line work in a court if you were trying to make a ruling and you had a prosecutor saying, 'Oh look, just say "as far as you're aware"'. As far as you're aware your mate had it. But then you could also have the criminal defence saying, 'Oh, just say you're aware'. How does that sit? Did you have any advice from legal aid? I know it sounds like I'm really putting that into very plain language, but I'm not because that's exactly what's written in the bill. Did you seek any advice? Because I'm sure they're going to ask in the other House as well. Did you seek any advice on how that would actually be implemented and whether or not it is actually an effective legal term to be in a firearms bill: 'as far as I'm aware'? It sounds like, for both defence or prosecution, a 'get out of jail free' card sitting right there.

Mr ELLIS - If it's helpful to clarify, the offences regarding a person refusing to tell the police, or telling the police information they know to be untrue, the drafting was recommended by OPC to account for the fact that the borrower may have the firearm in use on say, a different farm or a different property, and it's about the obligation of the owner to tell us what they know. I know that the phrase 'as far as a person is aware' can be colloquial, but also it has a legal meaning in this sense, so that it effectively is if someone cannot be caught up in an offence, if they've done their best to know and provide that information to police in a manner in which they believe is honest, ultimately it's about the other person who is potentially committing the, I suppose, the broader offence for which someone would be in court.

Perhaps in the simplest terms, it's about the owner of the firearm not being punished because they are mistaken.

Ms Butler - For the behaviour of the person they leant it to?

Mr ELLIS - Because, ultimately, you may believe that you've done the right thing and that you pointed police to farm A around Longford, but it's actually that person was on farm B - that kind of thing. If someone is honestly providing information to police, that winds up being incorrect by the nature of someone else doing the wrong thing, then that first person who provided that information is not at fault in law.

Clause 47 agreed to.

Clauses 48 to 58 agreed to.

Clause 59 -
Section 164A inserted

Ms BUTLER - Thank you, Chair. I move -

First amendment

Page 74, proposed new section 164A, subsection (1), definition of relevant firearm.

Leave out that definition.

I'll just explain that that removes definitions from the act because our second amendment is moving that the House strike out the clause. It's the clause that relates to the grandfathering arrangements regarding the reclassified firearms that are reclassified in the other sections of the bill. Why clause 59 is important is because it removes the definitions from the act that are no longer relevant following the removal of the grandfathering clauses that we will be seeking to repeal. It's a bit of a leap of faith in relation to that. If it's alright, Chair, if I could just speak to the reasoning behind, even though we won't be moving that because, of course, we're doing everything sequentially; the reasoning behind us wanting for that clause to be removed.

There are two opinions with this. Firstly, because it was seen as a bit of a surprise by many people in the community. I believe that we are the only state that is looking at providing a grandfathering clause to the reclassification of those firearms, and the reason. There are two reasonings. My first was that it may be a bit of a political play because making sure that Labor wasn't successful with getting caps across the line could have been a bit of a decoy by throwing out the grandfathering of the reclassification. Some of the crossbench members felt that they could make a choice between one or the other. That could have been it. I thought that would have made more sense because there really was very little consultation upon providing grandfathering to the reclassification because the bill itself, as it stands, you don't need this clause. The bill itself, as it stands, with the reclassification of those firearms, we agree with that.

It is a good measure and there is an exemption process provided there as well, so we're quite pleased with that. We think it was quite a thorough approach but then the next step tacked at the end of the bill which you believe could have been added on later based on the briefings that we received because the briefings on the grandfathering section of the bill came from the police minister's office instead of the police, so it looked like there was a bill and then there was a grandfathering section added on later.

I've spoken to a number of police officers, and I'm certainly not going to disclose who I have spoken to, and they keep coming up with the same thing I keep coming up with, which is how would this work? It's not thought through, because it's almost inoperable to be able to do this. They gave me examples of having to go and do searches at the moment. Before the national system comes on board, apparently around 2028, there's very little ability for police to be able to check and monitor to see what is in people's safes actually is in people's safe and then check that with a really comprehensive data system. But if you have not only what firearms people have, what category they have, but then also potentially the year that they bought them and what licence they come under, police who I spoke to - and I really value their input - but they said it's basically an inoperable system that they've designed here. They've provided an already very difficult task in going and doing those searches and they're not always the safest environments as well that our police are going and conducting those searches in, but then having to try to figure out, 'Which classification is that one? Alright, we get that but then what year was that one bought? Does that apply to someone? Does that apply? Is it reclassified then? Is it not reclassified?' It creates this grey area and I feel that there's enough in the bill already

as it is, so what I will do is just move the clause 59 which is complementary to our second amendment.

Deputy CHAIR - I am not sure we can get there yet.

Ms BUTLER - Yes. Clause 59 is the first amendment, page 74, propose new section 164A, subsection 1. Definition of relevant firearm.

Leave out 'definition'

That's what our clause is that I'll be moving.

I also implore with everybody, why would you grandfather a reclassification? If you grandfather that, what is the point in implementing any of this after what happened in Bondi?

If you are grandfathering that, how on Earth does this legislation make Tasmania any safer? How does it? Is there anything in this bill, if this grandfathering is successful, that has made Tasmania any safer. Have we learned any lessons from what happened at Bondi? Not at all. I do implore with the House to accept clause 59 and I'll come back and I will move our second amendment in due course. Thank you.

Mr O'BYRNE - I made it clear in my second reading speech that I do support the position of removing the grandfathering clause. I think if we'd made a decision like in 1996 to reclassify a weapon, then it's reclassified. The challenge I have - and I'll be seeking some advice, in reading both the Labor amendment and Ms Badger's amendment -

Dr Woodruff - The Greens' amendment.

Mr O'BYRNE - Sorry, it's in her name - the Greens' amendment and Labor's amendment, I prefer the drafting of the Greens' amendment on the basis that it provides a level of transition, an orderly transition and collection of those and the reclassification of the firearms. My dilemma is that I support the removal of the grandfathering. I prefer the Greens' amendment which deals with that in a more orderly fashion than the hard finish. Same result, but it's about process. So, I would seek advice before voting on this one about what is the most appropriate way forward given, minister, that the numbers are pretty clear on this one.

Ms BADGER - The Greens have got a question about the Greens' own amendment. It's our understanding from what Labor is proposing that if we were to remove the grandfathering clauses in relation to reclassification, that this reverts - in the original bill put out for consultation, for example, there are provisions in it that would deal with the transition period, which I think is what we're all struggling with; the best way forward in terms of police regulation that could deal with that. If that is the case, can you please talk us through what that is. Obviously, that's the discussion we want to have. Many of us, a majority I would say, want to remove the grandfathering and we're trying to get to the bottom of what the best solution is. And that's going to dictate who moves and amends what.

Mr ELLIS - Chair, there are a few matters we'll be speaking about in terms of grandfathering transitional provisions. I understand we may have a slightly different debate when it comes to the citizenship grandfathering provisions and we will work through those at

the appropriate time. But the citizenship piece does demonstrate that grandfathering as a principle is generally well accepted -

Mr O'Byrne - But it's a reclassification. It's a bit different.

Mr ELLIS - Generally well accepted, but there are times and places. Really, it's a question of 'is it a good idea to be grandfathering this particular thing?' rather than 'is grandfathering a concept that we can support?' We put to the Firearms Consultative Committee in February, as part of the papers, discussions around reform options, grandfathering or transitional provisions. At least 23 submissions proposed grandfathering through the formal consultation process. I heard, as many others did, in conversation around the place significant interest in grandfathering approaches. This is the result of the consultation. That's generally speaking what happens with legislation when you consult on it. You make changes and then you bring it to the House. It shows that we've been listening.

Grandfathering has been used in various forms across Australian jurisdictions following firearms reforms and reclassifications, including arrangements associated with the implementation of the original National Firearms Agreement and subsequent state-based agreements. In 1996, with the National Firearms Agreement, many categories of semi-automatic rifles and shotguns became heavily restricted. While large-scale buybacks occurred, some jurisdictions allowed continued possession in limited circumstances through restricted licensing arrangements for primary producers, occupational users and other exempt persons, rather than requiring universal immediate surrender.

The Victorian firearms legislation contains provisions allowing a person to continue to be licensed following a firearms recategorisation. This is a form of grandfathering because the firearm that moves into the new, more restricted category does not necessarily have to be surrendered by an existing lawful owner. Following the 2002 national handgun agreement, higher capacity and certain competition handguns became more prohibited or restricted, but transitional and compensation arrangements were used, with some existing owners able to retain firearms when they met specific exemptions and sporting shooter requirements. There's also the Western Australian transition arrangements which are very contemporary. When Western Australia's new firearms laws commenced in 2025, existing licence holders were transitioned into the new regulatory framework rather than being automatically dispossessed of firearms that they lawfully owned under the previous legislation.

Grandfathering does not exempt firearms owners from regulation. Grandfathered firearms remain subject to registration, secure storage requirements, licence conditions, inspection powers and ongoing eligibility requirements. If a person ceases to meet those requirements, they might lose their authority to possess that firearm. The policy rationale is that it allows government to achieve regulatory objectives without unfairly penalising individuals who complied with all legal requirements when they acquired their firearms. As Mr Garland said, this is retrospective change. These people have been granted a police-approved permit to acquire. It is reasonable in a case of retrospective change that those people who have complied with the rules for many years are protected and supported. It recognises legitimate property interest while ensuring tighter controls apply to future ownership.

It's also worth noting that there is a range of views across jurisdictions. Tasmania has sought to find a reasonable compromise. Most jurisdictions aren't reclassifying these kinds of firearms. Western Australia, which has caps, is not reclassifying straight-bore firearms, as are

jurisdictions like Victoria, South Australia, Queensland and the Northern Territory, which puts Tasmania, in reclassifying, slightly out of alignment with other jurisdictions. What we have sought to do is recognise the interest in the parliament and the community about whether these are in the correct classification.

It's important to note that some of these firearms are not new technology. Straight-pull firearms, as I mentioned previously, is a technology that's more than 100 years old. These firearms were considered in the National Firearms Agreement and the legislation in 1996, and were placed in this category. Technology does change, particularly firearms technology, and it's important to keep abreast of change, which is where a discussion around lever and button release, in particular, may be relevant. But we are talking about reclassifying a firearm that has been in a family's ownership, that is manually operated, for more than 100 years. I'm not sure that is what we are seeking to achieve when we go through this process. What it does enable is for new firearms manufactured in the future that may use these kinds of mechanisms to be reclassified because the straight pulls that were used at Bondi are very different to the Steyr straight pulls from Austria manufactured in 1895. These provisions would enable us to make that distinction and to ensure that retrospective change does not impact family heirlooms and other matters. It's important to note, given the antiques discussion, those are not antiques. They have commercially available cartridge ammunition and are breech-loading. They still require a licence, but grandfathering would be important in those particular cases.

We've sought to get the balance right. We're talking about a small number of firearms. Approximately 1200 firearms would be impacted by reclassification. For existing owners of those firearms who've owned them for many years, we provide a pathway for them to retain ownership. Regarding the issue of storage, if the owners of these firearms wish to retain them, they will need to store them in compliance with category C. If you have a grandfathered firearm, it actually means that you have new storage requirements for those firearms, and category C storage is a significant upgrade.

When it comes to citizenship, we'll work through those matters, and transitional arrangements will be particularly important for citizenship because we don't currently collect that information.

I was asked by Mr O'Byrne and Ms Badger about the preferences in terms of transitional arrangements if we were to remove grandfathering but enable time to try and seek a category C. Category C licences are very restricted and for good reason. These are semi-automatic categories, which is part of the reason why most submitters and most states have chosen to not reclassify these kinds of firearms because they are not semi-automatics.

If we do end up removing grandfathering, the ability to go through a process is important. We would support Ms Badger's amendment compared to Labor's amendment. We think that that is only fair and just. But it is important to note that the opportunity to seek a category C licence, for the vast majority of people, will not be an option. You need to be a primary producer. It's not even necessarily the case that you are in a farming family. There are significant restrictions about who within that particular farming family, as the owner of the farm, the primary producer, can actually get access to these firearms. It is part of the reason that those people are unlikely to be able to get that particular form of licence. It's also worth noting that, for most farmers, if they have a choice between a semi-automatic firearm as a tool of the trade and a manually operated firearm, they will already have semi-automatic firearms

in their possession for their category C licence. Many will not see value in these kind of manually operated firearms being added to that category if there are restricted requirements.

I'm happy to hear the discussion. Again, this particular amendment that we're discussing is not the citizenship requirement. I understand we'll have a slightly different debate on that. But we strongly support reclassification and the grandfathering for the reasons I've outlined.

Ms BUTLER - Chair, we certainly want the grandfathering to be removed. It will probably come down to whether or not the Independents in the House tonight consider that they should be doing the job of the government, really, and putting in transitional arrangements. It's already in the bill, this was already worked on and we know that the Police Commissioner stated:

Tasmania Police supports the proposed reclassification of straight-pull and button-lever release rifles and shotguns to category C; however, notes that the proposed definition in the reclassification to centrefire versions only -

Which I've already said because that is missing. But what is also missing is it doesn't say here, 'Can it be grandfathered because we're concerned about transitional arrangements for the people who own these firearms'. These firearm laws are about taking weapons that have been deemed to be too dangerous and putting them into a category C. They're being reclassified, and they're being reclassified because of what happened at Bondi. It's that simple. It's not up to us as a parliament to provide transitional arrangements. That's the job of government. If I was in your shoes, I would have put a very different police bill on the table than you have, minister.

My understanding is that the reclassification of those category firearms, which we support, was already in the bill. The grandfathering was tacked on later on. Whatever that motivation was, whether that was a political motivation or to appease, I'm not sure. But imagine what it's going to look like if that grandfathering stays there. What was the point in the whole bill? What is the safety outcome out of this whole bill? Mr O'Byrne, you would know this from when you were a minister: it is not the job of an opposition, the Greens or the Independents to provide transitional arrangements in a bill; it is the job of a government. Also, minister, where's the gun buyback scheme? There is nothing in this bill about the gun buyback scheme, and those negotiations have been happening all around the state= and all around the country.

The reason why we chose not to include a transitional arrangement is because we believe that is the job of a government to do that. You have a clear indication here from your Police Commissioner, from the people who drafted and wrote the bulk of that bill, which did have the reclassification in it. The grandfathering was added later on, hence why in all our briefings police could not answer those questions, and they were around the grandfathering. The political measures within this bill were at the tail end of it, one being the grandfathering of the citizenship requirements and one being the grandfathering of the reclassification. That is why we have moved - not to provide an additional grey area - that's why we would like for the clause to be removed and we feel what was already in the bill prior to those additional clauses being added and was sufficient to do the job. It's your job as government to provide transitional arrangements and organise a gun buyback scheme and place in regulations and processes, which the Police Commissioner supports.

Mr Di FALCO - I've made it clear I don't support reclassification. I believe it is unnecessary. However, grandfathering is the best of a worst situation. I cannot support this bill

if reclassification is included. This is a sensible transition arrangement. Grandfathering should remain.

Mr O'BYRNE - I think there's a difference. I think the problem is the member for Lyons, Ms Butler, is conflating a couple of things. There's the actual practical activity of the government to implement the removal of the grandfathering, and managing that. There's a practical element of that, but it is not uncommon when you have something in terms of licensing where you provide guidance and a framework within the bill - an amended bill - to assist the regulatory authority, being Tasmania Police, to implement the newer arrangement. You're right, in part, it is the government's job to do the transitional arrangements, but it's not uncommon to provide a level of flexibility in terms of how that is applied to avoid people falling foul of the law, getting caught up in an unlawful situation, not of their doing, but of the lack of flexibility or lack of capacity for Tasmania Police to provide and to exercise discretion in assisting firearm owners moving from the old system to the new system. It's not uncommon.

I won't be supporting your amendment, and I'm hoping the Greens will continue with your amendment because I think it's sensible.

Ms BUTLER - Can I just respond quickly to Mr O'Byrne there? This bill doesn't have a date of proclamation or date of commencement upon this bill. That does make a difference.

Mr O'Byrne - You have to go through the Houses of parliament, you have to go through exco, you have to go through those processes. Of course it's not going to have a date on it.

Ms BUTLER - Those dates would happen with a gun buyback scheme being implemented at some stage. The situation under the current bill, before the grandfathering was tacked on, doesn't have a date of proclamation on it? It says that there will be a different schedule with it based on the way the National Firearm Register is implemented as well as the terms and conditions of the gun buyback scheme. We still believe ours is a tidier motion, but I do not want to put aside perfect for good. As long as we can get rid of the grandfathering of the reclassification, I would be very happy to support your amendment.

However, I do think we're providing a potential grey area and we're making things a lot harder. We're doing the job of the government from opposition and this was always a political ploy to put on the grandfathering at the end. You don't have to agree with me; that's just my perspective. You are trying to govern from opposition. We're all being a little bit too clever. It's a political ploy.

Deputy CHAIR - Ms Butler, could I have some clarification

Ms BUTLER - We're all being a little bit too clever. It's a political ploy. Thank you. I seek leave to withdraw my amendment.

Amendment withdrawn.

Ms BADGER - This is still on clause 59, I move -

Page 75, proposed new section 164A, subsection (2), paragraph (b).

Leave out that paragraph.

Insert instead the following paragraphs.

- “(b) as soon as practicable after the commencement of the relevant amendment, the licence holder applied for a firearms licence of a category that entitles the licence holder to lawfully possess the relevant firearm (the new licence category); and
- (c) the application for the firearms licence of the new licence category has yet to be determined under this Act or withdrawn.”

To be really clear and finish up where we left off, what we were talking about before was a definition. We are not removing that because it is used within the part that we are inserting. What we are proposing by this amendment is it removes the grandfathering component of the reclassification. With A and C, what we're doing is inserting the transition period which replicates that that was in place for New South Wales. The key parts regarding that are some of the wording around 'as soon as practical after the commencement of the relevant amendment' and so on. We've already touched on all of the issues around grandfathering.

I hope that is clear for members, in terms of what has just happened with the changing of amendments. We are removing grandfathering. We're putting in the same as New South Wales's transition period.

Mr ELLIS - Thank you, Chair. Thank you, Ms Badger. Thank you, the Greens for your amendment. As I mentioned before, it is better than no transitional provisions. You've heard my arguments about why we prefer grandfathering arrangements. I'll just reiterate, partly the challenge that people will have in this process is that category C licences are very restrictive, so we can't support the amendment that you proposed, but we do agree that it is an improvement. The category C licences are very restricted and, in the vast majority of cases, owners of firearms being reclassified will either be ineligible for category C licences or they'll already possess one. The Greens transition pathway would be one that very few people can take, and the amendment does not provide an effective transition pathway for most people. Therefore, the government won't be supporting it, but it is certainly, conceptually, an improvement on Ms Butler's amendment.

In terms of correcting the record from Ms Butler, I understand the importance of transitional provisions. That's why we put them in. You are seeking to remove them and then you're asking us why there are no transitional provisions. There was a lot of very strange context in that, but I will allow others to speak on this one.

Ms JOHNSTON - Thank you, Chair. I will be supporting this amendment. I made it very clear in my second reading contribution that I don't support the grandfathering in respect to reclassification. That completely nullifies the whole purpose of why we have a reclassification in the first place, so I'll be supporting this.

In defence of the honourable member for Lyons, Ms Butler, grandfathering isn't the suitable transitional process. You are right in saying that the government didn't have a transition process in, they put a grandfathering clause. It's very different from a transition process. I understand where Ms Butler was coming from in her contribution there. I'm pleased that we

UNCORRECTED PROOF

do have something on the table before us to remove the grandfathering provisions. I think that's a sensible approach to take, and I'll support the amendment.

CHAIR (Ms Burnet) - The question is that the amendment be agreed to.

The Committee divided -

AYES 17

Ms Badger
Mr Bayley
Ms Brown
Ms Butler
Ms Dow
Mr Garland
Mr George
Mrs Greene
Ms Haddad
Ms Johnston
Mr Mitchell
Mr O'Byrne
Prof Razay
Mr Willie
Mr Winter
Dr Woodruff
Ms Rosol (Teller)

NOES 13

Mr Abetz
Mrs Archer
Mr Barnett
Mr Di Falco
Mr Ellis
Mr Ferguson
Mr Jaensch
Ms Ogilvie
Mr Pearce
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Howlett (Teller)

PAIRS

Dr Broad
Ms Finlay

Mr Fairs
Mr Vermey

Amendment agreed to.

Ms BUTLER - Chair, I move -

Third amendment

Page 76, same proposed new section, subsection (3).

Leave out that subsection.

There have been quite a lot of discussions around the citizenship requirements as a result of what happened in Bondi. There was a national agreement that firearm licences should be dependent upon whether or not you're an Australian citizen plus a New Zealand citizen, and also permanent citizen of Australia. As you know, having a firearms licence is a privilege and also being an Australian citizen, permanent resident, is also an absolute privilege which we all share in this country.

There has been some discussion regarding that requirement, that it may be a racially motivated stance that's been taken. We've had a few people thinking that it was directed at people who may be of different faiths or whether they may be of a Muslim background or from a different country, a different skin colour and so forth and how did that speak to our multicultural society, which Australia is very much a multicultural society, which I'm very proud to be a member of, but what it actually speaks to is the ability - why that licencing condition was provided was all to do with the ability of the our decision-makers, when it comes to intelligence, to be able to track and trust the information that's provided from other countries. The example was given to me of a country where if you pay a certain amount of money, you might pay \$100 - I'm not going to say the country that was named because it could have been people from that country that may be watching - but that if you pay \$100USD, you can be provided with a clean background check. That way then, when you take that to Australia, you've got a clean background check. That happens in some countries.

A lot of us do live in a bit of an angle where we think that most other governance systems in other countries work like ours, and a lot don't. We have a particularly high level of intelligence and background checking here in Australia, and we can actually trust New Zealand because they have a similar standard to us. There are some countries, like Austria, there are some countries, like England, that have a really high level of governance when it comes to doing background checking on people before they come to our country. But there are many countries that we can't trust the background checking and the ability to be able to verify what those people's backgrounds were before they came to Australia.

That is what the Australian citizenship and permanent-resident New Zealand citizenship requirement is about on the changes nationally. It's not a conspiracy against people with different colour skin; it's got nothing to do with your race or your background or your religion or your belief system. It just has to do with the Australian government and commissioners and the people who are making the decisions on whether or not you should be given a firearms licence, it gives them the ability to be able to do appropriate and trusted background checks. Therefore, we will be moving that those conditions shouldn't be grandfathered.

Another reason why that decision was taken nationally is to combat radicalisation. It was to look at what happened in Bondi, as an example, and it was to deal with being able to address threats that may be coming from different areas in the community and to take seriously that threat of radicalisation.

We personally don't have an issue with Australian citizenship being a requirement, a permanent resident being a requirement, a Kiwi resident being a requirement, of holding an Australian firearm licence, especially a Tasmanian firearm licence. We do not have a problem with that because there is an exclusion process. There is an exemption process. There is an opportunity for the commissioner to actually do her own background check, or their own background check, and to weigh up the good and the bad, to weigh up the risk as opposed to the benefit, which is what a good background check would be able to provide to the Police Commissioner. Therefore, we support having that proper requirement in the bill but what we don't support is the grandfathering. We think it's over the top. We're not quite sure who you're trying to engage in that because I don't think there are many people living in Tasmania that aren't permanent residents. You talk about how you've got to be an Aussie citizen, and you've got to be a New Zealand citizen, but you're not including the permanent resident status, which is also part of the definition within the act, so there are a lot of people. It's my understanding that if you're not a permanent resident, you're on a visa. Is that correct, minister?

Mr Pearce - Not exactly.

Ms BUTLER - Can you explain that to the House because I think you're really targeting a few? I've spoken to quite a few farm owners, and they have advised that they're quite reluctant - a lot of the time - to have people who work for them use firearms on their farm. A lot of farmers are reluctant to do that in the first place. It's my understanding that you've actually defined it in the act as permanent residents, Australian citizens and New Zealand citizens, and your grandfathering is based around that. I find it really hard to understand what you're trying to do with the grandfathering. Thank you.

Mr ELLIS - Thank you, Chair. There was a lot in that, and a fair bit that was wrong. I understand we had a discussion just before about grandfathering. We think that this is a particularly acute case where grandfathering is very much appropriate and lines up well with what we're seeking to achieve.

To clarify just at the end there, Ms Butler, as we've put in the legislation: an Australian citizen or New Zealand citizen, or a permanent resident of Australia and whose genuine reason for holding a licence is a range of things, but they're generally speaking in a work purpose.

Ms Butler - What's wrong with that? How is that wrong? That's what I said.

Mr ELLIS - No, if you're a permanent resident and you have a work purpose. You couldn't have a recreational purpose like sporting, shooting, or hunting.

In terms of why grandfathering particularly matters in this case: Tasmania Police, like other jurisdictions around the country - most if not all - don't actually collect this information because it hasn't been a requirement previously.

Ms Butler - They actually do. They know.

Mr ELLIS - Do we collect this information? No.

Ms Butler - They do.

Mr ELLIS - I don't know what to say, but we don't, and neither do most places, probably all places and I'm happy to be corrected if I'm wrong, if there is one. We don't currently collect this information. The best time to be collecting this information will be on re-licensing, where it can be done in the natural course of things where we require people to fill out the form - we can change the form - and then collect that information in the usual course.

It's also important to note that there is a natural transition that happens with these particular life circumstances. People are resident of Australia. Generally, it's likely there are two outcomes, they become a citizen, they win the lottery of life, they become an Australian citizen. Therefore, they have all the rights that would be conferred under their ability to access a citizenship-based licence. Alternatively, they return to their home country. They may be a student here and go back to their home country, and then would no longer require a Tasmanian firearms licence.

There is a small category in the middle as well, and for some of those people it's important to note that there are countries around the world that don't actually provide for dual citizenship. It means that there are many people in our state, who have been here for decades, who have made amazing contributions, small business people, some of whom I've spoken with very recently - not in the firearms context, but in other contexts. People who, for example, cannot own property back home, they aren't citizens and they can't be dual citizens, they are looking after family and maintaining permanent residency here so they can maintain citizenship back home and remain a property owner so they can support their loved ones.

Ms Butler - They can still get a firearms license because they're a permanent resident.

Mr ELLIS - But if they're a sporting shooter or a hunter, which is what most people are, most people don't use firearms for work, Ms Butler, they can't, which is what I'm trying to say to you.

We're also talking about a very small number of people in the non-citizen category, we believe, who have a firearms licence who wouldn't be able to meet the new test.

What that means in terms of, say, concerns about radical extremism, fortunately in Tasmania, Tasmania Police advise that we have a much smaller watch-list. We do still have concerns with radical extremism in this state, like other jurisdictions, but the number of people which we're monitoring is much smaller and often it is the case of home-grown sovereign citizen-type concerns here.

Mr O'Byrne - I agree with what you're saying.

Mr ELLIS - Typically speaking, the number of people who we are watching from overseas who we have concerns about them being radical extremists is very small and the number of those people who are able to get a firearms licence is very, very small. Ultimately, if you're being watched and we have concerns about you being a radical extremist with the new legislative change to allow more intelligence, that is, that doesn't meet the bar criminal, we will be able to remove those people's licences. I highly commend the support for grandfathering in the particular case of citizenship.

I understand there are members who are seeking to have a discussion about removing citizenship requirements altogether. I think it's a worthwhile discussion. We have, broadly speaking, taken the view of national consistency, that's where we're seeking to align. But I am happy to hear the argumentation from members tonight if there's a case that they'd seek to make but broadly speaking, we're pretty comfortable with the position that we put forward with regard to citizenship requirements but grandfathered for existing people who have been in our country, many for decades, complied with the law and done all the right things. We don't think that it's appropriate that they lose their current privileges and access to firearms on the basis of that change, despite all of the good character and the good behaviour in which they've demonstrated.

Ms BADGER - Thank you to the member for Lyons for bringing on the discussion. I think it's good. I will reiterate what I said and pre-empted in my second reading speech that we do support the grandfathering of citizenship requirements in this particular scenario. I've already outlined most of the reasons why just to recap. We've already had the discussion here today around grandfathering as a concept when it is applicable and suitable in this situation. It

is and we completely understand why there is the need for the citizenship requirements that are coming in as a part of this, the information sharing, the intelligence. They are important things that we can be signing up to. It's part of the national consistency. The minister's already pointed out that it is a small number of people that it would be applicable to anyway. I reiterate that the Greens do strongly feel that, without the proposed grandfathering arrangements, non-citizens may well be at risk of the very unreasonable outcomes, for instance, losing their current employment which is what the minister's also already touched on as part of why he's putting this in here.

In this instance, we will be supporting the clause remaining in the bill.

Mr O'BYRNE - Thank you, Chair. I echo the sentiments of Ms Badger, the member for Lyons on this. It is sensible. Grandfathering is a tool you use in appropriate circumstances. This is entirely appropriate, so we would support the government's position on grandfathering of citizenship.

Ms JOHNSTON - As I indicated in my secondary contribution, I do have concerns about citizenship and the lack of evidence for a blanket application of a citizenship test when it comes to firearms licences, so I will support the retention of grandfathering provisions in relation to citizenship in this particular circumstance because I do have concern about the lack of evidence. Despite the plethora of evidence we had about caps, there's a very clear lack of evidence with regard to citizenship.

Ms BUTLER - I reaffirm that we believe that it is part of a national security arrangement, that it is something that all premiers agreed to make citizenship, permanent residency and New Zealand citizenship a requirement of having a firearm licence, and I think the bulk of the population agree with that. Then the grandfathering on top of that. We won't be withdrawing our amendment, but thank you. I appreciate everyone has a perspective on it. But we will reaffirm that it has nothing to do with racial backgrounds. It just gives our intelligence community and our police an opportunity to be able to provide the best background checks they possibly can. We know there are huge deficiencies, which was apparently part of Bondi. The part that deals with that is confidential within the reports from the royal commission's findings, but that was one of the recommendations that came out of it. We will have that on the record, anyway.

Amendment negatived.

DEPUTY CHAIR - Honourable member for Lyons, would you like to move your fourth amendment?

Ms Butler - No.

Clause 59, as amended, agreed to.

DEPUTY CHAIR - Before we call on the next clause, I note that the honourable Member for Lyons, Ms Badger, has circulated an amendment to leave out the heading to part 3. The amendment is not required. Rather, the member must vote against the clauses in that part, and if the clauses do not stand part of the bill, the heading to that part will automatically be removed.

Clause 60 agreed to.

Clause 61 -
Principal Act

Ms BADGER - Chair, for the record, it was part of the amendments that we sent out to everybody, so you would have received it, Mr Pearce.

Mr ELLIS - I didn't send it to him, for good reason.

Ms BADGER - There you go, it's Mr Ellis's fault, so please take it up with him.

In relation to clause 61 and 62, we understand there are not the numbers for this, so I'm going to speak generally about mandatory sentencing and the Greens' position on clause 61. This is applicable across both the clauses that you received the amendments for. As I have already noted in my second reading speech, as the Greens always do when this comes up, that we do not support mandatory minimum sentencing provisions. Indeed, the conclusion of the Sentencing Advisory Council's report into mandatory minimum sentencing states that during the council's consultation with stakeholders, strong opposition to the introduction of mandatory sentencing was expressed by the Bar Association, the Director of Public Prosecutions, the Prisoners Legal Service and the Law Society. Concerns range from interfering with judicial discretion to reducing guilty pleas and causing unnecessary traumatising of victims through trials. There is consistent evidence that mandatory minimum sentencing does not act as a deterrent to crime and this will not reduce firearms violence or crime in the community. This is just cynical. It's just to try and grab, it's just an excuse to put it in here to be 'tough on crime'. The evidence simply does not support this. It's been overwhelmingly against it. We will not be supporting it. We would like to see others across this Chamber also stand up and oppose this. But I wouldn't be surprised if others have been cornered and won't be following the evidence, as we often see when it comes to mandatory sentencing from the Labor Party.

Ms JOHNSTON - Chair, like the honourable member for Lyons, Ms Badger, I won't be supporting these clauses in relation to minimum mandatory sentencing. I've been long on the record expressing my concerns about that. Again, I'm led by the evidence that we have before us. As a criminologist, I feel even more compelled to talk about that particular evidence, that there is no deterrent effect from harsher sentencing provisions. The clearer deterrent is in relation to the likelihood of being detected. That's quite clear in the literature, that the length of the sentence is not necessarily a deterrence when it comes to these kinds of offences. Consistent with my position on other applications of minimum mandatory sentencing, I won't be supporting these clauses and will be voting these clauses out.

Mr O'BYRNE - Chair, I've made it pretty clear, as a matter of principle, that I don't support mandatory sentencing. I don't think it's acceptable and it has been a matter of principle virtually my entire political life. I understand the issue around guns and wanting to send a message, and I understand the numbers, how the House sits. It's not something in all good conscience I can support. I can understand why the motivations are there to implement it in terms of gun crime but on a matter of principle, I cannot support mandatory sentencing.

Mr BARNETT (Lyons - Attorney-General) - Chair, I'd just like to share a few remarks on this important couple of clauses, back the minister and the government, and respond to remarks that have been shared on mandatory minimum sentences. In terms of the rule of law,

we have a role as legislators to meet community expectations. We respond for and on behalf of our community and we are legislators. The courts and the judiciary have a role to interpret and then enact that law, but we are representing our community. We are setting expectations, and that's what we're doing with this legislation. It's sending the strongest possible message that inappropriate and illegal activity in terms of the use and possession of firearms is wrong. Mandatory minimum sentences has been used in Tasmania. It's used at the federal level in terms of our *Criminal Code*. It's used across various jurisdictions of Australia. To, in principle, stand up and say 'we don't support this clause' is really missing the point. We have a role: to express a view and to represent our community. And the community says we need to keep our community safe. I think it's sending a message that we won't countenance illegal behaviour.

What mandatory minimum sentences do is provide some consistency in the law in terms of serious offences, serious outcomes. You get some consistency injected into the law in terms of certainty for not just the offenders, but for the victims and the community. We need to be far more focused on the victims of crime in this place. I've said that's a priority for me as attorney-general, and it remains a priority for our government. Likewise, it gives confidence to the community that we're representing their best interests. The law has an educative role, and the message we're sending with this legislation is that we want to keep the community safe. When we set those mandatory minimum sentences - and by the way, it's a minimum sentence, so the court does have a discretion in terms of anything above that minimum. Just bear that in mind. And I'm fully aware of the importance of the judiciary and their discretion in that regard and in most cases. The point I'm making is it's a mandatory minimum. It sends a message. What does that do? That sends a message of a deterrent. It says that the parliament, representing the people, is setting community expectations. I just wanted to back that in and note that in terms of serious child sex offences in Tasmania we've already legislated mandatory minimum sentences as a parliament. I've made the example at the federal level, likewise, in terms of serious child sexual offences. There is a range of other mandatory minimum sentences that we've passed through this parliament in past years. I just wanted to put that on the record - obviously saying strong support for the legislation.

I wanted to just quickly reflect and say that I think the reflections more recently put by a couple of the honourable members with respect to Prof Razay and with respect to the minister himself were uncalled for, unnecessary, and in my view unparliamentary. It's very disappointing. I'm just sharing that. I want to make it very clear, I have the utmost respect for Prof Razay. He's made that decision, he's expressed his views, and that's what we're entitled to do. This is a democracy. People are entitled to express their views in this place with respect.

In addition, the minister has stood up, he's expressing the views of not just the government but I believe members of the community. He's made it very clear, he's been courageous, a person of conviction, determined, passionate and caring. He's a person of integrity. Some of those personal criticisms are frankly uncalled for, they're unnecessary, and they're unparliamentary. I back in the minister, I back in Prof Razay and every other member in this place in terms of ensuring that we deliver our deliberations with respect.

Ms BURNET - I won't be supporting the minimum mandatory sentencing. It's not appropriate in this bill, nor is it appropriate in a lot of the other bills that we've had before in this place. It seems to be creeping into the government's agenda more and more, which I think really questions that separation of what the government feels is the role of the judiciary in making those minimum sentences. Yes, it can be more, but this is the role of the judiciary to make that decision. I want to reflect on some of the things that the Attorney-General has said.

I believe that there are better ways to strengthen the bill and strengthen that safety than throwing the book at anybody who might breach the legislation. There are much better ways to make our community safe - such as caps, such as stronger legislation than we're seeing, and stronger protections. It's just a missed opportunity, I think, in many aspects of this bill. I certainly don't support the minimum sentencing.

Mr ELLIS - We will be opposing these amendments. As the Deputy Premier mentioned before, it is important that we send a strong message that if you steal firearms and if you traffic in stolen firearms, are in possession of them, that there is no excuse and that we will throw the book at you. Ultimately we have had a discussion in this place and over recent months about the importance of reducing firearms theft in this community so that we can stop organised crime and criminal thugs harming and intimidating people. It has been very strange for members of the community to see those people who are proposing caps as the solution to stop theft of firearms opposing tougher sentences for the people who do exactly that. It doesn't make any sense to anybody. We wouldn't apply that to a similarly deadly weapon in the case of a motor vehicle being used by terrorists and others. A motor vehicle in the wrong hands can be a deadly weapon.

Mr Ferguson - Aircraft.

Mr ELLIS - Exactly. To say that we need to cap those things, it only applies in that logic to firearms owners and that is part of the reason why firearms owners have been so frustrated by the way that people have conducted the debate around this. They are not the problem and firearm ownership caps do nothing to address the theft of firearms.

What does do that? Tougher penalties. Can I say as well, stronger storage requirements, a very clear correlation between the strongest storage requirements that we brought in 2015 that's reduced firearms theft by 40 per cent in this state.

We need to right the wrongs though of what happened in 2015 when this parliament squibbed it and didn't include mandatory sentences for theft of firearms and trafficking and possessing stolen firearms. We need to right that wrong so that we can drive down the rate of crime that happens with these firearms.

What I will say as well is that this is an area where the Commissioner of Police has very clearly expressed her support in submissions. This is an area where the Police Association of Tasmania has also very clearly expressed their support in submissions. The Police Association is in fact not supportive of caps on firearms as well, and many members of Tasmania Police have expressed that.

Members interjecting.

DEPUTY CHAIR - Order.

Ms Butler - That's not true.

Mr ELLIS - That is absolutely true. Ms Butler, I met with the President of the Police Association yesterday -

Ms Butler - Have you got that in writing?

Members interjecting.

Deputy CHAIR - Order.

Mr ELLIS - Yesterday. Ms Butler, I met with him exactly yesterday. I met with him yesterday. I met with him yesterday -

Dr Woodruff - Yeah right.

Members interjecting.

DEPUTY CHAIR - No interjections please.

Mr ELLIS - and he said he that the Police Association absolutely doesn't have that position, and he was surprised to be receiving calls from members who were expressing their concern about a new position that they only heard about from members of this place in the last couple of days.

Dr Woodruff - You are verballing people who aren't here.

Deputy CHAIR - Please, no interjections.

Mr ELLIS - You are verballing people. The reason why he raised it with me was because he found out from you. You were the ones verballing him over recent days. The Police Association has made it very clear they support mandatory minimum sentences for firearms theft and possession of stolen firearms, as does the Police Commissioner, and to hear some of the rubbish from you, Ms Johnston -

Members interjecting.

Mr ELLIS - in your contribution before about caps reflecting on me when you are clearly supporting a position that is contrary to the Police Commissioner and contrary to the Police Association.

Members interjecting.

Dr Woodruff - The last couple of hours you made us believe you weren't in the gutter, and you've gone back in the gutter.

DEPUTY CHAIR - Order.

Mr ELLIS - You can understand my passion and disgust for some of those reflections when you are coming in here mere hours later and doing exactly what you were complaining about me doing, which is exercising my judgement as you are perfectly entitled to exercise your judgement. But let's not pretend that it is a reflection on whether we support our police officers in blue when we take their advice into consideration and if we make a different decision, just as you are doing right now.

Mr Pearce - 100 per cent.

Mr ELLIS - Deputy Chair, I'll finish my contribution -

Ms BUTLER - Point of order, Ms Johnston just rose to try and get the call.

Members interjecting.

Ms BUTLER - I find the minister's behaviour to be quite unparliamentary, and he's upsetting the House.

Members interjecting.

DEPUTY CHAIR - Order.

Ms BUTLER - Could you make an order there, please?

Deputy CHAIR - Order, the minister has the call.

Mr ELLIS - Thank you, Deputy Chair. It's important that we have stronger penalties. It's important that we work through to deliver mandatory minimum sentences for the biggest risk that we have outside of the intelligence sharing that we will establish under this legislation, because ultimately one of the unusual things about Bondi was that the criminals and the terrorists there sought legal firearms. They should never have been able to get a licence in the first place, but typically when organised crime and criminal thugs seek to do harm in our community, where do they go? They try and get access to illegal firearms.

It is important to note that as the Health minister mentioned, only one in 10 illegal firearms on the black market in Australia are there on the basis of theft from law-abiding firearms owners. Only one in 10. The Australian Criminal Intelligence Commission make that very clear and the Australian Federal Police note that typically they are manufactured or they are imported. There are big challenges that Border Force, who knew about some of the behaviour of the Bondi terrorists and didn't share that information, will need to work through. But certainly, it is important that we provide tougher penalties so that we can disrupt that market and disrupt the harm that it will do, and we strongly oppose this amendment.

Ms JOHNSTON - Thank you, Chair. I rise to respond to the utterly disgraceful contribution from the Police minister in relation to mandatory minimum sentencing and then also a reflection on my vote in relation to the caps that was proposed earlier by Labor. I support our Police Commissioner, and I appreciate the area that she's an expert in. She's an expert in public safety and looking after the welfare of her officers. She will be the first to admit she is not an expert in sentencing or the judiciary. She'd be the first to admit that, but she has very specific expertise when it comes to public health and safety.

I am an expert when it comes to criminology. I've done the study, I've worked in that particular area, and I understand that minimum mandatory sentencing is not a deterrent when it comes to offending of this particular kind; what is, is the greater risk of detection. Therefore, investing in our police to make sure they can do their job would be a better deterrent than what minimum mandatory sentence is.

I want to speak in relation to the minister's disgraceful suggestion about my motivation around my comments around caps. I will repeat them, that I believe the minister is disgraceful in the way that he wraps himself in the blue but will not act to protect them. It is police officers that go out every day, put their lives at risk, their colleagues' lives at risk, by doing some of the hardest jobs, the most dangerous jobs in this state, and when they are faced with more and more guns in the community, that makes it so much harder. We could have done something earlier today to limit the number of guns in our community, but you didn't do that. You didn't step up. It is a shame on you and, minister, I am disgusted that you didn't do that. I go home tonight to someone who is in the blue family, who everyday puts their life on the line. Every morning when he goes to work, I say goodbye, I say I hope you have a good day, I say keep safe and I say I love you because that might be the last time that I get to say that because he's trying to protect Tasmanians.

You don't do that, minister. How can you possibly imagine what the blue family do day in, day out, when you ignore the advice of your commissioner to keep them safe? How can you possibly look at the families of people in blue when you ignore the advice of the Police Commissioner who's just trying to make sure they get home safe every shift? You're not even looking at me, minister. I, every morning, will say that. I know that every other blue member family does the same thing. Get up.

Mr Ellis - Ms Johnston, you are ignoring the advice of the Police Commissioner on mandatory sentencing.

Ms JOHNSTON - I am accepting the advice where she's an expert in, on public health and safety in terms of protecting her officers.

Mr Ellis - And the Police Association as well.

Ms JOHNSTON - I am saying that I accept her advice where she's an expert. She's not an expert, I'm sure the Commissioner would agree, she is not an expert when it comes to sentencing in the judiciary.

Dr Woodruff - Don't shake your head, you're the one who didn't take her advice on caps.

DEPUTY CHAIR - Order. I ask members to cease interjections. All members have the opportunity to speak on the clause. I ask the member to direct their comments through the Chair.

Ms JOHNSTON - Thank you, Chair. For the minister to suggest that I don't have the concern for our officers, our police officers who do an incredibly dangerous job at the forefront of this debate, is utterly disgraceful. I'll be writing to the Premier and asking him that he withdraw those comments and he reflect on the way he's speaking about members of the blue family in particular, because it won't be him going home tonight concerned that this place here hasn't made the right steps to keep blue members' families safe.

There are thousands of officers out there who face risks every day. Every day, and you couldn't take a simple step to keep them safe. It is utterly disgraceful that you treat those officers and their families like that and that you speak about a member of parliament like that.

Mr Di FALCO - Thank you, Chair. I'll speak briefly. Mandatory sentencing for firearms crimes has been a long-standing position at my party. We have heard extensively today about people's concerns over firearm-related crimes. We need to send a strong message: steal firearms and you will go to prison. If I could add a bit more to that, I have hunted with police officers. They are also firearm owners. Thank you.

Mr FERGUSON - Chair, there's a lot of heat in this debate right now. One thing that politicians ought to be able to do is disagree on policy.

Ms Butler - Don't add to it.

Mr FERGUSON - No, I won't be sat down by you. You've just embarrassed yourself tonight.

Ms Butler - No, don't add to it, I'm saying, just be nice.

DEPUTY CHAIR - Honourable member for Lyons, please.

Mr FERGUSON - But we ought not to be in a situation where we don't agree on the facts. The facts are being outlined as to who has advised what, and what the position of various participants in this debate have been. It wasn't long ago that the minister was being challenged by the member who's just left the Chamber, the honourable member for Clark, Ms Johnston, demanding that he withdraw something that she felt he'd said was inaccurate. It turned out that she was inaccurate and then refused to withdraw. This is the most unhelpful part of this debate, and the focus on the mandatory sentencing provisions of the bill in the clause that we're looking at.

I'd like to emphasise in this contribution that this is a slightly different terminology, or I should say, drafting around the way in which the sentencing judge will consider the provisions of the bill. It is very clear that it's presumption of mandatory sentencing. I draw that to the attention of members who are present. The drafting is very similar to what the government brought in when we finally got mandatory sentencing for child sex offences into the *Sentencing Act* after probably over a decade of trying. But it was with this form that we have in front of us now. I hope that that's not lost on anyone. I would prefer it was harder-edged, but the clause before us includes judicial discretion to not impose the period of imprisonment in certain circumstances, such as for a defendant who was a youth when the offence was committed, persons with diminished mental capacity and where it's unjust to impose the penalty considering the circumstances of the offence or offender. I think that's an important point we must know about in the lead-up to a decision on this.

I make the point that this is a special class of offence. I also regard the other offences that we currently now have mandatory sentencing for as special classes of offence as well. Stealing a firearm is a special class of offence. It's not an ordinary property offence. Clearly not. You're not stealing an item of furniture, a quantity of money, food or jewellery. You're not stealing something where the object of your crime is something that has a value that you can put in your own personal wealth. You're stealing something that is now in the black market. It is now a weapon. Whether you've manufactured it through nefarious means yourself, purchased it from the black market, found a way to purchase a firearm that's been illegally imported, or if you've been involved in, or are an associate of a person who's gone in and stolen a firearm from someone's storage, at that point it's become a weapon. You've stolen something that has moved

away from being a tool of the trade or a piece of sporting equipment. You've stolen something that can kill. Plainly, it's now a special kind of offence.

The bill provides for stealing a firearm or firearm part, possession of a stolen firearm, unlawful trafficking in firearms, or stealing a firearm or firearm part in the summary offence position. I've said it many times and raised it privately with my colleagues: we owe it now to right the wrong of 2016, when this House and this parliament walked away from the opportunity to make tougher laws, targeting that law on the real area of greatest risk. I am, of course, speaking about criminal activity, not the lawful firearms owners and users that we've dealt with in the previous parts of this debate, but the illegal, criminal element. We must send the strongest possible message. If you are in possession of a firearm that you don't own, or is not registered to you, you know it. You know it's not yours, you know it's nefarious, you know it's black market. There can, therefore, be no excuse to be in possession of it.

If I had to face the choice the member for Clark has asked us to make, I feel the Police Commissioner is perfectly competent and qualified in this area of public policy. Ms Johnston has decided that she is a greater expert on the subject than the commissioner, and she's entitled to that view. But I'm entitled to mine and I prefer the Police Commissioner's advice. That is my position and members of this House should appreciate that.

Ms Rosol - I'm curious why you're so interested in this expert advice from the commissioner and not on the gun caps? Selective choice.

Mr FERGUSON - I'm very interested in the feedback from the minister in relation to the Police Association. I am because we were being challenged that the Police Commissioner is not an expert in this particular area of law, and I do -

Ms Rosol - Well, you've ignored all of her other advice today.

Mr FERGUSON - I don't ignore the Police Commissioner on any of her advice.

Ms Rosol - You voted against it.

Mr FERGUSON - That's the false choice you've made, Ms Rosol. I respect the Police Commissioner's position on both of these matters. It's for this House, the parties and the Independents to form their view about what weight they attach to the evidence or advice that comes from different quarters. I believe this clause will save lives.

Ms Rosol - So would have gun caps.

Mr FERGUSON - I know that there is an amnesty opportunity as well. If you take the presumptive mandatory sentencing provisions that, if agreed to, make law in our state and couple that with a very clear advertising or public messaging campaign that makes everybody know that if you're in possession now, you'll face three months in jail as a presumptive mandatory. Couple that with the opportunity of an amnesty, and we have the real prospect of seeing illegal, stolen and unregistered firearms being handed into police in a safe way. Therefore, it puzzles me why the member who's left the Chamber would suggest that this isn't a good policy and it doesn't have a deterrent effect. It clearly will. I'm grateful for the minister and the government having the gumption to bring this back to our House and to give us the opportunity to have the toughest possible laws. We've dealt with lawful civilians in much of

the rest of the debate. Now we're dealing with the criminal element, which, I believe, is the greatest area of risk - people who know they shouldn't have firearms. They're operating outside the law. They don't care what you put in your [8.49.45 inaudible] bills. They are breaking the law, and they will continue to break the law.

Mr Mitchell - You're undermining your own argument.

Mr FERGUSON - Therefore, the question becomes, what will be the enforcement action? It needs to be as tough as we can make it, and I absolutely stand behind it. I commend the minister for his initiative here.

Mr GEORGE - Chair, this argument, I'm so sick of this debate. The separation of powers goes back to Montesquieu in 1748 and it has served as well for 300 years. It is the separation of powers. It is perfectly possible for this parliament to set a maximum sentence, to send a message. It's perfectly possible for the judiciary to sit together and to work out the tenets of whatever punishments should be levelled against perpetrators of any kind, whether it's gun crime or any other kind.

Frankly, I don't see the intellect or the philosophical bottom of this House to start overturning Westminster conventions that have saved us so well. There's not one person in this House, including me, who has the philosophical background and the deep understanding of what it is to live and work in a Westminster system in a first-world society like this and claim that this parliament can start saying no matter what the crime, no matter how it's committed, no matter what the background of the perpetrator, this is what you will serve. This is the sentence that you'll serve.

It is an utter, utter hypocrisy. Let's get back to what Montesquieu laid down and that has served our parliament and our nation of Australia well for 300 years, perhaps not 300 years in Australia, but I would hope that, when we look back in 300 years' time, when we can say Australia is 300 years old, we have served and lived by the tenets of what good society, good democracy, good justice stands for. Let's return to the good tenets of jurisprudence. This whole debate about minimum sentences sickens me.

DEPUTY CHAIR (Prof Razay) - The question is that clause 61 be agreed to.

The House divided -

AYES -21

Mr Abetz
Mrs Archer
Mr Barnett
Ms Brown
Ms Butler
Mr Di Falco
Ms Dow
Mr Ellis
Mr Ferguson
Ms Haddad
Ms Howlett

NOES - 9

Ms Badger
Ms Burnet
Mr Garland
Mr George
Ms Johnston
Mr O'Byrne
Ms Rosol
Dr Woodruff
Mr Bayley (Teller)

Mr Jaensch
Mr Mitchell
Ms Ogilvie
Mr Pearce
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Vermey
Mr Willie
Mr Winter
Mrs Greene (Teller)

Clause 61 agreed to.

Clause 62 -
Section 16C inserted

The House divided -

AYES

Mr Abetz
Mrs Archer
Mr Barnett
Ms Brown
Ms Butler
Mr Di Falco
Ms Dow
Mr Ellis
Mr Ferguson
Ms Haddad
Ms Howlett
Mrs Greene
Mr Jaensch
Ms Ogilvie
Mr Pearce
Mrs Petrusma
Mr Rockliff
Mr Shelton
Mr Vermey
Mr Willie
Mr Winter
Mr Mitchell (Teller)

NOES

Ms Badger
Mr Bayley
Ms Burnet
Mr George
Ms Johnston
Mr O'Byrne
Ms Rosol
Dr Woodruff
Mr Garland(Teller)

Clause 62 agreed to.

Ms JOHNSTON - Thank you, Chair. New clause X to follow clause 12. As members would be aware, I had circulated a new clause C but there are two separate but somewhat related components. What I've done, with OPC's direction, is separate them so that we can discuss and debate them separately. I move -

NEW CLAUSE X

To follow clause 12.

“X. Section 18A inserted

After section 18 of the Principal Act, the following section is inserted in Division 2:

18A. Temporary classification of new firearms

- (1) For the purposes of this Division, the Commissioner may, by written notice, declare that a firearm, other than a prohibited firearm, not otherwise specified in this Division –
 - (a) is a prohibited firearm for the purposes of this Act; or
 - (b) is a firearm to which a category of licence, as specified in the declaration, applies.
- (2) A declaration made under subsection (1) –
 - (a) is to be published in the Gazette; and
 - (b) takes effect on the day on which it is so published; and
 - (c) remains in effect for a single period of 24 months from the day on which it is so published unless it is sooner revoked.
- (3) If a declaration is made under this section in respect of a firearm, the declaration is taken to modify this Division, according to the terms of the declaration, while the declaration is in effect.
- (4) The Commissioner may only make a single declaration under this section in respect of a firearm.
- (5) For the avoidance of doubt, a declaration under this section –
 - (a) is not a statutory rule for the purpose of the Rules Publication Act 1953; and
 - (b) is not subordinate legislation for the purposes of the Subordinate Legislation Act 1992.”

Ms JOHNSTON - [contd.]

- (b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

This is in relation to a request from the commissioner in her submission on the bill in relation to a power to temporarily declare, via the Gazette, a firearm or type of firearm in a certain category. It's designed to ensure that there's a mechanism to capture technology developments not covered by the act currently, and giving parliament time to amend the *Firearms Act 1996* if required.

The Police Commissioner has recommended such a mechanism in her submission where in the final part of her submission she talks about future restrictions on emerging firearm technologies:

National Cabinet has agreed that reform work should continue regarding firearm technologies designed to circumvent existing categorisation frameworks. Parliament should maintain a mechanism for expedited regulatory responses to: emerging rapid-fire firearm platforms, novel operating systems, conversion devices, future technological developments not presently contemplated by the act.

This will ensure the legislation remains responsive to emerging risks. It is noted that the Victorian government has provided authority to the Commissioner of Police to temporarily reclassify new firearm technologies and high-risk emerging firearms.

Essentially, this provides the commissioner with the ability that, when we have a new technology come into the market that doesn't sit within the existing categories already defined within the act, it makes it possible for the commissioner to act quite swiftly to classify either that particular new technology into an existing classification, or to declare that particular firearm prohibited. With the rapid way that technology advances, this is a completely responsible mechanism to ensure that there is the ability to have some kind of regulation and control over new and emerging technologies. It's not radical; it's a temporary classification. Then for it to be a permanent classification, it would require the parliament to act. It gives time for the parliament to do broader consultation on that, and for the minister to bring a bill forward in the future in regard to that, to confirm that classification, but it's an appropriate temporary response to new and emerging technologies.

Mr ELLIS - Thank you, Chair. As indicated previously, the government will be supporting this. We recognise the intent of the amendment and that it will only apply to new novel firearms that do not fit in existing classification categories, and would only apply for a temporary period of two years. The government can support this amendment which would allow our system to deal with any new and emerging technologies, while the appropriate approach for a permanent classification is considered by parliament.

Again, as we mentioned before, there are three clauses that we've discussed on this: whether the minister should have the power to establish new genuine reasons, whether the minister should have the power to reclassify, and whether the commissioner should have the temporary power to reclassify. We think that parliament, having, effectively, sovereignty over this process makes sense and this is effectively about buying parliament time if there is a new

novel form of technology that comes through, that needs to be dealt with quickly, that then can buy time for the parliament to have its say. We think that, while those three are quite different, there is an internal logic, particularly about supporting this one, not supporting the next one.

Mr O'BYRNE - Just a question on this. It's more a question about transparency in process. What are the notification requirements of the commissioner to you and to the parliament so we know that this process has started and there has been a classification? Would that be by some instrument in this House or will it be gazetted or what?

Ms JOHNSTON - Chair, I can answer that one. It's in there under subsection 2 that a declaration made is to be published in the Gazette. So, it's notified by gazette, that's a process which is made public. It then becomes a responsibility of parliament to follow that up within the 24-month period. And, of course, if parliament were to respond quicker than 24 months, that would override the declaration in the Gazette. Just to make sure it's clear, this is not about reclassifying; it's about classifying something that doesn't exist already.

Ms BADGER - Chair, just to signal the Greens' support for this. I thank Ms Johnston for considering what the future prospects might be and taking the opportunity to put this in. We think the process is fair through the Gazette and also in terms of having that period in which parliament can act on it. But as you rightly say, if the circumstances were to arise, it could choose to do it quicker if it wishes.

Ms BUTLER - Chair, Labor will also support this amendment and we thank Ms Johnston for bringing this on. I also thank her for all her work on this bill. She has done an incredible power of work. Everyone has in this Chamber tonight, but particularly Ms Johnston. She has been extremely thorough and thoughtful with how she has formed her amendments. I think this amendment speaks to how quickly the technologies are changing, and how criminal elements are evolving very quickly. We support the additional flexibility the commissioner may need in order to be able to classify firearms.

Amendment agreed to.

Ms JOHNSTON - Chair, this is my last amendment. Thank you to the member for Lyons, the honourable Ms Butler, for her kind comments. I can't pass up the opportunity while I'm on my feet to acknowledge the work of my staff, Charlie in particular, and also that of Kate from the Office of Parliamentary Counsel. They've done a power of work in this regard. I move -

NEW CLAUSE Y

To follow Clause 12.

“Y. Section 18B inserted

After section 18 of the Principal Act, the following section is inserted in Division 2:

18B. Order to amend Division

- (1) The Minister, by order, may –

- (a) omit a firearm from a section of this Division; and
 - (b) insert that firearm into another section of this Division.
- (2) The Minister may only make an order under subsection (1) in respect of a firearm if –
 - (a) the Commissioner has made a written request, to the Minister, for the order; and
 - (b) the Commissioner has requested the order due to a change in the design of, or a modification to, the firearm that –
 - (i) results in the firearm being more appropriate for military purposes; or
 - (ii) means the firearm substantially duplicates a firearm that is used for military purposes; and
 - (c) the effect of the order requires a person to hold a higher category of licence to use and possess that firearm.
- (3) Section 47(3), (3A), (4), (5), (6) and (7) of the Acts Interpretation Act 1931 apply to an order under subsection (1) as if the order were regulations within the meaning of that Act.
- (4) Before an order under subsection (1) commences in relation to a firearm, the Minister must notify, in writing, each person who holds the category of licence that applies to the firearm at the time the order is made that the Minister intends to make, or has made, the order in respect of the firearm.
- (5) If an order is made under subsection (1) in respect of a firearm, it is a defence in proceedings for an offence under Division 1 in respect of the firearm that –
 - (a) the order has commenced; and
 - (b) immediately before the order commenced under this section, the person held a licence of the category appropriate to the firearm; and
 - (c) the person was not notified of the order as required under subsection (4).
- (6) An order under subsection (1) –
 - (a) is a statutory rule for the purpose of the Rules Publication Act 1953; and

- (b) is subordinate legislation for the purposes of the Subordinate Legislation Act 1992.”

Essentially what this does is give the minister the power to make an order, not of his own making, but at the request the Police Commissioner, to recategorise a firearm where a change in function or appearance means it replicates a firearm in a different, more restrictive category. It provides for a disallowance motion and it requires the minister to notify holders of that category of licence with a defence for not complying with that if the person was not notified.

I appreciate concern about the minister having the power to reclassify but this is not solely on their instigation. It has to be at the instigation of the commissioner. It importantly provides parliamentary oversight because it is a disallowable instrument, so it will lay on the table. There is ability to have the parliament determine if this is appropriate or not through a disallowable instrument. Because it is a reclassification, not a new classification, it's not appropriate for the commissioner to hold that power alone because it would mean that the commissioner would be overriding an act of a parliament in the first place. There is the appropriate parliamentary oversight. I have heard the minister making comments that it should be parliament that decides where classifications sit. Absolutely. This provides for that mechanism through a disallowable instrument. It doesn't take away parliament's ability to scrutinise and oversee that. It just makes it a smoother transition where there are emerging risks.

To give members some examples of where this might be used, we're talking about where expanding magazine capacity has occurred. Modifying fixed or detachable magazines to hold higher round counts can push a low-capacity category A or B firearm into a more restricted category. Where there's been changing action mechanisms, so converting a manual action or bolt-action rifle into high-capacity rapid-fire system such as a straight-pull, pump-action or button-lever-release mechanism. Another example might be adding rapid-fire or conversion devices. Fitting switches, bump stocks or conversion kits that allow a semi-automatic firearm to fire in fully automatic bursts instantly reclassifies weapon into prohibited category D. It gives the commissioner the ability to recognise if there's a new product on the market, for instance, that can modify an existing category A or B firearm to put it, by its nature, into a more restrictive category. But because the base model is a category A or B firearm, they can't classify it as a category C. This provides the ability to reclassify where such modifications have occurred via the minister with a disallowable instrument.

Mr ELLIS - Chair, the government does not support this approach to reclassification. Reclassification of legally acquired firearms is rightly the prerogative of parliament, as is the case with the current bill. While the government notes that the ministerial order would be a disallowable instrument, we don't consider that this would be a sufficient level of scrutiny for reclassification of legally acquired firearms, particularly noting our discussion around grandfathering. That's probably another indication of that not being necessarily a good fit here. Such a reclassification decision may potentially impact the legally acquired property of thousands of firearm owners. Firearm owners deserve to be consulted with and provide input into that decision, as has been the case with this bill.

Further, the drafting of the amendment to 18B is too vague. 'Changes in the design of, or a modification to the firearm that results in the firearm being more appropriate for military purposes' is very subjective. Does this mean that the firearm is actively used in the military?

Does it matter if the firearm is used in training or active combat? Does it matter if it's in the Australian military or by soldiers in foreign conflict overseas? Noting a discussion with Mr Pearce, there are a range of firearms that are used in the military that are also commonly used in civilian practice. Of course, those are not the automatic firearms that you may see in some military settings but certainly in other categories they are commonly seen in Tasmania. It's not appropriate to permit reclassification of legally acquired and owned firearms on vague and potentially subjective grounds. Also, the reclassification measures in this bill is because the rate of fire of firearms, not because they are all common in military use.

Reclassification decisions should be subject to scrutiny by the public, by those who own and use the firearms, and are familiar with their operation, and by firearm safety advocates and community groups. Reclassification decisions are important, as we've shown tonight, and they should be subject to the highest levels of scrutiny, including by this parliament, so the government won't be supporting the amendment.

Mr O'BYRNE - I won't extend the debate beyond my position, being I support the government's position on this. These kind of matters should be full parliamentary debate, legislatively acquired. I will support the government's position on this.

Ms JOHNSTON - To give members some guidance around where this comes from, again, it has been at the request of the commissioner in her submission to deal with new and emerging technologies and conversions of firearms already, but it also exists currently in the Victorian legislation.

There is already the ability for the Victorian commissioner to permanently make declarations. Interestingly enough, the Chief Commissioner, not through the parliament but by instrument, can make a permanent declaration in relation to reclassification. That particular legislation refers to a declaration designed or adapted for military purposes or substantially duplicating a firearm of that type in design. It's consistent with what happens already in Victoria.

What I have chosen to do for our Tasmanian context is to give it an additional parliamentary oversight by allowing it to be a disallowable instrument rather than necessarily having the commissioner overruling the will of the parliament when it comes to expressions around what kind of firearms are in which particular category. Whilst I appreciate the honourable member for Franklin's concerns about that, it is something that can be debated in this place; we do on the odd occasion debate disallowable instruments. That's certainly something that can occur, and indeed the government uses disallowable instruments all the time to deal with matters. There is the oversight there in parliament, I appreciate that. There is a process to go around this in terms of notifying; it's quite a public process around it. There is the opportunity for a lot of public scrutiny on this. There's the opportunity in parliament to scrutinise this and, as it's a disallowed instrument, to strike it out. In terms of the minister's concerns about what might be adapted for military purposes, that's already been well defined and occurs in other jurisdictions.

Ms BADGER - The Greens certainly understand where you're coming from. As you rightfully said, it's been spoken about by the commissioner. We're also hearing what the government's saying from this perspective, is how this may or may not fit for them. My question around what the minister's intentions might be when this goes to the other place in relation to this - if it were to pass, I'm not sure if it has the numbers yet to do so - we would be inclined to

look at supporting it here today, noting that obviously Ms Johnston does not have anyone in the other place to put this forward. We have some questions to ask of yourself from this on the basis of what you just said to seek some clarity or indeed work with you in terms of what you might do in the other place if this were to get through. I don't think our concerns are substantial enough not to vote for it and then look at what might happen in the other place in the future.

Ms BURNET - To Ms Johnston, in relation to this proposal, is it giving a power to the commissioner on a matter of urgency when there's new technologies coming through?

Ms JOHNSTON - It's not necessarily new technologies, it might be a new technology that converts an existing classified firearm into something different, certainly that might be something new. The issue is that the baseline firearm is already categorised into an A or B category. It might be urgent, to my understanding. Maybe the minister can correct me if I'm wrong, but there is the ability at the moment for the Police Commissioner to consider on an individual firearm by firearm basis where there has been an adaptation to that firearm that changes its function into a higher category to consider where it would sit appropriately anyway, individual firearm by individual firearm. I suppose this would apply more broadly to a particular kind of adaption that has occurred to a particular baseline of firearm. Perhaps the minister can clarify that. It's not necessarily urgent, but you wouldn't want to be waiting for a long period of time for parliament to be bringing it back as a minor amendment to a bill.

Mr O'BYRNE - Thank you, Chair. The point I want to make is that, I'm assuming from the mover, there's an assumption that the Police Commissioner will always be conservative and more aggressive on restricting gun access and use. That may very well be the case. My concern is about where the power lies and how it's transferred and how it's deliberated. You're working on the assumption that you will have a similar Commissioner to the one's that we've had the last couple, but we don't know that. We are investing it into an individual and that person may have a very different range of views and perspectives on firearms. I think it's unlikely, but that's not the point. The point is that the full parliament, a full parliamentary debate by legislation, is the safest way to manage these things; not do a delegation and then by disallowable order. I think it's a different level and a different classification and it lacks a level of transparency for the community.

Ms JOHNSTON - In response to that, if I understand you correctly, you're concerned that there might be the ability for a future commissioner to classify something to a lower category. Is that perhaps what you -

Mr O'Byrne - I think you're working on the assumption that it's all coming in, but it may not.

Ms JOHNSTON - The provision itself is only affected if the effect of the order requires person to hold a higher classification licence. It would only be moving up to a more restrictive, it wouldn't be moving anything down into a less restrictive category. It only applies for where you're moving something from a less restrictive category to a more restrictive category; a more conservative approach, public safety health approach. It's only where the result of the modification of the design or change of the design of the firearm results in the firearm being more appropriate for military purposes. It means potentially duplicates a firearm that is used for military purposes. Again, though, clearly defined in other jurisdictions and legislations and understood by commissioners. It's moving into a more restrictive category. I fully appreciate the risk that a future commissioner might have a more lenient view on what should be

categorised. This clearly makes it the intent of the order, via disallowable instrument, to be into a more restrictive category, so it's taking a more conservative risk-based approach.

Mr ELLIS - I was seeking a little bit of advice from the team there. Firstly, I'll make some general comments to support what Mr O'Byrne was saying. This is very much the purview of parliament. If there is an urgent matter, firearms legislation, particularly targeted amendments, can be brought to the parliament very quickly. We've seen that broad firearm legislation has been brought to parliaments very quickly, including as recently as December in New South Wales and at the Commonwealth level. If there is a need that's demonstrated it should come to this place, ultimately, as Mr O'Byrne noted, where should the power lie? These are parliamentary debates that need to happen as far as the decision there.

In terms of the Greens' question about what the government's approach would be. I think I've caught your drift, Ms Badger, but we'll be opposing this amendment here. If it gets up, we'll oppose it in the other place. Happy to work through discussions about if there's anything that you think might, I suppose, make it more palatable, but again, it's that fundamental issue of: this is really a matter for parliament. Of course, commissioners will provide advice and then, ultimately, a process needs to go through. This is significant change for people and, as we've sort of said in this place - and not that I necessarily agreed - we view it as so significant that we wouldn't even apply grandfather and transitional provisions to these kind of things. It's important that we recognise where the decision making should happen.

In terms of Ms Johnston's characterisation, if someone modified a firearm with additions or manufacturing and it then entered into what should be a new category, it then actually does go into the new category. It becomes that new category on the basis of that modification, from what I'm advised. In terms of the problem that you're maybe trying to solve there, that's already taken into account in legislation for those purposes. It's not the case that, say that particular example that you raised, needs to go through a commissioner's process. It already meets the parliamentary-defined definition of the category that it has become, effectively, if that makes sense, but I appreciate members' contributions on this. We won't be supporting the amendment.

New Clause Y negatived.

Title agreed to.

Bill reported with amendment.

SUSPENSION OF STANDING ORDERS

Third Reading Forthwith

[9.32 p.m.]

Mr ELLIS (Braddon - Minister for Police, Fire and Emergency Management) - Honourable Speaker, I move -

That so much of Standing Orders be suspended as would prevent the bill being now read the third time.

Motion agreed to.

**FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY)
BILL 2026 (No. 30)**

Third Reading

Bill read the third time.

ADJOURNMENT

Mr ABETZ (Franklin - Leader of the House) - Honourable Speaker, I move -

That the House does now adjourn.

ADJOURNMENT

[9.32 p.m.]

Mr ABETZ (Franklin - Choose an item.) - Speaker, I move -

That the House do now adjourn.

Answers to Questions - Delay

Mr ABETZ (Franklin - Leader of the House) - Speaker, during Question Time today, I undertook to obtain further information for the Deputy Leader of the Greens. Unfortunately, I don't have that as yet but as soon as I do, I will be in direct communication with Mr Bayley. Similarly, the Premier, I understand, took a question from the member for Franklin, Mr George, and similarly the information will be provided as soon as it is available.

Federal native Forest Management Scheme - INFM

[9.33 p.m.]

Mr WINTER (Franklin) - Honourable Speaker, I rise tonight to talk about an extraordinary spectacle that that occurred today in the Australian Senate, a political tragedy performed by the Australian Greens and directed right here in Hobart by the Leader of the Greens, Dr Rosalie Woodruff, and her political puppeteer, Dr Bob Brown. After 40 years, four long decades, we've been subjected to endless lectures from the Greens about saving native forests, and you would think that if a practical mechanism came along to create a multi-million dollar financial incentive for state governments to reduce native forest logging that the Greens would be popping their champagne. You'd think they'd be claiming a historic victory. Enter the federal Labor government's native forest management scheme, the Improved Native Forest Management (INFM) method. In New South Wales, this scheme is the key to unlocking a massive Great Koala National Park. Environment groups cheered, the scientists cheered, and even Tim Flannery, one of Australia's most prominent climate voices, publicly stepped in and told the Greens, in no uncertain terms, 'Get real and back the plan'.

This isn't a scheme that Tasmanian Labor would use here because we actually need more trees available for our timber industry, but it is one that the New South Wales government has explicitly stated is needed for generating carbon credits through the federal framework as a financial necessity to make large-scale forest conservation viable. It's as simple as this: no scheme, no koala sanctuary.

How did Dr Woodruff and the Tasmanian Greens respond when presented with a workable policy, supported by climate scientists, which would keep trees in the ground? They panicked because Dr Bob Brown called. The ghost of Greens past, came along, descended from the Huon Valley, and declared that carbon credits were an unpardonable sin and issued a decree from his green pulpit. They snapped their fingers and Dr Woodruff went running to the nearest microphone and, extraordinarily, the nearest microphone, or in this case newspaper, was *The Australian* newspaper to demand that the federal colleagues blow up the entire scheme, to vote with the Coalition and One Nation to end the scheme. What on earth? Think about the sheer, unadulterated absurdity of this posture. You spend 40 years protesting to stop native forest logging and a policy arrives that contributes to protecting native forests, and their response was to try and stop it, to try and intervene on their federal colleagues to stop the scheme from going ahead, to disallow it in the Senate today. If you submitted this storyline to the ABC as part of a satire, I don't think I would have believed it, but it actually happened today.

Let's be honest. This is part of a long and predictable pattern from the Tasmanian Greens. Remember the Tasmanian Forest Agreement (TFA)? For years the Greens toured the state claiming credit for the forest peace deal. The now Deputy Leader of the Greens actually signed the deal. Before the end of 2024, they again went to *The Australian* to tell them that they no longer supported the TFA.

Mr Bayley - It didn't exist. It got ripped up.

The SPEAKER - Order.

Mr WINTER - It exposes the fundamentals of the TFA, that your signature's on, member for Clark, that says you commit to supporting it in the long term. It exposes the fundamental truth about the Greens: they don't actually want peace in the forests. Peace is terrible for business. Peace means no press releases, no outrage and no fundraising emails.

The latest chapter today is that the Leader of the Greens and Dr Brown have sent Senator Nick McKim to split the Greens in half. Three Greens, two Tasmanian senators and a Western Australian senator broke ranks from the rest of the Greens in order to vote against a koala sanctuary in New South Wales. Quite extraordinary. It is, as I said earlier, as simple as this: if this scheme doesn't exist, there will be no great koala sanctuary in New South Wales. There was an attempted orchestration today by the Leader of the Greens in Tasmania to stop it from occurring. This is quite serious that we have serious policies across this country that help deal with climate change and protect the environment but when you have the intervention of Dr Brown and Dr Woodruff attempting to insert themselves on the federal Greens and the way they did today, I'm very, very concerned about what is going on over there.

Tasmanian Labor continues to support our forest industry but I'll tell you what, what extraordinary scenes from the Greens today in the senate.

Response to Member for Franklin, Mr Winter

[9.38 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, I'm delighted that Mr Winter credits the Tasmanian Greens with such power.

Mr Winter - Well, you lost, actually.

Dr WOODRUFF - We certainly stand for people who want to protect nature and it's a very proud day to be the leader of a party of over 40 years which started protecting nature, fighting to protect nature, and we will always put that first. We know we are facing a dire planetary heating. Climate change heating is accelerating and everything about the Improved Native Forest Management (INFM) that was passed in parliament today will just be a sop to fossil fuel companies to keep going as they are business as usual.

This will do absolutely nothing to bring down emissions in Australia and the tragedy is it's being sold as a con that Australians are being blackmailed into believing that we have to monetise nature, monetise our native forests in order to get any protections for them when they should be protected for their intrinsic beauty, their intrinsic values, their intrinsic ecosystem values and services that they provide for us, the beautiful forests, the beautiful creatures, the trees, the fungi, all of the other things which are rapidly disappearing because of the accelerating heating of the planet, because of the threat of bushfires, because fossil fuel companies in Australia, supported by the Liberal and Labor coalition, are doing everything they can to extract, to strip mine the very last of the fossil fuels they possibly can make money from at the expense of native forests, at the expense of our natural world. The Greens in Tasmania stand in solidarity with Senator Nick McKim and Senator Vanessa Bleyer and Senator Jordon Steele-John. Good on them. Good on them for their green hearts and we respect the hard decision that the Australian Greens party room had to make. We deeply respect and acknowledge and recognise every single person in that party room is a deep defender of nature. It was a disgusting decision that they had to make and the Labor Party should never have made that happen. It is utter Labor betrayal of everybody who they pretend that they stand for in caring about the Koala National Park, which they promised to protect 10 years ago. This was already protected. This is an absolute sham to pretend that this INFM methodology, this offset mechanism, is required to protect that national park. Labor in New South Wales was never going to protect the National Park and you know what?

Mr Winter - The Greens in New South Wales support it, so you know better than them?

The SPEAKER - Order, honourable member for Franklin.

Dr WOODRUFF - Do you know how much it costs to protect a national park and these offsets aren't going to pay for national park protection -

Mr Winter - You know more than the New South Wales Greens about a koala sanctuary in New South Wales?

DEPUTY SPEAKER - Member for Franklin, Mr Winter.

Dr WOODRUFF - but what it does is it sets a precedent in Australia that there will never need to be a government to protect a national park, to protect a native forest, to protect a marine

environment, to protect a grassland, to protect an alpine area, anywhere. A government in Australia now knows that they shouldn't bother, they should just wait to see if they can put their hand out and get an offset - an offset that is going to big fossil companies to allow them to continue to extract fossil fuels which are heating the planet. It is utterly shameful and it is deeply sad to be in the Chamber with someone like the honourable Mr Winter, who sits in a party who stand for fossil fuel corporations -

Mr Winter - Melissa Waters voted the same way we did.

The SPEAKER - Honourable member for Franklin.

Dr WOODRUFF - over Australians in future generations, over all the creatures that are dying and will continue to die because they cannot adapt fast enough, they cannot move south fast enough with the Leeuwin current that's warming.

We stand, we and the Tasmanian Greens, the Bob Brown Foundation, the Wilderness Society, all the fantastic defenders who have been there for 40 years, these are the people that understand that our forests are worth everything standing. We must not commodify them. We cannot trade-off forests for real climate action and we will always stand up for real climate action and against the Liberal and Labor parties, who are selling us out.

World Suicide Prevention Day

[9.43 p.m.]

Mrs ARCHER (Bass - Minister for Health, Mental Health and Wellbeing) - Honourable Speaker, tonight I rise to acknowledge today, September 10, as World Suicide Prevention Day. As you would expect, any discussion of this topic can bring up issues and so, I remind those present or those who may be listening that if this discussion is triggering for you, please reach out for assistance through Lifeline Australia on 13 11 14 or Beyond Blue on 13 22 46 36.

While World Suicide Prevention Day is about communities coming together, for me it is also deeply personal. Many years ago, I lost my step-sister Kelly to suicide. There's not a day that goes by that she's not remembered and missed. Suicide leaves a lasting impact on families. The grief does not disappear with time, but neither does the love. Tonight, I want to acknowledge Kelly's daughter, Michaela. I thank her for her support and for being comfortable with me sharing our families experience.

Speaking openly about suicide is not always easy, but lived experience has an important role in helping others feel less alone and encouraging conversations that can save lives. It's also why I am committed to strengthening Tasmania's response to suicide prevention. Every life lost to suicide is one too many, and we remain committed to reducing the devastating impact that suicide has on individuals, families and communities. Over more than a decade, Tasmania has strengthened its approach to suicide prevention through sustained investment, strong community leadership, greater inclusion of lived and living experience voices, and a growing evidence base.

Building on those foundations, today we opened public consultation on Tasmania's proposed suicide prevention act. The proposed legislation seeks to embed suicide prevention as an enduring priority for Tasmania and support a coordinated long-term approach across

government services and communities. Importantly, this legislation is being shaped with Tasmanians. It has been informed by evidence, lived and living experience, and engagement across government and community sectors. Preventing suicide is complex and meaningful consultation is essential if we are to ensure that the legislation reflects the needs and experiences of the people it is intended to support. I encourage all Tasmanians with an interest in suicide prevention to take part in that conversation and help shape legislation that will strengthen our approach for years to come.

But legislation alone cannot prevent suicide. Real change happens in our communities and that responsibility belongs to all of us. It belongs to those who walked together in Hobart last Friday at Lifeline's Tasmania's Out of the Shadows Walk. It belongs to the Tasmanian Suicide Prevention Community Network, whose *Messages of Hope* book shares kindness, encouragement, and support with people who may be struggling.

It belongs to people like Debbie King, whose tireless commitment has helped the Burnie community create places and moments of connection from the Out of the Shadows Walk to a memorial garden that continues to bring comfort and hope. It belongs to people like my niece Michaela, who honoured her mum, Kelly, by running the London Marathon and raising funds for Lifeline Australia. And it belongs to every Tasmanian who reaches out, listens without judgement, and helps someone they know, know that they are valued, supported and never alone.

This year's theme for World Suicide Prevention Day is changing the narrative on suicide. Changing the narrative means replacing silence with conversation, judgement with understanding, and stigma with compassion. And it means ensuring that hope remains at the heart of every conversation.

Tonight, as we mark World Suicide Prevention Day, let us remember those we have lost, support those who are struggling, honour those who share their lived experience, and continue working together towards a Tasmania where no one feels they have to walk alone. Thank you.

Dementia Action Week

[9.47 p.m.]

Prof RAZAY (Bass) - Honourable Speaker, Dementia Action Week will take place from 21-27 September with the theme this year: it's time to talk about dementia. As most of you in this Chamber know, I've been talking about dementia for a long time, it has been my life's work, but there is still so much more to do, more talking to be done. I could stand here today and reel off the facts and figures. For the record, in Tasmania there are 11,200 people living with dementia with the number expected to rise to 16,500 by 2054.

I could stand here and talk about risk factors and prevention. Research shows that walking 3800 steps a day - roughly three kilometres - can reduce the risk of developing dementia by 25 per cent and the reduction in risk increases the further you walk. I could stand here today and talk about the work of the Parliamentary Friends of Dementia and our vision to create dementia-friendly community, but I won't. Instead, in an effort to explain why Dementia Action Week is so important.

I would like to touch on the story of Steve and Diane Wright. Tomorrow would have been their 55th wedding anniversary. Steve tells me they met at a dance and he knew instantly that this was the woman he would marry. They created a happy family life in Launceston. Diane was formerly diagnosed with early onset Alzheimer's disease in 2016. After starting to display symptoms in 2012, it would be a 14-year battle, one they faced together. Steve caring for Di until her death in February this year. It was also a public journey, the Wrights bravely sharing their story, even making an appearance on national television. They wanted to raise awareness and advocate better support so people with dementia, along with their carers, can live as well as possible.

Still working as a Dementia Australia advocate, Steve visited my office recently and shared one of his treasured possessions. It was a photo book full of pictures of everyday life. Really, the most special things, the most important things - birthday parties, Christmas gatherings, weddings and family holidays. It included a fabulous black and white shot of Steve and I on the dance floor looking so young and with their entire lives ahead. The things about this photo, photo book and the memory it holds is that this could be any family.

My point is that dementia doesn't discriminate. It touches so many families, just like the Wrights. This is why Dementia Action Week is so important, because not only do we need to start a national conversation, we also need to start conversations around family dinners and tables. I hope Dementia Action Week serves as a reminder that every person living with dementia is so much more than their diagnosis. They are partners, mothers, fathers, sons, daughters, sisters, brothers, friends and colleagues; they deserve to feel respected, to feel included, to feel safe and feel valued.

We need to talk about dementia. As Dementia Australia points out, silence has a cost: delayed diagnosis and treatment, carers who feel isolated and people who never learn that help is here. So, I urge all Tasmanians to embrace Dementia Action Week, find an event to support and join the conversation. Head to the Dementia Australia website for a list of events.

For my part, I will be walking and talking - a combination of two of my favourite things. As part of Dementia Action Week, I am hosting Dementia Walk for Change on Sunday 27 September at the Cornelian Bay Park, New Town. Walkers will meet near the boat house anytime between 11 a.m. and 1 p.m. and then head off for a three-kilometre stroll at their own pace. This event follows walks in Launceston and also on Flinders Island.

I want to spread the message far and wide that there is support, there is hope.

Service Tasmania Cuts to Opening Hours

Child Safety Officers - Cuts to Retention Allowance Payment

[9.52 p.m.]

Mrs GREENE (Bass) - Honourable Speaker, I rise this evening to condemn the government's planned cuts to the opening hours of Service Tasmania shopfronts. I wonder when those opposite were planning to tell us about these cuts, because they promised that there would be no cuts to frontline services. But I have seen the proposal that slashes face-to-face opening hours across Service Tasmania shops in our regional, remote and our island communities. Queenstown will be cut from 32 hours a week to just 16. Both Flinders and King

Island will have their shop hours cut in half, from 20 hours a week to just 10. Campbell Town will lose eight hours a week and Oatlands will lose five.

I spoke about Service Tasmania in this place last week and I called it self-Service Tasmania because they are already under resourced, but I really should have called it no-Service Tasmania because that's what our regional communities are facing. These are not communities where people can simply drive 10 minutes down the road to another service centre. On King Island and on Flinders Island there is no other option; there's no alternate shop front at all.

The government has been saying that more transactions can now be completed online or over the phone, and that may be true, but we know that people still do walk into Service Tasmania shops. They go in because sometimes forms can be really complicated, sometimes they need to present identification, sometimes the website doesn't work or the app doesn't work. They might have been transferred around government departments and still are looking for an answer. Some transactions can only be done in person, in a store and, for example, firearms licence applications would be one of those examples.

We know that people go into Service Tas shops for happy occasions, too, for milestone events like getting your first driver's licence. People also go in in person to sort out their complex life admin, like when a family member passes away. People also go into a shopfront because they don't have reliable internet, they might not have data on their phones, they don't own a printer, they might have a disability, they might need assistance with language support or maybe they just simply want to speak to someone face to face. The people using these shop fronts are often the people with the fewest alternatives.

The proposal document that I have seen refers to customer demand and workload data, but I note it does not include the actual figures. There are no customer numbers, no analysis of transaction complexity, no assessment of digital inclusion for those communities, and no explanation on why cuts are up to 50 per cent. It does, however, tell us what these cuts are really about. The proposal says it will support Service Tasmania's savings plan and will permanently reduce frontline staffing positions. In black and white, they've said it's a budget cut.

The Premier must intervene and stop these cuts. His government can find hundreds of millions of dollars to bail out TT-Line. It can find money for consultants and for contractors and outsourced advice. But when regional Tasmanians need a real person behind the counter, well, apparently the cupboard is bare. Once these hours and permanent positions are gone, we know that it will be very difficult to restore. Reduced access will drive down attendance and that lower attendance will then be used to justify the next cut. That is how regional services disappear; fewer staff and shorter hours, declining access and eventually a locked door for good. Premier, this is your department, they are your cuts and stopping them is your responsibility. Do not cut our regional services. Please keep the doors open.

It's not just cuts to Service Tasmania that I'm concerned about at the moment. The Minister for Children and Young People also has some explaining to do. Her department is cutting the retention allowance payment to our child safety officers by 40 per cent. That's workers in child safety and in youth justice. The workers who are charged with caring for our most vulnerable people are facing cuts and a lighter pay packet. We know how difficult it is to retain staff in child safety and we know from the recent report by the children's commissioner

that young people have been in isolation for way too long, way too many times at Ashley Youth Detention Centre, because staffing is unacceptably low. How exactly does minister Palmer think that she'll be able to maintain staffing levels which are already insufficient by paying staff less?

It was the former minister, the honourable Roger Jaensch, who initially stepped up a couple of years ago and agreed that staff should be paid a retention payment. He listened to unions - eventually. I've been very critical of his actions or inaction when he held that portfolio, but at least he could see the sense of ensuring that workers in this space had employment conditions that will attract and retain good staff.

Time expired.

Tasmanian Museum and Art Gallery - Cuts

[9.57 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I rise to put on the record the concerns of thousands of Tasmanians alarmed at the news that a treasured state institution, the Tasmanian Museum and Art Gallery (TMAG), is facing job losses as part of the Rockliff government's austerity budget cuts.

TMAG sits within Building Tasmania, slated to suffer \$264 million worth of cuts over the forward Estimates: \$21 million this year, almost \$75 million in the next, \$79.5 million in 2028-29 and increasing to \$88.5 million at the end of the forward Estimates. This is a massive hit for any department and we're yet to see how the transition to a new structure will play out. From all reports, it's currently pretty chaotic and uncertain within the department, and TMAG is case in point.

It's reported that TMAG staff have been told that the institution will lose almost 20 full-time equivalent positions, reportedly 30 per cent of its current workforce. The Building Tasmania Acting Secretary has confirmed to the CPSU that TMAG will suffer some form of cuts, and I quote:

The Government's target FTE reduction for Building Tasmania applies across all Building Tasmania divisions and functions, including TMAG. [tbc]

TMAG is a critically important institution that holds some of Lutruwita/Tasmania's past, makes an immense contribution to our present and must have a viable presence into our future. Holding a collection of over 1 million objects spanning art, history and natural sciences, TMAG is the institution charged with storage, maintenance, analysis, display and education across its collection - the state collection.

Headquartered in a heritage listed building in central Hobart, TMAG plays a hugely significant role within the tourism sector. Tourists, together with locals, are attracted to permanent and temporary exhibitions to the tune of hundreds of thousands per year, both physically and online. Indeed, last year's budget details what seem heroic growth aspirations for visitation to TMAG. Despite reducing staffing, budget paper no. 4 articulates an expected extra 8000 visitors last financial year and 10,000 this year.

It's important to understand that TMAG's front-of-house and administrative staff are not the only workers we need to be mindful of in this debate. The Friends of TMAG write:

Natural science collections cannot be mothballed; they need active management otherwise they deteriorate. TMAG has a legal obligation through its constitution to maintain and manage the state collections. It can't do that without the people on the ground with the necessary skills, including the curators and collection managers.

In summary, TMAG is a statutory authority and instrumentality of the Crown, albeit one administered through a state department and must not be included in this round of government cuts at all. [tbc]

This is an institution that has responsibility few of us understand; delicate, complicated responsibilities like conserving and restoring artworks, managing unstable items and educating people from preschool to the third age.

Natalie Jones, assistant general secretary of the CPSU, wrote to the minister two days ago, and she wrote:

The decision to abolish positions cannot be separated from services being lost. Fewer workers will inevitably mean less capacity to care for collections, deliver exhibitions and education programs, support research and maintain public access.

In recent times, the entire Bond Store has been closed due to staffing shortages, which involves preventing public access to three galleries, including the first people's history gallery.

The Rockliff government's cuts across the public service are a problem for anyone reliant on services that meet contemporary expectations. Current services are already failing. But their impact on the arts sector, be it Screen Tas or now TMAG, threaten to cripple creativity, stifle knowledge and degrade the great reputation of an institution that has its origins in the 1840s.

This has personal impacts, too. There would be people, long-time employees who are ready to retire, who now fill sole or limited positions in their field, too afraid to leave, especially via redundancy, because of their commitment to the organisation and trade. They don't want to see that position abolished because it's a critical function of a museum and art gallery with a serious commitment to its collection.

I asked a question of the minister this week, seeking clarity on which, if any, positions within TMAG are quarantined from abolishment. We and many others look forward to the response.

Many of us have memories of TMAG that hark back to primary school. It's a central stitch in our cultural, historic and artistic fabric and an important part of Hobart and Tasmania's economic framework. It simply cannot have its capacity reduced. To do so will diminish us all.

The House adjourned at 10.02 p.m.