

**PARLIAMENT OF TASMANIA**  
**DEBATES OF THE LEGISLATIVE COUNCIL**

**DAILY HANSARD**

**Thursday 20 August 2026**

**Preliminary Transcript**

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Thursday 20 August 2026

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

## ANSWERS TO QUESTIONS ON NOTICE

No. 43 - xxx

**Ms THOMAS question for LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs RATTRAY**

In responses to questions raised during Budget Estimates, the Government confirmed that LK Stadiums (Tas) Pty Ltd pays base rent of approximately \$200,000 per annum under the MyState Bank Arena lease, while also receiving a taxpayer-funded hiring fee contribution that has totalled almost \$800,000 since 2021.

The Government has subsequently suggested there is a performance or percentage rent component to the lease.

In relation to the lease of the MyState Bank Arena to LK Stadiums (Tas):

- (1) What is the formula used to calculate the performance or percentage rent payable under the lease?
- (2) What total amount of performance or percentage rent has been paid by LK Stadiums (Tas) Pty Ltd in each financial year since the commencement of the lease?
- (3) What was the total rent received by the Crown from LK Stadiums (Tas) Pty Ltd in each year of the lease, including both base rent and performance rent?
- (4) Has the total rent received by the Crown from LK Stadiums (Tas) Pty Ltd in any year exceeded the value of the hiring fee contribution paid by the Government to LK Stadiums (Tas) Pty Ltd?
- (5) What independent assessment was undertaken before entering into the lease to determine market rent for MyState Bank Arena?
- (6) Was the lease subjected to an open competitive process or market testing prior to being awarded to LK Stadiums (Tas) Pty Ltd?
- (7) If the Government considers the lease represents value for money for Tasmanian taxpayers, will it release the total net financial benefit received by the Crown under the lease since its commencement?
- (8) How many community groups have received subsidised access to MyState Bank Arena under the non-commercial hiring arrangements since the lease commenced?

- (9) What was the total value of hiring fee discounts provided to community groups in each year of the lease?
- (10) How many community organisations sought access to the venue but were required to pay full commercial rates because they did not qualify under the subsidised arrangements?
- (11) Given the Auditor-General's findings regarding the proposed sale of land at Wilkinsons Point, what assurance can the Government provide that any future arrangement involving LK Group and Wilkinsons Point will be subject to greater transparency and market testing than occurred with the MyState Bank Arena Lease?
- (12) What assurance can the Government provide that the lease arrangements for the Stadium at Macquarie Point is being negotiated in the best interests of Tasmanians, rather than the best interests of the AFL or Cricket Australia as the proposed head tenants?

**ANSWER**

Mr President, I seek leave to table the answer and have it incorporated into *Hansard*.

**Leave granted; document tabled and incorporated.**

**See Appendix 1 (page xx).**

**No. xx -**

**Ms FORREST question for MINISTER for ENERGY AND RENEWABLES, Mr DUIGAN**

Question to come

**ANSWER**

**Mr DUIGAN** (Windermere - Minister for Energy and Renewables) - Thank you, Mr President. I have answers to three questions on notice asked by the member for Murchison and referenced through the course of this week and last. These are long questions and long answers and I would take the member's guidance if she would like them read out or tabled. I am happy to table or equally happy to read them.

I seek leave to table the answer and have it incorporated into *Hansard*.

**Ms Forrest** - I would like them read out, Mr President, by way of the Chair, because I haven't had any discussion with the minister prior.

**Mr PRESIDENT** - The motion is before us.

**Motion negatived.**

**Mr PRESIDENT** - The honourable minister will have to read the -

## ANSWER

**Mr DUIGAN** - Questions regarding breakdown of electricity generated by each of the 30 power stations in the Hydro fleet.

(1) Answers for questions 1A and 1B are provided below by calendar year.

(a) (+b) Hydro Tasmania advises that generation at power stations can vary from year to year due to a range of operational, market and environmental factors, including water inflows, planned and unplanned outages for maintenance and refurbishment activities, generation strategy, and prevailing market and trading conditions. Accordingly, differences in generation between two years do not necessarily indicate changes in asset condition or capability. There is a table there, but I'll read it out.

- Bastyan generation 2025: 232 GW hours; 2022: 273 GW hours;
- Bell Bay 3 FT8s: 3 in 2025, 8 in 2022.
- Bell Bay 3, the Rolls Royce Trent: 79 in 2025, and 83 in 2022.
- Butlers Gorge: 61 and 65.
- Catagunya, Liapootah, Wayatinah combined dispatch unit: 822, and 760;
- Cethana: 282, 352;
- Cluny: 81, 74;
- Devils Gate: 199 and 260;
- Fisher: 172 and 243;
- Gordon: 855 and 1635;
- John Butters: 533 and 356;
- Lake Echo: 78 and 8;
- Lemonthyme-Wilmot combined dispatch unit: 269 and 367;
- Macintosh: 220 and 270;
- Meadowbank: 140 and 152;
- Palooa: 89 and 117;
- Poatina: 110, 387, 456;
- Poatina: 220, 529 and 812;
- Reece 1: 497, 329;
- Reece 2: 153, 405;
- Repulse: 130, 118;
- Rowallan: 23, 27;
- Tamar Valley Closed Cycle Gas Turbine: 72 and 0;
- Tarraleah: 436, 496;
- Trevallyn: 259, 509;
- Tribute: 219, 189;
- Tungatinah: 411 and 412.

(c) The baselines are all published in the REC Registry at: <https://www.rec-registry.gov.au/rec-registry/app/public/power-station-register>.

- (2) Are there any power stations in the fleet where generation output has declined materially, relative to historical averages and associated questions?

Hydro Tasmania advises its hydrology and generation have seen increases in volatility, higher highs and lower lows, across the portfolio rather than a significant decline in average inflows. This is correlated across storages. The only stations where asset condition has significantly impacted production on a sustained and ongoing basis are Tarraleah and Lake Margaret, which are also Hydro Tasmania's oldest power stations. As a result, the business is considering redevelopment and or refurbishment options for these stations.

- (3) Concerning the Reece fire, Hydro Tasmania advises that transformer condition assessment and replacement is a longstanding and continuous program of work. The transformer replacement and midlife refurbishment program was recently updated with the funding allocated as part of the corporate plan capital investment settings. Hydro Tasmania has 55 transformers installed within its hydrogeneration fleet. Over the next five to seven years, 12 of these transformers are targeted for replacement based on current useful life assessments. The Reece transformer was replaced with a strategic spare transformer owned by Hydro Tasmania and the Reece station is back in service.

- (4) (d) Has hydro engaged any external engineering assessment of the overall condition of its generation fleet in the past five years, and so on?

Hydro Tasmania frequently utilises external advice and insurer to assist with condition assessment of assets within the generation fleet. This is usually done at an asset- or station-level, not an overall assessment of the fleet.

- (5) (a) Hydro Tasmania has 55 transformers installed within its hydro generation fleet. Over the next five to seven years, 12 of these transformers are targeted for replacement based on current useful life assessments. This funding is included within existing capital expenditure forecasts at an estimated cost on average of \$7.5 million each transformer, based on current prices.

- (6) Please provide a breakdown-
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## Recognition of Visitors

[11.11 a.m.]

**Mr PRESIDENT** - Just before you do, because I was unaware that we had such a long answer to a question. I wasn't advised this morning. I'd just like to welcome to the Chamber on their way out, years seven and eight students from the Australian Christian College in Launceston. They're visiting us here in the parliament today. We're just going through the formal part of our business and we'll get on to some legislation after. I normally welcome you at a different point but I thought it would be nice to do it now before you leave, so enjoy the rest of your time in parliament, and I know that all members of this Chamber are happy to see you here today.

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**Mr DUIGAN** - Indeed, hear, hear - and from the magnificent division of Windermere, FYI.

**Mr PRESIDENT** - Whilst I've interrupted you, just to confirm that this is question number 46 on the notice paper?

**Mr DUIGAN** - That is entirely possible.

**Mr PRESIDENT** - Thank you.

**Mr DUIGAN** - Alright, question six-

**Ms Forrest** - I don't think you've answered question five. Did you answer question five?

**Mr DUIGAN** - Quite possibly. Hydro Tasmania has 55 transformer- Yeah, I did.

**Ms Forrest** - The estimated cost and -

**Mr DUIGAN** - The estimated cost, you've got to listen: \$7.5 million per transformer. Definitely did. Well, if I'm going to read it, it would be helpful if you would take note.

**Ms Forrest** - I do have a hearing impediment; it's a little bit hard to hear the minister.

**Mr DUIGAN** -

- (6) Most of Hydro Tasmania's maintenance is daily activity and thus changes day-to-day. In accordance with the National Electricity Rules, all outages are publicly shown on the Australian Energy Market Operator's (AEMO) website in the market data section under projected assessment of system adequacy passer.

Outages of significance at the time of writing are the Poatina station outage for painting of its penstock, which is planned maintenance activity, as well as Poatina No. 2, Gordon No. 2, and Lemonthyme refurbishments. There is also an outage on Tarraleah number 4, although the constraint on

the canals is currently more impactful than the machine outage. The FT8 gas turbines are also undergoing significant maintenance, with several machines offline pending return of turbines from overhauls in the USA. Lake Margaret has machines 1, 6 and 7 out of service. In total, 16 units are offline out of a total of 65, which includes mini-hydro units but excludes micro-hydro and Bass Strait units.

(7) Regarding Gordon No. 2:

(a) January 2025;

(b)

i. December 2026;

ii. \$44.69 million approved variation by the Hydro Tasmania Board to raise to \$66.96 million. Cost to date \$51.61 million. Hydro Tasmania has advised that additional complexity encountered during disassembly and reassembly was a key driver of budget increase for Gordon No. 2. This complexity arose from the condition of certain components which were found to be more degraded than anticipated due to age-related deterioration specific to this 1970 era hydroelectric technology. Such issues are an inherent risk in brownfield refurbishment projects where some machine components are only dismantled and inspected every 20 to 40 years.

Hydro Tasmania also experienced significant challenges with the quality of some components supplied from Europe. As a result, the business relied on its internal engineering and technical expertise to source manufacture and machine critical replacement parts. These issues contributed to both the increased project costs and the extended outage duration.

(8) Which is Poatina, Lemonthyme, various questions. Answer: Hydro Tasmania advises that for all completion dates and estimated durations, projects are often moved around in its capital plan to give flexibility for its generation and trading strategies. This refers to both adjusting start date, either bringing forward or delaying and strategically reprioritising site effort to other outages resulting in an extended outage duration. Where a duration has extended, it does not always mean additional site effort is required. On occasion, site effort can be paused until Hydro Tasmania returns to implementation. Please find details of all refurbishments requested below as provided by Hydro Tasmania.

Poatina Two; original expected completion date December 2025. Estimated duration 10 months. Actual completion date; ongoing. Expected completion April 2027 would be a duration of 12 months due to later commencement of the works. Original budget \$27.12 million. Cost to date \$13.51 million.

Lemonthyme; original expected completion date July 2026. Estimated duration nine months. Actual completion date; ongoing. Expected completion September

2026 would be a duration of 10 months. Original budget \$62.52 million. Cost to date \$58.55 million.

Poatina Three; originally expected completion date January 2025. Estimated duration 11 months. Actual completion date February 2026. Actual duration 22 months. Original budget \$35.98 million. Cost at completion \$34.49 million.

Lake Echo; original expected completion date 15 January 2022. Estimated duration nine months. Actual completion date August 2022. Duration of 17 months. Original budget \$34.24 million, actual cost \$32.93 million.

Trevallyn One; original expected completion date December 2021, Estimated duration 10 months. Actual completion date September 2022. Duration of approximately 19 months. Original budget \$17.56 million. Budget varied by \$1.44 million to approve \$19 million. Actual costs \$16.84 million.

Trevallyn Two; original expected completion date September 2020. Estimated duration nine months. Actual completion date June 2021, a duration of approximately 15 months. Original budget \$18.9 million. Actual costs \$17.8 million.

Wilmot; original expected completion date June 2020. Estimated duration nine months. Actual completion date September 2020. Duration of approximately 12 months. Original budget \$33.36 million, actual cost \$25.26 million.

- (9) Outages of significance at the time of writing are Poatina outage for painting of its penstock, which is a planned maintenance activity as well as Poatina number two, Gordon number two and Lemonthyme refurbishments. Further detail is noted in response to question six.
- (10) (a) Total capital expenditure budget allocated for asset motion for the 26-27 financial year. Answer; capital budget for generation assets and related assets FY2026-27 is \$200 million. The budget for the FY2026-27 was \$172.8 million and the budget for FY2024-25 was \$154.1 million.

#### **No. 48 - Payment in Lieu of Rates Scheme for Renewable Energy Generation**

**Ms FORREST question for MINISTER for ENERGY AND RENEWABLES, Mr DUIGAN**

With regard to the Payment in Lieu of Rates (PiLoR) scheme for renewable energy generation, consistent with Victoria and other states can the Minister for Energy and Renewables respond to the following:

- (1) Renewable generation plant is currently classified as a chattel rather than a capital improvement to land, and is therefore not rateable in the ordinary way.

- (a) What is the legal or administrative origin of this classification, and has the Government reviewed whether it remains appropriate given the scale of current and committed wind, solar and battery investment in Tasmania; and
  - (b) does this classification apply equally to Hydro Tasmania's generating assets, and if so, has the Minister sought advice on whether it is consistent with the Commonwealth's competitive neutrality framework?
- (2) Does the Minister support, in principle, a nationally consistent rating treatment for renewable generation assets (i.e. PiLoR), given operators of multi-state portfolios already budget for and accept this model elsewhere?
- (3) Has the Minister or the Department had any direct engagement with any windfarm operators or proponents, on the rates treatment of their Tasmanian current or future assets, including any complaints or concerns raised about administrative complexity under the current multi-landholder valuation approach?

**ANSWER**

- (1)
- (a) Based on advice from the Office of the Valuer-General, statutory valuations under the *Valuation of Land Act 2001* - Assess the fee simple interest in land. Where renewable energy infrastructure is installed on land owned by another party, ownership of that infrastructure remains separate from the ownership of the land. Section 49G of the *Electricity Supply Industry Act 1995*. Expressly provides that ownership of prescribed electricity infrastructure is not affected by its attachment, a fixation or annexation to land. Accordingly, infrastructure which is not owned by the fee simple owner cannot form part of the statutory valuation of that fee simple interest. The valuation treatment reflects the application of the existing legislative framework by the Office of the Valuer-General in undertaking statutory valuations.
  - (b) Hydro Tasmania operates within Tasmanian Governments Business Enterprise and competitive neutrality frameworks. It makes an annual rates equivalent payment directly to the Tasmanian Government. These arrangements are designed to maintain competitive neutrality, reflecting its unique position as a government owned entity with land exempt from rates under legislation.
- (2) The Tasmanian Government recognises the interest within the local government sector regarding rating arrangements for renewable energy developments. Further work is required to assess whether a payment in lieu of rates scheme would be suitable for Tasmania. As the Minister for Local Government advised in response to questions on notice on this matter, detailed investigation of alternative rating frameworks, including a PiLoR arrangement has not yet been undertaken and forms part of the future rating reform considerations.
- (3) I have not been advised of representations raising concerns regarding the administrative complexity of the current valuation and rating arrangements for renewable energy developments.

**No. 45 - Competitive Neutrality Entura**

**Ms FORREST question for MINISTER for ENERGY AND RENEWABLES,  
Mr DUIGAN**

With regard to matters related to competitive neutrality and other related matters, can the Minister provide answers to the following questions:

- (1) Hydro Tasmania has stated that Entura directs around 60 per cent of its effort to Hydro Tasmania.
  - (a) What share of Entura's revenue, in both percentage and dollar terms, came from Hydro Tasmania and related State entities in each of the last three financial years;
  - (b) Over the same period, what proportion of Hydro Tasmania's contestable engineering, testing and commissioning work was awarded to Entura without an open competitive tender; and
  - (c) What is the policy basis for directing that work to Entura rather than openly tendering it to the Tasmanian market, and absent competitive tension, how is value for money demonstrated?
- (2) When Entura tenders against private firms, how is full cost attribution applied so that no advantage arises from Hydro Tasmania ownership, including cost of capital, tax equivalent payments, guarantees and shared overhead?
- (3)
  - (a) Does Entura's external pricing include a competitive neutrality adjustment as contemplated by the national competition policy principles; and
  - (b) if so, how is it calculated, and who verifies it?
- (4) What is Entura's published operating model, and how does it define the niche it was established to serve versus services already supplied by Tasmanian private firms?
- (5) Given that Entura's results are consolidated into Hydro Tasmania's accounts, will the Minister request Hydro Tasmania publish Entura's revenue split between internal and external work, and the competitive neutrality measures it applies?
- (6) Has the Tasmanian Economic Regulator ever assessed Entura for competitive neutrality compliance, and if not, would the shareholder Ministers refer the matter?
- (7) Given Marinus Link and the broader transmission pipeline, what steps is Hydro Tasmania taking to maximise contestable participation by Tasmanian private firms rather than directing work to Entura?

- (8) Will the shareholder Ministers commit to a competitive neutrality review of Entura's operating model and report the outcome to Parliament?
- (9) What share of Entura's revenue comes from clients other than Hydro Tasmania, and what share from interstate and overseas work?
- (10)
- (a) Is Entura's national and international commercial expansion within the charter Hydro Tasmania was established under, and have the shareholder Ministers and the Board sanctioned it; and
- (b) if so, please provide an explanation?
- (11) What public capital and commercial risk are committed to that interstate and overseas activity, and is Entura's performance reported to Parliament separately from Hydro Tasmania's core results?

**ANSWER**

The next question is largely in table form but does also have a covering letter which I will write read out.

Dear Ms Forrest,

Regarding your question on notice tabled 23 June 2026, please find attached a document provided by Hydro Tasmania.

By the way of background, all government businesses are expected to apply the Government's competitive neutrality policy to ensure that they compete on fair and equal terms with businesses in the private and community sectors.

I note that competitive neutrality policy is not about preventing competition between government owned and private businesses, instead, it aims to remove any inherent disadvantages that government businesses might have, such as subsidies, tax exemptions, or regulatory benefits, which could distort the market.

**Ms Forrest** - Mr President. A point of clarification. This appears to be the response to question 45, which is out of order in terms of the numbering. I will just ask the minister to confirm which question he's answering for the benefit of *Hansard*, but also the benefit of me who is interested in the answer.

**Mr DUIGAN** - I'm not sure. I think that would be right. Let's say question 45.

**Ms FORREST** - Minister, just at the point of explanation. I understand the minister's reading out a covering letter and then will seek to table a document which I'm happy to accept because that's obviously with a lot of numerical data in it. That's fine. I appreciate if you finished the overarching comments in relation to the question and clarify which one it is and then table the document. He will have to seek leave for that obviously, but I won't oppose that.

## Recognition of Visitors

**Mr PRESIDENT** - While we're doing that, I'd like to welcome the second group to the Chamber today, year seven and eight students from the Australian Christian College in Launceston. We're currently going through our question and answer session, where honourable members of the Council have put questions on notice to the government. The ministers are answering a number of questions this morning. When our time for answers is over, we'll go on to legislation.

**Ms Rattray** - Or a briefing, Mr President?

**Mr PRESIDENT** - Oh right, or we may have a briefing on a piece of legislation we're looking at, so that members can get information. Our members here are from all over Tasmania, and we come together to review legislation and get answers to questions. I know that all members here today will make you feel welcome to the Tasmanian parliament - thank you for visiting us.

**Members** - Hear, hear.

**Mr DUIGAN** - This is an answer to question 45. I will continue with my covering letter. The Tasmanian Government is committed to implementing the revitalised National Competition Policy (NCP) and as part of this process will conduct a review into the competition framework in the state, including the operation of the *Economic Regulator Act 2009* to ensure that government policies and processes meet the updated requirements of the NCP agreement.

Any changes to Tasmania's competitive neutrality framework will be implemented by 31 December 2026 to ensure that Tasmania can meet its NCP commitments. Hydro Tasmania is subject to national competition policy requirements and pays government guarantee fees, income tax equivalents, and dividends.

For answers to questions 5, 6, and 8, please see below. The preparation of Hydro Tasmanian financial statements including decisions about the level of detail disclosed in relation to Entura's operations and performance is a matter for Hydro Tasmania's board and management, consistent with applicable financial reporting and disclosure requirements. However, it is noted that Hydro Tasmania already reports on Entura's activities in its annual report, including information on the nature of the business and its work supporting both Hydro Tasmania's project and external clients.

Hydro Tasmania has advised in its response that it measures and reports Entura's performance primarily through project delivery and utilisation measures hours, rather than by separately disclosing internal and external revenue streams. Additionally, it is important to note that with the exception of Entura India, Entura is not a separate entity to Hydro Tasmania and therefore does not generate revenue from Hydro Tasmania work. The competitive neutrality measures applied to Hydro Tasmania are outlined in the answer to question 2, while 1(a) provides information about the projects Entura has supported internally and externally.

On question 6 - no, the Tasmanian Economic Regulator has never received a competitive neutrality complaint against Entura. and has not conducted a competitive neutrality investigation of Entura. Only people who have been adversely affected by suggested contravention of competitive neutrality principles by a prescribed body can make a competitive neutrality complaint.

The cost incurred by Hydro Tasmania in accordance with the competitive neutrality principles are reviewed through the annual audit of financial statements consistent with all other costs incurred by Hydro Tasmania. Entura's success rate in tendering indicates that Entura is competing on an even playing field with third parties, sometimes being successful in bids and at other times losing to other firms. Given this, and that no specific complaint has been made, there is no need to currently consider referring Hydro Tasmania as a company to the Tasmanian Economic Regulator for review.

On question 8, there is no evidence to suggest that Entura needs to be reviewed for compliance with competitive neutrality policy. However, should such an allegation arise that suggests a breach of the competitive neutrality policy, we would refer the allegation to the economic regulator.

Mr President, I seek leave to table a document from Hydro Tasmania further to the answer to question 45.

**Leave granted; document tabled.**

**See Appendix 2 (page xxx).**

### **TABLED PAPER**

#### **Project Unify - Estimates Committee B - Outstanding Response from Minister for Police, Fire and Emergency Management**

[11.31 a.m.]

**Ms ARMITAGE** (Launceston) - Mr President, I seek leave to table additional information in relation to an outstanding response to Estimates Committee B in the 52nd session of parliament from the Minister for Police, Fire and Emergency Management, providing responses to questions asked regarding Project Unify.

**Leave granted; document tabled.**

### **LEAVE OF ABSENCE**

#### **Member for Elwick - Ms Thomas**

[11.31 a.m.]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move that the honourable member for Elwick, Ms Thomas, be granted leave of absence from the service of the Council for this day's sitting.

**Motion agreed to.**

**STATEMENT BY THE PRESIDENT**

**Joint Sitting**

[11.32 a.m.]

**Mr PRESIDENT** - I have a statement to make in regard to the joint sitting. For completeness of the official record, I wish to advise the Council that following the joint sitting of the Parliament at 10.00 a.m. this day, Vanessa Bleyer has been duly chosen to hold a place in the Senate of the Parliament of the Commonwealth of Australia, rendered vacant by the resignation of Senator Peter Whish-Wilson. A copy of the minutes of the proceeding of the joint sitting will be tabled by the Clerk of the Council when printed.

**Members** - Hear, hear.

**OCCUPATIONAL LICENSING AMENDMENT BILL 2026 (No. 6)**

**Third Reading**

**Bill read the third time.**

**RESIDENTIAL TENANCY AMENDMENT (SAFETY MODIFICATIONS) BILL  
2025 (No. 59)**

**Third Reading**

**Bill read the third time.**

**SUSPENSION OF SITTING**

[11.34 a.m.]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for the purpose of a briefing.

**Motion agreed to.**

**Sitting suspended from 11.34 a.m. until 12.48 p.m.**

**JUSTICE AND RELATED LEGISLATION  
(MISCELLANEOUS AMENDMENTS) BILL (No. 2) 2025 (No. 39)**

## Second Reading

[12.49 p.m.]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the bill be now read a second time.

This bill contains minor and non-controversial amendments that update and clarify a number of different acts, 11 of which are within the Justice portfolio and one that falls under the responsibility of the Minister for Police, Fire and Emergency Management. The amendments arise from requests from the Chief Justice, Department of Police, Fire and Emergency Management, the Office of the Director of Public Prosecutions, Tasmanian Electoral Commission, the Ombudsman and outputs within the Department of Justice who frequently deal with particular legislative provisions.

This bill was previously passed by the House of Assembly on 8 April 2025 and progressed to the second reading in the Legislative Council on 29 May 2025 but lapsed with the calling of the 2025 Tasmanian state election. The bill table today is the same as the bill which progressed to the Legislative Council, including the amendment as moved in the House, and I will now outline the reasons for each of the proposed amendments in turn.

Amendments to the *Criminal Code Act 1924*. The bill amends section 2B of the Criminal Code as requested by the Director of Public Prosecutions to make the definition of sexual intercourse retrospective. The change in the definition of sexual intercourse in the Criminal Code in 2017 was not made retrospective. To address some practical problems that have arisen since 2017, this bill provides for the expanded definition of sexual intercourse to be taken to have applied in relation to a crime since 4 April 1924, being the date when the Criminal Code commenced.

Making the definition retrospective, avoids any confusion as to what constitutes sexual intercourse for the purposes of sexual offences across the relevant time period under the Criminal Code. Importantly, this change does not criminalise any conduct that was not otherwise unlawful. It does, however, simplify and clarify the charges that are laid, particularly where an offender is charged for unlawful conduct of the same nature that occurs both before and after 2017.

The bill also makes a necessary amendment with the insertion of section 466, provide that the definition of sexual intercourse, being retrospective does not affect proceedings that have already been determined. The bill also responds to a request from the Director of Public Prosecutions to include further relevant offences into the operation of section 14A of the code. These include both offences in the originally tabled bill, plus two more recent offences that are included after amendments to the original bill were moved.

The offences are section 124A. Penetrative sexual abuse of a child or young person by a person in position of authority. Section 124B. Indecent act with or direct at a child or young person by a person in position of authority. Section 124C. Indecent assault of child or young person by person in a position of authority. Section 125A. Persistent sexual abuse of a child or young person. Section 125C. Procuring child or young person for sexual abuse. Section 126.

Penetrative sexual abuse of a person with a mental impairment and section 170A. Persistent family violence in respect of some of the preceding offences.

These are offences in which, subject to any limitations in the provisions, consent is relevant. For some child sexual offences, for example, a similar age defence provides for the consent of the relevant child. If the other person is within a prescribed similar age range, the similar age defence reflects that young people may engage in consensual sexual relations, which would be unlawful if engaged in by an older person.

Section 14A of the code provides for when a mistaken belief by the accused as to the existence of consent is not honest or reasonable. For example, a mistaken belief is not honest and reasonable if the accused was in a state of self-induced intoxication or was reckless or did not take responsible steps to know the complainant was consenting. This improves the consistency of the law in the protection of victims and restrictions on offenders relying on alleged mistake as to consent.

Amendments to the *Dangerous Criminals and High Risk Offenders Act 2021*: under the *Dangerous Criminals and High Risk Offenders Act 2021*, the Director of Public Prosecutions may apply for a high-risk offender, an HRO, order in relation to serious offenders who do not meet the threshold of being declared a dangerous criminal but may nevertheless pose a risk to the community if no supervising conditions are in place when they are released post sentence. This act also allows for an interim HRO order, the purpose of which is to provide the public with temporary protection until such time as a final decision can be made as to the appropriateness or otherwise of an HRO order. The Chief Justice has requested an amendment to the *Dangerous Criminals and High Risk Offenders Act* to clarify the criteria to be relied upon when making an interim high risk offender order, the HRO.

Currently, under the act, a judge must assess such an application using the same criteria as when making a final assessment about an HRO order which is too high a standard to meet for an interim HRO order where all evidence is not yet available. This bill amends section 37(1)(b) to clarify the criteria a judge is to consider when an application for an HRO order is made to the Supreme Court and distinguishes the criteria on which interim HROs are based for the criteria that apply to the final HRO.

Amendments to the *Electoral Act 2004*. Currently, the *Electoral Act* provides that it is an offence to vote at an election in a division after having voted in an election in respect of another division held contemporaneously with the first mentioned election. The intention of this offence provision is to preclude an elector from voting in more than one division at either a House of Assembly election or a Legislative Council election. The bill amends section 186 one to clarify this and avoid any confusion in the rare event that there is a dual polling day for the House of Assembly elections and periodic Legislative Council elections.

Amendments to the *Evidence Act 2001*. Section 194 M of the *Evidence Act 2001* operates in relation to specified sexual offences and precludes adducing or eliciting evidence that discloses or implies the sexual reputation of the complainant unless leave is granted by the judge or magistrate where particular requirements are met. The Director of Public Prosecutions requested that section 194 M be amended to include a reference to the crime of persistent family violence under section 170A of the Criminal Code to avoid negative implications for victims of persistent family violence and to remedy the omission of this section from when the crime

was inserted into the Criminal Code in 2018. This bill extends the operation of section 194M of the *Evidence Act 2001* to include the crime of persistent family violence.

Amendments to the *Family Violence Act 2004*. The *Family Violence Act 2004* contains a serial family violence perpetrator and SFVP declaration framework which is designed to identify perpetrators who repeatedly commit family violence offences. Currently, the act provides for a process for SFVP declaration to be reviewed, but only on application to the relevant court by the Director of Public Prosecutions or the declared offender. This bill amends section 29 D to provide for Tasmania Police to make applications for review of declarations that have been made in the Magistrates Court. This will be a more efficient process as police prosecutors make applications for such declaration in the Magistrates Court and therefore have already access to the relevant material for review purposes.

Amendments to the *Forensic Procedures Act 2000*. Fingerprint evidence is obtained in Tasmania under the provisions of the *Forensic Procedures Act 2000*, an act which is administered by the Department of Justice. Forensic procedures -

**Sitting suspended from 1.00 p.m. to 2.30 p.m.**

## **QUESTIONS**

### **Wilsons Hut Lease Melaleuca**

**Ms O'CONNOR question to MINISTER for PARKS and HERITAGE, Mr DUIGAN**

Minister, earlier this week I asked you about the Wilsons lease at Melaleuca and you indicated that the Parks and Wildlife Service is negotiating potentially a three-year lease extension, when the Wilsons had applied for a 10-year extension. You also raised matters concerning structural and maintenance issues in relation to the Wilsons house. This was the first, we understand it, that the Wilsons had heard that there were any structural or maintenance issues. Given that the negotiations over this lease renewal, through no fault of the Wilsons, have taken four years, could you provide some further clarity to the Council, but also to the Wilsons, about what Parks and Wildlife's agenda is here?

## **ANSWER**

I don't think I have anything further on the Wilson place, but I am happy to take it on notice.

### **Wilsons Hut Lease Melaleuca**

**Ms O'CONNOR question to MINISTER for PARKS and HERITAGE, Mr DUIGAN**

[2.31 p.m.]

It seems to us that the Wilsons have been treated with real disrespect for a family that's been in that area for a very long time but also offered that house for orange-bellied parrot researchers. Can I ask you whether you will request Parks and Wildlife Service to engage openly with the Wilsons rather than us having to ask questions in here for some clarity for

them, and talk to them about the issues that Parks and Wildlife has only now, four years into the application for at lease renewal, raised?

**ANSWER**

I'm happy to take it on notice.

**Wilsons Hut Lease Melaleuca**

**Ms O'CONNOR question to MINISTER for PARKS and HERITAGE, Mr DUIGAN**

[2.33p.m.]

I didn't ask you take anything on notice, minister, I asked if you would talk to Parks and Wildlife about picking up the phone and talking to the Wilsons in a collaborative way about this lease process because the first, they learned of any of this was through the questions that we've asked you. Will you talk to parks?

**ANSWER**

As I say, I will ask the department to provide me with some information, and we will take it from there.

***Family Violence Act Reforms - Definition of Family***

**Ms WEBB question to MINISTER for WOMEN and the PREVENTION of FAMILY and SEXUAL VIOLENCE, Ms PALMER**

[2.33 p.m.]

Minister, I note that government announced today its intention to pursue reforms to the state *Family Violence Act 2004* in the wake of public consultation on the discussion paper which was released earlier this year. While it appears positive that further reforms are in the pipeline, I note that the joint statement released by yourself and the Attorney-General was silent on addressing longstanding concerns over the definition of family violence in our laws. Minister, can you confirm that currently Tasmania is the only state to limit the definition of family to intimate partners and significant relationships, unlike other jurisdictions which recognise other forms of family violence? And minister, can you clarify whether the proposed reforms to the *Family Violence Act 2004* will include revising the current definition and scope of the family violence definition, as called for by stakeholders including the Tasmanian Family and Sexual Violence Alliance, the peak body?

**ANSWER**

Legislative reform is certainly a key part of strengthening Tasmania's response to family and sexual violence, and it was great to work with the Attorney-General, the work that he is leading across this space. I think that what we can do from a legislative perspective is one of the real levers that we do have in this space. It's been excellent for the Attorney-General to get that feedback through the discussion paper. This is just one part of a number of reforms that the Attorney-General is looking at. It was certainly referenced in the feedback, as you said from the discussion paper. There have been a number of discussions around that terminology and

that definition. This work sits with the Attorney-General and with the Department of Justice, but I certainly have appreciated being able to work very closely with him, and I will certainly be advocating in this space.

***Family Violence Act Reforms - Definition of Family***

**Ms WEBB question to MINISTER for WOMEN and the PREVENTION of FAMILY and SEXUAL VIOLENCE, Ms Palmer**

[2.36 pm]

I appreciate the minister's comments that weren't answers to the question. I know that she is very committed to this area. Even though the legislative reform may sit with the Attorney-General, I'm asking you in your capacity as Minister for Women and the Prevention of Family and Sexual Violence. Firstly, can you confirm that Tasmania is only state to limit the definition in the way that we do in our legislation? Can you clarify whether it's your expectation as the minister responsible for this area that when the legislative reform is undertaken, the definition and scope that's in the act will be an element of that reform?

**ANSWER**

I would need to take on notice the element of your question about every other jurisdiction in Australia and I will do that.

As I say, it does sit with the Attorney-General, and it wouldn't be appropriate for me to in this place make any commitment with regard to the body of work that sits with him. What I can say is that I take very seriously my role as an advocate across this space, and I have very much appreciated that the Attorney-General is wanting to work very collaboratively with me as the minister in this space, and with all of the stakeholders that we both manage together. This is a significant program of family violence reform and we are working through what came back from the discussion paper, but also the advocacy from numerous amazing stakeholders that we have in this space. They're conversations that I will be part of.

**JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL (No. 2) 2025 (No. 39)**

**Second Reading**

**Resumed from above (page xx)**

[2.38 pm]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - Thank you, Mr President. Before the bells went for the lunchbreak I was addressing the amendments to the *Forensic Procedures Act 2000*.

Forensic procedures legislation seeks to facilitate the sharing of forensic materials such as DNA and fingerprint information with other Australian jurisdictions for law enforcement activities consistent with the agreement made to the then Australian Police Ministers Council in 1998. Similar forensic procedure legislation was acted in other states and territories in the

early 2000s, with the intention that a fingerprint may be used, subject to the requirements of the legislation, to match in relation to offences in any other jurisdiction.

Under section 63(1) of the act, it is an offence to disclose information obtained by a forensic procedure - that is a forensic material taken by police - to discover the identity of a person. There are exceptions within section 63 to enable Tasmania Police to undertake investigations, including for the purposes of the investigation of any offence or offences generally. The amendment to section 63 is an avoidance of doubt clause to clarify that the meaning of 'offence' is: an offence under the law of Tasmania, another state or territory, or the Commonwealth. This is the understanding across jurisdictions since similar legislation was enacted around the country in the early 2000s, so that a fingerprint may be used subject to the requirements of the legislation to establish a match in relation to offences in any jurisdiction.

The need for this amendment arose as it was noted that section 27 of the *Acts Interpretation Act 1931* has a general provision that provides references to localities, jurisdictions and other matters and things shall be constructed as references to such localities, jurisdictions and other matters and things in and of this state. In other words, the issue the amendment is intended to clarify is to avoid any concern that the reference to the offence in section 63 is a thing limited to Tasmania.

I note that amendments were moved by the government in the Lower House to insert a new subclause A to follow clause 15 of the bill.

Subclause A to follow clause 15.

Clause 15 amends section 63 of the *Forensic Procedures Act 2000* to clarify that a reference to an offence is reference to an offence under the law of Tasmania, or the law of another state or a territory or the Commonwealth.

The amendments insert additional provisions into section 63 of the *Forensic Procedures Act 2000* to authorise the disclosure of information stored on the DNA database or revealed by the carrying out of forensic procedures for the purpose of and in accordance with the Australian Crime Commission's national policing information functions under section 7A(fa) of the *Australian Crime Commission Act 2002* of the Commonwealth. These amendments respond to an urgent request by the Department of Police, Fire and Emergency Management to enable Tasmania to fulfil its information-sharing obligations with the National Criminal Intelligence System (NCIS).

The NCIS is a joint project administered by the Australian Criminal Intelligence Commission (ACIC), legally known as the Australian Crime Commission, with Australian police agencies and the Department of Home Affairs as the technical delivery partner. The NCIS connects data from the ACIC and law enforcement agencies by combining information from multiple systems and jurisdictions to provide a comprehensive, unified picture of criminal activity.

The NCIS provides a national view of crime, enables partners to work across jurisdictions on common outcomes, improves officer safety, improves critical incident decision making, and enables the detection and prevention of criminal and national security threats.

The Department of Police, Fire and Emergency Management has entered an information-sharing agreement with the ACIC for the NCIS. The agreement sets out the applicable terms and conditions, including Tasmania's provisioning and access obligations and security requirements. These amendments are required to ensure the Department of Police, Fire and Emergency Management can meet its agreed information provisioning obligations.

Criminal intelligence is an essential tool in modern crime control that can be used by law enforcement to understand the rapid changes in crime and criminality. The development of intelligence relies on the sharing of information between law enforcement agencies. In the wake of the Bondi terrorist attack, effective information sharing between Australian federal, state and territory intelligence and law enforcement agencies has never been more critical.

As the national criminal intelligence body, a central function of the Australian Crime Commission is to provide systems and services relating to national policing information, including collecting, correlating and organising national policing information, providing access to national policing information and supporting and facilitating the exchange of national policing information. These amendments will authorise the disclosure of information under the *Forensic Procedures Act 2000* for a very specific purpose. That being for the purpose of and in accordance with the Australian Crime Commission's national policing information functions such as the provision of the NCIS. It is important to note that the amendment does not reflect any change in the longstanding practise of the model legislation introduced across Australia in relation to management and sharing of fingerprint information in relation to offences.

Amendments to the *Gas Safety Act 2019* and *Occupational Licencing Act 2005*: the current existing legislative licencing requirements for automotive gas fitting work under the *Gas Safety Act 2019* and the *Occupational Licencing Act 2005* do not cover the technology of vehicles that derive energy from hydrogen fuel cells. The reason is that hydrogen-consuming fuel cells produce electricity to propel vehicles and so do not fall within a traditional internal combustion engine in the existing legislation. This means there is a regulatory gap as the technology and associate servicing industry develop.

The bill amends section 3 of the *Gas Safety Act 2019* to expand the definition of automotive gas fuel system to include hydrogen fuel cells.

Further, the bill amends schedule 2 of the *Occupational Licencing Act 2005* to cover the qualifications, training and safe work standards of those working on hydrogen fuel cell vehicles.

Amendments to the *Health Complaints Act 1995*: the definition of health service within the *Health Complaints Act 1995* is a service provided to a person for or purportedly for the benefit of human health. It has been recognised that it would be preferable for this definition to be amended to capture certain procedures, for example some cosmetic medical procedures where they may arguably be no benefit to physical or mental health. The bill amends the definition of health service to ensure that Tasmania can implement the National Code of Conduct for healthcare workers who provide a health service, but who are not registered under the National Health Practitioner Regulation Law and who fail to comply with proper standards of conduct or practise.

Amendments to the *Integrity Commission Act 2009*: under this act, a Joint Standing Committee on Integrity is established with a number of functions including monitoring and

reviewing the performance of the functions of an integrity entity, and reporting to parliament on such performance. For the purposes of this part of the act, an integrity entity includes the Integrity Commission, the Ombudsman and the Custodial Inspector. This bill amends section 23 to futureproof the act to cover potential changes in the future composition of the parliament. Currently, the act requires the committee to consist of three members from each House of parliament and from the members of the House of Assembly there must be at least one member of any political party that has three or more members in the House of Assembly. The bill allows some fluctuation in the number of committee members, 6 or 8, should there be up to four parties with three or more members in the House of Assembly while maintaining equal representation from both Houses. There is also an associated amendment to the quorum required for the committee.

Amendments to the *Justice Act 1959*: the Director of Public Prosecutions requested that section 71 and 72 of the *Justices Act 1959* be amended to reinstate the crime of fraud under section 253A of the Criminal Code in the operation of these sections to reduce the backlog of criminal matters in the Supreme Court.

In 2020, the *Justices Act 1959* was amended by the *Justice Miscellaneous (Court Backlog and Related Matters) Act 2020*. This legislation was to address certain issues rather than waiting for the finalisation of the *Magistrates Court (Criminal and General Division) Act 2019*.

Two of particular note are, Mr President, duplicating the list of minor offences and electable offences in the new Magistrates Court legislation, and increasing the property value threshold for minor offences dealt with summarily from \$5,000 to \$20,000, and for electable offences that can be dealt with summarily from \$20,000 to \$100,000, in line with the provisions in the later act.

Amendments to the *Justice of the Peace Act 2018*: the *Justice of the Peace Act 2018* introduced a new and more comprehensive framework for the appointment and regulation of the conduct of justices of the peace, in particular to increase the transparency of the process of appointing JPs. In administering this act, the Department of Justice has identified some small amendments that are required to meet the original intentions of the act, including:

- a) requiring prospective JPs to undertake training;
- b) clarifying when a JP may commence the exercise of their powers of office;
- c) an application for reappointment to be made 12 months before an appointment expires, instead of six months or six months after, as is the current requirement;
- d) the period of reappointment to be extended from the current two-year period to a period of five years;
- e) validating the act of appointed JPs who are no longer appointed as a JP, whether through expiration of appointment or reasons other than suspension, but who is unaware of this and acts in good faith;
- f) enabling the Secretary of the Justice Department to contact JPs more regularly in order to efficiently maintain the register of JPs.

The Department of Justice has been in contact with all three of the Justices of the Peace Association in Tasmania in relation to the matters that this bill covers, and each has indicated support for the amendments. In addition, Mr President, the government wants to thank those stakeholders that were consulted where necessary during the drafting of this bill. And given that the amendments are non-controversial and minor clarifications and public consultation

process was taken to not be required before presenting this bill to the Parliament, Mr. President, I commend the bill to the Council.

**Ms ARMITAGE** (Launceston) - Thank you, Mr President. Just make sure I have all my bits here. I believe I have.

Mr President, I rise to make some brief remarks on this bill. While it contains minor, mainly minor and uncontroversial amendments, it's important that we, in this place, ensure that we provide proper context and input so it is properly understood why it's necessary.

Firstly and importantly, this bill makes several amendments to the Criminal Code to make the definition of sexual intercourse retrospective. As the honourable Leader mentioned, this provides for an expanded definition of sexual intercourse to be taken to have applied in relation to a crime since April 1924, when the Criminal Code commenced. Moreover, this change does not criminalise any conduct that was not otherwise unlawful.

I thank the honourable Leader for providing a list of offences to which this will be relevant. It's important to place on the record here the importance of ensuring our laws fit and reflect a modern and contemporary understanding of crimes of a sexual nature and the effect they have on victims and survivors. This includes naming such crimes for what they are, and using appropriate and relevant language, reflecting community expectations and attitudes towards criminal conduct and abuse, particularly for children and vulnerable people, ensuring that Tasmanian criminal law effectively responds to these crimes when they occur, and adequately penalises those who commit them, and properly facilitating the administration of justice.

As has already been noted, these changes have come about from consultation with those who work in the sexual and family violence sector. I therefore wish to note that ultimately these changes are as a result of recognising the effect these crimes have on victim/survivors. You are seen and you are heard. I believe that every step we make towards updating and modernising Tasmanian criminal law matters and the steps in the right direction.

Mr President, this bill further amends the *Dangerous and High Risk Offenders Act 2021*, which I recall being a significant and watershed bill at the time. It's yet another piece of legislation which requires updating from time to time. This amendment enables the Director of Public Prosecutions to apply for a High Risk Offender order, or HRO, in relation to serious offenders who do not meet the threshold for being declared a dangerous criminal, but who may nevertheless pose a risk to the community if no supervising conditions are in place when they're released.

Further, while the current act allows for an interim HRO, the amendment in this bill clarifies the criteria to be relied upon when making one. Essentially, this bill acknowledges that an interim HRO is different to a final assessment and so should have a different set of criteria with different standards. This simply makes sense and I understand has come about from a request made by the Chief Justice, who I know would have provided good quality advice on the matter.

A very important change is also being made by this bill to the *Evidence Act 2001*. As the honourable Leader has said, the *Evidence Act* precludes adducing or eliciting evidence that discloses or implies a sexual reputation of a complainant, and this leave is granted by the judge

or magistrate where certain requirements are met. This bill amends the act to include a reference to the crime of persistent family violence in the Criminal Code in order to avoid negative implications for victims of persistent family violence. In other words, as the honourable Leader said, this bill extends the operation of section 194M of the *Evidence Act 2001* to include the crime of persistent family violence.

Additionally, this bill seeks to amend the *Family Violence Act 2004*. The act contains a serial family violence perpetrator declaration framework which identifies serial perpetrators of family violence offences. Currently, the act provides a review of declarations to take place only when upon application to the relevant court by the Director of Public Prosecutions or the declared offender.

What this bill seeks to do is expand this review capability by extending it to Tasmania Police being able to make applications for review of declarations in the Magistrates Court. Obviously, anything that eases the workload on our courts and justice system is a welcome development. I know that this is a provision which has been taken on the advice of those who work in the justice system and family violence sectors and believe it's a good step forward.

Mr President, in an entirely different legislative sphere, I also note that this bill amends the *Electoral Act 2004*. As the honourable Leader has said, as it currently stands, the *Electoral Act 2004* provides that it's an offence to vote at an election in a division after having voted in an election in respect of another division held contemporaneously with the first mentioned election.

The apparent intention of this offence provision is to preclude an elector from voting in more than one division at either a House of Assembly election or a Legislative Council election. If I understand it correctly, Mr President, if there's a House of Assembly election held contemporaneously with the Legislative Council election, as has happened in the past, an elector who votes in both of these elections, despite voting being compulsory, will have committed an offence.

Obviously, this is a legal absurdity, and it's one thing to have laws on the books which go unenforced. It's obviously good practise for those to be clarified and repealed where necessary. I wonder if the honourable Leader for interest could clarify that and perhaps provide some context to why this provision exists in the first place. Perhaps, there are some historical reasons for it, but I believe it would be good to understand why it exists and state clearly why it's necessary to change.

Mr President. I move to clause 23, which refers to section 23 of the *Integrity Commission Act*. I see this amendment allowing six or eight members of the integrity committee as problematic. On the face of it, it sounds okay. You can have six or you can have eight. However, there really is more to it. I note that section 23 of the act states -

Of the members of the Joint Committee referred to in subsection 2(b), at least one member of any political party that has three or more members in the House of Assembly is to be a member of the Joint Committee.

Personally, I believe that's probably the clause that should have been amended and taken out, because it really should be up to the Houses to determine who serves on the committees, as opposed to members from a party. However, this is obviously subject to interpretation and,

as it stands, the integrity committee - and I am on the integrity committee - has members of both the Labor and the Liberal parties from the House of Assembly, a member of the Greens Party from the Legislative Council, and three independent members. We meet the requirements, half from each House.

With the changes in the bill, it would be suggested that it's likely the other place could seek and appoint a fourth member, which would in turn necessitate this House needing to seek a fourth member, given the change to the act that half of the members must be from each House. It doesn't leave the possibility that the Legislative Council could have three members and the House of Assembly four, because the actual amendment and the bill, or the access, say that half must be from each House. If there are four from the House of Assembly, there must be four from the Legislative Council.

While I appreciate equal representation on a committee is intended to ensure parity between the Houses, maintaining an equal number of committee members can place a disproportionate burden on this House with fewer members available. This House has a more limited pool of members from which to fill committee positions and would therefore experience difficulty in providing members without repeatedly appointing the same members to multiple committees. When we actually get to the clause, I ask members to consider voting that clause down.

Mr President, there are a number of additional technical amendments that this bill makes to a suite of further acts, but I think these were the important ones to comment on, particularly as we continue to expand and modernise our understanding of family, domestic and sexual violence. The way we legislate regarding these offences matter. They matter to our communities and their expectations. The language we use matters. Restorative, rehabilitative and victim/survivor-centred justice matters. Context matters.

What we thought we knew about family and relationship dynamics in decades past aren't necessarily what we know to be true now. Our laws need to reflect that. That's why I'm always happy to support bills that seek to modernise criminal law, even on matters which might be reasonably technical. I thank the honourable Leader for bringing the bill forward, and I support the majority of it, with the exception of clause 23.

[3.02 pm]

**Ms O'CONNOR** (Hobart) - Mr President, I rise to speak as the Greens' justice and attorney-general's spokesperson on the Justice and Related Legislation (Miscellaneous Amendments) Bill 2025 and to indicate that, of course, we will support this amendment bill. I want to thank the departmental officers who briefed us and answered many questions, because while this miscellaneous amendment bill is not - the amendments that are being made are not hugely significant in some ways, it's still a complex miscellaneous amendment bill for us to be dealing with, that amends a number of pieces of legislation.

The amendments to the *Criminal Code Act 1924* are, as we understand it and we learned through the briefing, the result of a recommendation or advice from the Director of Public Prosecutions. They provide that the previously amended definition of sexual intercourse, which was amended by the parliament in 2017, applies retrospectively to the enactment of the Code on 4 April 1924. Obviously we support this amendment. As the honourable member for Launceston indicated, these changes have been called for by community sector organisations

working in the prevention of domestic, family and sexual violence, and sexual assault support services. These are welcome amendments.

Mr President, we know that there have been some definitions that have been applied differently for offences that were committed before 2017 and those that were committed after 2017, which has created some confusion for jurors, particularly, as we heard in the briefing, for a person who may have been charged with offences that occurred before and subsequent to the change of definition in 2017. This makes the new definition retrospective. The code is also amended to extend provisions that provide for circumstances where a mistake as to consent is not a viable defence. They're also amended to include reference to the position of authority procuring a child or young person, mental impairment and persistent family violence offences.

The amendments to the *Electoral Act 2004* are interesting and necessary amendments, because many Tasmanians in numerous electorates would have committed an offence under the act which makes it illegal to vote in both Assembly and Council elections at the same time.

Amendments to the *Evidence Act 2001* amend the rules of evidence in respect of sexual evidence so that it covers persistent family violence, and we understand, again, that this came about as a result of a request from the Director of Public Prosecutions to extend the operation of section 194 of the *Evidence Act 2001* to include the crime of persistent family violence.

We know that domestic and family violence is a scourge on our society, that it has reached epidemic proportions, and everything that we can do in this place to strengthen our family violence laws, but also provide a voice for victim/survivors and community sector organisations and advocacy organisations for continual reform we have to do.

On the amendments to the *Forensic Procedures Act 2000*, the amendments in this bill will allow for inter-jurisdictional sharing of forensic material for criminal investigations, court proceedings, immigration matters, identification of deceased and criminal history checks. I think plenty of Tasmanians would have been surprised that that wasn't already happening. But as we know, criminal law is the jurisdiction of the states.

There are amendments to the *Gas Safety Act 2019*, to change the definition of automotive gas fuel systems to include fuel cells to allow hydrogen-fuel cells to be covered by the act. We're in a transition phase, hopefully, as a society to get out of the heavy use of fossil fuels. We are all aware, and we are particularly aware in this place in recent times as a result of debates, that the climate's changing rapidly and so new energy that's cleaner energy like hydrogen-fuel cells has to be welcomed because gas itself is actually a fossil fuel that is damaging to a safe climate.

There are changes to the *Health Complaints Act 1995* which allow for health services to be scribed by regulation, to ensure Tasmania can implement the National Code of Conduct for healthcare workers who are not registered under the National Health Practitioners Regulation Law. We obviously support this change.

On the proposed amendment to the *Integrity Commission Act 2009*, I noted the honourable member for Launceston's comments and intention to divide on this clause in the hope that council will support that. The member for Launceston makes some solid arguments about the capacity of this House in particular to populate more committees. I don't see that the

government agenda here is to expand the size of the Integrity Committee to eight. The way I read it is that the makeup of the House of Assembly itself has changed significantly. Obviously, there are 10 more seats in the Assembly. There are now four political parties represented in the Assembly and the act currently enables that a political party with three or more members in the Assembly is entitled to a position on the Integrity Committee. The Shooters, Fishers and Farmers at the moment only have one member in the House of Assembly, but who knows how the make-up of the House will change following future elections. I feel that the government is trying to futureproof the committee for a different parliament at a different time, and I think that's quite sensible. We're a well-functioning committee at present, I would say. We've got a good chair and we've been very busy undertaking significant inquiries, for example into the proposed protocol on privilege between the Integrity Commission and the Parliament of Tasmania. It is a highly functional, in my view, and effective committee.

I can't see the government rushing to put another House of Assembly member onto the committee. I don't think that's what we're contemplating here. It seems to me that this is a sensible thing to do and it leads me to my next point about the Public Accounts Committee, which when you have a look at other jurisdictions, parliaments, I think ours is too small. It's certainly not in the Greens' view, representative of the parliament. It has four major party members on it, two Labor members, two Liberal members, and two independents, and of the six members on the Public Accounts Committee, five voted for the Macquarie Point Stadium.

You can imagine why that concerns the Greens, because apart from - I'll be careful here - but in all likelihood there are more questions that could be asked in the Public Accounts Committee that are of public interest, through a Greens lens, about accountability, integrity, transparency, probity. We think it's regrettable that the Public Accounts Committee Amendment Bill 2025 still sits and waits for attention. It would only improve, I think, the operation of the Public Accounts Committee to have a more representative committee and in doing so I think, while it does a reasonable job now of representing the concerns of everyday Tasmanians, arguably with better representation it could do a better job.

In relation to the honourable member for Launceston's proposal that we vote against section 23 of the Justice and Related Legislation (Miscellaneous-

**Ms Armitage** - Clause 23, not section 23.

**Ms O'CONNOR** - Clause 23 of the Justice and Related Legislation (Miscellaneous Amendments) Bill 2025, I personally feel this is a sensible amendment, a sensible approach for the government to take. It takes nothing away from either this place or the other place to support this proposed amendment, but what it does do, if we support this, is that it futureproofs the Integrity Committee which performs such a vital function of oversight of the Integrity Commission itself, that it counts for future changes in the demographics, if you like, the political demographics, of the other place particularly. I would encourage honourable members to support this proposed amendment because we feel it's just sensible.

The amendments also seek to amend the *Justices Act 1959* to include fraud as a crime that may be tried summarily in the Magistrates Court, and that is without a jury. There are changes to tighten up the *Justices of the Peace Act 2018* that allows the secretary to set training requirements which are currently set by regulation.

With those few comments, I see this amendment bill as non-controversial, entirely supportable and tidying up provisions of numerous acts, acting on the advice and recommendation of the Director of Public Prosecutions, as well as calls from community service organisations, Mr President. So, on that basis, we're very, very glad to support the bill.

[3.15 p.m.]

**Ms GLADE-WRIGHT** (Huon) - I only have a few comments, but I do rise to indicate my support for the Justice and Related Legislation (Miscellaneous Amendments) Bill number two. This is a practical bill which is about making the justice system clearer, more consistent and more workable, and tidying up some of the issues that had been identified. I particularly support the amendments that strengthen the operation of laws relating to sexual offences.

The bill clarifies the definition of sexual intercourse in the Criminal Code while making it clear that it does not criminalise conduct that was not otherwise unlawful. This change also applies to rules about mistaken belief in consent to more serious offences. This helps make protections for victims more consistent and makes it harder for the offenders to argue that they wrongly believed the person had agreed.

The bill also contains important improvements relating to family violence. It extends evidentiary safeguards in the *Evidence Act* to the crime of persistent family violence, and it enables Tasmania Police to apply for review of serial family violence perpetrator declarations made in the Magistrates Court. These are sensible changes that strengthen the system's response to repeated and serious harm.

The bill clarifies forensic procedure laws for information sharing across jurisdictions, updates gas safety and occupational licencing laws to cover hydrogen fuel cell vehicle technology, supports implementation of the national construction code for unregistered healthcare workers and streamlines justice of the peace processes.

I acknowledge the minister's statement that stakeholders were consulted where necessary and that wider public consultation process was not required because these amendments are minor clarifications. I'm supporting this bill because it improves clarity, supports victims, assists agencies and courts, and helps ensure Tasmania's justice laws remain contemporary and fit for purpose. I'm looking forward to hearing a little bit more about the proposed amendment to vote down the clause on the committees. I am yet to make my mind up about that, but for now, I will be supporting the bill.

[3.17 p.m.]

**Ms FORREST** (Murchison) - I rise to speak on what we get once a year, but this time it's twice this year: our justice and miscellaneous amendment bills. This is bill number 39. This one's been around the mill. It was introduced in a previous parliament, and we are back and I do acknowledge that majority of these amendments are noncontroversial. They've been requested by specific parties who operate in that space and provide advice to government about fairly technical in some cases and relatively minor clarifications. As the Leader said in the end of her second reading speech, that public consultation was not required when presenting this bill because of that.

Well, Mr President, when you read that, you think their words used here are minor, not overly complicated, recommended by other parties - doesn't mean we don't look at it properly and scrutinise it fully. I know that's not what the Leader was suggesting -

**Ms Rattray** - I was going to say, through you, Mr President, that wasn't what I was implying.

**Ms FORREST** - but there are some areas where consultation did not occur and it should. So, Mr President, I'm going to work my way through the bill to do it in the order it appears, just to make fairly brief comments on some of them, but slightly more comprehensive ones on others. But the amendments to the Criminal Code in relation to clarifying, if you like, the importance of ensuring that a sexual offence is defined and treated the same way, according to the act that has been undertaken, is really important and we did hear in the briefings - I really appreciate the briefings on this because you had to switch ahead from one particular part of the justice system to another and the people involved in their briefings do a very good job with that - but when you see retrospectively applied legislation, you should always be careful. You don't want to capture situations or individuals inadvertently.

Now, why this - I don't oppose this - and why I think it's an appropriate amendment is it doesn't criminalise any behaviour that was not already criminal. And yes, we need to be really clear that sexual intercourse, the expectation on what is consensual sexual intercourse, has changed over years. And we still seem to struggle with what consent is, Mr President, and what consent looks like. Even after all the work we've done, we're still seeing behaviours that clearly disrespect consent. And for anyone who might be watching, and anyone who hasn't looked at it, I urge you to go to YouTube, search for 'Consent and a Cup of Tea' and it will be really clear to everyone.

**Ms O'Connor** - Is that the title? 'Consent and a Cup of Tea'?

**Ms FORREST** - 'Consent and a Cup of Tea'. Yes. You haven't seen it? It's brilliant. It's really old. It's been around forever. I think every person should watch it. In perhaps certain sectors of our sporting community, it would be good if we just use it as '101 Consent', Mr President. It's really clear and basically what it says is that if you go and offer someone a cup of tea, and they say, 'Yes, that would be lovely,' you make them a cup of tea. That's fine, they're consenting to the cup of tea. If you then go and say to that same person, 'Would you like a cup of tea?' and they say yes, you go make the cup of tea. And you bring it back, and they say, 'Actually, I've changed my mind', don't make them drink the tea. Okay? And then if you offer them a cup of tea, come back with your cup of tea, and the person's unconscious, you don't make them drink the tea. It's really, really simple. And just because they had a cup of tea last week with you, it doesn't mean they want to have a cup of tea this week. Okay? It's just brilliantly done - stick figures. It's just beautiful. There's a slightly cruder version of it, but there's a very sanitised, very simple one and everyone should look at it when you get a chance.

**Ms O'Connor** - Thank you.

**Ms FORREST** - You should watch it. It's very good. Share with everyone you know. In fact, I might post it again today, because it's just really simple. In the briefing, we were given an example of where this may be relevant, where there's been an offence committed before and after the change that is effective, the same activity, but may be treated differently because of the time when the definition applies. This makes it retrospective back to 2017.

**Ms O'Connor** - Before that.

**Ms FORREST** - Sorry?

**Ms O'Connor** - The definition -

**Ms FORREST** - The definition actually back to 2017. Before that, but when we change the legislation in 2017. Sorry, maybe I'm being unclear. You're right. So that all cases heard will be treated the same since we changed the legislation in 2017. Yes, I think that I'm pretty right on that. Yeah. And that's an important change, and I don't have anything further to say on it. It's obviously something that's come up that's been faced by courts, or by the Prosecutor, that seems entirely out of out of whack with what the intent of the Parliament was, and committee expectations.

Mr President, to move on to the Dangerous Criminals and High Risk Offenders, I think this was sort of talked about briefly, but I wonder if the Leader can provide a little bit more information on how the new interim criteria differ in practice from the final order test - and that safeguards remain for the offender at the interim stage. Obviously, this is a really serious matter. It does limit someone's freedoms and should be used judiciously. I think it'd be helpful to understand the difference there.

To move on to the *Electoral Act 2004*. I made this point on a couple of different parts of this bill. When we get bills like this, you think 'This is intended to fix a potential or an actual problem,' and there's often more than one way to fix a problem. I think there is another way to fix this problem that perhaps should have been contemplated. I wasn't asked about it. I don't think anyone else was. We've all faced elections here. Some of us faced them on the same day when both Houses went to election. It's rare, rare as it may be.

**Mr PRESIDENT** - It's terrible, it's most awful.

**Ms FORREST** - Yes, rare as it may be, Mr President. Another way of fixing it was to go down the path if an Australian Government election is called on the day, the Legislative Council one gets deferred. That was one way of fixing it. Why didn't we choose that? I think we should have chosen that. This obviously is a problem because if you're voting as the *Electoral Act 2004* stands, it could be that if you're voting for a Legislative Council seat and a House of Assembly seat, they are two elections. Notionally you can only vote in one. So pick which one you want to vote in, then get fined for the other one.

**Ms Rattray** - Pick mine.

**Ms FORREST** - Pick yours, yes. It depends which way they're going to vote, I would have thought. Just be sure you're asking for the right thing there. Who was consulted on this change? Who was consulted, Leader? Who was asked is this the best and only way to fix this problem? Because I would have preferred to see the problem fixed along the lines of the Australian Government election problem.

**Ms Webb** - Me too. We've got an Electoral Matters Committee who could have come to for consideration.

**Ms FORREST** - Yes. I know this is a problem that does need to be addressed, but I'm not sure this is the best way. Therefore, I'm not sure I can support this vote.

**Ms Webb** - Maybe we could vote against that clause too.

**Ms FORREST** - Maybe we could. Someone will need to put the question because I will be in the Chair probably. This is the thing: who was consulted?

The Electoral Commissioner, I assume - I stand to be corrected - saw this as a potential problem, went to the government and said that this is an issue. The government says, 'We'll fix that; we'll do it this way,' rather than asking how else we can fix this and is this the best way. Obviously it suits the major parties beautifully, but was I asked? No. Was anyone else in this room asked? No. There you go.

The *Evidence Act 2001*, I don't have any further comments on other than what's been listed in the Leader's second reading contribution. Again, with the *Family Violence Act 2004*, this is something obviously that's been an issue for the DPP, and we want to make these processes as efficient as possible to enable these matters to be reviewed in a timely manner. I think that's a sensible amendment. It has a fairly narrow application. I won't make any further comment on that.

On the *Forensic Procedures Act 2000*, I don't have any further comment on that. It seems to make sense to me.

It's funny how we can have the *Gas Safety Act 2019*, it seems a bit of an odd inclusion, however I understand the reason why. That said, we've had some hydrogen vehicles around for a little while now. I wonder what would have happened if it had been a problem in the interim with it? Because we've had hydrogen buses operating. I don't think there's been a problem with it, but it's just interesting that sometimes these things take far longer than you expect, and another early election doesn't help with that.

The *Health Complaints Act 1995*. This is a further change to the act that's only very recently been enacted after being brought to this place many years ago to encode a regulatory framework for non-registered health practitioners. There are lots of reasons why the delays occurred, but it's still pretty clear that there is probably inadequate resourcing for the Office of the Ombudsman and the Health Complaints Commissioner to deliver this. Whilst this is an important amendment to the principal act, I'm sure members have heard me say, when we first passed that legislation in this place, at a subsequent committee hearing we asked the then health complaints commissioner, whether he was consulted on it and whether he was aware of it - and he said he wasn't and that he was horrified. That was the word.

Anyway, I don't have any issue with this amendment, but I make the point that it's taken an awfully long time to get here, and we know there are some real challenges in that space with people providing unregulated health services where there is a real risk of personal injury, psychological or physical or both.

To come to the *Integrity Commission Act 2009* amendment, I share the member for Launceston's concerns about this. Because this bill contains a change that affects this parliament, who was consulted? Was the integrity committee consulted? Was any member of this House consulted? Was the Legislative Council consulted, or is this the same as the Public Accounts Committee Bill, where no one, least of all the committee, was consulted - or the Legislative Council, who actually administer that committee, just saying. To my understanding, no.

**Ms Armitage** - Through you, Mr President, I have had discussion with the Attorney-General and told him that I didn't agree with it. I have had discussion.

**Ms FORREST** - After the event?

**Ms Armitage** - Probably during the event. I've had discussion over a long period about it.

**Ms FORREST** - Oh, right.

**Ms Armitage** - I disagreed with it, but I have had discussion with the Attorney-General.

**Ms FORREST** - Mr President, going back to the question - is there a problem? If there is, how do we fix it?

When I go to the principal act, I'm not sure that the parliament should be prescribing how committee members are appointed. That should be a matter for each House to manage and administer. We have our processes, obviously they have them downstairs. That's as it is. I know this was in the act previously, so I know it was there already. I'm not suggesting that. But if there's a problem that needs to be addressed, what's the best way to address it? The fact that there was no consultation is inappropriate when this affects the parliament.

I think the other place seem to forget about that thing called comity between the Houses - being respectful to each other, engaging with the other place when there's a matter before the parliament that affects both. The parliament is both Houses. It's not the House of Assembly.

The other thing, I know this is in the legislation already, and I was here when we passed the *Integrity Commission Act 2009*, by the way, so I felt responsible for that as well. To think to only require a quorum with three members when you have a six member committee seems odd. It's not a majority, a simple majority. There are provisions in the act so that it can't be three members from the same House, so it does cover off from having the lower House or the upper House having the full membership at a particular meeting when decisions may be made. It does cover off on that. Since this has come up and has been debated a couple of times in this place in different ways, why wouldn't you have a quorum of a majority? Just about everywhere else does, it just seems really odd to me that that's the case.

I know this has been discussed. I'm going to raise the hairy chestnut again, or hoary chestnut or whatever it's called. It does say in the *Integrity Commission Act 2009* on these matters in section 23 that the joint committee consists of six members, three from each House. In 2(b) it says three members of the House of Assembly, and then in 23(3):

Of the members of the Joint Committee referred to in subsection (2)(b), at least one member of any political party that has three or more members in the House of Assembly is to be a member of the Joint Committee.

You could read that in two ways. You can read it as: as long as there's a member of each party on the committee, that's fine. Or you could read it as it's applying to 2(b), which is only talking about the House of Assembly members. Why don't we tidy that up? If you're going to tidy things up, let's tidy them up. It's not clear, and if it hadn't pointed specifically to 2(b) it wouldn't have been a problem for me, but it does, so it is.

I think this is not the way to fix a perceived or actual problem. At the moment it's not a problem. We've got three parties in the parliament. Arguably, the three parties from the House of Assembly should be represented on the committee, if you read it literally. But that's not a matter for this House to determine, that's a matter for them to determine through their own practices. The fact that we're lucky enough to have a Greens member on the Integrity Committee from this House is because she was voted on, like the member for Launceston was and whoever else is on it.

**Ms Armitage** - Member for Nelson.

**Ms FORREST** - Nelson. Sorry, yeah, I can't keep up where everyone is. They're all elected on to that committee by their colleagues in this house through a proper process. That's how it works in this House. I don't think this section should be agreed to until there's proper consultation, and fix the problem properly, if there is a problem. There's no rush. We've got three parties in the Lower House currently, there's not - well, who knows when the next election, it could be in half an hour. You never know, here.

At this stage, it's not an urgent problem that needs fixing. I think we should take that bit out, the whole part 10, and consult and fix it properly. If indeed it needs fixing. It's not just clause 23 in my view; it's 22, 23 and 24 because they're already linked together.

I also note that I'm not a member of the Integrity Committee. There are times I'd like to be, but I just don't have the capacity or the time to do it. But that doesn't stop me or any other member who's not on the committee from getting up in this place and asking questions about matters related to integrity. It is the same as members of the Public Accounts Committee. We have that opportunity in public accounts to ask a range of questions about a range of matters, including the stadium. But we've also got, I haven't counted, but it's at least 8 or 9 enquiries we've got going on.

**Ms Rattray** - It was ten when I asked recently.

**Ms FORREST** - It was, I think we've dealt with a couple and put them out and reported on them. Nevertheless, doesn't stop any other member in this House or the other place from getting up in Question Time, putting a motion on the notice paper, asking questions without notice, on notice, on any matter they wish to, including matters related to the stadium. To say you have to be on PAC to have that benefit is a nonsense and not true.

**Ms Webb** - Except when it gets blocked when you try to get information and we're told, 'No, the PACs looking after that and looking at it.'

**Ms FORREST** - We publish everything we can.

**Ms Webb** - When this Chamber sought the information through a motion it got voted down here on the rationale that PAC's looking at that, the rest of us don't have to worry about it. So, let's be consistent.

**Ms FORREST** - Mr. President, we're talking about two different things, slightly.

**Ms Webb** - No, we're not. I don't think we are.

**Ms FORREST** - I hear what the member for Nelson says, but there is absolutely nothing to stop other members using all other parliamentary mechanisms -

**Ms Webb** - Except this Chamber.

**Ms FORREST** - To ask questions about all matters. I tell you what, PAC doesn't always get answers when we ask them, either, to be fair. You do your best, same as any committee.

**Ms Webb** - I'm talking about this Chamber blocking the chance.

**Ms FORREST** - Anyway, I'll be listening to the rest of the debate, but I'm concerned about that one. *The Justices Act 1959* and the *Justices of the Peace Act 2018* are pretty straightforward and non-controversial; I don't wish to make further comment on them, as with the *Occupational Licensing Act 2005*.

I will listen with interest to the other contributions on this, but I think we always should ask the question: if there's a problem, yes, let's fix it, but is there more than one way to fix it? And has the right way been chosen? And on two of these areas in this bill, I don't think it has.

[3.40 p.m.]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - In response to the honourable member for Launceston's question. As pointed out by the honourable member, we have indeed had both a House and a Council election on the same day. However, it is not common, indeed it has only occurred once that such an eventuality is usually avoided where at all possible. The need to consider whether someone voting in both elections commits an offence under the act is therefore not historically being needed. Whether, on a strict interpretation of the law, voting in election for two different houses is contravening this provision is not totally clear, and that was the reason the amendment was requested by the Electoral Commissioner. This amendment has therefore been included as an avoidance of doubt.

It rests with the members of the Council to decide whether to support the amendment. The intention of the amendment is to ensure that the equality of membership of the two Houses is maintained while ensuring that a potential change in the party makeup of the parliament. Oh, no, sorry this is in regard to the actual- I think that's the other- Sorry, I thought that was all in the one answer, but it's not. I think that one's for the other question that was asked around the makeup of the integrity committee. I will just clarify that.

The response I started with there was definitely in relation to the integrity committee makeup. Again, it was a question from the honourable member for Launceston when she flagged her concerns and obviously been raised also by other members. As I said, that rests with the members of the Council to decide whether to support the amendment. The intention of the amendment is to ensure that the equality of the membership of the two Houses is maintained, while ensuring that a potential change in the party makeup of the parliament can be reflected in the committee.

It also goes on to talk about the bill amends section 23 to future proof the act to cover potential changes in the future composition of the parliament, and it addresses the Integrity Commission Joint Standing Committee numerically without changing the underlying way in

which the provisions work and the key requirements of section 23 of the act. Where did this amendment arise from? The change originally arose in 2024 on request from the former Chief Executive Officer of the Integrity Commission to reflect the fact that there were four parliamentary parties with three or more members at the time. This meant it was not possible to meet the directory requirements of section 23 that three members of the House include one representative of each such party. This scenario could rise again in future and a change to provide for this was considered desirable. It's noted however that the directory requirements are not mandatory, so it does not invalidate the Joint Standing Committee if the directory requirement is not met.

Was the Joint Standing Committee consulted? The Department did not consult the Joint Standing Committee on the numerical change above from previous consideration of Joint Standing Committee provisions. The Department's view is that section 23 (4) respects parliamentary practice and no standing order issues arise.

Does the amendment impact?

**Ms Forrest** - Do they consult this House?

**Ms RATTRAY** - Pardon.

**Ms Forrest** - The question was, who did they consult?

**Ms RATTRAY** - I will come back to that one. In regard to the honourable member for Murchison, the interim HROs are limited in time. Also, the appeal provisions for final orders also apply to interim Orders, as do the provisions relating to variation and cancellation. The purpose of an interim HRO is to provide the public with temporary protection until such time as a final decision can be made as to the appropriateness or otherwise of an HRO order. In other words, if an offender is due to be released from custody before the court can determine whether or not to amend an HRO, an application may be made by an interim order. The operational period is only for three to six months. Under the amendment, the judge has to be satisfied that there are matters alleged which would, if proved, justify the making of an HRO order acknowledging that the court is waiting on certain info that would assist in the order being finalised.

In regard to the honourable member's question on the Electoral Commissioner, and asked is this the best and only way to fix the problem and who was consulted on with the election amendment? The Electoral Commissioner requested the change for avoidance of doubt and the avoidance of any perception that electors could not vote where they were eligible in elections for both Houses held on the same day. This amendment was not included to make any statement or any change to the current provisions in relation to when a House of election can be held.

In regard to who was consulted regarding the integrity amendments and was the Integrity Commission consulted and was Legislative Council consulted? The former head of the Integrity Commission, Mr Michael Easton proposed the amendment.

**Ms Forrest** - To amend the committee, not the commission. I thought I said the committee.

**Mr Hiscutt** - I think you said both and then corrected yourself.

**Ms RATTRAY** - I will get some clarification on that question about the Legislative Council. In response to whether the Legislative Council was consulted, the answer is no. I do note by interjection that the honourable member for Launceston said that she had had some conversations with the Attorney-General, but that certainly wasn't with members.

**Ms Armitage** - No, through you, Mr. President, they were personal conversations, because I knew it was coming up, I gave him my view, and we discussed it.

**Ms RATTRAY** - Thank you for that clarification, honourable member. Further to that, given the current parliament, passage of the amendment does not direct the current Joint Standing Committee composition to change. It would be open to both Houses as to whether they elect an additional member. So, that's our response there.

**Ms Armitage** - Actually, through you, Mr. President, that's not quite correct, Leader, because she said it'd be up to both Houses whether they elect another member. Because if the other House elects another member, part of the - it says that must be equal representation. Therefore, if they elect another member downstairs, we would have to elect another member to have equal representation.

**Ms RATTRAY** - That particular question, I think, could possibly be put through the committee stage, and I'll have something to respond to then.

Regarding the consultation, obviously there's an acknowledgement that there were various stakeholders in the justice sector who were involved in the development of the bill, and that's been acknowledged earlier today, and particularly through the briefing process. Numerous amendments that were made by this bill respond to the feedback from key stakeholders in the justice community, and that includes the former chief justice, the Director of Public Prosecutions, the former ombudsman and the Department of Police, Fire and Emergency Management, and other government departments and legal community stakeholders were directly consulted as part of the targeting consultation process that occurred on the bill.

The bill amends, as we said, 12 acts of parliament to improve Tasmania's legislation. These amendments have been proposed as being simple and technical, but they are of significance when it comes to improving how legislation operates. As it's been recognised in contributions to the second reading debate, the bill makes amendments to the Criminal Code to clarify the law in relation to sexual offences. This is important. I believe everyone would agree with that. The law should be clear when it comes to crimes such as these, and it must not create barriers for victim/survivors in seeking justice. These changes recognise that, and I commend the bill to the House.

**Bill read the second time.**

**JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL (No. 2) 2025 (No. 39)**

**In Committee**

**Clauses 1 to 3 agreed to.**

**Clauses 4 and 5 agreed to.**

**Clauses 6 and 7 agreed to.**

**Clause 8 -**  
Principal Act

**Ms WEBB** - I'm jumping up on clause 8 because what I want to discuss relates to 8 and 9, part four of the bill before us. It's best if I jump up on clause 8 because I'm going to be suggesting we vote against clause 9 and it would make sense then also to vote against clause 8. If I make my argument for voting against clause 9 here, then we can take that into consideration when we are considering clause 8, if that's all right.

**CHAIR** - Sure.

**Ms WEBB** - Excellent. I find this interesting and as the member for Murchison, the Chair, said in her second reading speech contribution, there was no consultation at all on this as an apparent solution to an apparent problem that has been, as we understand, raised by the Electoral Commission. In relation to the fact that for once in the history of this parliament, we've had a coinciding election of a Lower House general election with a periodic Upper House May election, and of course there were numerous things that happened when that occurred that were less than ideal.

The disenfranchisement of, I think, 4000-plus electors in Tasmania was one of them. Then, of course, it would appear some question over the legality in fact of everybody casting their vote in that election, which is why they're putting this forward as a potential solution to make it very clear that you can vote if those two things coincide in the general election and also the Upper House periodic election, if you happen to be in that electorate - one of the two or three electorates that are up that year.

I think the more fundamental question, as the Chair raised in her second reading speech contribution, is that we should be considering whether we formalise the fact that those elections cannot be held on the same day, just as we have formalised in the *Electoral Act 2004* the fact that May periodic elections for this Upper House cannot coincide with federal elections. We have set up under this act an arrangement whereby if a federal election is set for the day on which it would have been held, the periodic election for the Upper House seats that year, we displace our Upper House elections by two or three weeks.

In fact, it happened last year in 2025, to the election that I was recontesting. We got bumped by three weeks and it was held later in May. That's set up as an automatic process that has to occur, and there are arrangements by which the Electoral Commission determines when the displaced Upper House election will in fact be held if the federal election is called on the same day. I think that that's something we should be absolutely considering as the solution here. I don't think we should be fixing it in this way, which then facilitates as an available option for any future government in the other place to call coinciding elections.

It's problematic enough that we have no fixed term elections, and it's very much open to the government of the day down there when they may choose to call one. We shouldn't be tacitly almost encouraging the fact that that can potentially occur again. I think we should be having that conversation at least in a consultative way. Therefore, what I'm going to suggest is: it's not it's not beyond the pale that we might go to another early election for the lower House - currently, in its make-up at the moment - but technically on paper the next lower House election is not due for quite some time, the next general state election. There isn't technically urgency around addressing this.

While I understand it has been put forward as a problem to solve, I suggest we take a bit more time to consider the solution, particularly this Chamber, given that it's our periodic elections that are potentially significantly impacted by coinciding elections with the lower House elections. I suggest we take a bit more time to consider it, potentially even send it to the Joint Standing Committee on Electoral Matters to have a think about. Now that we have that committee, this is exactly the sort of thing that it can take a look at.

I'm going to suggest to members that we vote against clause 8 and clause 9 - that's the entirety of part 4 here - and leave that for further consideration another day, rather than go down the path that's been proposed here, which I think is the less advantageous solution. I hope that it's going to be in order that I'm making that suggestion here while I'm on my feet on clause 8. That's how I'm telegraphing where I'm going with this. I think I've probably explained that. I'll sit down, but there are always other calls if there is anything more people want to raise about that that needs a response from me.

**Mr HISCUTT** - I completely appreciate that and agree. I don't necessarily know that not voting for it here - actually, I think this is fine. I ask the member to respond, I believe that matter could still be translated to the Joint Standing Committee on Electoral Matters, regardless of this bill and this clause being passed or not today anyway. Again, if there was an amendment in front of me to amend this act before us to do that, I would have voted for that instead of this, but I just don't see that there's any need to not pass this in its current form while we still consider that.

I understand the issue that that creates. If we don't pass it now, there's still a problem, therefore there is impetus to fix it from the government. I see your argument there, but I think that it didn't matter anyway that it was illegal to do it. We did it. It's not going to change it not doing it, I guess is what I'm trying to very un-elegantly put across, just to explain my position on that. As I said, I believe that issue would still be able to be referred, regardless of whether we pass that bill or not. I wouldn't mind your answer to that.

**Ms RATTRAY** - In response to the honourable member for Nelson, I reiterate that this amendment was included as an avoidance of doubt provision, Madam Chair. The merits or challenges of a dual election are not an issue. This is to ensure that there is no question as to the legality of voting as required. Any amendment to amend the act to say a House election cannot be held on a specific Saturday in May is a much more significant amendment, and does impact on the operation of government. The current amendment does not. The amendment is not included as an approval or encouragement of a dual election on one day. It's an avoidance of doubt amendment. That's the purpose.

**Ms O'CONNOR** - Honourable members would be aware that I'm often in strong agreement with the member for Nelson. Perhaps not this time, because I think there are two

separate issues here. I believe that the Joint Standing Committee on Electoral Matters should examine the issue of how you resolve a general election and a Legislative Council election being held on the same day, and provide the powers to move the Legislative Council election. I think that's one thing.

I see these clauses here as ensuring that people don't vote twice in the same election. I don't know if I'm misinterpreting.

**Ms Webb** - No, specifically because of upper House and lower House on the same day.

**Ms O'CONNOR** - That's right, but it also says - and maybe just talking on my feet here I'm going to cock up, but that wouldn't be the first time. In:

- (n) vote at an Assembly election after having voted at an election in respect of another division of the Assembly held contemporaneously with the first-mentioned Assembly election

I read that as you can't vote in Clark and then wander over and vote in Bass.

**Ms Webb** - We already had that in there under (n).

**Ms O'CONNOR** - The (n) in the act to me seems - because it's really sort of a clunky provision in the act, section 186(1)(n) says:

Vote at the election after having voted at an election in respect of another division held contemporaneously with the first-mentioned election.

That's the problem that occurred where we had an Assembly election and a Council election on the same day. However, I see these amendments as being clear about being honest about your vote and your single vote. The question of same-day elections and the powers there could be dealt with by the Joint Standing Committee. Or we could ask the government just to go back and fix it in the same way that a federal election is being dealt with, but the clauses as they stand now - while it might not be a perfect response, seem to me to be a reasonable removal-of-doubt response.

**Ms WEBB** - I appreciate that and I suspect the will of the House will go the way the will of the House will go, and that's fine. It's useful for us to have the discussion and air the need for further looking at the issue of lining up Upper House and Lower House elections and the desirability or otherwise of doing that. I understand the point made that this is an avoidance of doubt. Once this is in there, though, the inclination of government to then completely ignore the more fundamental question of holding the elections on the same day, actually any motivation to address that disappears. The real value of voting these down was to leave a very distinct prompt for those matters to be addressed structurally and considered structurally first.

The removal of doubt that this delivers to us will only be required if and when the two elections are held simultaneously again in future. Again, this is not imminent, and hopefully the government wouldn't be planning to do that anyway, but under this we're absolutely providing that there's no detriment to them doing that at all compared to the current act. Those are my thoughts on it, but I suspect I won't get the support required on that, and so be it.

**CHAIR** (Ms Forrest) - The question is that clause 8 be agreed to.

**The Committee divided -**

**AYES 9**

Mr Duigan  
Mr Edmunds  
Ms Glade-Wright  
Mr Hiscutt  
Ms Lovell (Teller)  
Ms O'Connor  
Ms Palmer  
Ms Rattray  
Mr Vincent

**NOES 4**

Ms Armitage  
Ms Forrest  
Mr Gaffney (Teller)  
Ms Webb

**Clause 8 agreed to.**

**Clause 9 agreed to.**

**Clauses 10 and 11 agreed to.**

**Clause 12 agreed to.**

**Clause 13 -**

Section 29D amended (Review of declaration of serial family violence perpetrator)

[4.14 p.m.]

**Ms O'CONNOR** - I seek some clarity on how this provision would apply - and I'm thinking now of a constituent I had who was a family violence perpetrator who was fitted with an ankle monitor, and this ankle monitor was fitted to this person for an extended period of time and potentially longer than perhaps it should have been. This was because there was no process for this person to have the ankle monitor reviewed and removed other than going to the Magistrates Court. I would like to understand the genesis of this proposed change. Does it mean that, for example, a sergeant or someone more senior, or someone who's been delegated to do so by the Commissioner of the Police, after a magistrate has made a decision on the declaration of a serial family violence perpetrator, if new information becomes available to Tasmania Police, or there's been the passage of time or evidence that a serial family violence perpetrator has been through the perpetrator program and changed.

My question is, does this work both ways? Can a senior police officer authorised or above the rank of sergeant, seek for a review of the declaration whether they believe the magistrate has made the wrong decision? Or whether subsequent to that declaration, Tasmania Police becomes aware that the person who's been subject to the declaration is not a risk to any person anymore?

I might qualify that by saying, of course, if you're a serial family violence perpetrator, by definition, you've got huge problems.

**Ms RATTRAY** - Thank you, Madam Chair. While the act provides for a process for a SFVP declaration to be reviewed, this currently can only occur on application to the relevant court by the Director of Public Prosecutions or the declared offender. The DP requested the amendment to enable Tasmania Police to make applications for review of declarations made in the Magistrates Court. The basis of this request was because this will be a more efficient process as police prosecutors make the initial application in the Magistrates Court and have ready access to the supporting material. Subsequent discussions with Tasmania Police and Safe at Home indicated support for these amendments.

Furthermore, the court makes the decision in regard to this.

**Ms O'CONNOR** - Sorry, can I get some clarity on that? If they are going to seek a review of the declaration which has been made by a judge, Tasmania Police seeks the review to the Director of Public Prosecutions. It's served on the DPP, and if the declaration was made by a magistrate, the review is served on the Commissioner of Police. Who makes the review decision?

**Ms RATTRAY** - Seeking advice, Madam Chair.

I trust this clarifies the question from the honourable member for Hobart. The court makes the decision. The police are simply applying to the court for a review of the original decision.

**Clause 13 agreed to.**

**Clauses 14 to 16 agreed to.**

**Clauses 17 and 18 agreed to.**

**Clauses 19 to 21 agreed to.**

**Clause 22 -**  
Principal Act

**Ms ARMITAGE** - This is the one with regard to the Integrity Commission, and obviously that's the principal act. Probably the best course of action from members that might consider voting against this would be to vote against 22, 23 and 24. I was interested to hear the Leader, and if she could confirm or clarify a comment made in the summing up that the request came from Michael Easton, the previous CEO.

I find that really hard to imagine that the CEO of the Integrity Commission would make a comment about the makeup of the Integrity Committee. I was on the committee for many years when Michael Easton was there, and I don't recall him ever mentioning it at a committee meeting. I'm sure I would have remembered had he actually said that. I'd love to see an email or something from him with regard to that. Obviously, we can't ask him now as Mr Easton is no longer the CEO.

It would also be very interesting to know, Leader, when the discussions first started about this bill and about that amendment. That would be really good.

As I've mentioned in my second reading, the changes to this make it very difficult for our House. I know that the Leader also said in the summing up that the other House could make changes without affecting this House. It actually can't because in the bill in clause 23, section 23(2) of the Principal Act is amended, and I go to (b) by omitting from paragraph A '3' and substituting 'half'.

If I look at the act, 2A, where we're substituting 3 to 'half', it says: 3 are to be members of the Legislative Council and 3 are to be members of the House of Assembly. If we change '3' to 'half', it's "'half' are to be members of the Legislative Council and 'half' are to be members of the House of Assembly'.

We can't have one House having 4 and our House having 3 because then we wouldn't have half of each. If the other House changes to 4, then our House really needs to change to 4, too.

It's quite difficult in this House, and I think many members would appreciate that with ministers and other problems that we have to find members to go on that - I really would like to know where it's come from. It's almost like the question I've heard asked before: where's the problem? I accept that they're saying 'futureproof', but there doesn't seem to be a problem at the moment. Perhaps the Houses should make the decision about who goes on the committees; that people put their hands up and they're voted in, as is the case in the upper House. I'd appreciate the answers to the questions, Leader.

**Ms RATTRAY** - Seeking responses, Madam Chair, to the honourable member's question.

**CHAIR** - I'll let her get the answer so that her advisers can concentrate and not perhaps have to listen in case you've got a really important question that requires a response, too.

**Ms RATTRAY** - In response to the honourable member's question: yes, it was the former head of the Integrity Commission, Mr Michael Easton, who proposed the amendments. As then he was the head of the Integrity Commission and Mr Easton was responsible for considering how the *Integrity Commission Act 2009* operated. It was understood that he would pass on any issues he thought there were with the practical operation of the legislation. When the composition of the parliament shifted considerably to include an additional party, and with three or more members, it was noted the provisions regarding composition of the committee did not necessarily anticipate this. Unfortunately, we're unable to provide a specific date when it was raised, but I believe it was after the 2024 election when -

**Ms Armitage** - Mr Easton resigned in December 2023.

**Ms RATTRAY** - I can seek some further clarification around that

**Ms Armitage** - If you could read out his email or his letter, that would be really good.

**Ms Webb** - I reckon it was after the restoration of numbers. He anticipated it. Could have happened.

**Ms RATTRAY** - Unfortunately, there isn't the information that you're asking for in regard to a specific e-mail request. That's not available here, but we could give an undertaking to seek to find that.

**Ms Armitage** - Through you, Chair, I'd like to know whether he actually requested it or whether it was a comment or actually how it came about. Considering that he's no longer with the integrity commission, I find it very difficult to imagine.

**Ms RATTRAY** - Again, my information is that, regrettably, we are unable to provide a specific date of when it was first raised, but this came about after the 2024 election.

**Ms LOVELL** - I'd also be interested in when that suggestion was made by Michael Easton and whether he made that suggestion proactively or was he asked to give some comment on the operation of the act?

I have a question about the operation of this new clause and understanding that from what the Leader has said, the suggestion was regarding having the integrity committee better reflect the makeup of the parliament. I can't see anything in this new clause that would prevent having parties that have three or more members in the House as outlined in the clause. I can't see anything in this clause that would prevent parties having more than one member on the Joint Standing Committee for Integrity. It says they must have at least one.

I share the concerns that other members have raised and accept that the House of Assembly has been restored to 35, but our Chamber was not restored and we still have limited numbers up here. Therefore, in terms of this clause, I'm looking at it from the perspective of how does it impact on our Chamber and our ability to participate fully in the committee. I do also have a concern that this would leave us with an act that does nothing to better reflect the makeup of a larger crossbench, or a more diverse parliament in the House of Assembly, because we could end up in a situation - there's nothing, as far as I can see, from all four members being from the Labor Party, or all four members being from the Liberal Party, or two Labor, two Liberal, three Greens, one Liberal - however - whatever the makeup is, there's nothing in this clause, as far as I can see, that would mean that any of those members needs to be an independent member or a member of a minor party, or any restriction on who.

To be fair, I think that should be up to that House to determine who's a member of their committee, in the same way that we determine up here. If I want to nominate as a member of the Labor Party, I can do that. I can be elected by my colleagues in this place, in the same way that any one of us can. To some degree, how those elections happen, and how those positions are filled is a matter for the other place. But if the reason for this amendment is to try and futureproof or better reflect the makeup of the parliament, I'm not convinced that it does in its current form.

**Ms O'CONNOR** - Thank you, Madam Chair. I feel that there's maybe some misconceptions here about what the Integrity Committee of the parliament is about. It was set up with the intention of it never being able to be dominated by any particular party. It's set up with the intention to protect smaller parties, and it's really important that the Integrity Committee itself is viewed from outside as a committee of integrity that is not shaped by partisan interests. Of all the committees of this parliament, perhaps that's the one committee where that should absolutely be the standard.

There are provisions in the *Integrity Commission Act 2009* that ensure parties are represented on the committee if they have three or more members. Those provisions are still there, but the issue we have with saying that 'Each House should just decide who they're going to put onto the Integrity Committee,' particularly in the Assembly, is that it's a numbers game every single time. You can foresee a scenario, say you've got a 'Laborial', Liberal/Labor grand coalition. It's got the numbers in that place; easily got the numbers and the members by vote. If we left it to each House to decide who they would nominate to that key committee of the parliament, you can foresee a situation where independence and smaller parties are not represented on the committee because it's a numbers game in the House of Assembly.

I mean, it's a numbers game here, too. I, understand that. But it operates very differently up here. The protection is there for representation in existing measures in the act. I worry here, and of course this will be the will of the council however way this goes, I worry that we're jumping at shadows. Because this amendment will not impact on the operation of the committee - the highly functional effective operation of the Integrity Committee - but it does provide for the reality that the makeup of the parliament is ever-changing. We now have another political party in the House of Assembly. While I don't support many of their policies, in a democracy they are a representative party of the Tasmanian community, and have a role and a place in this place, if the people of Tasmania put them there.

I support this clause because I see it as something sensible to accommodate potential future change. I don't think it'll impact on the operation of our committee, and I don't think there's any harm in passing this amendment. I too, however, would like to have a little bit more understanding of what Michael Easton was thinking, or what his advice was here.

I suspect it was, as the government's been saying, that the Assembly's changing. The numbers were restored in late 2022 and Mr Easton envisaged a situation where the House of Assembly would have more than three parties within it. Therefore, if you've got more than three parties in the Assembly, on a committee of six, and the act says that any party with three or more members in the assembly is entitled to a position on the committee, and you've got four parties there, you've got a problem. If we don't do this now, we may well have to do it in the future. Therefore, I support the retention of this clause in the bill.

**Ms WEBB** - This is a really interesting one. I'm on the Integrity Committee, so I'm invested and interested in it. There are two issues here. One is about the number of people on the Integrity Committee, and the other is about the makeup of the Integrity Committee.

This bill today is just about the numbers, the first issue. I accept the rationale that it is looking to potentially futureproof to provide for there to be six or eight members of that committee evenly divided across the two Houses recognising that it may be at some stage deemed necessary, or in aid of assisting that committee to function as it's intended, to have eight rather than the current six. I don't see a problem with the amendments that are provided for in the bill here because it's just about numbers and potential increase in numbers in future if deemed required.

The thing that I find more problematic and controversial that isn't fixed by the amendment in the bill today regards how we look at the makeup of the committee. I'll speak to that briefly because I know I've got a limited amount of time to speak on this. When the Integrity Commission Act was put through in 2009, the intention was that, as the member for Hobart said, there would be some protection regarding representation on that committee so that it

couldn't just be dominated by, say, two major parties. A minor party, which had at least three members in the House of Assembly, would by default get a spot on that committee.

The way the act is currently written provides for that. That in no way impinges on this Chamber and how we choose and who we choose to put on the committee in this Chamber. Nor does it impinge by the amendments in the bill. But let's go back to how it's currently written. The way I read the current act is that the joint committee, this is in 23(2) is to be made-up of six members. A says 3 members from the Legislative Council. B says 3 members from the House of Assembly.

The interesting thing then is 23(3). The way I read this, and I don't see how you can read it otherwise - and what it means is that we are currently in breach of the act with our makeup of the committee - is that of the members of the joint committee referred to in subsection 2B. Therefore, of the members who are the three members of the House of Assembly, at least one member of any political party that has three or more members in the House of Assembly is to be a member of the joint committee. Of the three House of Assembly members, any party with three or more members in the House of Assembly should be one of the members of the three.

Currently, that's not the case. What Michael Easton might have been thinking - and I don't want to verbal him, in late in 2023 when we've restored numbers and expanded back to 35 in the House of Assembly - was, 'Gosh, there's likely to be a chance there's either situations where there are more than three parties that have three or more members in the House of Assembly in future times, and/or a large crossbench of independents who under this wouldn't warrant a spot on the committee'. Yet given the intent when the act was formed in 2009 and brought forward was that there would be appropriate representation, particularly in terms of the makeup of the Assembly, you would also probably think there'd be a good argument that independents could get on it. We're not legislating for that here. No one's suggesting that here. But that could have been his thinking about this.

There's no harm in what's in our bill today because it provides the potential for expansion of numbers and as a futureproofing measure and allows us to have a better conversation, and a necessary conversation, about how we might further amend this to fix the problem that we have at the moment where we're in breach of the act. What wasn't contemplated at the time either is that some of those minor parties might also have members up here who might become members of the integrity committee, which is the situation we have now. We have a Greens member of this place on that committee, which we would think would deliver on the intent originally of representation, but under the act, because it's not a Greens member of the House of Assembly, it is in breach of the act.

I think there's an ongoing problem to solve here. I don't think the amendments in the bill today solve it, but I also think they help with another future-proofing issue that isn't problematic or harmful. A bit like the argument when we had the previous discussion about the *Electoral Act*, I don't think we lose anything from passing these amendments here in this act today. I think we set up a situation where it could potentially be further addressed when we come to the core problematic issue of how the balance of representation is going to work on that committee.

I know that's my first speech on it. That's my view in a nutshell about the two issues that are here, what this does and doesn't do in terms of today's bill, and what I think we need to have as a conversation for another day. It should be a conversation that's held in consultation with the committee, in consultation with both Houses of Parliament, and addressed in a way that

works - this is important - to deliver on the original intent when the act was brought forward, and the recognition that was there that all parties that have a certain level of representation in the parliament have a spot on that committee.

**Ms FORREST** - Thanks, Madam Deputy Chair. This comes down to consultation or lack thereof. I find it almost quite concerning that a policy offer would be setting policy directions, if that's what has happened - it's really unclear as to whether that's happened or not. There's no evidence. We've been told that it was the former CEO of the Integrity Commission who was responding to questions, but I find it extraordinary that - because we haven't had a chance to see what he said - he would suggest a particular policy direction. I'm not sure that's what he did - and who would know? But the fact remains there was no consultation with the Houses, and certainly not this House, in relation to this. The issue might have been identified with the Parliament, not with the Clerks or with the presiding officers. But as I understand it, there was no consultation on the draft that we're now dealing with, in a piece of legislation that we had an opportunity to comment on. That's not okay.

When are we going to stop ignoring that if something affects the parliament, the parliament should be consulted? The parliament is run by the Clerks in each House. That's their job. That's what they do. It's entirely disrespectful to the parliament that that didn't occur.

I'll be sticking with the position of saying 'no' at this point and at other dates. I appreciate the questions from the member for Launceston. I know that she has questions that remain unanswered and she'll get an opportunity in a moment to re-put those. It just seems extraordinary, these timelines that don't line up. That was deeply concerning to me.

To go back to the need for consultation - yes, the issue was identified after 2024 election after the House of Assembly had been restored to 35 members. Our house was not restored to 19.

**Ms O'Connor** - It wasn't restored until after the 2024 state election.

**Ms FORREST** - We don't know when this was raised.

**Ms O'Connor** - The restoration bill went through -

**Ms FORREST** - That's what the Leader said, or someone said, it was after that 2024 election when we ended up with another party with representation in the House of Assembly.

In any event, we still have the same number of members. Numbers of members who can participate on committees fluctuate. That's absolutely true. We know it's a real challenge at the moment. If this goes through, there's nothing to stop the lower House appointing a fourth member, and then we have to find one. Once it's law, you have to do it. Mind you, we may be in breach of it already because when the member for Nelson read out that clause, which is exactly the clause I was referencing in my second reading contribution I read it the same way as she read it - that it applies directly to the House of Assembly members and not here. I'm not the legal expert. We could test it in court if you wanted to. I don't think that's necessary. But to go to the principle of the act. I was here when we brought this legislation through the House.

**Ms O'Connor** - So was I.

**Ms FORREST** - And yes, it is up to each House to respect the intent of the parliament at the time. Once you start being totally prescriptive, you'll run potentially into problems, and you create problems.

Committee membership should be determined by the House giving due reference and respect to the principal act. If it's a statutory committee the legislature under which it's established, it's up to both houses to have consideration for that in their appointment of members to the committee. Like in the Subordinate Legislation Committee and the Public Accounts Committee and the Public Works Committee, it just says, it depends on which committee, but two or three members from either House. That's all that's required. I would argue that those are also equally important committees in different ways.

We need to be very careful about what we're doing without being consulted on a matter that directly affects this House and the other House. You say that it doesn't affect this House; it does, if it was enlivened, a fourth member was put on the committee from the House, then we would have to appoint another member. Otherwise, we would not be in compliance with the act because it says the numbers have to be equal.

**Ms Webb** - It is a shame we don't have a 'working arrangements of parliament' committee that would discuss that sort of thing to make sure that that didn't happen without discussion across the Chambers.

**Ms FORREST** - Maybe that should have been the discussion that happened first before we found ourselves here. Consultation. How many times do we hear that consultation should be carried out? Yet here we are, no consultation. We're not even sure exactly where it came from or how and with what intent. As far as reflecting the makeup of the parliament, it's up to the parliament to do that by the appointment of members to the committee, where and if it's required. If that was the stated intent. If you heard the second reading speech and the debate in both Houses, I'm sure it was probably downstairs as well, that that was the intent. It was outlined by the member for Hobart, what the intent was. It's up to both houses to respect that intent, and that's a matter for them.

I've raised all the points I wanted to raise, but when things affect the parliament we should be consulted and we haven't been. As I said, there's more than one way to fix the problems. The other problem the member for Nelson referred to, and I referred to in my second reading speech, is not addressed by this. Let's do it properly. Let's look at the problem and see if it does need fixing, and if it does, what's the best solution? Don't vote for this now. I backed the member for Nelson in her previous attempt because now I am giving the government a free kick not to do anything about the election problem.

**Ms Webb** - Not really, because the problem still sits there.

**Ms FORREST** - That's the reality and this will be the same here.

**Mr HISCUTT** - I'd like the government's position - we've had this statement that if the lower House were to put a fourth member on the committee, we would be forced as well to be in compliance with the act. But wouldn't the fact that we already only have three on the committee from the upper House mean that they could not put a member from the lower House on because then they would be in contravention of the current act as it stood with us only having

three. The argument goes both ways. If we've only got three, if they try to put four on, they'd be in contravention of the act because it has to happen at the same time.

I guess the question I'm trying to ask the government is: who makes the decision if it's three or four? It sort of goes both ways.

**Ms Webb** - Comity of the houses - would suggest we speak to each other.

**Mr HISCUTT** - The act doesn't, though.

**Ms O'Connor** - The act does.

**Mr HISCUTT** - If this change goes through, the Upper House has three members. My reading of the act would mean the lower House could not put another member on because they've been contravention to the act because they would not be three members as we are.

**Ms O'Connor** - Yes, but if there's a party in the lower House, another party that's got three or more members, that is when the House -

**CHAIR** - Order. The member for Montgomery has got the floor.

**Mr HISCUTT** - I'll ask the government that question if they could explain if the upper House was to only have three members, could the lower House -

**CHAIR** - We'll give the Leader a chance to respond to your question.

**Mr HISCUTT** - Yes, thank you. Noting only a couple of calls, I had one or two more questions with that.

**CHAIR** - That's fine, you go.

**Mr HISCUTT** - Thank you. Who sets that precedence, the upper House or lower House?

I'd like confirmation - and I think it was addressed by the member for Nelson's comments, but I still want to confirm from the government - our standing orders would still apply and there'd be no application of us being forced to have a member of a minor party to fulfil that need, it would be controlled by the lower House.

The third question, this is more of a comment in relation to the, you know, member's request that we don't pass this bill. The comment has been made that this futureproofs the bill and that's the reason why it comes in. I don't understand that working because we have a 35-member lower House, an election could be called tomorrow under our things and 11 parties of three or more members could have been elected, and then we're all of a sudden in contravention again. Like there's not - that doesn't really fix it.

That fixes it for what our current status quo is, but we have no idea what the makeup of the next parliament could be. There could be political parties pop up everywhere, register three members of each electorate. That happens. We can't predict that that doesn't happen. Therefore, this does not futureproof the issue at all; it just potentially pushes the issue down the road, but

it doesn't fix the issue. If I could get a direct answer to those two primary questions, that would be appreciated.

**Ms RATTRAY** - Seeking advice, Madam Chair, in regard to the questions that have been posed.

Technology, wonderful thing. That's not the answer to your question. Based on the advice on the Joint Standing Committee, the government's view is that it's really a matter for the two Houses. The provisions are directly: that the House can elect to appoint four and the Legislative Council is open to not appoint a fourth.

**Ms Lovell** - It has to be even, though.

**Ms Webb** - It has to be half.

**Ms Lovell** - It says in the act it has to be an even number.

**Ms Webb** - Half are to be members of the Legislative Council.

**CHAIR** - I think the honorable Leader may be getting some more advice, is she?

**Ms RATTRAY** - Seeking further clarification in regard to that statement that I read word for word.

I have some further information. I'm not entirely sure whether it'll satisfy honourable members and, of course, the Council will make a decision, as they always do. So, as these Joint Standing Committee provisions are directory, the discretion remains with the Houses, and if the Assembly elects four, therefore the Council can elect three or four. While that doesn't meet the explicit requirements of the provision, the Council is not compelled to have four members. In effect, it elects to not fill the four positions and the new Commission for Children and Young People Bill has a similar arrangement, although due to drafting practices and different approaches, that is more explicit that the party members can be elected from either Chamber.

As I've already indicated, it is in the hands of the Council whether they choose to support this amendment and the amendment was intended to futureproof where the composition of the parliament was different to its current composition.

**Ms ARMITAGE** - I would just clarify something else with regard to Mr Easton, just to get all our dates right, because while it did say December in one area, it looks like his resignation was announced, and I might say Michael Easton was an excellent CEO, I was on the Integrity Commission while he was there and I just think it's worth actually putting on the record that he was a really great CEO of the Integrity Commission. So he did announce his resignation in January 2024; his end of his active leadership was the 29th of April 2024, and his official departure was July 2, 2024.

Just so we actually get all that correct, but just a question - and I still have that question - and I hear what you're saying about how you can have four in the other place and three here, and I do accept - and it's always been a little bit of an anomaly - the fact that we don't quite meet the requirements of the act, section 23. So it's not a requirement then to meet the act. So the act is there and, as I said, I know that we have a little bit awkward with having a member

of each party on our committee and we're well aware of the fact that it does say it probably should be three members from one House. But the fact that, in the bill before us, it does say that you have to have half from each House. I heard what you said, Leader, but we either have to follow the act - and I realised that we have got a little bit of conflict and confusion with the other part, but it does say half are to be members of the Legislative Council and half are to be members of the House of Assembly. You didn't answer that question previously. I know you've just said now, that's not the case. But now there is or it isn't. It's in the bill here that it is. But you're telling me on the floor that it's not.

**CHAIR** - I'll give the Leader a chance to respond to that question.

**Ms Lovell** - I want it related.

**CHAIR** - Honourable member for Rumney.

**Ms LOVELL** - Thank you. To add to what the member for Launceston was saying, I do have concerns about the advice that was just provided to us that it's, I can't remember the word you used, but that essentially, it's a guide.

**Ms Rattray** - Directory.

**Ms LOVELL** - Directory. Means it doesn't have to be - the way I read this is that there has to be an even number on the committee of either six or eight. If you're saying we don't have to elect a member, the only way I can say of doing that is having an eight-member committee that we just have a vacancy on for as long as we like. There's four members from the House of Assembly, three members from the Legislative Council.

But then if you're saying that we don't have to comply with having an even number, then does that mean we don't have to comply with any of the provisions of this clause? I'm very confused about why you would have in the act that it needs to be an even number but then say actually it doesn't really need to be an even number. Well, does that mean it doesn't really need to be six or eight? Could we have a four-member committee or a 10-member committee? I don't see how parts of it can apply and parts don't have to.

The other question I had is that as this debate has been happening, I've gone back and looked at the Department of Justice website to try and find the public consultation on this bill, to see if there's any additional information there about comments that were provided around this matter. I can't find it. There are lots of other bills on there, but neither the original bill from 2024, nor this bill now are on the website. I can't find anything at all related to these provisions in this bill, or either of those bills, actually. I'm wondering why that consultation is not publicly available as most of the other Department of Justice bills are. I do have concerns about this. I feel like we're doing it again. The more we talk, the more concerns I'm having. I would like more, a bit more information about those couple of questions.

**Ms RATTRAY** - Seeking advice, Madam Chair. Actually, seeking clarification, Madam Chair.

Madam Chair, I will provide some response to the honourable member for Rumney. It was targeted consultation at the time. It was not public consultation. That answers the one question. I do have some further clarification around the former CEO of the Integrity-

**Ms Lovell** - No, no, that's fine.

**Ms RATTRAY** - Commission.

**Ms Lovell** - Through you, Chair. I'd just really like the answers to the confusion about half and half.

**Ms RATTRAY** – Thank you Madam Chair. Some more clarification. As members have noted, there's already not formal compliance with the section and given there is no House Greens member and a council Greens member instead, this reflects that the section does not say the Houses must do things, and also the section refers to parliamentary practise of the House. The section instead uses the term 'is to' instead of 'must'.

Now that the Director of Legislation is at the table, he has clarified, thank you, [inaudible 5.07.30]. He has clarified to me that his recollection was that there were discussions with the Integrity Commission in 2024 about reforms to the integrity legislation generally. Of course, before and after 2024. Again, the director's recollection is that discussions noted the change of party composition at the time meant the section could no longer be addressed. There was no formal recommendation from the commission, but the department considered the issue and recommended to the Attorney-General that this issue be addressed.

There were integrity reform discussions with Mr Easton and other staff of the commission. The director acknowledges, with the passage of time, he is not absolutely confident the discussions were with Mr Easton or his successor. He therefore apologises for any confusion, but the key issue is that the department considered this an issue with the section to address. Furthermore, the government is certainly taking on board the concerns that have been raised and, I repeat, it's certainly in the hands of the council whether they choose to support this amendment.

**Ms WEBB** - Second call, I believe. Oh, my goodness gracious. Stop digging, government. Stop digging. This is a piece of law here. It's an act. It's a statute. This is about statutory interpretation and if it says the committee 'is to', the committee is to.

**Ms Armitage** - Is to means must.

**Ms Webb** - Yeah, it absolutely does. As far as I am aware, that is how you interpret this statute.

Here's the thing. It's weird that the government didn't actually look to align this properly with what we have most recently passed in this place when it comes to a similar situation, which is the *Commissioner for Children and Young People Act 2016*, which we passed here relatively recently, and that forms a committee. In the arrangements it has in clause 37 of that act, is a joint standing committee on the *Commissioner of Children and Young People Act 2016*. They have the same thing. What we're looking to do here with these amendments: it says consists of an even number not less than six, not more than eight, and (a) half are members of the Legislative Council, half are members of the House of Assembly - then it, in its subclause (3) does what we haven't amended here with this bill before us, which is to fix the issue of where the party representation lies. The clause (3) from the *Commission for Children and Young People Act 2025* says:

(3) The members of the Joint Committee established by this section are to include at least one representative of each political party that has 3 or more members in the House of Assembly.

but it doesn't specify that it has to be from the House of Assembly.

**Ms O'Connor** - Perfect, it's actually perfect.

**Mr Hiscutt** - It was established during that debate that the Legislative Council doesn't have to do that.

**Ms WEBB** - No, sorry, excuse me, but a piece of legislation overrules our standing orders. Here's the other thing, when it comes to things like that, and for example when it comes to the other issue here which has been raised. Again, let's just tease out the issues. The other issue is the capacity of this Chamber to furnish more members for committees, which is a challenge that is difficult. If the other place was to put up four members, would we have to put up four - well, the way this reads, yes we would.

Addressing that isn't necessarily something that needs to be addressed in the statute. It should be addressed as a matter of comity between the Chambers, comity of the Parliament, where there should be a discussion about the formation of committees like this and there should be the ability for there to be a conversation that, actually, our Chamber is at its capacity, so on this, this and this committee, when it gives the choice between six or eight in the act, we can only furnish three from our Chamber, therefore it's by agreement. Comity of the Chambers, by convention, should help us, and should be the basis for dealing with that. It shouldn't have to be dealt with just in what the act gives us, that potential for either/or, the six or the eight. I do not see how under statute, where it says, 'is to be comprised', and it's half and half, there can be anything other than half and half, and that it be the number that is determined by both Houses, one or the other, and we have to match it, basically.

That's my contribution on this. I don't know why the government only went halfway to replicating the *Commission for Children and Young People Act 2025* - why wouldn't they have gone the full way at least, to provide consistency? The thing it would have fixed right now is the current breach of the act that we're in. We could have been fixing that current breach right now by replicating 37(3) of the *Commission for Children and Young People Act 2025*. If we'd been replicating that here as part of these amendments, at least, tick, we wouldn't be in current breach of the act. So far we are not fixing the current breach of the act necessarily. We're raising our concerns here about our capacity, if we're forced, to somehow furnish four members of an expanded committee for integrity. We still have to come back to the issue of the fact that we don't necessarily have things that we can feel confident in here with issues of comity of the Houses, and how we can make sure that our genuine capacity is taken into account when we're landing on the number of members of committees. Clearly all of us here feel nervous about the inadequacy of how those things are handled. That's another thing.

I remind members that there was a time past when there was a committee that existed in this parliament - well before my time, but I'm told of stories of it - which was the Joint Standing Committee - Working Arrangements of Parliament.

**CHAIR** - There are historic records of that committee's work.

**Ms WEBB** - Yes, the working arrangements of parliament committee. That's where discussions would be held about things like this when it's to do with negotiating 'Look, is this committee going to be a six or an eight, under the act it could be either, what's going to fit, what's going to work?' That, and many other things could be discussed by that kind of committee. We don't have it, we haven't replaced it with another similar mechanism. That's probably a thought to carry through to another day, because we should all be able to have confidence that our Chambers can have conversations based on the principle of comity and be able to come up with a way forward that works.

**CHAIR** - I'll give the Leader a chance to respond if she wishes to.

**Ms O'Connor** - I think there is a path through here.

**Ms RATTRAY** - Thank you, I do have a response. I'm not entirely sure whether the response will answer all the matters that were raised by the honourable member for Nelson and others. I'll just put on the record again, the government acknowledges that the Commission for Children and Young People takes a different approach to where party members come from. The changes in the bill were not designed to change the underlying mechanics of the clause. It adjusted the numbers from each House without seeking to change where the party members came from. The government's position on directory Joint Standing Committee provisions is based on previous advice but is also very happy to consider the comments raised.

**Ms O'CONNOR** - Well, I'm having an evolution of thought as well. I wonder if there's a path through here where this clause would be put to a vote, but the terms of reference that the member for Nelson just read out for the Joint Standing Committee oversight in Commission of Inquiry recommendations -

**Ms Webb** - Commission for Children and Young People.

**Ms O'CONNOR** - The Commission for Children and Young People, sorry. It solves the problem that we have, and I'm standing here as evidence of the breach, right -

**Ms Lovell** - It's not a breach, though. It's alright.

**Ms O'CONNOR** - No, no. Thank you for everyone who voted to put me on the Integrity Committee of the Parliament. It's some of my favourite work in Parliament.

**Ms Webb** - It's the other place that is in breach, not us.

**Ms O'CONNOR** - Two Greens on the Integrity Committee, what's not to like about that? But I wonder if the government is prepared to consider the debate that we're having here today, the fact that the proposed amendment to the *Integrity Commission Act 2009* is insufficient to deal with a current problem. The government has been aware of this current problem since the beginning. Is there a path through here where there's a vote on this clause, but government comes back into the Chamber either with an integrity commission amendment bill that deals with the makeup of the committee -

**CHAIR** - After they've been consulted, perhaps.

**Ms O'CONNOR** - After they've consulted, but you could do targeted consultations on this. I'm not sure it would be - like, to consult on the makeup of an integrity committee of parliament, perhaps wouldn't grab the public's imagination, but there'll be integrity experts and legal professionals who might be interested in submitting. It's only a small mechanical change in a way, though. It shouldn't require extensive consultation, Madam Chair.

**CHAIR** - I'm not talking about extensive.

**Member** - You could consult within the parliament, even, consult between the two Chambers.

**Ms O'CONNOR** - You could consult within the parliament. As the green elephant in the room, I would very much like to see government deal with this in an effective and comprehensive way, because the clause that we're dealing with now is pretty half-baked, unfortunately, for the legitimate operation of the committee under the act that establishes us.

**Mr HISCUTT** - Thank you and I apologise for my interjection before, but I just wanted to clarify during that debate and on *Hansard* - the government gave advice, the government has taken advice in relation to this point speaking about whether the Legislative Council has to fulfil the clause that says one of the members must come from a party. The government's advice was - and not quite sure about the government's advice at the moment with his 'two, not many, must' [??? Hard to hear 5.18.35pm], but anyway, our advice is that the provision is drafted and the bill does not compel the Legislative Council to act in a certain way in the election of the half of the committee who are the members of the Legislative Council. The Legislative Council is free to appoint its members in accordance with its usual practises as outlined in 37(4).

In practice it is a matter for the for the House of Assembly to take into account the intention of 37(3). This has been discussed between the Leader of the House and his counterparts. All three parties have agreed that for the establishment of this committee and in future with other joint standing committees containing similar requirements, the Legislative Council will be given the opportunity to elect its members first. According to them, and maybe this is because it's a directive or something like that - and I'd just like to clarify that in relation to, with this bill, it doesn't matter because it doesn't mention it, but I will clarify that point. The previous advice given has said that this House is not compelled to follow that aspect of the act, which should have brought up this debate at that stage as well, but if I could get that clarity.

**Ms Webb** - Not if we go first.

**Mr Hiscutt** - Well, we won't have to if we go first.

**Mr GAFFNEY** - I really have enjoyed - some part of me goes back to it and says our role at the moment is to either accept, amend or reject clauses 22, 23, and 24. I don't think that our role here at the moment is to try and come up with a solution for the government. I think our role is to vote against 22, 23, and 24 because we actually have an integrity committee that is not abiding by the rules of the House of Assembly, where it states they have to have one member from every party that has over three members in it. Our integrity committee is not abiding by the rules of the act, however we look at it.

**Ms Armitage** - Well, the House of Assembly is not.

**Mr GAFFNEY** - The House of Assembly. That's what I'm saying. Okay, so in 23(3) it says - it's been read out, but I would say it again -

one of the members of the joint committee referred to in subsection 2B, at least one member of any political party that has three or more members in the House of Assembly is to be a member of the Joint committee from the House of Assembly. [tbc]

We have three parties in there: Labor, Liberal and Greens. There is no representative of the Greens on the integrity committee from the House of Assembly. Our integrity committee is not abiding by the rules. Therefore, I suggest that we reject 22, 23, and 24 and say go away and come back and do whatever you want to do and reintroduce the amendment. I would encourage all members of this place to vote against 22, 23 and 24. Let them fix it.

**Members** - Hear, hear.

**Ms ARMITAGE** - Thank you, member for Mersey, for your sage advice. I agree with you totally. Look, just to be really clear, and I really would like a comment from the Leader to clarify it because we keep going around in circles and the government keep giving us different things saying, 'It says 'is to', that doesn't mean 'must''. It does mean must. Just to clarify - and you know, I'm going back to AI.

**A member** - Oh, God.

**Ms O'Connor** - Do you know what I like? Every time you do, you confess.

**Ms ARMITAGE** - When 'is to' means 'must':

Official rules - the student is to report to the office means the student must report there. The difference 'must' feels more direct and personal, while 'is to' often sounds like an external plan, schedule, or institutional command.

'Is to' does mean 'must'. I just think you know, it's in the act.

The other thing I'd like to ask - we said targeted consultation. I would have thought targeted consultation would have been with the committee itself and the Houses. It just seems really interesting that targeted consultation - I've been there a long time on that committee, and I have had discussions with the Attorney-General because I knew this was coming up and had discussed it with him, but I don't remember anything official ever actually coming to the committee. Maybe it didn't, I've missed it, but I've been Chair for quite a while, and I just don't think it has. I thought targeted should have been there. I ask members too why should we fix up something that should be fixed up. We sort of have questions about whether we are contravening, but of course we love the member for Hobart. We have always wanted to keep her, but while we actually made the intent, we do have one of each party.

It really wasn't up to us to fix the act either. This House is not in contravention; it's the House of Assembly. I ask members to look at this. I agree totally with the member for Mersey that let's vote against the clause and let the government come back and fix the actual act.

**Ms RATTRAY** - Thank you, Madam Chair, and it gives me great pleasure to stand. Although I haven't enjoyed this as much as the honourable member for Mersey, I have appreciated this on behalf of the government. I've appreciated it, definitely not enjoyed it. Here's the clarification - and this is not AI, for all honourable members and anyone who might be finding time to listen to this today. To clarify why 'is to' doesn't mean 'must', this is based on section 10A of the *Acts Interpretation Act 1931*:

**10A. Meaning of "must", "is to" and "may"**

- (1) In any Act –
  - (a) the word "must" is to be construed as being mandatory;  
and
  - (b) the words "is to" and "are to" are to be construed as being directory; and
  - (c) the word "may" is to be construed as being discretionary or enabling, as the context requires.

That's the clarification.

**Ms WEBB** (Nelson) - Through you, Chair. I thought 1931 might be a bit outdated.

**Mr Hiscutt** - What does directory mean? Because directory is not defined in *Acts Interpretation Act*.

**Ms Armitage** - Sorry. I haven't had an answer to the question I asked about the consultation and why the committee wasn't a targeted consultation?

**Ms RATTRAY** - Madam Chair, at an earlier time I indicated that it was a targeted consultation process, and I've acknowledged that the committee wasn't consulted formally. You've obviously had some informal discussions, but nothing formal.

**Clause 22 negatived.**

**Clause 23 negatived.**

**Clause 24 negatived.**

**Clause 25 agreed to.**

**Clause 26 and 27 agreed to.**

**Clause 28 and 29 agreed to.**

**Clause 30 agreed to.**

**Clause 31 agreed to.**

**Clause 32 agreed to.**

**Clause 33 agreed to.**

**Clause 34 agreed to.**

**Clause 35 agreed to.**

**Clause 36 agreed to.**

**Clause 37 agreed to.**

Title

[5.28 p.m.]

**Ms ARMITAGE** (Launceston) - Thank you, Chair. I have an amendment standing in my name to the long title *Leave out 'Integrity Commission Act 2009'*.

**CHAIR** - Do you want to speak to that?

**Ms ARMITAGE** - I think it's fairly self-evident that we've actually taken out the amendment that relates to the *Integrity Commission Act 2009*. So, it needs to be removed from the long title.

**Ms RATTRAY** - I would like to acknowledge the debate that some have had in the Chamber today and appreciate that members have arrived at a decision. Thank you.

**Amendment agreed to.**

**Title amended.**

**Title, as amended, agreed to.**

**Bill reported with amendment.**

[5.31 p.m.]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the bill as amended be taken into consideration tomorrow.

**Motion agreed to.**

**JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL 2026 (No. 12)**

**Second Reading**

[5.32 p.m.]

**Mr PRESIDENT** - The honourable Leader for the Government.

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the bill be now read a second time.

## **Motion agreed to.**

I'm pleased to introduce this bill in the Council which makes minor amendments to update and clarify five different pieces of legislation related to the Tasmanian Civil and Administrative Tribunal (TASCAT). The bill amends two acts and one set of regulations within the Justice portfolio. The bill also makes consequential amendments to two acts that are justice related, falling under the responsibility of the Minister for Local Government. The amendments contained in the bill may be minor in nature, but bills of this kind demonstrate our commitment to continually improving the law wherever the opportunity arises to ensure it is clear and consistent.

TASCAT operates in streams, which is an effective and convenient way to ensure that matters that are similar are dealt with under the same laws and by tribunal members who have appropriate knowledge and skills. As a result of separate amendments to the *Tasmanian Civil and Administrative Tribunal Act 2020 (TASCAT Act)* that had been made in 2023 and 2025. Matters under the *Retirement Villages Act 2004* are currently allocated to both the resource and planning stream, and the administrative stream. For clarity and ease of administration, clauses 9 and 14B of the bill amend the *Retirement Villages Act 2004* and the *TASCAT Act* so that these matters are only heard in the administrative stream, which has been identified by TASCAT as the preferred stream.

Clause 13 inserts transitional provisions into the *TASCAT Act* that apply to any retirement village proceedings already being heard in the tribunal's resource and planning stream at the time these changes commence. Clause 5 of the bill makes a minor amendment to the *Local Government (Highways) Act 1982* to remove a requirement that, when TASCAT hears matters under section 46(7) of the act, it must include a person with expertise or experience in road construction engineering as a panel member.

TASCAT has found this provision unnecessarily restrictive, as panel members with this niche expertise are not always available or required. The *TASCAT Act* includes provisions that are sufficiently broad to ensure that appropriately qualified panel members are chosen for the particular matter they are going to hear. Those provisions already allow TASCAT to appoint panel members with expertise in engineering. This may include a person with road construction engineering experience where the specific knowledge is necessary. This Justice and Related Legislation (Miscellaneous Amendments) Bill 2026 was read for the first time in the Legislative Council on 28 May 2026. Clauses 6 and 7 of this bill relate to amendments to Section 28Z(k)(6) of the *Local Government Act 1993*, which is an incorrect reference as TASCAT already hears the relevant matters.

On 25 June 2026, the Local Government Amendment (Targeted Reform) Bill 2026 was passed by the Legislative Council. This bill awaits proclamation to become law. The Local Government Amendment (Targeted Reform) Bill 2026 contains a clause that will remove subsection 6 from Section 28Z(k) of the *Local Government Act 1993*. As the parliament has already passed legislation that will have the effect of omitting this provision, I will be moving in committee for the omission of these clauses and an amendment to the long title of the bill.

The bill also makes some other changes to the *TASCAT Act* to enhance clarity. Most of these changes are very minor. For example, several definitions are being removed from schedule 3 because the terms that they define are no longer used in that schedule. There are also minor amendments to schedule 2 to the *TASCAT Act*, such as the amendment to separate out planning and resource economics as different areas of expertise for panel members. A minor error previously resulted in these two disciplines being listed as one.

Clauses 11 and 17 of the bill relate to the tribunal's ability under section 115 of the *TASCAT Act* to make an order to extend or shorten a time-limit that applies during proceedings. At the moment, TASCAT can only make this order on its own initiative. The bill substitutes a new section 115 that would allow a party to proceedings to apply to have this order made. To ensure that TASCAT can cover its costs in relation to this new class of application, a fee has also been included for these applications in the Tasmanian Civil and Administrative Tribunal Regulations 2021. The fee is that same as the relevant fee for all similar applications made to TASCAT and is set at 60 fee units.

I note that under regulation 10 of the TASCAT Regulations 2021, if a registrar of the tribunal is of the opinion that payment by a person of a fee in relation to proceedings may cause the person financial hardship, the registrar may reduce, waive or refund part or all of the fee. That capacity of the registrar will of course also apply to this new fee.

The government would like to thank all valued stakeholders who contributed to the bill during the consultation period, and the government is committed to ensuring that the public have the opportunity to comment on laws that may affect them. Through the generous donation of public time, the laws that have been developed are made stronger. I commend the bill to the council.

[5.39 p.m.]

**Mr GAFFNEY** (Mersey) - I rise to speak on the Justice and Related Legislation (Miscellaneous Amendments) Bill (No. 12 of 2026). With any miscellaneous amendment bill there are various parts as the government seeks to address certain issues. Broadly, the bill makes a variety of technical amendments, many of which are relatively minor and uncontroversial. As such, I will be supporting the bill. I do appreciate the ongoing iterative approach by the government to the Tasmanian Civil and Administrative Tribunal. That's the TASCAT, and I can recognise the commitment to continuous improvement, tinkering, attempts to streamline and improve legislation regarding the administration of justice.

Notwithstanding the content of the legislation is the area of law that the government has consistently shown, I believe, both vision and continuous commitment to change, and that is commendable. Of course, one hopes that the government will begin to take the same approach to other matters, such as the powers and roles of the Integrity Commission.

Indeed, it is a particularly important area, the Administrative Appeals Tribunal. This is the first line of defence, as such, intended as a point of contact for regular Tasmanians, not for wealthy litigants, but for those who don't always have the resources or capacity to fight public decisions or private matters. As such, while the governmental commitment to change is well appreciated it is also important that changes are also responsible and considered. With that in mind, I do have some concerns regarding the application process and imposing a fee for the application to extend or shorten the time allowed for something to be done.

To my mind this decision has been made to free up time from the TASCAT by disallowing standard practise. A decision which is currently made by TASCAT in the best interest of justice and fairness is being moved to one which poses a financial barrier that requires specific action to overcome. I'm concerned that this is a decision that will be of detriment to the efficacy of TASCAT and its role in providing simple, effective and fair justice to vulnerable parties or those with less financial or practical means. I'm also concerned that it represents a significant barrier for the most vulnerable within the TASCAT process, noting these vulnerable Tasmanians are the ones most likely to be using it.

It's nice to broaden the process to allow parties to initiate extensions of time, but not everyone has the extra \$120 to apply for a necessary extension of time. Indeed, that might be the difference between a win or a loss, noting that in many areas that TASCAT adjudicates in the first instances significantly involve the communication, equal rights, health and work claims, civil and consumer claims, health and guardianship claims and planning claims, amongst many others. In it, it is inappropriate to impose such a fee without a significant upshot.

The reason I raise this, I would like to include comments and concerns from the Council of the Ageing submission, in this next section of my speech, which is not too long. However, as the Council of the Ageing Tasmanian Division (COTA) stated in their submission:

Many older Tasmanians live on fixed and modest incomes. Some experience illness, hospitalisation, reduced mobility, caring responsibilities, bereavement, disability, cognitive impairment, transport difficulties or limited digital confidence. These are precisely the kinds of circumstances that may cause delay in meeting a procedural deadline. A fee attached to an extension of time application risks operating as a barrier for those already facing disadvantage. This concern is especially relevant where older people are self-represented. Tribunal systems are intended to provide accessible, lower-cost pathways for dispute resolution. Even relatively modest fees can discourage people from taking necessary procedural steps, particularly where the person is already uncertain, stressed or dealing with health or financial pressures. For some retirement village residents and other older applicants, a \$60 fee will not be trivial.

This is not only an issue for older Tasmanians, though it is indeed a major concern for them. It is also a concern for all people using TASCAT. It is a process designed not to be costly, and not to be a traditional court.

What is the upshot then? One might argue that will make some money for TASCAT, an operational efficiency. I would suggest that this is not an appropriate reason to hamstring our administrative appeals process. One might also argue that it will reduce the burden on TASCAT. To that, I would suggest that making it harder for applicants after increasing the caseload of TASCAT, while all the while assuring members that the burden would be adequately managed, is also inappropriate.

To my mind, this reflects the government walking away from the representations it made when assuring Tasmanians that it would be adequately supporting TASCAT after it amalgamated various other jurisdictions into it. Barriers to entry are not necessarily a suitable solution to an overburdened system of justice, especially when the overburdening is of the government's own making.

COTA made some suggestions as to potential changes and I do note that these can either be clarified by the Leader or potentially implemented at a policy level. But it is a significant concern that needs addressing. COTA in their submission stated:

If the government proceeds with the proposed fee, COTA Tasmania recommends that appropriate safeguards be put in place. At a minimum, there should be a clear and accessible process for waiver, remission or non-payment of the fee where payment would cause hardship or where the circumstances given rise to delay are reasonable. Guidance about [inaudible 5.45.08] applications should also be provided in plain English and accessible formats suitable for older people and self-represented parties.

Mr President, we all know that while some older people are very competent using computers, internet, whatever, many are not.

would also like to reflect some other concerns of COTA Tasmania. I'm concerned that there are parts of this and the existing legislation that risk leaving behind older Tasmanians. Accessibility is a significant concern when it comes to TASCAT, as I have stressed, and a key touchpoint for vulnerable Tasmanians with the justice system. Indeed, in their submission, my last quote from COTA stated:

COTA does not support efficiency reforms that make systems harder for the public to navigate narrow practical access to justice, shift burdens onto individuals, or accelerate quiet movement towards digital only processes.

I note that comparative to other states and territories, Tasmania has a high median age, low literacy rates and low computer literacy rates. We need to make sure, when amending judicial processes under the guise of iterative improvement, that the key demographics who stand to gain from the processes are at the forefront. Australia does not have such a strong culture, economy and quality of life from leaving its vulnerable behind. Indeed, the most groundbreaking positive elements of our society and policy framework are driven by efforts to protect vulnerable Australians. Superannuation, administrative oversight and justice systems, healthcare and social welfare nets, investigative bodies - all of these things matter, and we should be careful to ensure they last.

One part of this is ensuring that tinkering does not harm vulnerable Tasmanians. While it is pleasing to hear in the briefing that there is flexibility in the fee issue, and TASCAT have a process which will assist addressing the concerns raised by COTA - I was pleased that the honourable member mentioned that - but there would still be many people of that age group within the COTA responsibility that would not understand or know how that process would work. It would be beneficial if the leader could clearly articulate that process for the benefit of COTA and the people they represent, particularly when you have to go online to a website to find the information, then apply to, I think, the TASCAT commissioner or whoever it might be at the head of TASCAT, and you may be supported in your fee reduction. That is of concern. I'm aware that there are significant opportunities to improve the way TASCAT works for Tasmanian demographics, which needs to support the older, vulnerable Tasmanians.

On that note, I strongly encourage the government to continue to strive for a better system of administrative justice. While I support the legislation and appreciate the efforts of the

government in this space, I do have concerns regarding the imposed fee and its impact on older, vulnerable Tasmanians and ensuring that they can navigate the processes that are going to be in place. Many of these are online, and where they do have face to face they don't get to regional Tasmania. They're mainly housed here in Hobart or the foggy city of Launceston.

[5.48 p.m.]

**Ms GLADE-WRIGHT** (Huon) - I'll add my two cents. I rise to support the Justice and Related Legislation (Miscellaneous Amendments) Bill 2026, also. This bill updates six pieces of legislation that relate to the Tasmanian Civil and Administrative Tribunal through minor and or technical amendments. We heard in the briefings that the bill aims to streamline processes, remove outdated provisions and improve access to justice.

It updates an outdated reference to the Magistrates Court, so that the legislation reflects the fact that TASCAT now hears those matters. It also ensures retirement villages matters are heard in the TASCAT administrative stream, which has been identified by TASCAT as the preferred stream, while protecting existing matters already commenced in the resource and planning stream.

I also support the removal of the rigid requirement that a panel member have road construction engineering expertise in every relevant highways matter. Specialist expertise is important, but it should be used where it is actually required. The material before us makes it clear that TASCAT can still appoint appropriately qualified members, including engineering expertise, according to the nature and complexity of the matter.

In regards to the amendment to the *Retirement Villages Act 2004*, I too want to acknowledge the thoughtful submission from COTA Tasmania. COTA is concerned whenever legislation is described as 'miscellaneous' or 'largely administrative', that seemingly minor amendments can have major practical consequences, especially for people who are already managing complexity or disadvantage. That is especially relevant to the new process for applications to extend or shorten time limits, and the associated fee. I don't want to repeat everything that the member for Mersey mentioned in his excellent contribution, but I too urge the government and TASCAT to implement the bill with care, that they take on suggestions by COTA, and ensure that information is presented with clear, plain English, in accessible, non-digital pathways, and with genuine hardship protections for fees and adequate resourcing so that lower cost tribunal pathways remain genuinely accessible.

In summary, this bill tidies up some identified issues, strengthens consistency, and helps preserve access to justice. With those remarks, I support the bill.

[5.52 p.m.]

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) - More paperwork, Mr President, than the second reading speech. I'll see how I go. I appreciate the contributions from members.

In response to the honourable member for Mersey and the honourable member for Huon who raised the matter around the COTA issues, I can say on the public record that access to justice is very important to the Attorney-General and Minister for Justice. The TASCAT practice and procedures are designed to allow all Tasmanians to access the tribunal, whether they are comfortable using digital and electronic processes or not. Any party can contact the tribunal by phone or in person to request that hard copies of information sheets, forms, or other

documents be sent to them by post. The tribunal undertakes this in all its streams, particularly guardianship.

The tribunal has prepared a table including a simple explanation of the type of proceedings that can be brought and the relevant section of legislation for all types of applications. This is to ensure people can easily find the correct form and to assist them to fill it out. I think that's a really important point - to assist to fill it out, which is obviously quite daunting for the people whom perhaps COTA would have represented. The table also provides a link to the forms for people who are comfortable using electronic processes. The tribunal has issued a single review form to reduce the number of forms previously used to make the process easier to navigate. The form also contains a field where a person can advise a tribunal of any special support or assistance that they may require. For example, a person may ask that the tribunal communicate in large font to assist with reading. That's always very helpful. The tribunal also offers parties the option of attending in person, by phone or by video conference, which can assist people who have limited mobility to attend the tribunal for their matters.

In regard to the waiving of fees for any particular person who finds it challenging to pay, I'll just reiterate some of what I said in the second reading speech. TASCAT has the power to reduce, waive or refund part or all of a fee. The power can be used by the registrar of TASCAT when they form a view that a person may be caused financial hardship by being required to pay the relevant fee. The power is located in regulation 10 of the TASCAT Regulations of 2021, and allows the registrar to reduce a fee, refund all or part of a fee already paid, or to waive a fee entirely, meaning that the person is not required to pay at all. This is to ensure that all Tasmanians have access to justice regardless of their income.

How do people know that TASCAT fees can be waived? A really important question. Wherever there is information regarding payable fees on the TASCAT website, the information is also included that a person may apply for a waiver or reduction of any fee on the basis of financial hardship. The tribunals 'Help and Assistance' page also has large headings which provide a link to the form that is used for seeking a waiver or reduction. If a person contacts the tribunal and indicates that they are experiencing financial hardship, then tribunal staff will also pass on this information. So, it can just be a phone call, Mr President. The Registrar considers each application on the basis of its own facts and there are no limits on the number of fees that can be reduced, refunded or waived for in person.

I trust that that gives a very good overview, and they were very good questions that were asked.

**Mr Gaffney** - That was very good.

**Ms RATTRAY** - I appreciated you reading in that COTA concerns. In regard to consultation that occurred on the bill, preliminary consultation on a draft version of the Justice and Related Legislation (Miscellaneous Amendments) Bill 2026 was undertaken with the Department of State Growth, the Department of Premier and Cabinet and the Tasmanian Civil and Administrative Tribunal (TASCAT). Public and targeted stakeholder consultation on the bill took place on 11 March until 27 March 2026 and the draft bill was also forwarded to the Chief Justice and Chief Magistrate for comment.

In closing, Mr President, and I've just touched on the consultation process, but the government would particularly like to acknowledge the Council on the Ageing (COTA)

Tasmania for their thorough submission during the public consultation phase and would like to note that with respect to the consultation, there was public and targeted consultation in March 2026, as I just indicated.

Mr President, there were 14 submissions on the draft bill, one received after the close of consultation, and 9 submissions made no comment on the draft bill. Submissions were received from the Tasmanian Planning Commission, Consumer Building and Occupational Services Integrity Commission (CBOS), WorkSafe, the Department of Natural Resources and Environment, Tasmania Police, Fire and Emergency Services Department, Director of Public Prosecutions, the Department of State Growth, and the Department of Education, Children and Young People. Submissions were received from the Tasmanian Prison Service, Parole Board, Community Corrections Council on the Ageing, and Treasury commented on the bill.

Submissions received during the consultation that are suitable for publication are on the Department's website under 'Have your say' and for this bill, one submission has been published in accordance with that policy, which was the submission from the Council on the Ageing (COTA).

Thank you, Mr President. I believe that well and truly covers the matters that were raised, and I appreciate the opportunity to put that on.

**Bill read the second time.**

**JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS  
AMENDMENTS) BILL 2026 (No. 12)**

**In Committee**

**Clauses 1 to 3 agreed to.**

**Clauses 4 and 5 agreed to.**

**Clause 6 -  
Principal Act**

**Ms RATTRAY** - I'm going to invite honourable members to vote against the clause, something that I didn't want you to do last time, but now I'm asking you to consider that. I do so for the following reasons. As was noted in the second reading speech, the Local Government Amendment (Targeted Reform) Bill 2026 was passed by the Legislative Council on 25 June 2026, Madam Chair. This bill awaits proclamation to become law, and the Local Government Amendment Bill contains a clause that will remove subsection 6 from Section 28ZK of the *Local Government Act 1993*.

The Justice and Related Legislation (Miscellaneous Amendments) Bill 2026 contains an amendment to the same subsection that the Local Government Amendment (Targeted Reform) Bill has removed. This occurred because this bill was tabled in the Legislative Council before the Local Government Amendment (Targeted Reform) Bill was read for a third time. Rather than amending a provision that is about to be repealed, I move that the Justice and Related Legislation (Miscellaneous Amendments) Bill of 2026 be amended by removing

## UNCORRECTED PROOF

Clauses 6 and 7 and by removing the words 'Local Government Act 1993' from the long title. I respectfully ask that you vote against the clause.

**Clause 6 negatived.**

**Clause 7 negatived.**

**Clauses 8 and 9 agreed to.**

**Clauses 10 to 12 agreed to.**

**Clauses 13 to 15 agreed to.**

**Clauses 16 and 17 agreed to.**

Madam Chair, I move -

An amendment, long title,

*leave out 'the Local Government Act of 1993'.*

I think it's been clearly articulated why that's necessary when the the vote against the clause occurred.

**Amendment agreed to.**

**Title, as amended, agreed to.**

**Bill reported with amendment.**

[6.06 p.m.]

**Ms RATTRAY** - Mr President, I move -

That the bill as amended be taken into consideration tomorrow.

**Motion agreed to.**

### MESSAGE FROM THE HOUSE OF ASSEMBLY

#### Police Offences Amendment Bill 2025 (No. 50)

[6.07 p.m.]

**Mr PRESIDENT** - I have a message from the House of Assembly - Bill No. 50 of 2025.

Mr President

The House of Assembly has agreed to the amendments made by the Legislative Council to the bill intituled A Bill for an Act to Amend the *Police Offences Act 1935*.

Jacquie Petrusma  
Speaker, House of Assembly  
20 August 2026

**MONETARY PENALTIES ENFORCEMENT AMENDMENT BILL 2026 (No. 16)**

**First Reading**

**Bill received from the House of Assembly and read the first time.**

**Ms RATTRAY** (McIntyre - Leader for the Government in the Legislative Council) -  
Mr President, I move -

That the second reading of the bill be made an order of the day for Tuesday next.

**Motion agreed to.**

**ADJOURNMENT**

**Ms RATTRAY** - Mr President, I move -

That at its rising the Council adjourn to 11 a.m. on Tuesday 1 September 2026.

**Motion agreed to.**

Obviously, everyone's received a note to say that there is no Quorum Call required for tomorrow, so I very much appreciate those members who had offered to make themselves available.

Mr President, I move -

That the Council do now adjourn.

**The Council adjourned at 6.09 p.m.**