

PARLIAMENT OF TASMANIA
DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Wednesday 19 August 2026

Preliminary Transcript

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UNCORRECTED PROOF

Wednesday 19 August 2026

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

TABLED PAPERS

Government Administration Committee A - Special Report on Resolution to Establish Inquiry

[11.03 a.m.]

Ms FORREST (Murchison) - Mr President, in accordance with the Legislative Council Sessional Order 5(14), I have the honour to present a special report of Government Administration Committee A in relation to an inquiry initiated by the committee of its own motion.

I move -

That the report be received.

Report received.

Macquarie Point Contaminated Material Removed - Response from Government

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) (by leave) -Thank you, Mr President. I table a document and it's a response to the member for Hobart's Special Interest Matter of 18 August. This is an initiative by the government to respond to the honourable member.

Ms O'Connor - Thank you.

Document tabled.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before we move on to our orders of the day, I'd like to welcome to the Chamber this morning the year 9 students from the Hutchins School. I believe we have another group coming through, but this is the first group. What the Legislative Council has done this morning, we have a set pattern where we open the parliament and then we go on to our orders of the day. Today we'll be looking at several bits of government legislation and that will occupy us for most of the day.

The Council is made up of members from all divisions around Tasmania, and Hutchins School would be in the division of Nelson, but you probably come from other members' divisions all over the place. Regardless of who your local member is, I know that all members will join me in making you very welcome to the Tasmanian parliament today.

Members - Hear, hear.

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POLICE OFFENCES AMENDMENT BILL 2025 (No. 50)

Consideration of Bill as Amended in Committee of the Whole Council

[11.05 a.m.]

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

That the bill as amended in Committee be now taken into consideration.

Motion agreed to.

Amendment read the first time.

Amendment read the second time.

Amendment agreed to.

POLICE OFFENCES AMENDMENT BILL 2025 (No. 50)

Third Reading

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

That the bill be now read the third time.

Bill read the third time.

OCCUPATIONAL LICENSING AMENDMENT BILL 2026 (No. 6)

Second Reading

Continued from 13 August 2026 (page 73).

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I have concluded my contribution on behalf of the government to the second reading speech, and I look forward to listening to honourable members' contributions.

[11.07 a.m.]

Mr GAFFNEY (Mersey) - Thank you, Mr President. I rise to speak in support of the Occupational Licensing Amendment Bill 2026. I was very pleased when it was made public that the government would be supporting legislation to prevent corporate phoenixing and empower the regulator to deal with dodgy Tasmanian operators in the construction industry. It's also pleasing to hear, however, that by and large, those in the Tasmanian construction industry are hardworking, considerate professionals.

However, corporate phoenixing to avoid paying creditors or to do otherwise avoid a business obligation is not a new issue. It is a harmful practice that the federal government and the Australian state governments have long sought to prevent. Indeed, this legislative proposal follows the lead of several other jurisdictions.

Corporate phoenixing is a form of financial abuse that does direct and serious harm to Tasmanians. It is quite common to hear from someone who has been defrauded in some way by a builder. I have no doubt many legislators can name someone who has been affected by dodgy building practices such as abandoned contracts or other forms of fraudulent behaviours. Of course, not all dodgy builders use this process, and there will inevitably be a number who continue to do the wrong thing, but it is an important step in the right direction.

It was pleasing to hear, in the other place, the way that this bill came about. In recent times, it has become all too common for members in this place and the other to raise heated concerns about the practices of the government, and even the primary opposition, crossbench and minor parties.

Nonetheless, this bill is a positive step in the right direction and should be recognised as such. It was pleasing to hear the honourable member for Braddon Dr Broad, speaking in the other place of how this legislation came about. It was a concern raised by constituents to their representatives in parliament, which was discussed openly across party lines during the 2024 Estimates process. This matter was taken seriously by members on both sides of the aisle, not turned into a political scoring point, and one that was not lost in the noise of the 2025 election debacle.

Additionally, when members of the crossbench raised concerns, they were duly noted and addressed in committee.

Frankly, that this process has resulted in a bipartisan bill represents the very best of what good government should be and what the Tasmanian electoral system could and should facilitate on a more regular basis.

As was stressed in the other place and indeed in public consultations, this legislation is about protecting the lives of real people - not nameless corporate entities but Tasmanians who stand to lose savings, super, retirement funds and, most importantly, often their shot at owning a home.

It is not stressed enough, the significance of home ownership in modern society. Homes do not merely reflect a building, an asset or a vehicle for investment. Rather, they represent an opportunity for a regular, everyday Tasmanian to solidify their hard-earned savings, to provide for their family and loved ones for generations to come, and to create a fortress, as it were, a safe space to live and breathe.

Of course, home ownership has been prominent in media discourse lately with proposals to change the regulatory landscape of short-stay accommodation, or the latest federal budget, and indeed even this bill.

Through the discussion and political debate on these matters, a common bipartisan theme remains: homes are an integral part of Australian society, a foundation, a cornerstone on which

the Australian dream can be built. Dare I say that a home is a castle, complete with a pool room, that bureaucracy cannot touch.

As such, when parliament unites behind a legislative proposal that aims to protect vulnerable consumers to ensure the construction industry continues to efficiently produce high-quality houses for Tasmania, it is more than simply addressing a wrong. Rather, this represents an expression of parliament's steadfast support for the average, regular Tasmanian.

It was encouraging to read all of the submissions to the public consultation process. Of the 12 submissions, all were positive and many had constructive, responsible feedback. However, I will note that an ongoing concern regarding the legislative proposal in this consultation process was the concept of an 'influential person'. It seemed that a good number of the submissions were concerned that this term was too vague and broad and had potential to result in non-perpetrators being harmed, though I'm sure the honourable Leader will address that in her response. For example, one submission by the Air Conditioning and Mechanical Contractors Association of Australia stated the following concern, risk and recommendations:

While exclusions are provided for professional advisers, the definition remains broad and subjective. In practice, this definition may inadvertently capture:

- Senior project managers or operation managers; [or]
- Commercial managers or estimators; [or]
- Individuals exercising delegated authority under employment contracts; [or]
- Personnel acting under direction from head contractors or boards.

They continue by saying:

These roles are common within subcontracting businesses and do not necessarily involve ownership, governance control, or responsibility for insolvency decisions.

[The risk is that] An individual could be deemed an excluded person due to a historic insolvency in circumstances where they did not have decision-making authority, potentially resulting in:

- Exclusion of otherwise compliant subcontractors; [or]
- Loss of licences due to employment relationships rather than governance roles; [or]
- Reluctance to accept senior operational roles in the industry.

AMCA recommends that the definition of 'influential person' be refined to:

- required demonstrable governance control, ownership, interest or fiduciary responsibility; [or]

- explicitly exclude employees acting under contractual direction without board-level or ownership authority.

I note that the Housing Industry Association voiced similar concerns in their submission. While I do fully support the intent of this legislation, it would be good to have an understanding of the government's position on this matter and what safeguards or guidance in the regulations may be possible to address these legitimate concerns.

Perhaps the key element in this is the control of who or what may hold a building licence. We hear endless government, police and department rhetoric that having a driving licence is a privilege and not a right. Yet when it comes to a building licence, until now, it has been a gold-plated right, a ticket to operate a building business free of any governance protocols that might define a company director or a member of a board.

As the bill moves to tighten the financial probity that will govern the holding of building licences, can the government give its assurance that the additional requirements in the bill, once the act commences, will allow an examination of every holder of a Tasmanian building licence? The reason I ask is that the Attorney-General was quite specific in his expectations of the bill's impact and reach. The Attorney-General described how the bill will now take into account an applicant's full insolvency or bankruptcy history, including any roles with an indirect influence, together with strengthened enforcement mechanisms. I would like to include this excerpt from his contribution in the other place:

The bill closes these gaps by making prior insolvency or phoenix-type behaviours grounds for building licence refusal or disqualification, thereby directly affecting an individual's and company's ability to operate in the sector. This will protect Tasmanians by helping to stop harmful operators before they cause further consumer and subcontractor losses.

The last two points in the Attorney-General's observation are critical. Disreputable operators are no better than common scammers. They leave a trail of financial trauma behind them wherever they go, and it's not just people hoping to have a home of their own; it's also subbies who buy materials, put in the work, pay their staff wages, and then get stiffed by the builder who pulls the pin, ready to resurface in time to go again. We hear regular stories of workers who have been underpaid, overworked, or have missed out on super. Subbies who have been scammed by a bankrupt builder are in an equally bad position, as is the homeowner with a half-finished house and subcontractors asking for payment - a situation that only amplifies the pain on all sides whilst the builder swans off to repeat the same trick.

I'd like to think that the bill can restore public confidence in the building industry and get rid of the rogue operators who have abused the goodwill of everyone they deal with. A building licence is a privilege, and the best builders operate accordingly to ensure their clients and subcontractors do well and are entirely satisfied with their work. This bill can only support those endeavours.

To finish off, I'll note the circumstances here recently. I was at my local coffee shop and I said to the people, 'How are things going with the build?' Then they unleashed what had happened. That was fine because I had a good relationship with the couple. Then right next door were two other people who came in on the conversation as well, telling us what had happened to them. I was quite surprised at that time; it became a whole-coffee-shop debate

about what had happened. I told them that it's going to get fixed, and hopefully this will be the right way. Still, it was interesting to hear how prevalent this issue it is within our industry, and we have to do all we can to correct it.

In closing, I would like to reiterate my support for the bill and again acknowledge the strong, positive lawmaking, from all sides of parliament, that gave rise to this timely legislation. I also greatly appreciate the work by staff and professionals behind the scenes getting us a good piece of legislation. I support the bill.

[11.18 a.m.]

Ms GLADE-WRIGHT (Huon) - Mr President, I support the passage of the Occupational Licensing Amendment Bill 2026. To understand the bill, we need to understand the problem it is trying to solve. Sometimes a construction company becomes insolvent and genuinely goes out of business because of economic pressures, poor market conditions, or simple bad luck. That happens in every industry, but sometimes individuals deliberately close down a company that owes money to creditors, workers, subcontractors or customers, and then continue essentially the same business through another company. This practice is known as illegal phoenixing because the business appears to rise from the ashes of the old company while leaving its debts behind. When that happens, families can be left with unfinished homes, subcontractors can lose thousands of dollars, and workers can lose wages they have earned.

This bill creates stronger state-based licensing consequences for people involved in serious insolvency events in the building industry. The bill also tries to stop people from avoiding these restrictions by operating through family members, associates, or informal management arrangements. That's why it creates a broad definition of what it calls an 'influential person'.

The bill also allows for exceptions; someone can apply to show that they took all reasonable steps to avoid the insolvency event or demonstrate that the company was solvent when they left it. There are review rights, appeal rights, and provisions that allow the regulator to consider exceptional circumstances.

A legitimate business failure is not the same thing as deliberate phoenixing. Economic conditions can be difficult, and not every insolvency results from wrongdoing. It is therefore important that the safeguards in the legislation operate fairly, and that the regulator provides clear guidance about how decisions will be made. Although this bill is firm, it does contain those safeguards.

Another part of the bill removes the disciplinary panels that currently help deal with complaints in the licensing system. Instead, these decisions will be made directly by the administrator. The government says this will make the process faster and less complicated, which could mean complaints are resolved more quickly.

One of the reasons I support this bill is that building a home is not simply a financial transaction. My family is currently going through a building project ourselves. Anyone who has built a home knows it is a significant time in one's life. You start with little more than an idea, some sketches and a block of land, and gradually something real emerges from the ground. Week by week there are new milestones. The slab goes down, the frame goes up, and suddenly you can walk through what will become the kitchen, the living rooms or the bedrooms. You

begin to imagine future family dinners and ordinary everyday moments that will happen there. It's very exciting. Really, building is about imagining yourself into the future.

It's also one of the biggest financial commitments that most people will ever make. Families commit their savings, take on mortgages and make enormous personal sacrifices in the hope that the builder they choose will deliver what has been promised. That's why it can be so devastating when things do go wrong. What concerns me is not the vast majority who are doing the right thing. It is the small number of operators whose conduct can undermine confidence in the entire industry. Tasmania's building industry is full of highly skilled tradespeople and business owners who take pride in their work and operate with honesty and professionalism. The overwhelming majority deserve our respect and our support. This bill provides more protections against those who do not do the right thing and so for that reason, I support this bill.

[11.23 a.m.]

Ms ARMITAGE (Launceston) - I will briefly make some remarks on this bill as it's pretty well a universally welcomed and accepted bill, closing a very problematic loophole which currently exists in Tasmanian law. Phoenixing in the construction sector has significant and far-reaching consequences for consumers, businesses and creditors, as well as employees and subcontractors of these companies. It depletes people's savings; it ruins lives and is a business practice that unscrupulous people have gotten away with for far too long. It's therefore very welcome to see legislation which establishes a framework to exclude these sorts of people from continuing to create companies to avoid paying creditors, finishing work, paying employee entitlements and from being liable for poor construction work.

While there exist current Commonwealth laws and powers which determine things like incorporation and director's duties, what this bill seeks to do is to determine who may hold a building licence, which is regulated under state occupational licensing laws. As the honourable Leader mentioned, until now individuals involved in repeated insolvencies have been able to re-enter the building and construction industry unchecked. This bill will close that gap, as has occurred in other jurisdictions.

The bill has clear definitions for bankruptcy events, which is when someone becomes bankrupt, or they apply to take the benefit from the laws for the relief of bankruptcy. It also defines an insolvency event as one which occurs when a liquidator, administrator or controller is appointed to the body corporate, it's wound up or ordered to be wound up.

A further gap this bill closes is to define 'influential person' as being individuals who work behind the scenes to control or substantially influence the conduct of an organisation, sometimes known as shadow directors.

These are all excellent measures which I'm sure will go a long way to protecting our building industry, consumers and employees, subcontractors and creditors of building and construction companies, but they must also be backed up by adequate enforcement mechanisms and mandates.

This bill further bolsters the considerations the administrator must consider when granting a building services licence.

In addition to the factors which already must be considered, such as a person's capacity, competence and fitness, it ensures that bankruptcy and insolvency act as barriers to people who seek to obtain a building services licence altogether for a prescribed period.

Additionally, the bill also provides an excluded person and permanently excluded persons must not manage, contract for or carry out building services work under the authority of a licence held by another person, which applies to excluded persons from other jurisdictions. I wonder if the honourable Leader could please advise how this information will be obtained. I'm just checking that the Leader heard the question that I asked.

Ms Rattray - Would the honourable member repeat it; I needed to share with the Deputy Leader an important matter.

Ms ARMITAGE - I will. I thought that you may not have heard it. Do you want me to read the paragraph again?

Ms Rattray - No.

Ms ARMITAGE - Additionally, the bill also provides an excluded person and permanently excluded persons must not manage, contract for or carry out building services work under the authority of a licence held by another person which applies to excluded persons from other jurisdictions. I'd be pleased with the honourable Leader if she could advise how this information will be obtained. Will it be a matter of a search being performed on registers from other jurisdictions or will there be more formal information-sharing arrangements in place?

Ms Rattray - Thank you. I appreciate that, honourable member.

Recognition of Visitors

Mr PRESIDENT - While you're taking a breath there, I'd like to welcome the second group from year 9 at the Hutchins School. We're currently going through the Occupational Licensing Amendment Bill and we're in the part called the second reading, where all members of the Legislative Council get the opportunity to make a contribution towards the bill. Currently, the member for Launceston is on her feet.

And then we will work through that before we go into the next stage where, if it passes the second reading, it goes into the third reading where we look at it in the committee. That's what we'll be doing today in the Legislative Council. And once we finish that, we have quite a bit of other legislation to get through. Welcome to the parliament. I know all honourable members will join me in saying hope you have a great day in the Tasmanian Parliament.

Members - Hear, hear.

Ms ARMITAGE - The bill further allows the administrator to publish the relevant details of excluded persons and permanently excluded persons on a public register. I'd like to know a bit more about this, if possible. What information is considered to be relevant for these purposes, how would the register be managed and maintained, and who is responsible for ensuring that all the information contained in the register is true and correct?

The bill further contains measures to ensure that people are not unfairly barred from obtaining a licence by providing a pathway for an individual to avoid licence exclusion if they experienced a bankruptcy or insolvency event, despite having taken all reasonable steps in the circumstances to avoid it, thereby becoming eligible to be declared a permitted person under the legislation. I further ask the honourable Leader what these sorts of reasonable steps might look like. I understand that insolvency and bankruptcy events can be many and varied; however, I think some guidance would be helpful here as to how this might work in practice.

Moreover, this bill does not prevent a tradesperson who might be an excluded person from actually working in their recognised trade, and they can still seek work as an employee of a licensed building services provider.

The bill endows the administrator with greater flexibility to deal with disciplinary matters more efficiently by allowing them to consider such matters without having to refer them to a disciplinary panel, although they can still do this if they believe it necessary for an investigation.

Anyone directly affected by a decision of the administrator retains the right to appeal to TASCAT for review of the decision. This ensures that procedural fairness is maintained for applicants and licensees with the implementation of these new requirements.

Mr President, as the honourable Leader mentioned, this bill will help to improve confidence and fairness across the sector at a time when it might not be as high as it should be. Poor and predatory conduct in the building and construction sector affects everyone along the chain, from consumers to employees and contractors. It can have serious impacts on local and wider economies and requires a strong legislative response. I believe this bill will help move us towards that goal. I support the bill.

[11.30 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I will just seek the answers and I will be back.

While some specific answers to honourable members questions arrive, I would just like to make a few overarching comments. I can assure members that I absolutely am certain some of the issues that have been raised by honourable members in their contributions are not lost on me. As a previous builder of a home, Mr President, that didn't end well, but I do have a home.

Ms Armitage - So it ended well?

Ms RATTRAY - Well, no, it didn't really.

Ms Armitage - You have a nice home.

Ms RATTRAY - Because you never get over the actual process and stress related to it. It lives with you, it stays with you and unfortunately, you're not always connected to that home after it. That's one of the issues, so I very much appreciate the members who made a contribution and talked about some of those challenges people have. I was very interested in the honourable member for Mersey's comment of how just one conversation in a coffee shop ended up that there were two more issues raised by members of the community who had

unfortunately had perhaps a not-so-good experience. We know there are a lot of terrific builders. That was certainly highlighted by the member for Huon in her contribution. Predominantly there are many wonderful builders, and I have had one of those wonderful builders in the past. Why I never waited for that wonderful builder, I still don't know the answer to that question.

It is important that we look at these issues when they are raised. I take on board the comments by the honourable member for Mersey, who talked about the fact that this was a matter that brought the parliament together. They've worked together to deliver this particular positive outcome I expect we will see today for our community. I very much appreciate not only the contributions, but hopefully the support.

I have one particular answer so far and I expect the rest will be coming along. The honourable member for Mersey, who, as I've already touched on, talked about the bipartisan approach and gave the whole parliament a tick for that, also asked about the 'influential person' being too vague and broad contractors and the assurance that full history will be taken into account. It's acknowledged the member for his comment on that concept of 'influential person' and the government acknowledged the issue raised about the concept in the consultation draft and therefore amendment was made prior to tabling.

The definition has been expanded in the tabled bill to provide clarity, and this can be found in section 37AD. These include an individual who holds a formal role in the business, such as a CEO or general manager, someone with direct or indirect control or personal ownership over a minimum of 50 per cent of the company's shares deemed able to provide instructions to employees of the company that will generally be followed or a person who influences the decision-making process in a business. I trust that that provides a defined and clarified answer to a very important question.

In regard to the member for Huon, I might need to take some advice on that one. A couple of one-liners, Mr President, doesn't always give me the right information.

In response to the honourable Member for Launceston. I appreciate the comments around the excellent measures and the enforcement mechanisms and how will this information be obtained. There's an asset register and that would have the information that's required the honourable member was seeking in regard to excluded persons.

Also, on what sort of reasonable steps and guidance and how it works in practice, I will seek some further clarification, Mr President.

Ms Armitage - Before you leave, the other one was about the relevant, details excluded persons. Who's going to manage the register, and how will the register be maintained?

Ms RATTRAY - Thank you, Mr President, in regard to the register. The register will contain simply the name of any excluded person or company that is an excluded person. The inclusion of a person on the register is subject to procedural fairness safeguards, and the register will be maintained to ensure the information is up to date and accurate.

That will be undertaken by CBOS.

Ms Armitage - Just their name? Because it does say 'relevant details'. That's just their name in the relevant details.

Ms RATTRAY - The register will contain simply the name of any excluded person or company.

Ms Armitage - It's just that 'relevant details' almost intends to look like it's more information.

Ms Forrest - Maybe she can get some information in the Committee stage.

Ms RATTRAY - I will do my best to provide that. I have one more answer to provide.

Ms Armitage - To reasonable steps.

Ms RATTRAY - Yes. Thank you, Mr President. The building company, so that they would be able to be identified, would also be available as well. Otherwise, you may not know that a particular builder belongs to a company if they haven't used their whole name, if you like. There's lots of abbreviated names running about, you know, CB Building or whatever that is so.

In regard to the reasonable steps question. Without limiting the discretion of the administrator, reasonable steps may include steps taken by a builder to avoid an insolvency and minimise the effect of an insolvency on creditors and consumers.

Taking some responsibility for the actions and doing what they possibly can will be taken into account by the administrator. It would have to be a pretty good reason why they've done what they've done. Thank you, Mr President.

Bill read the second time.

OCCUPATIONAL LICENSING AMENDMENT BILL 2026 (No. 6)

In Committee

Clauses 1 and 2 agreed to.

Clauses 3 to 5 agreed to.

Clauses 6 and 7 agreed to.

Clauses 8 to 10 agreed to.

Clauses 11 and 12 agreed to.

Clauses 13 agreed to.

Clauses 14 to 16 agreed to.

Clauses 17 to 19 agreed to.

Clauses 20 and 21 agreed to.

Clauses 22 to 24 agreed to.

Clauses 25 to 27 agreed to.

Title agreed to.

Bill reported without amendment.

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) -
I move -

That the third reading of the bill be made in order of the day for tomorrow.

Motion agreed to.

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

Second Reading

[11.45 a.m.]

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

That the bill be read a second time.

This bill seeks to facilitate tenants taking action to prevent furniture from toppling and harming those in the home.

The provisions of this bill originally formed part of the Residential Tenancy Amendment Bill 2024. Although that bill passed the other place, it was not considered by the Council before the dissolution of parliament last year. The original bill was subsequently divided into two, with the provisions relating to pets enacted separately through the *Residential Tenancy Amendment (Pets) Act 2025*.

This bill will enable a tenant to fix an item of furniture to the premises, for example, to a wall, to prevent that furniture from posing a risk to residents or visitors, and especially to small children.

When the affixing of the furniture will not cause permanent damage, no consent from the owner is needed. If permanent damage will result, the tenant will need to seek the consent of the owner. If the owner does not respond within 14 days, the owner is deemed to have consented. 'Permanent damage' in this section of the act is defined as:

- (a) damage that cannot be remedied; and

- (b) damage that affects premises that have historic cultural heritage significance within the meaning of the *Historic Cultural Heritage Act 1995*; and
- (c) a type of damage prescribed for the purposes of this definition.

This specific definition of permanent damage is aimed to ensure that consent is required where the impact of the furniture anchors could not be properly rectified at the end of the tenancy.

The bill provides an avenue of review where an owner does not consent to the safety modification. The tenant can apply to the Residential Tenancy Commissioner if consent is refused.

As is already the case, the reforms will not affect the tenant's obligation under section 53 of the act to rectify any damage caused during the tenancy and to return the premises to the condition the premises was in at the beginning of the tenancy, other than reasonable wear and tear.

In the development of the 2024 bill, the Department of Justice undertook targeted consultation with a wide range of stakeholder bodies, as well as local government. The department received 16 submissions, and these provided the invaluable perspective of a variety of sectors of our community. These groups are certainly thanked for providing feedback on the policy.

The government considers that the reforms contained in the bill balance the rights and safety of the tenants with the interests of the owner.

Mr President, I commend the bill to the Council.

[11.49 a.m.]

Mr GAFFNEY (Mersey) - Thank you, Mr President. I have a brief contribution to this bill, which comes as the second part of a pair after the earlier amendment bill to allow pets, which was a sensible and reasonable adjustment.

The bill before us today is another in a similar vein which balances the needs and expectations of both sides. In the case of this bill, it is creating a clear right for tenants to install safety modifications that will help prevent damage, injury or even death from toppling furniture.

The bill also balances the right of the property owner to refuse consent if permanent damage is likely to arise.

The bill also gives pragmatic options to resolve any appeals or disagreements.

It is interesting to consider how we've arrived at this point. Evolving design, style, and manufacture of modern furniture has played its part. Long gone are the days of solid hardwood furniture with a wider, heavier base and limited height. Rooms in smaller modern-day homes and units are often furnished with correspondingly smaller pieces with a narrower base, which are proportionally much taller with a much higher centre of gravity. Therein lies the problem that the bill seeks to address: how to reduce the increased serious toppling risk of modern

furniture. Manufacturers will often include fixing kits with installation instructions, either as part of the flatpack or already installed as anchoring points on ready-made furniture.

However, the Australian Competition and Consumer Commission, or the ACCC as we commonly know it, as Australia's peak consumer protection and competition regulator since 1995, has been aware of the problem and risk in toppling furniture for many years. I must ask the Leader of the Government if the finding of the ACCC's various consultations, surveys and reviews were considered in the drafting of this bill.

The reason I ask is that there is a growing issue with modern televisions and it is one that the ACCC has also been keenly aware. The ACCC initiated consultation scoping the risk control options to prevent injuries and deaths from toppling furniture and televisions as one of the ACCC's product safety priorities in 2021. Mr President, that's five years ago. Since then, the evolving design of televisions and their functionality have increased screen sizes that can now resemble a small cinema screen and need at least two people to move them safely. The result is thinner and even larger screens with a centre of gravity that's close to the front of the screen, with a size, weight and design that only exacerbates the toppling risk. Responsible manufacturers will include anchoring kits for those that are not to be wall-mounted, which is by and large a safer option as it puts a television screen firmly out of reach of even the most ambitious toddler.

While the ACCC continues to make specific reference to the toppling risks of furniture and televisions, my understanding is the bill as drafted only allows safety modification for furniture, which to most people means exactly that. The literal meaning of the term 'furniture' from the dictionary describes furniture as an inert, movable object for sitting, sleeping, eating, storage, or any other core human activity, and does not include sophisticated electronic devices.

I must ask the Leader if the term 'furniture' in the bill is expected to include freestanding television screens that may well need to be safely anchored to a wall. Could the Leader confirm or otherwise if the bill may also cover the needs of a tenant who, for reasons of safety and utility, may wish to install a wall mounting kit for a television screen? The first instance of securing a freestanding television screen is an obvious need, while the second leaves us perhaps in a grey area. Would the honourable Leader help us with the government's position on both of these points and how they are or might be addressed in the bill? It would give tenants and their landlords a degree of certainty in approaching what may otherwise be an ambiguous definition.

We know that toppling furniture and insecure televisions pose a real risk for both young children and many older people too. It is very much a preventable risk. While the bill does not impose a requirement to assess and secure potentially dangerous furniture and equipment, it gives the opportunity for that to occur in every home.

In conclusion, the bill makes pragmatic changes to the *Residential Tenancy Act 1997* that will allow tenants a similar level of permissive discretion to homeowners to make their rental home as safe as it can be. Landlords retain the right to refuse modifications that would cause unreasonable harm to the premises.

I thank the government for bringing the bill, and I support it and its intent.

[11.54 a.m.]

Ms O'CONNOR (Hobart) - The *Residential Tenancy Act 1997* was always intended to try to strike a balance between the rights of landlords and of tenants, but the Greens have long held the view that the balance isn't as balanced as it should be and that at the moment the act tips more in favour of people who own property than it does of people who don't and therefore rent property.

We welcome the Residential Tenancy Amendment (Safety Modifications) Bill 2025. We note that apart from the very welcome legislation to allow for pets in rentals that went through this place, I think it was last year, the government has been very slack on improvements to the *Residential Tenancy Act 1997* - on, for example, having in place some real minimum standards for tenants. For example, as a landlord, you don't have to provide curtains, as I understand it, in your home before you rent it.

There's a whole suite of minimum standards which, in fact, back when we were in government between 2010 and 2014, when now Senator Nick McKim was minister for Consumer Affairs, the government went through an extensive process of consultation, drafting and redrafting to introduce some minimum standards to the *Residential Tenancy Act 1997* and put forward a really sound bill that we believed tipped that balance just a little bit more towards tenants by allowing for minimum standards for tenancies. Not long after 2014 it became really clear that the Liberals in government had no intention of progressing those reforms. Ever since, there's just been the usual tinkering around the edges.

This is disappointing for tenants, particularly in the kind of rental market that we have now, where it is totally dog eat dog. You talk to young people about advertising for rentals and they'll tell you about turning up for inspections where there are 20 or 30 people there to have a look at a rental property. In a market like this, the risk of tenants not having their rights protected is higher.

Allowing for tenants to make safety modifications to their homes is obviously really important and there's a whole range of reasons why modifications may need to be done and made to a premises.

We welcome provisions that allow modifications to affix furniture for safety purposes without approval if it won't cause permanent damage. But we're of the view that a lot more could be done to enable tenants to make other permitted modifications to their home - around disability access, for example, or energy efficiency upgrades, all of which would have to be done with the consent of the property owner and allow for similar rights of appeal to both tenants and landlords.

Multiple submissions, including those from Homes Tasmania, Shelter Tasmania and the Tenants' Union, have argued for broader provisions allowing for reasonable modifications. We have amendments, which I've circulated to colleagues, that would broaden the scope of the bill to include proposals for minor modifications for safety purposes, assistance in relation to disability, energy efficiency, security and access to telecommunications. These are constructed in similar terms to the Australian Capital Territory legislation. The approach used by the ACT for these modifications differs from the proposed approach in this bill in that in the ACT all modifications can in effect be appealed by a landlord to the tribunal. However, in this bill, safety modifications for affixing furniture can only be appealed in effect if they would cause permanent damage.

To avoid weakening the safety provisions of this bill, we established two types of modifications in the proposed amendments. Permitted modifications retain the government process and include the definition of 'safety modifications' currently in the bill, as well as allowing for further permitted modifications to be prescribed by regulation. Permitted modifications retain the approach used by government where consent only needs to be obtained if it would be likely to cause permanent damage. Our amendments also seek to introduce specified modifications which, like the ACT legislation, include modifications that are minor for safety purposes, assistance in relation to disability, energy efficiency, security and access to telecommunications.

The definition of 'specified modifications' also allows for further matters to be prescribed.

Unlike for permitted modifications, consent needs to be sought for specified modifications regardless of whether or not they're likely to cause permanent or significant damage. Consent can only be denied for a specified modification if an owner has a tribunal order. An owner can attach reasonable conditions to consent, including requiring a qualified tradesperson to do the works, and requiring a tenant to restore the property to the condition it was in prior to the works being undertaken. Conditions can be appealed by the tenant to the tribunal.

We support this bill and will support it regardless of whether or not Council agrees to our amendments. Having had a conversation with the Labor opposition today, I'm unfortunately not that optimistic about amendments that would extend these permitted modification rights to, for example, people living with a disability.

I pause for a moment here - and it's not just about the Labor Party, it's also about the coalition in Canberra - to note with the greatest of sadness the passage through parliament last night of the bill to gut the NDIS, which would take around 240,000 Australians off the NDIS - a bill that was passed, in fact jammed and rushed through the Senate without proper debate last night. That will absolutely undermine the rights of people living with a disability, as well as strip away the original intent of the National Disability Insurance Scheme, which was to provide choice and control to people living with a disability, to provide supports that facilitated inclusion in everyday life. The National Disability Insurance Scheme was one of the most profound and important reforms passed by the federal parliament. I acknowledge the Gillard government in doing that. Here we are today, with a gutted National Disability Insurance Scheme, as a result of a really dirty deal between the Labor and Liberal parties in Canberra last night - a deal that will disenfranchise people who we represent. An absolute betrayal of people living with a disability.

We do support this bill. We'd like to see it improved, to make sure opportunities to better the situation for renters is not lost while this is before the parliament. We've been told by government that there's a review of the *Residential Tenancy Act* underway, and that apparently is one of the reasons that Labor doesn't want to support the Greens amendment. We've heard all of this before. We are promised reviews semi-frequently as an excuse for government not doing what common sense and an ethical approach to governance might guide you to do.

Before I sit down, I just want to bring to the House's attention some of the comments made by stakeholders who submitted to the targeted consultation process; the Commissioner for Children and Young People was part of that. These submissions advocate for broader achievable reform to the *Residential Tenancy Act*, to restore some of the balance to the act in

favour of renters. The Commissioner for Children and Young People wants to make sure that there's a prohibition on unsolicited rent bidding and limiting rent in advance payments. They want government to avoid strict rent controls but require consideration of the Consumer Price Index when assessing whether a rent increase is unreasonable. That's not dissimilar to the Australian Capital Territory model, where if a landlord wants to increase the rent higher than around CPI, they need to be able to justify that to the Australian Capital Territory's Residential Tenancy Commissioner, which are reforms that we tried to have brought in here, in the other place, and were defeated by the parties of government.

The Commissioner for Children and Young People recommends to government that it reduce the rent payable where amenity is reduced, minimum standards are unmet, or a home is damaged by a natural disaster; calls on the implementation of a portable bond scheme, and to allow for new bonds to be paid in instalments; to impose stricter short-stay controls and allocate revenue from the short-stay levy to social housing. Now, there is an idea.

The Commissioner for Children and Young People also recommends using a range of policy levers to increase the supply of social housing and affordable rental incomes, as well as crisis and supported accommodation options for children and young people.

The Commissioner for Children and Young People also recommends that in relation to safe and appropriate housing, the act needs to improve minimum quality standards for rental properties, incorporate minimum energy efficiency standards into the *Residential Tenancy Act*, and provide greater flexibility to allow renters to make modifications.

The TasCOSS submission, Mr President, and aren't we lucky to have these incredible community service organisations who put so much time, heart and energy into trying to help government and parliament deliver good legislation and policy through this place? The Tasmanian Council of Social Service, on the question of minor modification by tenants, says:

Renters should be allowed to make a range of minor modifications that allow for improved liability and safety without seeking the landlord's consent.

The recent introduction of the Residential Tenancy Amendment (Safety Modifications) Bill 2025 is a welcome advancement, but is extremely narrow in the modifications that it permits.

TasCOSS considers that tenants should be able to make a range of minor modifications that will ensure that renters feel more at home, and improve their safety, security and amenity, including to:

- make the premises more homely (e.g. picture hooks, shelves, wall colours and gardens);
- make the premises safer (e.g. through furniture anchors, child safety gates);
- allow for ageing and disabilities (e.g. [through such things as] ramps and grab rails);
- make the premises more efficient (e.g. [through] lighting, window film, shower heads);

- enable telecommunications (e.g. modems or antennas); or
- improved security (e.g. [through] deadlocks, alarms, cameras)

...

TasCOSS recommends that renters be able to make minor modifications to their home that provide for improved liability and modifications for safety, security, disability and aged-related, energy efficiency and telecommunications improvements.

Finally, the Tenants' Union of Tasmania, on the issue of minor modifications, expresses its support, of course, for the bill that we're debating today, but says:

However, we strongly recommend that the ability of tenants to make minor modifications should be comprehensive and not limited to a narrow range of safety modifications. As we outlined at the beginning of our submission, more Tasmanians are renting and are renting for longer. Allowing minor modifications in rental properties such as putting up picture hooks, installing a bathroom shelf or planting a herb or vegetable garden will ensure that renters feel more at home, and improve their safety, security and amenity.

Minor modifications that should be allowed include:

- Safety modifications - anything that promotes the safety of people on the property ...
- Security modifications - anything that improves the security of the property or people on the property ...
- Disability- and aged-related modifications - anything that assists a tenant who has a disability ...
- Energy-efficiency modifications - anything that improves the energy efficiency of the property ... and
- Telecommunications modifications - anything that enables access to telecommunication services ([such as] an NBN connection or TV antenna).

There's a series of recommendations there from the Tenants' Union. The first one is:

We recommend that renters be able to make minor modifications including express recognition of safety, security, disability and age-related, energy-efficiency and telecommunications modifications.

Mr President, the message to government from the community sector about reforms to the *Residential Tenancy Act* is pretty clear. We have drafted amendments through OPC on the basis of those calls in part, but also on the basis of the fact that the legislation, the principal act as it is now, is tipped in favour of landlords. We have an opportunity here through making these amendments to allow for safety modifications to provide for sensible, evidence-based amendments, as has been detailed in the submissions I've just read out. If you just put yourself in the position of a person with a disability, for example, who is renting, these are very

reasonable proposed amendments. Our amendments also, of course, protect the rights of landlords. We're not seeking to be unreasonable here. The amendments that we propose we think are modest, reasonable and evidence-based. I know when we go into Committee I can talk about them a little bit more. On behalf of renters, we would love to see this Council seize the opportunity to just extend those rights that are being extended to a small extent through this amendment bill today as we debate this bill.

We support the bill.

[12.11 p.m.]

Ms GLADE-WRIGHT (Huon) - Mr President, a short contribution from me. I support the Residential Tenancy Amendment (Safety Modifications Bill) 2025. This bill addresses a serious but often overlooked safety risk, furniture tip-over incidents. Since the year 2000, at least 28 Australians have died from toppling furniture, including 17 children under the age of five. More than 900 Australians each year require medical assistance after these incidents. They often involve ordinary household items: drawers, bookshelves, wardrobes, televisions and cabinets. For young children, a drawer or a shelf can become something to climb, and in a moment a heavy object can fall on them.

I acknowledge the work of Bolt it Back for Reef, a grassroots child safety campaign established in memory of two-year-old Reef, who died after a chest of drawers toppled onto him. Their message is simple and powerful: holes in walls can be repaired, but the loss of a child cannot. For homeowners, securing furniture is usually straightforward, but for renters it can be more complicated, because even a small wall anchor may involve drilling into a wall and could be treated as an alteration requiring consent. The bill represents a sensible response to a genuine public safety issue, and deserves support.

I want to thank the member for Hobart, who's not here anymore, for bringing the submissions made by housing, social justice and child safety organisations, including Shelter Tasmania, the Tenants' Union of Tasmania and TasCOSS into this debate. Many of those advocates argued that if tenants can make one minor safety modification, then parliament should also consider the other low-risk changes that improve accessibility, security and quality of life. I accept that rented houses are not just an investment for landlords, they are also people's homes and as more people rent for longer, the law needs to reflect that reality.

I'll be supporting the bill, and I'll be supporting the foreshadowed amendments.

[12.13 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on this Residential Tenancy Amendment (Safety Modifications) Bill 2025 in absolute support of the quite straightforward, sensible, much needed, and probably somewhat tardily brought to this place, amendments that it puts forward. It makes entire sense to empower tenants to be able to make minor modifications that relate to making their home safer, particularly for children, when it comes to tethering furniture.

I appreciate the contribution made by the member for Mersey and the questions he raised there around electronic devices like large TVs and whether that's captured here. It's important to have clarity on that. I think we'd all be well aware of the potential there for there still to be accidents if that's not included. I think it's useful to have a nice clear precedent set here in what the government has brought forward that shows how sensible it is to make sure the balance is

right between tenants and what they need to do to make sure their home is appropriate for them, and safe, secure and accessible, and landlords, who are the owners of the properties.

Mr President, I thank the member for Hobart for her contribution; she spoke about this in some detail. I won't go to as much detail, but I speak along similar lines and in support of what the member for Hobart put forward - that if we're doing it in respect to minor safety modifications here in this bill, of course the exact same principles apply to those other areas around security, around accessibility. For Tasmanian tenants who are in a horrifically disempowered situation in our current catastrophic failure of the private rental market in Tasmania, for vulnerable tenants, it's incredibly difficult to ensure that they are able to live in a secure, accessible, appropriate home while they are tenants and have the current restrictions that they face when it comes to something as basic as an accessibility aid of some sort that would in fact make their lives immeasurably safer and easier but they can't potentially do, certainly if the landlord, for no particularly good reason, tells them they can't.

That's absolutely a nonsense, and in the market we have now, the private rental market, a catastrophic failure of a functional market - and it's worth repeating this every time we speak about this issue that touches into our private tenancy market. A functional private rental market has a vacancy rate of 3 per cent. That's absolutely, categorically factual. What we have, and have had for a long, long time, is a vacancy rate of less than half a percent or thereabouts - certainly nowhere near a functional vacancy rate. What that means is that as a tenant, you live in fear. You live in fear every day. If you are lucky enough to be in a private rental tenancy, you are absolutely petrified that it's going to come to an end, because if it does and you'll be having to find a new tenancy, you will be really facing an uphill battle.

Particularly if you present anything that might be challenging to a new landlord to contemplate - because landlords hold all the power in this situation - with the vacancy rate so catastrophically low, landlords absolutely have their pick of tenants, and they do not need to contemplate anything that might be a little bit challenging when it comes to a tenant, whether that means the person has a disability that might need to have adjustments made, or it may even be as simple as that they have a number of children or they have particular pets or they have whatever. Of course, the landlord can't discriminate against them on that basis, but the landlord has all the choice in the world when they know that they're going to have such a large array of people applying, they can take their pick.

I'm not saying that to cast aspersions on landlords. In fact, Mr President, I am a landlord and have been for a while. I'm also a renter and I know that when I turn up to put an application in for a rental, I'm probably going to be pretty high near the top of the list to be accepted for it because of the position I hold, because of the income I'm privileged enough to have, et cetera, et cetera. But for so many Tasmanians - and I can think right now of young people that I know, a group of young 19-year-olds trying their best to begin their adult life and move out of home and into independence, which in our day, was not necessarily difficult to do from the perspective of there being properties available that we could afford to rent even on a government payment that we might be getting. That's not the case now. Any young group of Tasmanians who are trying to take that big step into adult life and independence away from their family will find it very difficult to be chosen as tenants.

In that context of the absolute failure of our private rental market, the absolute disempowering of tenants, who live in fear of maybe having their tenancy come to an end and then not be renewed, having to find a new home, having to face the prospect of homelessness,

we know many Tasmanians are in fact exiting the private rental market into homelessness at the moment. We should be looking for every way we can to rebalance the power dynamics here, to recognise sensible, appropriate, particularly safety and security and accessibility measures that can be put in place and made available to tenants to at least address amenity issues in their home so that they don't have to jump through every hoop under the sun, or be at risk of being turned down for particular sorts of modifications or changes that are just being rejected on no reasonable basis, because the landlord doesn't want them to do it and doesn't like it.

On that, I'm really pleased that the member for Hobart is bringing amendments for us to consider. It will be interesting for us to address them should the bill go through to Committee stage and have a conversation about that. It's disappointing to think that they might be dismissed out of hand without due consideration. When I look at those amendments, I see a lot of thought has gone into ensuring appropriate protections are there from both sides of the equation.

I encourage members to have a good look at those amendments and not just dismiss them outright. I think it's a reasonable step. I also think we're inevitably on a path towards where the amendments take us. We will get there. It's a shame to think that we don't take the earliest opportunity to get there, which would be in this bill, that there would be any suggestion we should be waiting for an overarching review of the *Residential Tenancy Act 1997* - which is well overdue and needed - but when it comes to a bill that already presents us with a very straightforward, sensible model for safety modifications, to also contemplate similar other allowance for modifications on the basis of accessibility or security, et cetera, is entirely appropriate and merits attention and support.

On that, I will be supporting this bill. I'm also inclined to consider and support the amendments that have been foreshadowed and provided to us ahead of time to have a look at. There was one question I was going to ask on a matter that came up during briefings, and I will put it on the record here so the government could - it's a very simple one - provide a little response to. It relates to when the tenant is moving out, which is clause 6 of the bill, which in turn relates to 54A - Safety modification permitted, and it's subsection (6):

A tenant may remove any safety modification that the tenant has made to the premises unless the removal is likely to cause permanent damage to the premises.

For clarity: is it in fact up to the tenant to choose whether to remove the safety modification or not? Or are they obliged to attempt to remove it if it's not going to permanently damage the premises? It seems like, the way that's worded, it's an optional consideration in the first instance as to whether the tenant needs to remove any of the modifications that they've made as per this bill. That's, I hope, a fairly straightforward little clarification just to make here on the Floor of the Chamber.

If it's not able to be answered in the Leader's summing up, we can certainly address it when we get to the Committee stage. Either way, I'm happy for that to occur.

On that, I support the bill.

[12.23 p.m.]

Ms FORREST (Murchison) - Thank you, Mr President. Like other members, I rise to speak in support of the Residential Tenancy Amendment (Safety Modifications) Bill 2025. I'll make some comments around the amendments that have been proposed in broad terms before we get to the Committee stage.

On the face of it, this is a short and technical bill that inserts a small number of new sections into the *Residential Tenancy Act 1997* that deal with a single discrete issue: the tenant's ability to fix furniture to the wall of a rental home to stop it from tipping over. The scope here is very narrow in its application; I'm sure that's an intentional approach. I do note - and I'll speak about it a little more broadly - the comments made by the members and also I appreciate the member for Hobart reading parts of the TasCOSS submission out. I won't repeat all that, but in broad terms, I will speak to this.

It seems that this is potentially a missed opportunity to take what is a simple and reasonable approach to other safety modifications and things like that, other than just securing a piece of furniture to the wall, which is critically important. I'll come to that bit more in a moment.

The underlying purpose is really important here. It goes to something basic: whether a child playing in their bedroom or an older person moving through their own lounge room can be safe from a bookcase or a chest of drawers or a television from falling on them. A grown adult can also be injured, but children and older people are much more vulnerable in these settings. So many pieces of furniture are top-heavy and can be unstable, particularly on uneven surfaces, and it doesn't take much to topple them over. I know that in some rental properties the floors are quite uneven. They're older properties. They've had various floor coverings over the years, and if you don't have an entirely flat surface, then you can't sit a piece of furniture entirely flat on it. It has a wobble to start with, and if it's top-heavy or it has the capacity for things to be put on top of it and thus add to that now the centre of gravity being shifted, it is a real issue. A child would have no chance to respond to or avoid injury in many cases, and the consequences could be very serious.

Furniture and television tip-over incidents are recognised and preventable causes of injury and death in the home. The evidence consistently shows that younger children and older Tasmanians, or older people in general, are the two groups that are most exposed to that risk. Most of us in the Chamber have children, and we know that children come in varieties of adventurousness and some kids just love to climb, and I assume most of us have seen them pulling out drawers and using them like steps to climb up, mainly to get to something they shouldn't be getting to. Or they'll pull over a smaller piece of equipment to climb up and they'll pull at things on the top because they want to get to the things they're not supposed to have. It's only natural. It's a child's curiosity, and we certainly don't want to knock that out of them. We want them to be safe when they're exploring their curiosity.

Older people, too, are more likely to be seriously hurt and to not recover well from a fall. The piece of furniture may not land on them, but it might knock them over. If an elderly person ends up with a fractured neck of femur, for example, that is always a bad outcome. Many older people don't fully recover from those injuries, even with our modern medical treatments. They also may be seriously injured by a piece of furniture falling on them; as members of our community age, and this includes ourselves in here, we do tend to use furniture as support moving around our homes at times. You will lean on a piece of furniture even to put your shoes

on. Often where you're putting your shoes on is also where there are other things like bags et cetera; or things near the door that may be the sort of furniture used for physical support. Any person in that situation has less strength to react if the furniture starts to fall.

These are exactly the two cohorts that a landlord's consent process, if it is slow or difficult, puts at the greatest disadvantage because they're the least able to wait out a dispute. You've obviously had adults acting on behalf of children to protect them, but older people often find it difficult to have to fight the system. They have to keep living in that home while the risk persists.

We know that Tasmania does have a higher-than-average share of renting households with children and a growing cohort of older Tasmanians. Some of them are renting privately, while some of them are in public housing where security of tenure and the condition of housing stock is already a live issue for many people, including many in my electorate. They do not have the luxury of saying, 'Oh well, if I can't do it here, I'll move somewhere else'. It is an impossible situation. They're stuck, which is better than having no home at all. I'm not suggesting there's another preference, and we should, as a priority, have housing for all, but those who are renting for whatever reason should be able to be safe in their rental property, as they can be safe in their own home, with the right to anchor a wardrobe or a bookcase to a wall. It shouldn't depend on the goodwill, the availability or the responsiveness of an absent owner, which often they are, or a property manager. The bill removes that dependency for the great majority of cases, and I really welcome that; it's a really positive step.

There are other safety features that I just wish to speak about, that should be able to be installed similarly. I will give you an example of a case in my electorate, I did mention this case briefly in the briefing we had that came to my attention. This was a young person who had a mobility disability. This young person had not an easy upbringing and had worked really hard to form a life for themselves. They were employed regardless of their physical disability. They'd gone out, got work, managed to find a rental property, and because of the nature of the disability, it means they're very unstable on their feet. They had been trying for some time to get permission from the landlord to put a safety rail on the outside of the property up to the front door. It's only a few steps, but there's no railing around the steps, and there's nothing to really hold on to. This is a block of four rental units. On the other side is an elderly person who has the same situation. Applications and email requests have been made, the landlord is an absent landlord, and doesn't respond. They feel like they're stuck. It shouldn't be like that. When this young person came to see me in the office, and I really admire them for their willingness to turn their low life around, they said it even looks like there was once a handrail on the house.

I just thought, what do you do here? I did suggest they talk to the tenancy union initially, to see if they could advocate on her behalf, to try to get some progress. Also, I felt that maybe I could just fund one of the friendly builders around town to go and do it pro bono. I will just provide the money for the rail because, probably, no-one would ever know. We don't want a young person who's trying to make their way in this world then fall foul of a provision that doesn't allow them to have a basic safety feature installed in the property that they feel pretty lucky to have, quite frankly, from some of the situations they've lived in the past.

There are other things like windows painted shut, so the bedroom gets really mouldy. To even unstick the window would damage the paintwork. This young person isn't able to do that themselves. There probably needs to be a fan installed. That that would be a permanent fixture, but these sorts of things make it really difficult for some of the people who know how tight the

rental market is, know how difficult it is to secure a property, and whatever they do, they don't want to make it worse for themselves and be forced to move, because they know there's probably nowhere else they can go.

I will listen very intently to the debate during the Committee stage on the amendments, because I think there is a degree of merit in that. It's just a bit of a shame, in many respects, that the government haven't taken the opportunity to do some of these other sensible changes. The member for Nelson, or Hobart, said that we may be told that there's a bigger review going on. Well, here we are, with a very similar mechanism that I find it interesting that we've made it so narrow, when safety is not just in your own home, is not just whether a piece of furniture falls on you or not, it could be whether you can get safely in your front door, or safely through your house for other reasons.

Back to the bill, it does insert a new pathway for what it defines as a safety modification. I've described a safety modification that's not anchoring something to a wall, but this one is limited to wall anchors, and similar means affixing furniture to prevent injury or death, from that furniture moving. It sits outside the general alterations, additions and fixtures regime in section 54 that continues to apply to modifications generally. In my view, the structure is sensible and proportionate; however, as I say, the bill could, and perhaps should, include other safety features.

Mr President, I note the tenant's existing obligations under section 53 to rectify damage and to return the premises to its original condition, fair wear and tear excepted, of course. That comes to the question the member for Nelson or Mersey asked about what happens if you want to leave a TV bracket on the wall because to remove that and then make good that area is a much bigger body of work when the next tenant might actually want a TV bracket. Gone are the days, Mr President, we used to have these big boxes that sat on cabinets. Generally, they are all a lot larger and very thin and easily knocked over. I look forward to the Leader's response with regard to that matter. What is the onus? Is it something that's up for negotiation or how does that actually work? If it truly is a make good, leave it as it was, that means you have to remove it and then fix up the holes, repaint, and do all of that.

I also note that this is not a mechanism or suggestion for tenants to alter the property with no consequence. It is a mechanism to remove an unnecessary barrier to a genuine safety concern while preserving the owner's underlying interest in the condition of their asset. We do need to make sure that balance is there. We don't want property owners having their properties damaged.

I do note and welcome the explicit carve-out for premises for historic cultural heritage significance. We have no shortage of rental stock that is old. Some of it would be of heritage value. I think it is important that there is a pathway. I imagine that if you've got a heritage-listed property that has, say, a very old lath and plaster wall or a stone wall or something like that, say it is a bedroom, also in that room on the other side, there've been some internal modifications whereby there's been just a regular plaster wall put up. There may be some negotiation. Well, don't put it there, put it here, in terms of securing a chest of drawers, for example. I hope those sorts of considerations are given. It's important that the tenants are aware of what they can and can't do, and that's part of this, if you're renting these sorts of properties.

Mr President, as with other legislation, I approach this by asking whether it strikes a fair balance between parties affected and whether the process it establishes is workable and dispute

resistant in practice. On both counts, I believe it is. The 14-day response window and the standard that consent must not be unreasonably refused does give an owner a genuine and time-limited say in modifications that could permanently affect their property while ensuring they cannot simply be excised by silence. This does deal with those landlords who just don't respond, and so it leaves that tenant in a quandary.

The commissioner and tribunal pathways provide a proper avenue for resolving disagreement rather than leaving the tenant with no options but to either live with the danger or install a modification unlawfully, and they shouldn't be put in that position.

I understand the Department of Justice undertook targeted consultation on these provisions when they formed part of the 2024 bill; the pets in rentals bill, which was then split out, and they received 16 submissions from a range of stakeholder bodies. I know the member for Hobart read out particularly the views that I want to consider her comment in the Committee stage on, TasCOSS's submission about other safety modifications, but also the important views of the Tenants' Union and the Commissioner for Children and Young People.

This bill, as it is - and I will support it with or without the amendment to make that clear, removes a real and unnecessary obstacle to a safety measure that costs little, has minimal impact on rental properties and materially reduces the risk of serious injury and death to some of the most vulnerable people in a household, those being children and older people in particular, but it does so while retaining sensible safeguards for owners, including heritage protections and a functioning dispute pathway.

Mr President, I do support the bill. I will fully consider the member of Hobart's amendments, quite a few of them, when she brings them forward, but I think it will be pretty much one substantive debate. In any event, it's a really worthwhile discussion to have, whether or not it's supported. I'm very inclined to use this opportunity to fix up some very real issues that I've had come through my door in my office.

[12.40 a.m.]

Mr EDMUNDS (Pembroke) - I rise very briefly to speak in support of the Residential Tenancy Amendment (Safety Modifications) Bill 2025. There have been some really good arguments and discussion around some of the broader issues facing renters and some of our most vulnerable people in this state throughout this debate. I've found it pretty enlightening, Mr President, and it does definitely show, I don't think anyone would disagree with me here, that there is definitely more to do.

Obviously I am up speaking as a Labor MLC, but I am also up speaking as a renter and indeed as a member of a family that is a participant in the NDIS. I could speak at length about the challenges that you face when you have a family member with a disability and you are a renter and the red tape burden that is already placed on participants of the NDIS if they own a mansion, let alone if they are renting a house that they don't own. The issues go far beyond bricks and mortar with that program. It's a very challenging situation, to say the least, but it's more complex than simple statements and, I'd say, throwaway lines. It's a complex space. It's not easy to navigate as a family member and advocate, a peak body, a member of parliament and indeed the person with the disability themselves.

I think the member for Hobart has sort of outlined the perspective that I'll bring forward when it comes to the amendments. My view and the view of my colleagues - my other colleague

in this Chamber, so two people - is that we should await the finalisation of the review, but I do put it to the Leader for the Government to outline that process and the timelines and what is being looked at so that the House can have a clear idea of that process, can have it on *Hansard*, and we can provide an accountability piece around that should the amendments not get up, and that's obviously the will of the entire House, Mr President.

I will just briefly comment on some of the comments made around accessibility modifications. I think that's really worthwhile pursuing. Whilst probably not captured here, I think it's a conversation we can have further in this place, both this House and perhaps through our committee system as well, because if there are gaps in our legislation around people being able to access their houses then we really need to address those as a matter of urgency, I would have thought, Mr President.

I look forward to the Leader's comments and indeed any further contributions on the bill and through the Committee stage. I have appreciated the debate, as always, Mr President, very enlightening. I commend the bill and its intent.

[12.44 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I appreciate contributions from honourable members and certainly acknowledge the amount of effort that has been put into the amendments that we would deal with as we work through the Committee process. I have a sense that there's general support for the intent of the bill and it will get to that stage, so I'll work my way through the responses that I have.

I'll start with the honourable member for Mersey around whether items like TVs would be included in the concept of furniture. I note that neither the *Residential Tenancy Act 1997* nor this specific bill defines furniture. Where a term is not defined, the law looks to the plain English version of the term, and if we look at the definition of furniture in the Oxford Dictionary, it defines furniture as 'movable articles, whether useful or ornamental, in a dwelling, house, place of business or public building'. Obviously what would fall under this definition has changed over time. However, the government is of the view that in our world today, items such as televisions would fall within this definition.

In regard to section 54A(6) 'may' or 'must', there is a general requirement under the *Residential Tenancy Act 1997* that a property must be returned to the condition it was in at the start of the tenancy. Apart from reasonable wear and tear, this is contained in section 53(1) of the RTA, and this will continue to apply in relation to any modification made under this bill. Section 54A(6) is seeking to discuss the specific needs of whether a modification has been made that may cause permanent damage if removed, and a mandatory removal obligation using 'must remove' would prevent a tenant from leaving a modification in place even when the owner is perfectly happy for it to stay. Under a 'must remove' regime that agreement is irrelevant. The act would compel removal regardless of the wishes of the party. The tenant would be required to unscrew the anchor, fill the hole, sand and repaint for no good reason. The owner would have no power to waive the obligation because the obligation is statutory, not contractual. The result is wasted time, unnecessary cost and worst outcome for everyone, including the possibility that the next tenant may need to install a fresh anchor in the same wall.

So, 'may remove' enables a sensible agreement between parties; if the owner is content for the modification to remain, the tenant can simply leave it. Again, if the owner wants it removed, the tenant can do so and if removal causes damage, that relates to section 54A(7),

which provides a clear remedial pathway. The permissive language empowers the parties to reach the outcome that suits them, rather than imposing a one-size-fits-all rule that serves no-one's interest.

I might have mentioned through the briefing process that the previous property that my daughter was renting in Launceston already had a TV bracket on the wall when she arrived, and obviously the owner of that property had agreed to leave that bracket there.

Ms Forrest - The owner might have put it there.

Ms RATTRAY - The owner may well have put it there. I don't think the owner had ever lived in the property, but they may have, by agreement. That bracket was on the wall and there was no reason to need to do that.

To hear the story relayed by the honourable member for Murchison, around a landlord not responding to a safety requirement for somebody who is doing the best they can in this world, is disappointing to say the least. If you're going to be a landlord then be a responsible one, or let your property go and perhaps let somebody else take over that obligation. We also want to make sure that we have rental properties. It's a bit of a balancing act.

While making the comment that there has been some discussion through the course of the debate around the review of the *Residential Tenancy Act 1997*, and that's modernising the act, obviously, it is government's aim to release the draft legislation for further public consultation before the end of this year. I'm advised that the Deputy Premier looks forward to working through this process with members of the parliament. Again, that cooperative approach around situations that have been shared here today - and I expect that other members of this place, if they haven't had a situation brought to their attention now, will possibly have so in the future, because the ones who have been here a while have probably been able to share a number of stories.

Ms O'Connor - Through you, Mr President, can I just clarify what you said, honourable Leader? Did you say that a draft *Residential Tenancy Act* amendment bill will be put out for consultation before the end of the year?

Ms RATTRAY - Yes. Draft legislation for further public consultation before the end of this year. That is the government's aim.

Ms O'Connor - Do you have any line of sight, through you Mr President, as to whether or not they'll include these other permissible modifications in the draft?

Ms RATTRAY - Again, I can point to the second dot point that I made that the Deputy Premier looks forward to working through this process with members of parliament. As I said, there will be that opportunity to have that engagement and matters that have been raised in regard to further safety aspects of a rental property and tenants' rights, and the like will be part of that. That's my expectation. I'm sure that if I've got it wrong, there'll be someone looking directly at me and going like this and that's not happening. I trust that I've been able to clarify that.

Further to that, Mr President, the Deputy Premier will be arranging briefings for members on the public consultation outcomes in the near future. I can add also that the review has been

brought forward, and I expect that that's in response to matters that have been raised through the course of dealing with this piece of legislation and certainly has it front and centre, if you like.

Ms Webb - Brought forward after being 10 years too late.

Ms RATTRAY - In regard to the question around curtains, there are currently requirements under the *Residential Tenancy Act* to provide window covering for privacy. This is provided for in section 36N, and it talks about:

An owner who is not a social housing provider must not enter into, extend, or renew, a residential tenancy agreement in relation to premises unless curtains or blinds cover each window in any room, in the premises, that the owner knows is likely to be used as a bedroom or a living area.

And there's a penalty.

Ms O'Connor - Through you Mr President, what this means is that there are 14,000 properties in Tasmania where that doesn't apply because they're run by Homes Tasmania or community housing providers. That's just an extra layer of information.

Ms RATTRAY - If you would like, I'll move on to the next section, which is section 36N subsection (2), and it says, in my advice, Mr President:

A social housing provider must not enter into a new residential tenancy agreement relating to a premises unless curtains or blinds cover each window in any room, in the premises, that the social housing provider knows is likely to be used as a bedroom or a living area.

Ms Webb - New, not existing. It was a good development, but it's not for the existing ones.

Ms O'Connor - The bulk of the properties.

Ms RATTRAY - To complete that answer that I've been sharing with honourable members, again it follows on under 36N subsection (3):

[This] does not apply to a social housing provider in respect of premises if -

- (a) at the time the social housing provider enters into a new residential tenancy agreement in relation to the premises, the social housing provider agrees to furnish the premises with such window coverings at the provider's own expense; and
- (b) such window coverings are provided, and installed, as soon as practicable, but no later than 30 days, after the social housing provider enters into the agreement.

It goes on:

For the avoidance of doubt, a reference in subsection (2) or (3) to a new residential tenancy agreement does not include the extension or renewal of a residential tenancy agreement.

Ms Webb - All of the existing ones - a good development from the crossbench downstairs, from an independent member.

Ms RATTRAY - There's some clarification regarding a number of those matters. I will take the opportunity to head back to the advisers to see if there is anything else that needs to be followed up from contributions to the second reading.

I know that possibly there will be still some concerns in relation to the furniture and what it is, but the government feels that that's an appropriate way to move forward. If that's something to be further discussed through the Committee stage, then that certainly will be.

In regard to the honourable member for Hobart's amendments: yes, they are a substantive suite of amendments, but they really are conditional on perhaps members deciding whether they support the intent of that. So, we'll work our way through the substantive debate on that but obviously that'll be in the hands of the Chair of Committees. We look forward to that opportunity. I won't make too many more comments in regard to that.

Again, I appreciate the opportunity to provide some responses to honourable members and the contributions and look forward to where we go this post the lunch break.

Bill read the second time.

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

In Committee

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

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before I call on questions, I'd like to welcome to the Chamber today Lily and Leo, who are joining us. And of course, Lily is the daughter of the member for Rosevears. Welcome to the Chamber.

UNCORRECTED PROOF

QUESTIONS

Questions on Notice - Timeline for Answers

Ms FORREST question to MINISTER for ENERGY and RENEWABLES, Mr DUIGAN

[2.31 p.m.]

Last week I asked a question of the minister as to when I was likely to get a response to questions on notice. There are now eight weeks sitting on that Notice Paper, particularly in light of some similar questions regarding the payment in lieu of rates questions having already been answered from the perspective of the Treasurer, through the Leader and the minister for Infrastructure. You told me you would have answers this week. We have one more day. Can I be assured of an answer to those three questions that sit there in my name, relating to energy and renewables, tomorrow?

ANSWER

Thank you, Mr President, and a matter of some discussion in the office and wider noting these are very detailed, long questions which take a lot of work. I will just quickly seek some advice.

I can commit to the two out of the three questions that live within my personal remit in the energy portfolio. I'm advised that one question is with the Treasurer's office for some further examination, but tomorrow -

Ms Forrest - Can you indicate which one?

Mr DUIGAN - I need to check that. Certainly, I looked at one this morning, which is around Hydro machinery outages. Let me check with the other one. By process of elimination, and I hope you know, the Entura question is the one that's with the Treasurer. I will have the answer to the other one.

Ms Forrest - It was a competitive neutrality question.

Mr DUIGAN - Thank you and 11 a.m. tomorrow morning.

Partition Act 1869 - Subdividing Land Concerns

Ms WEBB question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.33 p.m.]

Minister, can you confirm concerns have been raised with you regarding aspects of the *Partition Act 1869*, which creates the distressing situation where a minority co-owner can apply for jointly owned land to be subdivided or sold despite the objections held by the majority owner?

Further, are you aware of a recent statement made by TasFarmers, the peak body for the state's farming community, adding their voice for a review of the *Partition Act 1869* due to the inherent inequities and incompatibility of the act's provisions with modern property ownership

and farm succession arrangements? Instead of forcing people into expensive and distressing Supreme Court processes to try to ensure their homes and farms are not sold out from under them surely, it's time for a review of the act as Victoria and Queensland have apparently done.

Minister, when was the *Partition Act 1869* last subjected to a formal parliamentary review, and would you now undertake to consider seeking to have the *Partition Act 1869* shunted up the priority list for the government's legislative review agenda in the interest of ensuring we have laws that balance the rights of co-owners and reflect a modern property ownership arrangement? If not, why not?

ANSWER

Thank you, Mr President. I am certainly aware of the *Partition Act 1869* and have had as a number of members will have had, an approach from a particular constituent who is somewhat affected by the application of the *Partition Act 1869*. I note that the application of the *Partition Act 1869* is a matter for the courts, as I understand it, but I will seek some advice.

[2.36 p.m.]

I am advised that the correspondence from TasFarmers, which I am also aware of, is being elevated to a discussion with the Supreme Court around that particular matter. As I understand it, the *Partition Act 1869* works quite well where it is applied. It's not often applied, and I don't think it comes up and creates a lot of interest, typically. I note that it is a very old piece of legislation and perhaps could do with a look-over, but I'm advised that there is currently a dialogue between TasFarmers, lands department and the Supreme Court on a matter that has brought some attention to the *Partition Act 1869*.

Partition Act 1869 - Subdividing Land Concerns

Ms WEBB question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.37 p.m.]

Thank you, Mr President and thank you minister, I appreciate your responses to the issue that I've raised. I specifically wasn't asking in relation to that particular issue and matter. The question was more broadly: you, as Parks minister, have portfolio responsibility for the act. Therefore, my question was regarding a review of the act, and it may be that a review process of that act wouldn't necessarily be a big, onerous process if there are some identified areas that may require modernisation and updating.

My question to you was: would you consider looking at elevating a review of that act further up the priority agenda, noting it's not necessarily at the top at the moment but may be indicated now that the peak body has also put their weight behind it, that it is attended to sooner than it may otherwise have been? Is that something you can commit to looking at?

ANSWER

Thank you, Mr President. I thank the member for the question. As this issue came to light and there was some discussion in the department regarding the *Partition Act 1869*, there was a question regarding whether the act was indeed fit for purpose. Again, relying on my memory, I would say the advice to me was that the act actually works quite well. It is old, I take the

point, but it wasn't in dire need of a review necessarily. That is where it sits for me at the moment. I'm happy to further prosecute that question in light of this discussion.

Question on Notice No. 43 - Timeline for Answer

Ms THOMAS question to MINISTER for SPORT, Mr DUIGAN

[2.39 p.m.]

Minister, I placed some questions on notice on 23 June in relation to the MyState Bank Arena lease. I'm wondering if I might expect to receive a response given it has been eight weeks tomorrow.

ANSWER

Thank you, Mr President. Let me seek some advice.

I thank the member for the question. The response to that question will come from minister Ellis's office as the responsible minister for that particular document. I think there have been some elements of the question that we have provided an answer to and we have cleared those. Our office's part of the equation of that question has been cleared. For the response to come, it will need to be cleared by minister Ellis.

Wilkinsons Point Sale - Declaration of Surplus Crown Land

Ms THOMAS question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.41 p.m.]

Minister, in today's *Mercury*, there are reports that it appears the government is continuing negotiations and may be closer to a deal with LK Group on the proposed sale of land at Wilkinsons Point. As we heard through budget Estimates, there's a step required whereby you, as the minister for Crown land, are required to declare the land surplus before any deal can be reached. At the time of Estimates, you hadn't yet either declared the land surplus or been requested to declare the land surplus. Can you tell the House, have you now declared the land as surplus or been requested to declare the land as surplus land?

ANSWER

Thank you. I'm happy to confirm that I have nothing in front of me and have not had a request in relation to Wilkinsons Point.

School Psychologists - Meeting Students' Needs

Ms O'CONNOR question to MINISTER for EDUCATION, Ms PALMER

[2.42 p.m.]

Thank you, Mr President. I thought we might give the Minister for Parks, Energy and Sport a break for a moment.

Minister, information provided to us through right to information states that at 31 March this year, 2105 students were waiting to see a school psychologist. The average waiting time is 273 days, which I'm sure you'll agree, minister, if you're in a state of mental distress, is a very, very long time to get some help. The maximum wait time is 1784 days, which is almost five years. Of course, by then your school career may have finished.

The information also explains modest increases in the establishment number by two FTE to 82.25 FTE positions and funded increase as of 1 July this year. Minister, these new psychologist positions are a small step in the right direction, and I know you've helped to drive that, but won't go anywhere near the need your data identifies. What is your plan for ensuring students needing and waiting to see a psychologist are able to do so in a timeframe that's appropriate for their needs, particularly in the context of cuts to Education across the forward Estimates?

ANSWER

Thank you very much, Mr President. I thank the honourable member for Hobart for the question. Just before I answer, thank you Mr President for welcoming my daughter and her partner to this place. It's always very exciting, especially if you're not from Hobart, when your family comes to visit. It's really lovely to have them here.

We know how important our allied health professionals are in our school settings. We acknowledge that over time we have seen more complexities in schools and in the lives of our young people and in their families than we ever have before. We know the very important role that they play. We have had a clear and direct emphasis on recruitment across this space. We have had a number of scholarships that have been underway - 20 new scholarships for the next generation of speech and language pathologists and psychologists in Tasmania. Indeed, since we came to government, we have had an increase of the overall number of professional support staff by 104.75 FTE.

One of the things that we have been able to do through the new Teachers Agreement is establishing a statewide school psychological assessment team. They have an additional seven FTE which are dedicated to school psychologists to look at that waitlist. We've set this team up and their sole purpose is to look at that waitlist -

Ms O'Connor - Through you, Mr President, to look at it and address it?

Ms PALMER - To work in that space, yes. To address it. To back in the psychologists and the other allied health professionals that we already had in our schools, but this is a team that is specifically focused on those wait times.

I think it's also really important to say that our schools are actually really beautiful nurturing environments. We have a number of different ways that we are able to triage a young person's needs, and we work really hard in that space. It is done on a triage basis. We are doing everything that we can, acknowledging that this is a nationwide issue, and we are recruiting certainly across Australia and indeed internationally as well. You'll see from our commitment in the Budget and in the forward Estimates that we are absolutely committed to ensuring that we have more allied health professionals in this space, but very much in regard to your question, a real laser focus on those waiting lists.

Disability Code - Non-Compliant School Sites

Ms O'CONNOR question to MINISTER for EDUCATION, Ms PALMER

[2.46 p.m.]

Thank you, minister, for your answer and your obvious heart for this area. Information provided by the Department for Education, Children and Young People doesn't currently maintain a central register of sites which currently do not meet current disability code compliance. I know this is a matter that you and I have discussed before, and you've stated a desire to fix this. What steps have been taken to implement this important element to the school asset management program to ensure children with disabilities can access the same learning opportunities as other students?

ANSWER

I appreciate your advocacy in this space. As you know, it's a pretty important part of the work that I do. We want our schools to be inclusive right across the board. What I have done since you and I last discussed this is that I have asked DECYP to look at collecting this information so that we have a base to start from so that we can work from there. They are in the process of doing that, and I'm very happy to continue to engage with you on that matter, thank you.

Motorcycle Graduated Licensing System - Public Education Campaign

Ms RATTRAY question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

[2.47 p.m.]

Minister, some time ago I raised in the House a matter relating to an improved motorcycle graduated licensing system. I was given an undertaking that a comprehensive public education campaign is ready and will commence in the second half of 2026 to align with timing of legislative approval. I haven't seen that campaign as I've gone about my work and even in my personal life - nothing on TV, nothing across media. I'm really interested in where we are with these really important changes.

ANSWER

Thank you, Mr President, I will seek some advice.

I thank the Leader for the question. This is something that we've both been very passionate about for some time.

Ms Rattray - Well, we're both motorcyclists, so, you know, this is important.

Mr VINCENT - Part-time motorcyclist for 15 minutes on Sunday was about my limit, Mr President, I'm ashamed to say.

Ms Rattray - At least you have a bike, I don't.

Mr VINCENT - At least I moved it out. Some of the issues, for not having a full reply back to you, Leader, I've got to take on the chin. Since taking on this ministry I am reassessing parts of the strategy and working with the department and the Road Safety Advisory Board to understand quite a few things that we'd like to see differently done about road safety. I must admit that we're taking a little bit longer than we probably would like to seek some advice from the department, and road safety and that are mixed up amongst that.

I'd also like to take the main part of it on notice and come back to you when parliament resumes in a week or so to give you a more definite answer. That's the overall context of where some of the road safety things are at the moment - very close to finalising a lot of things, but I have been working through a lot of discussions with both independent department advisers on this, to try to bolster our road safety program. I do apologise for not having that a full answer for you.

Ms RATTRAY - I appreciate that the honourable minister is taking some responsibility for that. I just want to put on the record that we have a lot of adult riders who are very frustrated at doing 80 kilometres an hour, and they actually feel like they're more of a nuisance on the road than they are being a positive aspect of our road users.

Edgar Dam Upgrades - Cost Breakdown

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

[2.51 p.m.]

Minister, we've had some exchanges recently about works on the Edgar Dam, and your statement that the project had come in under budget and ahead of schedule. I'm not going to raise that again with you, but given the answer that you gave yesterday about the extra works associated with that project, is it possible for you to provide to Council a cost breakdown of works on the Edgar Dam, and of works ongoing? Given that, as I recall from your answer yesterday, for example, the toilets are not in the \$35.5 million that has been allocated towards that project, just so we can have an understanding of that; I understand the boat ramp too, may not be in the \$35.5 million. Is it possible for you to provide - in a timely way, I don't want to stress your department or your office out too much - a breakdown of those costs?

ANSWER

When you say 'those costs', are you referring to the cost for the toilet and the boat ramp, noting there are toilets and there is a boat ramp, so there may have been -

Ms O'Connor - Upgrades, yes.

Mr DUIGAN - and whether that was considered as part of the project? I will take that on notice and come back to you.

Ms O'Connor - I'm happy for your office to get in touch to get some clarity on what we're after here, but in broad terms, a cost breakdown detailing all the works, including those extra upgrade works.

Mr DUIGAN - We will provide something in that space and, Mr President, if I may, on indulgence as the minister for Parks, add to an answer I provided to the member for Hobart yesterday in relation to the Tasmanian Sand Enduro event held annually at Peron Dunes. I'm advised the member for Lyons Ms Badger raised the issue with the Department of Natural Resources and Environment Tasmania during a bird flu briefing for members. As I indicated yesterday, the Parks and Wildlife Service has been in communication with the event organisers. The Secretary of NRE has advised me that no decisions have been made around the timing of the event. However, it remains an ongoing discussion given the current situation with avian influenza. I will continue to take advice from my department on this and other matters as necessary.

Bird Flu - Tasmanian Sand Enduro Timing

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

[2.54 p.m.]

In your answer, you said no decision had been made about the timing of the event. The Tasmanian Sand Enduro is, as I understand it, advertised to be run on 31 October and 1 November this year, which is why we have asked the question in the context of bird flu and its impact on coastal birds. They are advertising that the event will take place at the end of October, early November, which means people will be coming here from all over the country, presumably to take part in that event. When you say no decisions have been made about timing, can you clarify what you mean by that?

ANSWER

As I have said in my previous answer, those conversations are ongoing, and at this stage no decision has been made about that.

Ms O'Connor - By Parks, you mean?

Mr DUIGAN - I'm advised that that is correct, that the Secretary of NRE has not made a decision on that event.

Sporting Clubs - Clarence City Council - Sponsorship Signs

Mr EDMUNDS question to MINISTER for LOCAL GOVERNMENT, Mr VINCENT

[2.55 p.m.]

Minister, sporting clubs in my electorate have been told by Clarence City Council that they must remove sponsorship signs from elected members of all levels of government. This is despite, in many cases, these signs and sponsorships being in place for many years. Minister, I and I'm sure other elected members will remain as sponsors of these clubs, but it does limit clubs' ability to grow their sponsorship base.

Minister, these clubs are already facing significant rises in their operational costs in many ways because of increased council rent fees and charges. Many elected members use their allowances to support local clubs and improve our access to constituents who may need our

assistance. In all cases, and I'm sure other members would agree, it is a great working relationship with our communities. In my view, it makes no sense for these grassroots clubs to have their avenues to grow their sponsorship bases and improve their balance sheets which in kind can reduce fees or offer extra programs simply because of bureaucratic red tape and overreach. Minister, are you aware of this development and can I ask your views on this topic - and any ways members of this place would be able to remedy this red tape which is hurting local sporting clubs?

Members - Hear, hear.

ANSWER

Thank you, Mr President. I'm not sure if those hear, hears, were for the member for Pembroke or me standing up.

Mr Edmunds - We will split it, will we?

Mr VINCENT - Yes, thank you.

Ms Thomas - Depends what your answer is.

Mr VINCENT - Well, let me start off with another disclaimer then. This is a council-by-council policy issue and that's what makes it very difficult. As a lot of the things we've even been discussing in here and other places to do with planning a lot of things, they are council by council. The more we can re-examine some of these things and work with various sectors and local government in this area, the better. I must say I have a pecuniary interest, not as local government minister or a politician who does have signs up and loves to support the community groups and sporting clubs, but as a mayor I was heavily involved with developing the signage policy for a multi-use complex like Pembroke Park was for me.

It all sounds pretty easy, but when you look at multiple clubs - and the perfect example is football during the winter and cricket during the summer - and then competing sponsorships, we quite often hear about this with AFL and other national bodies between brands of sports where Adidas versus Puma or Nike. It's the same around the sporting complex when you have a multi-sports complex. I can fully understand councils not being fully across this because of the way some of these complexes have developed. I can fully understand the delicate nature of some people pushing boundaries with wording on signs. We were here talking about alcohol and gambling and smoking advertising on a regular basis. Some of the wording probably can be - and there's competition between companies, but at the end of the day, regardless of whether you're a business in the community or a politician in the community or a local councillor in the community, we are community people.

We have a passion for our community, and we are expected to continue to be part of our community and assist wherever possible, whether it's moral support or using our knowledge of various systems to assist the community, we should be. That is part of our role, and I'd certainly like to and, from the hear, hears, you have some support also for this. I will give you half of them again that we should be working with the sector and I'm very happy. I think it's fair that we let the election go now to take the awkwardness of the upcoming elections out of this scenario. But after that I'd certainly like to sit down with the Office of Local Government and

also Dion from LGAT and work through that issue because it's very awkward in a small state like Tassie where Lyons for example, takes in such a huge area.

In my area of Prosser and many others where you have multiple towns, multiple sporting organisations and clubs all competing to stay alive and be part of their community, we should look at it as a whole, work wherever we can with the sector and each council to have some commonality and common sense to this, so it takes the heartache out of a general manager or CEO to have to make a decision, or us feeling in an awkward position about who and how and what we do in our donations within the community. Yes, I would like to see something done and work with you on that.

Mr Edmunds - Indeed, the volunteer committees of these clubs are made to feel like we've done something wrong when they haven't.

Mr VINCENT - It's very awkward and we know the pressure on volunteers throughout our community. You often see a commonality between a lot of the smaller towns with the same people being on multiple committees. It's part of the good thing we do at all levels of our community, and encouraging business and each other to support community. Like I've said a few times, that is what we're here to do. I'd like to think we can still do it on a proper basis, but it is a council-by-council policy issue at the moment, Mr President.

SUSPENSION OF SESSIONAL ORDER

Afternoon Tea Break

[3.00 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council)(by leave) - Mr President, before I move this, I apologise to any member I didn't get to speak to before we came back after lunch and it's around suspending the 4 p.m. break. If people are not for that, that's fine. Mr President, I move -

That so much of Sessional Orders relating to the 4 p.m. break be suspended so as to enable the Council to sit beyond 4 p.m. for today's sittings.

Ms FORREST (Murchison) - Mr President, I have had a discussion with the Leader, and I just wanted some clarity on what the expected program is from here because three of us in this Chamber had quite a full PAC committee meeting over lunchtime, and there may be other members who have had meetings at lunchtime too. I can only speak for myself and those who were in the room with me. If we're going to push through, push through, push through, I won't support this. I would like some indication of what time we intend to break - if we have a break or finish, if that's the intention or not - before I can make a decision on whether I support this or not.

Ms RATTRAY - Thank you, Mr President. The plan is obviously to finish the Residential Tenancy (Safety Modifications) Bill. We have commenced the Committee stage and I never and can't know, but I envisage it will be somewhere between 4 p.m. and 4.30 p.m. It is the plan to adjourn for the day and then I've arranged the briefing on the short stay legislation for members after that. I felt it was unfair to expect the staff to sit around for a possible hour plus briefing and then come back and adjourn the House. It's not efficient and

not effective in my view, particularly after a late night. I acknowledge that members have busy lunch hours. I just felt that on this particular day, if that suits members, I'm going to offer a 10- or 15-minute break between adjournment and the briefing so that members can grab a cup of tea and just take some time to reset their mind. That's the plan, Mr President. If it comes off, I will be happy. If it doesn't, I will work with what the House presents.

Motion agreed to.

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

In Committee

Resumed from above (page 29).

Madam CHAIR - While the Leader gets set to start, I will inform members of the process here. Clause 4 is the first amendment on the schedule of amendments that we have. Members are reminded to fully consider and perhaps support the member for Hobart's amendments; they will need to vote against that clause. If that doesn't happen, then the rest of the amendments will probably not be put.

On clause 4, the member for Hobart will have 15 minutes to prosecute her entire case. No opportunity for extension. All members in response to that matter will have three calls of 10 minutes if they need, and the member for Hobart in response to questions or further contributions on the clause 3 has 10 minutes.

Ms Webb - For her other two calls?

Madam CHAIR - For the other two calls, yes. The Leader is unlimited in this, of course, because it's a government bill, just to be clear. Sorry, she can only speak for 10 minutes too, on any one call, but she does have unlimited - as we were trying to do in a previous bill, if there's a question being put to the Leader, give her a chance to answer it so the adviser at the table can listen and hear what's being asked, rather than ask another question over the top. Just to make a little bit easier for everyone at the table.

Clauses 1 to 3 agreed to.

Clause 4 -
Section 3 amended (Interpretation)

Ms O'CONNOR - Members would be aware that the amendments that I propose depend on clause 4 being voted against, Madam Chair, and I made a number of arguments for why those amendments are sound and evidence based in my second reading contribution. I will talk a little bit about the purpose of those amendments, the intent of those amendments now.

Our amendments seek to introduce specified modifications based on minor modifications and special modifications that exist in similar legislation in the Australian Capital Territory. This provides for tenants to be able to make minor modifications and modifications that relate

not just to safety but also to disability, including ageing, energy efficiency, telecommunication, security or other prescribed purposes.

The bill that we are debating today has taken a very narrow approach to the rights of tenants to make some modifications with landowners' consent to the property that they rent - remembering that this property, Madam Chair, is their home as well as being owned by the landlord. The bill that we're debating today provides for modifications to affix furniture for safety purposes as a permitted modification. That is, they don't need the consent if it will not cause permanent damage to the landlord's property.

The submissions that came in to the government's consultation on the draft bill are unequivocal about the need to take this opportunity to upgrade the *Residential Tenancy Act* to allow for modifications with the property owner's consent based on other rights of tenants apart from safety modifications. We regard these as basic rights of tenants to live in a home that can be adapted so long as it doesn't cause permanent damage that can't be fixed, that can be adapted to support good living for people who are tenants in those properties.

On the question of minor modifications, the Tenants' Union of Tasmania has said:

... we strongly recommend that the ability of tenants to make minor modifications should be comprehensive and not limited to a narrow range of safety modifications. As we outlined at the beginning of our submission, more Tasmanians are renting and are renting for longer. Allowing minor modifications in rental properties such as putting up picture hooks, installing a bathroom shelf or planting a herb or vegetable garden will ensure that renters feel more at home, and improve their safety, security and amenity.

Madam Chair, if we just take the lens of safety, this bill that we're debating today provides for the rights of tenants to affix furniture for safety purposes, but there are other safety modifications that aren't about affixing furniture. They are, for example, about if you're an older person, being able to put handrails in. There are modifications that can be made that are not high cost and not high impact, in order to provide for easier living for a person with a disability in their home. Security doors are a security modification that is not captured by the amendments that we're debating here today. The Tenants' Union is really clear about the need for these broader provisions. As the honourable member for Murchison pointed out in her second reading contribution, this is an opportunity, in this bill that we're debating today, to allow for some extra modifications for tenants that are not high-impact modifications. It would be regrettable if we missed this opportunity.

The government has said that it has stated to this place that a draft Residential Tenancy Amendment Bill would be put out for consultation before the end of the year. Boy, they'd want to get cracking on it, because we're already in August. The *Residential Tenancy Act 1997* itself is a substantial piece of legislation. The kind of amendments that we're proposing today, we hope will be in the consultation draft, given stakeholders in the community sector that have expressed strong support for these extra modification amendments. I certainly hope that the government is able to bring forward that draft bill for consultation before the end of the year. In saying that, government has undoubtedly sought to convince some members of this place who might have been inclined to support my amendments to hold off until they see the government's draft bill.

This is taking nothing away from you, honourable Leader, but I'm always impressed - impressed is the wrong word, I'm always struck by people in this place and the other place, but particularly the Labor Party, when they take the government on trust on an issue. How is my timing going, Chair?

Madam CHAIR - You have eight and a half minutes to go.

Ms O'CONNOR - We've had an assurance from the government that some of these matters that are dealt with in my amendments may be part of the draft bill. I would say to colleagues in here that these amendments are very precise. They provide for extra modifications for tenants, but that has to be with landowner or property owner consent. If consent is not granted, then there are processes through TASCAT that are fair, reasonable, evidence based and largely in line with what's already operating in the Australian Capital Territory.

We have the Tasmanian Council of Social Service, and I'll just read the one part in their submission to the consultation on property standards, repairs and modifications. The recommendation is to:

Introduce minimum energy efficiency standards for appliances and thermal performance in rental properties, in particular, requirements relating to insulation, draught sealing, efficient fixed heating, hot water systems, window coverings and replacing gas appliances with efficient electric alternatives.

They are the kind of minimum standards that I'm sure the sector will be looking for, when the draft bill is presented for public comment towards the end of this year. Recommendation 11 of the Tasmanian Council of Social Service is to:

Allow renters to make minor modifications to their homes that provide for improved liveability, and modifications for safety, security, disability and age-related, energy efficiency and telecommunications improvements.

These are very reasonable asks on the part of the community sector on behalf of tenants. I have been disappointed, and surprised, that first of all the government didn't put forward these modification amendments themselves, but also given Labor stated support for disadvantaged Tasmanians, people living on low incomes, therefore many people living in rental properties, I am surprised and disappointed that Labor has not looked at these amendments and thought to themselves, quite reasonably, these are in line with Labor values and policies.

I don't understand why Labor would not support these amendments. They're soundly drafted, they're supported by the community sector, and they're the right thing to do. We have an opportunity with the Residential Tenancy Amendment (Safety Modifications) Bill 2025 before us to do exactly what the community sector has asked government to do. In asking government to do that, of course, they're asking us to do that as well, which means they're asking the Labor Party to do that as well. It's very disappointing to see Labor not stand by its values and policies in this instance if it is the case that they maintain the position of not supporting these amendments, and I have no reason to suspect that they won't maintain that position.

We understand that enabling tenants to affix furniture for safety purposes is important and these amendments are most welcome. But there are many other types of reasonable modifications that are equally important for safety as well as for quality of life. The provisions require a tenant to seek approval for a specified modification from the owner. It wouldn't be permitted as the safety modifications we're debating today are, but there would be a pathway there for a tenant to be able to make some adjustments to their home, so it becomes a better home for them. Remembering that rents are high, many tenants are paying more than 30 per cent of their income in rent, and substantial rent money is going to the landlord from the tenant for whom this property is their home. It's not just a house; it's their home. Those of us who are lucky enough to own our own home will understand the peace of mind that that gives you.

The owner, under the amendments we're proposing, may give consent, apply to the tribunal to refuse consent, or give consent with conditions. All very reasonable, all operating without too much fuss, if any, just as it is in the ACT, in broad terms. The onus is on the tenant to appeal conditions if the tenant cannot reach an agreement with the owner regarding the conditions. The amendments basically seek to remove clause 4 and then move on to remove the word 'safety' so that the amendments are not only confined to modifications to affix furniture for safety purposes, but also to modifications that may be permitted with the consent of the landowner that include disability, aged care, energy efficiency, and telecommunications modifications.

Madam CHAIR - About three minutes left, just to let you know.

Ms O'CONNOR - Thanks very much. I'll leave it at that, Madam Chair. I think I've made my point. I made it in the second reading. If clause 4 is voted against and these amendments pass, the Council will be strengthening the rights of tenants without taking anything away from landlords. That is our firm contention. The *Residential Tenancy Act 1997*, as it is, tips the balance much more towards landlords. It does need significant improvement and that won't only relate to what kind of modifications you should have permission to make or ask for permission to make to your home. There will be a number of other improvements to the act, hopefully, that government will put forward, but this is one thing that we could do here in this place today. That would mean if you're a person with a disability or a person ageing in place, you've got some rights to make some adjustments to your home in order that you can live there comfortably and happily. In being able to do that, you are not taking anything away from the landlord. You are making a commitment through that process that if there are going to be these modifications made, they're made by a qualified tradesperson and that when you leave the property, you will leave the property the way you found it - absent normal wear and tear.

I hope the Council understands this is a chance that we have to do something really good here. We've got the backing of the community sector. We know that tenants have been calling out for this and I hope honourable members vote against clause 4, so at least then we can have the debate.

Thank you, Madam Chair.

Mr EDMUNDS - Taking the government on trust. Two can play at that game. I'll probably leave my comments there, though. As I said in my second reading contribution, we were inclined to see the review through, and now from the questions asked during the second

reading speech, we have a timeline from that questioning, which is this year. Again, for the reasons - not to revisit the second reading speech, but I stand here as a renter, as someone who participates in the NDIS, acutely aware of the challenges that people with disability face. I don't make these decisions lightly but I respect other people's right to make their opinions known through the debate. These amendments can stand or fall on their merits. I don't need to verbal my colleagues to win or, in fact, lose a vote.

Ms RATTRAY - Thank you. In reply to the honourable member for Hobart's amendments that she's put forward, I appreciate that they come from a very good place, but I just want to reiterate that the proposed amendments are to significantly broaden the current provisions of the bill. Such a broad scope was not consulted on, and the member for Hobart has noted that various community organisations have commented on these amendments. However, these amendments have not been consulted on more widely, and such a consultation could consider some key concepts in these amendments, such as 54E(3) and its use of terms such as 'significant hardship' or 'additional maintenance cost'.

The impact of such a significant change has not been considered by TASCAT and the impact of the provisions as they are currently drafted on their caseload and operation.

Furthermore, there's already been a commitment that the government's intention is to release the broader modernisation of the *Residential Tenancy Act 1997* in the timeframe by the end of 2026. That review is underway and provides the proper mechanism for considering proposals of this nature in a comprehensive and coordinated way, and it will also allow any affected stakeholders to have the opportunity to contribute.

The bill possibly should not be used as a vehicle to introduce significant and wide-ranging tenancy reforms without the benefit of that process. I'll go back to the fact that the government has put forward that they want to work through this process with all members of the parliament and will be arranging briefings for members on the public consultation outcomes in the near future, and I have some more to add to that.

These are not minor or technical amendments. They propose significant and wide-ranging changes to Tasmania's residential tenancy framework. The bill as it currently stands has been drafted to deal with a very specific risk and namely the risk posed by heavy or unsteady furniture to children and other vulnerable people. I gave the answer this morning around the definition of furniture. I don't think I need to restate that, but if any member wants that restated then please request that when they have the opportunity.

The modifications that are facilitated under the bill are limited to relatively minor but important things, such as the attaching of wall anchors inside a premises. The amendments could result in a much broader range of modifications across the home, including to the roof, exterior and entrances. Changes of this nature can have consequences well beyond the individual provisions being amended. They also create additional demand on the Residential Tenancy Commissioner and TASCAT, and I've already indicated that it has not been considered by TASCAT.

In addition, Madam Chair, the residential tenancy laws require a careful balance between providing appropriate protections for tenants - I certainly acknowledge that - and maintaining the confidence of property owners to make homes available for rent, a really important point.

We have to be really careful here to get the balance right. I will leave it at that for now, Madam Chair.

Mr GAFFNEY - Thank you, Madam Chair. I thank the honourable member for introducing this aspect in this debate, in this discussion period. I really appreciate the fact that because you raised those questions and those possible amendments, the government then responded with their plan for the *Residential Tenancy Act* and that it would be looked at and consulted before the end of this year. That gives me some heart in in this process.

I accept that there might be an opportunity to raise modification such as for safety, disability, energy efficiency, telecommunication, security or other prescribed purposes, but because the bill in front of us had furniture, we were then able to ask the questions, what does that mean? Does that include TVs? How does that impact on buildings that might be of a historic nature? How does that work in reality, both for the tenant and for the landowner? We were able to get that information.

I also acknowledge the many comments we've had from the community sector, and I regard those comments very highly. But what I'm concerned about here, if we were to accept these amendments, it creates a much bigger basket of issues and problems that we haven't had a good chance to have a look at. We have not been able to talk to the tenants about, okay, if there was an energy efficiency, something happened there, could you do that within two weeks? Would you have to get advice from somebody? If you had a block of units that had five or six people in it and you want to put an energy-efficient system in that, how would that impinge on the other people who might also be served in that?

From a pragmatic point of view, I think to give this 10 or 11 weeks to go through a proper process and then come back to this place with the staff and the people and the government and members from this place to have input in any of the issues that may be raised by tenants or possible tenants or landlords around the state will make for a much better process and system.

I understand also that this is specifically about furniture affixing in case there's an injury or fatality, it could be, and I understand that. It doesn't mean that some of these other things can't go ahead with discussions with the landlords. Tenants can do that if they see but if the landlords already know, too, that it's on the books that this is going to be a large review taking in all of these other factors, then there may be a greater propensity to get better conversation and better dialogue with not only the tenants but also the landowners and also those organisations which may represent both landowners and tenants.

Whilst I really appreciate the information and the amendments proposed by the honourable member for Hobart, I think it would be wise for us not to accept those amendments, get this bill done and dusted, let the process come out and then as we're going through that process, input that we could have from our community will make for a stronger and better bill - noticing on call that we would all be very, very disappointed if that process didn't stick to that timeline. That's why I'm going to vote against the amendments, because I have faith in the government that they will come back with a better bill, taking on board the conversations they may hold with people within their community and this place. So, for that point, for that reason, I won't be supporting the amendments.

Ms RATTRAY - Thanks, Madam Chair, I acknowledge the contribution by the honourable member for Mersey and his support, and I also want to reiterate the fact that

because these matters were raised in the other place and certainly across the whole spectrum, the review has been brought forward. It has been brought forward, and the commitment has been given that it is the government's intention to have that draft legislation for further public consultation before the end of this year. I will also support that undertaking that's been made in this House and will continue to work with the government on having those opportunities to have input. Thank you.

Mr HISCUTT - Thank you, Madam Chair. The member for Mersey stole most of my comments, so I will just briefly outline them instead of elaborating on them. The intention of the bill was narrow. It was intended to fix only one problem, and it can acknowledge the fact that there are other problems to be looked at. I'm also of the opinion that the review of the whole act would be a better place to do that, and that's for a couple of reasons.

It's a holistic response. It looks at all the elements that this may affect, not just these elements, and also the fact that it will give that ability for consultation with the broader public. We've heard some sectors that recognise this as an issue, but we haven't heard the other side or the general public's position on that.

I would like to ask a question, and it might be a process question for the member for Hobart. As I understand it, these amendments were debated in the other place and were not supported. I would like to know, with the intention if they did pass here, how that would then look because it still wouldn't have passed the other place. But that's not necessarily how we go here.

I appreciate the government's commitment to proceeding with that review. We hope that it brings all these issues up and they're brought to the fore, and that there's a suitable outcome that's happy for everyone. I guess if the government doesn't listen, there's still the opportunity for a private member's bill to fix the pieces that they don't listen to. Thank you.

Ms RATTRAY - Thank you. I can, for clarification, indicate that the amendments weren't moved in the other place due to an issue.

Ms O'Connor - They were in 2024. This is the second time the bill has gone through.

Madam CHAIR - Can I urge members who may have other questions for the member for Hobart to put them before she takes another call?

Ms RATTRAY - I will just restate that they were not moved in the other place due to an issue with a government amendment. That's why they've arrived here, and if you read the contributions to the second reading downstairs, I think there was a line from somebody and I'm not quite sure who it was - 'Leave it for the other place to sort'.

Mr Edmunds - Shame. Just to be clear, that 'shame' was about the comment, not you getting up to speak.

Ms WEBB - I thank the member for Pembroke. I would never have entertained the idea that it's relating to me getting up to speak. We fix things up here. The reality is we can fix things up here. I'm happy to get up to speak in support of these amendments. The reason I am is because I think they are significant, but I don't believe they are wide-ranging. I think actually it's quite constrained when you look at all the process matters that have been built into the

amendments presented to us here that provide for a very tight and appropriate process for how activity relating to these amendments is to occur for there to be the checks and balances, the appeals, the appropriate administrative processes to be fair and correct in how you go about applying it.

The reason I'm supporting these amendments and would like to see them made to this bill today is that they would then be in the act, and then we could have a review of the act inclusive of these amendments. Because here's the thing: I, unlike other members, do not have faith in the government when it comes to consulting on legislation and that resulting in anything meaningful that has been raised actually being then incorporated and addressed, particularly when it comes to matters relating to vulnerable Tasmanians that the community sector is arguing for and the government, the vast majority of the times, utterly ignores - as they did with the submissions put in already raising these specific matters.

Here's the thing: if the next step is the government putting out an exposure draft of the bill for consultation this year, as I believe that's what the commitment has been, unless that exposure draft includes these amendments, people won't be commenting on them. If the argument right now is 'Well, the community sector had had their say and argued for these, but goodness gracious, the groups representing landlords and the broader community haven't had a chance to have a say on these', the reality is, if the government puts out an exposure draft bill that doesn't have these in it, then they won't have a chance to have a say on these either. If they're not there to be commented on, why would they comment on them? They can stay silent on them and then we'll still get to a situation well down the track where we get a final bill brought to us that, yes, has gone through an exposure draft consultation process, but all those groups that haven't yet commented on these matters still won't have commented on these matters because they weren't invited to, because it wasn't in the exposure draft bill out for comment.

Here we are. We will still get to a situation where we have a bill down the track as a result of the review, as a result of an exposure draft being consulted on, the government brings us another residential tenancy amendment bill, and we will still be here with these amendments being attempted yet again because we could literally bring them right back.

Ms O'Connor - They will be.

Ms WEBB - And the government can get up and say exactly the same blocking things that they're saying here today: 'Well, goodness gracious, the poor old landlord representative groups haven't had a chance to have a say on this'.

Well, here's the thing - today we have a chance to do something that is significant, particularly for vulnerable tenants, particularly for tenants with disability, particularly for elderly tenants, particularly for tenants facing, for example, family violence threats who might want to put security measures in place, all of those sorts of groups is who we're talking about, providing an opportunity to hear, to better make their homes safe, appropriate and secure.

With all kinds of rules - I hope everyone has read carefully through the proposed amendments - all the kinds of constraints around how they get implemented, the checks and balances that are there, the procedural fairness that is there, the way you can appeal about it, the circumstances under which landlords can have avenues to have it not be allowed - all of that is there and carefully considered. It is not wide-ranging, but it is significant.

I support these amendments. If we put them into this bill and the bill passes and then it becomes part of the *Residential Tenancy Act 1997*, by all means we can then consult on them in the act as part of the review and we will have a chance to genuinely hear from representative groups from all sides of the equation. Otherwise, as part of the government's consultation, if it's silent on these, if the exposure draft bill is silent on this, why on earth would those groups proactively comment on it, because we'll be back here again and the same excuse will be put forward - or, 'Bad luck, we actually haven't heard from the other side of the equation, therefore we can't possibly consider supporting these and making the changes in the act'.

I just think it's unacceptable, Madam Chair, that this excuse is being used. It's a blocking excuse, it's a fob-off, to say that we should have faith in the government to consult and then genuinely do something as a result of it. I think at this point in time it is insupportable as a valid proposition.

I don't believe that there will be the numbers for these, member for Hobart, which I think is a crying shame. I think we will obviously see these back again. If it's under the government's auspices that we see these brought back again, my goodness me, I'll be the first to get up here and offer my hearty congratulations and well done to the government.

Madam CHAIR - We're all going to remember that.

Ms O'Connor - While you're putting the boot in for their cynicism. You can do both.

Ms WEBB - Yes, absolutely. I will absolutely acknowledge that if that's what happens.

Unless these amendments are specifically put out as a proposition as part of an exposure draft consultation, then why would we be expecting there to be feedback from the groups that so far we haven't specifically heard raise them?

We'll have all the same community groups come back and put the same arguments forward. Poor them. They get pretty sick of having to say the same things over and over again while they're trying to make life better, safer, more accessible for vulnerable Tasmanians. Yet, again, here we have a chance to do it and I think they're going to be let down again.

Madam CHAIR - Are you asking a question of the Leader?

Ms WEBB - No, I'm not. I'm commenting on the amendments and I'm explaining my support for them. If the Leader wants to get up and commit that the government will put these in the exposure draft of the bill so they can be properly consulted, perhaps the Leader would like to confirm that there is a commitment from the government to do that. Otherwise, why on earth are any of us having any faith that that will be the case?

Ms RATTRAY - I can indicate to the Council that there have been a significant number of submissions to the review canvassing these amendments, and I'm certainly going to reiterate that around the briefings on that, it was in the discussion paper.

Ms Webb - We know who has raised it. It's the ones that you say haven't said anything.

Madam CHAIR - The honourable Leader has the call.

Ms RATTRAY - I'm not able to state, Madam Chair, who made the submissions at this point in time, but I can say that there are a significant number of submissions that were received and they were canvassing these amendments. I think it's pretty clear that those types of amendments will be in the exposure draft.

Ms O'Connor - That's what we want to hear.

Mr GAFFNEY - I'm asking a question for the honourable member for Hobart because I know she only has a couple of calls.

Madam CHAIR - She has two calls left.

Mr GAFFNEY - Yeah, okay. You made reference to the amendment to introduce specified modification based on minor modifications and special modifications in the Australian Capital Territory legislation. My question to you would be, with the Australian Capital Territory legislation, was it just changed on the Floor of the House in debate as it would be now, or were all those things like safety, disability, energy efficiency, telecommunication, security and other prescribed purposes sent out for consultation for the wider community to have input in? Were those changes made on the Floor of the House like we're trying to do today?

Madam CHAIR - Do you want to use your call now, honourable member for Hobart?

Ms O'CONNOR - Yeah, I'll answer a few questions.

Madam CHAIR - Second call.

Ms O'CONNOR - Thank you to members who have responded, for support and also for making cogent arguments for waiting to see what the government produces.

In response to the member for Mersey, I wasn't in the Australian Capital Territory legislature when they did this, so in the time that I have to answer that question, I can't answer it accurately. I can indicate that I feel it would have been part of a broader reform process of the *Residential Tenancy Act 1997 (ACT)* because the Australian Capital Territory legislature has been quite proactive and progressive in modernising their *Residential Tenancies Act* to tip that balance so it's more evenly weighted towards tenants. They have in place the most effective rent restraint provisions of any jurisdiction at the moment. I don't know what the answer to that question is, honourable member for Mersey, but it's a very reasonable question.

The last question asked by the honourable member for Nelson is the first question I was going to ask of the Leader for the Government. I think it's been answered though, and I sometimes feel like the Leader for the Government is in a very difficult position because you actually don't have the minister here to reference back to, to check if that's part of the government's plan. It almost doesn't matter now whether it is or isn't or wasn't part of the government's plan, because the Leader for the Government has told us that she has no doubt that the amendments that we're proposing will be in the exposure draft of the bill, the Residential Tenancy Amendment exposure draft bill that comes out towards the end of this year. That is of great relief to me, because I do understand how this vote is going to go today, regrettably. The member for Nelson makes a very good point. We could have made these

amendments and then they would be incorporated as part of the review of the act, but the Council is not going to do this today.

Just to be really clear to anyone who's not clear about what our amendments would do: unlike the amendments that we are debating today, which make safety modifications a permitted modification in the house, and therefore, under certain restrictions don't require the landlord's consent, ours would require in every instance for there to be landlord consent. I would have thought that was adequate protection of the rights of the landlord - perhaps not to some members of this place. The amendments were, as I understand it, put in 2024 when this bill first went through the House and then there was another election in July of last year. When the bill came back as a result of what the Leader for the Government said about some government changes to clause 4, we didn't move them in the other place.

I don't believe that we're using the Residential Tenancy Act Amendment Bill as a vehicle to introduce significant and wide-ranging reforms, as had been put by the Leader for the Government. I think the way the honourable member for Nelson described it is bang-on. They are significant reforms; they would be significant to the lives of tenants, but they're not wide-ranging. They really extend the principle of the amendment that we've been debating today, and they extend it quite reasonably in line with a solid evidence base, the experience of other jurisdictions, and requests from community sector organisations. My question to the Leader for the Government - and I don't know if I've captured any other questions that were asked of me adequately - are: will the government be presenting as part of that exposure draft bill and attached discussion paper, for example? Does the Leader for the Government have any line of sight to what might be in that package of materials that's put out as an exposure draft of the legislation?

I have a request for my honourable colleagues from the Labor Party here. I understand that it can be difficult, given what happened in the other place, for you to change position and support something like these amendments. Given that we now know the government will be introducing an exposure draft later this year, I would respectfully ask my Labor colleagues in this place to advocate in the caucus to get a position clear on supporting extended modification rights for tenants that carry with them sufficient and appropriate protections for the rights of landlords. We might be able to get into a position, Madam Chair, when the bill comes back here, where we're all agreeing that the amendments that I'm moving today are solid. Notwithstanding that they've been delayed and we could pass these amendments, we need the Labor Party to have those conversations between now and when the consultation process happens. I'm very happy to work constructively on this, and I know that my colleague who has primary responsibility for housing policy, the member for Clark Vica Bayley MP, would be very happy to work cooperatively with you too. With these few words, Madam Chair, I will be moving for a division to vote down clause 4 of the Residential Tenancy Amendment Bill 2026.

Ms THOMAS - Thank you, Madam Chair. I've been listening very carefully to the debate, and I appreciate the contributions of members and the intent. I fully appreciate the intent behind the honourable member for Hobart moving these amendments and the intent of other members who have spoken in support of the amendments. I've been trying to work through them and probably understand them from a technical point of view. I don't feel like I'm in a position where I can fully appreciate the impact not just on tenants but also on landlords at this time. Therefore, I'm not comfortable to vote in support of the amendment and I just want to put that on the record. I hope that in the future we are in a place where we can, and we are in a place where, whoever is proposing this, whether it be the government or the Greens, has

heard the views of both parties in this. The member for Hobart has had her third call now, so I apologise for not getting up sooner. I'm not sure if the member for Hobart or the Greens have consulted with the REIT on this and asked them what they think about these amendments, given that they do impact landlords. Because if I was moving these amendments, that's perhaps what the other members would expect I would have done. I imagine I'd be expected to have consulted with all stakeholders affected by these possible amendments and whether I like them or not, be able to present their feedback on them. That's what I need to be able to hear to be able to make a fully informed decision on this.

I really appreciate the intent. I hope the government is listening here. I feel like there is definitely an appetite by this Chamber to have these proposed amendments tested and included and incorporated as part of the broader review of the *Residential Tenancy Act 1997*. I hope the government is listening. I appreciate the department who undertakes the consultation, and I know that they are here and they are listening. I appreciate their efforts in what they do to consult with the community. I greatly appreciate the efforts that departments make across a whole range of topics to consult with the community, to gather submissions, to summarise submissions and, where possible, to present that to us in briefings. Whilst we might be a bit cynical and some of us might not have a lot of faith in the government on different topics, I think we should be mindful that we have departments who often we can have faith in and who do consult with the community as public servants and make their best efforts to do that.

I look forward to the broader review of the *Residential Tenancy Act 1997*. It is a very important piece of legislation and other honourable members have very clearly articulated the importance of protecting the rights of tenants. I agree with that wholeheartedly. The electorate that I represent has one of the highest proportions of renters in Tasmania. I'm very conscious of that anytime I consider these sorts of provisions.

Madam Chair, that's my contribution. I hope the member for Hobart can understand where I'm coming from. I do respect the intent. Thank you.

Ms RATTRAY - Again, I certainly appreciate the intent of the members, and their contributions to this. I can indicate that the next steps are expected to be the publication of the submissions received and then the release for public consultation on a draft bill amending the *Residential Tenancy Act 1997*.

That's clear. There will be an opportunity, as I indicated earlier, for members to be briefed. I said that the Deputy Premier wanted to have that engagement with all members of the parliament on the submissions to the discussion paper. The government will ensure that the amendments moved today are included in that briefing process so that all stakeholders can give their view on them. I don't think you can give much more of a commitment than that here and now. Again, I acknowledge the intent of the honourable member's amendments.

Mr GAFFNEY - This question is to the government. Thank you the honourable Leader. I think what you've outlined is really good in the fact that you've looked at the bill that will go out for consultation. I imagine that's the one that's going to be passed today or the one that comes out of today's debate.

My question is: is it possible, when that goes out for the conversation or the debate that's been had in this place about this very bill and about what's been proposed by the member for Hobart and the comments from the member for Nelson and other honourable members, for

somewhere on that platform or that website to be this conversation transcript accessible to people who want to have input into the bill so that they understand some of the issues that have been raised? They know about the ACT, they know about some of the comments. I'm not probably getting you to say yes or no, but if it was along the lines of, 'We'll consider that', if it's more information to go into the public domain, then that's a good thing because a lot of people in that space wouldn't go to *Hansard*, wouldn't go to this conversation. It might help them think, 'Oh, you mentioned safety or mentioned about something else'. My question is: would the government consider having that discussion about what information they could put into this consultation process that may help for a better conversation or better submissions?

Ms RATTRAY - I can give a definite answer to that. Yes, and the *Hansard* could be included on the Department of Justice's consultation page for members of the community to access. It isn't always easy to find the *Hansard*. I think that's a reasonable request.

Ms O'CONNOR - Thank you, Madam Chair. Thank you also to all the honourable members who've made considered contributions and have examined the amendments that are being proposed, I think, with open minds and good faith - I suspect a little bit too much faith in government, but you know, we're all different.

In answer to the member for Elwick's contribution: we primarily communicated, as I understand it, with tenancy organisations and community sector organisations. We know what the Real Estate Institute of Tasmania will think of these amendments. We have a fair idea of it, but you make a fair point. Happy to take that on board and pass it on to Mr Bayley.

I just had a look at the appendix to the discussion paper that has been put out on changes to the *Residential Tenancy Act 1997*. The discussion paper was put out under the heading of 'Modernising the Residential Tenancy Act', which is why a number of the submissions go to those extra reforms that you could make to the act, but it also points to a 2023 National Cabinet decision that agreed on a list of measures to strengthen renters' rights and streamline rental laws across the country. In the principles of the National Cabinet decision, they relate to protecting women and children fleeing family violence, to streamlining forms for leases, to some protections against unjust eviction or eviction without cause, but the National Cabinet principles don't deal with the rights of tenants to make their homes better homes for them.

That'll be a job for this parliament and this state. I don't need to say anymore. I simply wanted to answer the member for Elwick's question, and also note her concern for people who live in the electorate of Elwick, where there's a high proportion of people living in rental homes. I understand her concern to see their rights protected.

I think that the debate so far on the amendments I proposed has, while it won't be fruitful on the amendments themselves, it has been a fruitful conversation in the sense of the government hearing the mind and mood of this Council. It has been fruitful, too, in the sense that it has heard the various different but, I think, well-aligned perspectives on strengthening tenants' rights regarding modifications, while also protecting the interests of landlords in a balanced and fair way. With that third call and my final words, I move that we do not support clause 4 of the amendment bill.

Madam CHAIR (Ms Forrest) - The question is that clause 4 as read stand part of the bill.

The Committee divided -

AYES 11

Ms Armitage
Mr Duigan
Mr Edmunds (Teller)
Ms Forrest
Mr Gaffney
Mr Hiscutt
Ms Lovell
Ms Palmer
Ms Rattray
Ms Thomas
Mr Vincent

NOES 3

Ms Glade-Wright
Ms O'Connor
Ms Webb (Teller)

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 agreed to.

Title agreed to.

Bill reported without amendment.

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

That the third reading of the bill be made an order of the day for tomorrow.

Motion agreed to.

MESSAGE FROM THE HOUSE OF ASSEMBLY

**Joint Sessional Committee on Gender, Gender-Based Violence
and Equality - Appointment of Ms Badger**

Mr President,

The House of Assembly has appointed Ms Badger to serve on the Joint Sessional Committee on Gender, Gender-Based Violence and Equality in place of Ms Rosol.

Jacquie Petrusma
Speaker of the House of Assembly
19 August 2026

ADJOURNMENT

[4.07 p.m.]

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

That the Council at its rising adjourn to 11 a.m. on Thursday 20 August 2026.

Motion agreed to.

Ms RATTRAY - Before I move that the Council adjourn, just by way of explanation, as I indicated when I spoke earlier, when we moved to suspend the 4 p.m. break - for those who listen in, the members of the Council have a briefing planned on the short-stay bill. Rather than take up time of the House - because we would have to come back and adjourn - I chose to do it this way, and I trust that this is acceptable to the House, and to the people of Tasmania.

I move -

That the Council do now adjourn.

The Council adjourned at 4.08 p.m.