PARLIAMENT OF TASMANIA

DEBATES OF THE HOUSE OF ASSEMBLY

DAILY HANSARD

DRAFT

Thursday 29 October 2026

Preliminary Transcript

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Thursday 29 October 2026

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

QUESTIONS

RHH Emergency Medical Unit - Cuts

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

The emergency medical unit at the Royal Hobart Hospital is the part of the emergency department that keeps patients moving, it frees up ED beds and helps ease ramping. Your government promised to ban ambulance ramping, but ramping is still rampant.

Mr Abetz - Oh, very good.

The SPEAKER - Order.

Mr WILLIE - Last financial year, there was no ambulance immediately available for 000 callers almost 17,000 times, now you're planning to cut nursing staff in the emergency medical unit. Nurses at the Royal are taking stop-work action today with the support of doctors because the people who work in our emergency department can see how damaging your cuts will be. Minister, why are you cutting nurses from the part of the Royal that keeps patients moving when ramping is already this bad? Will you listen to the nurses and doctors and reverse your cuts?

ANSWER

Thank you, Speaker. The Department of Health provides nursing staff awards through the current industrial agreement and I'm aware that the Royal Hobart Hospital has looked at the current benchmark for staff under the agreement in the emergency medical unit as part of our ongoing commitment to patient safety and staffing requirements through the hospital system. Through this work, I'm advised the current nursing staff includes capacity above the benchmarking and the department is currently consulting on bringing this back to the level under the agreement, which will, of course, free up nursing staff to attend to other areas in the hospital such as the emergency department.

I'm advised the nurses currently working in the unit will remain there and, to be clear, no beds will be shut. There will still also be clinical judgement applied to respond to any fluctuations in workload, patient acuity or service demand while maintaining safe and effective care delivery. The department is consulting on this with relevant unions including the Australian Medical Association (AMA) and the Australian Nurses and Midwifery Federation (ANMF) as well as employees and other organisations and, of course, we will listen to that feedback as this progresses.

As members are no doubt aware, we're also currently negotiating a new nursing agreement with the ANMF and Health and Community Services Union (HACSU) and hope to

have an offer to them very shortly which will involve moving to ratios, which is something that the ANMF has long called for and which we support.

Supplementary Question

Mr WILLIE - Minister, you were in the room with doctors last night. This is not a normal ward, yet you're applying a formula for a normal ward across it. How can cutting nurses out of this unit do anything to improve ambulance ramping and patient flow?

Mrs ARCHER - Thanks for the supplementary question. As I have previously stated, the Department of Health provides nursing staff awards through the current industrial agreement and it is being benchmarked against the current industrial agreement.

Mr Willie - And they're saying it's a bad idea.

Mrs ARCHER - In relation to your wider question relating to access and flow, I'll reiterate the point that I've made several times in this place, as well, which you remain silent on, which is this issue of long-stay older patients that are stranded in our hospitals-

Mr Willie - They don't want the blame game; they said that last night. You're not listening.

The SPEAKER - Order, honourable Leader of the Opposition, you still have six more questions to go, I ask that the honourable minister be heard.

Mrs ARCHER - In the Royal Hobart Hospital yesterday there were 55 long-stay older patients. Those beds that are not available for acute medical services -

Mr Willie - You are cutting nurses and they're protesting today.

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

Mrs ARCHER - And has a direct impact on access and flow to our hospitals.

Colonoscopy Waiting Times

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

[10.05 a.m.]

Tasmanians who return a positive bowel cancer screen are being told they could wait up to a year for a colonoscopy that should happen within 30 days. This was raised with you in this place in September by me. A man who returned a positive screen in June had been told he could wait six to 12 months, despite being on the urgent waiting list. Since then, the ABC has spent six weeks asking your department for basic figures. How many urgent category 1 endoscopy patients are there? How many are seen within 30 days? Your department admits it monitors these figures, but it still hasn't handed them over. The deadline passed a month ago and all it has offered is excuses. Minister, why won't you release these figures, and will you table them here today in the House?

ANSWER

Thank you, Speaker. I thank the member for the question. We know that demand for health services is increasing and that's why we're continuing to respond with investment of over $10 million every day into our health system. That includes targeted investments into the four-year elective surgery plan and the outpatient transformation strategy, to ensure that Tasmanians can be seen and have their appointments and procedures sooner. We've continued to deliver record levels of elective surgery in three out of the past four years and record numbers of outpatient attendances.

In relation to endoscopy in particular - and I obviously cannot comment on the circumstances of individual patients and their treatments, and, of course, I empathise with anyone that experiences a longer wait - we know that demand for endoscopies is increasing as a result of the National Bowel Screening Program -

Members interjecting.

The SPEAKER - Order.

Mrs ARCHER - Which is why we're delivering the Statewide Endoscopy Services Four Year Plan. Since the commencement of the statewide endoscopy services plan, record levels of publicly funded endoscopy activity have been delivered. During 2024-25, nearly 14,000 publicly funded endoscopy procedures were performed, exceeding the target in the plan and representing the highest volume of endoscopy activity delivered in a single financial year. That was followed by nearly 13,500 procedures delivered in 2025-26.

Routine statewide monitoring and reporting processes have been established by the department to monitor endoscopy performance, and several initiatives have been implemented to improve access to services including additional service capacity, partnerships with the private sector, statewide referral and access policies, a nurse-led triage model, improvements to surveillance, patient management, and the development of rural generalist endoscopist services to support capacity in the north-west.

We do acknowledge that demand for endoscopy services has further grown; primarily, as I said, due to changes to the National Bowel Screening Cancer Program, and we are currently looking at what else can be done to increase our capacity even further, which potentially could include more outsourcing. I expect to receive that advice very shortly and I'll have more to say on next steps after that.

Supplementary Question

Mr WILLIE - Minister, how many urgent category 1 endoscopy patients are there? How many are seen within 30 days? Will you table this information in the House today?

Mrs ARCHER - Thank you for the supplementary. As stated, endoscopy-specific data is publicly available and published through the Department of Health's annual report, and we're committed to increasing transparency in our health system. In line with the commitment to openness and transparency, a range of new performance data is published daily on the Department of Health's website, and in February, the department commenced daily publication

of information relating to ambulance response times, outpatient statistics and elective surgery waitlist reporting.

Ms Finlay - It's a very specific question.

Mrs ARCHER - I can seek further advice on the information that you have specifically sought.

Mr Willie - So you will take that on notice?

Ms Finlay - And table today?

Mrs ARCHER - I will seek advice and then I will report back to you.

Health - Cuts

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

[10.09 a.m.]

Minister, despite the budget outlining $700 million in savings in May you said, 'There are no cuts to health.' This government also promised no cuts to frontline services. Despite this and the huge pressure on emergency departments, over five nursing positions and a third of the beds are set to be cut from the Royal Hobart Hospital's emergency medical unit. It beggars belief. Emergency departments (EDs) are overflowing, patients are waiting too long, ambulances are ramped and unable to respond to emergencies. But you are cutting from a unit that actually helps reduce bed-block, ramping and ED overcrowding.

Minister, will you accept the EMU's critical role in patient flow and reverse these cuts? Or are you happy to add even more stress to our hospitals and for Tasmanians to wait even longer for the healthcare they need?

ANSWER

Thank you, Speaker. I thank the member for the question. The question is the one that I have just responded to from Mr Willie in relation to the question regarding the emergency medical unit. As I said, the Department of Health provides nursing staff awards through the current industrial agreement. The Royal Hobart Hospital has looked at the current benchmark for staff under the agreement in the emergency medical unit as part of our ongoing commitment to patient safety and staffing requirements through the hospital system.

Through this work, I'm advised that the current nursing staff includes capacity above the benchmarking and the department is currently consulting on bringing this back to this level under the agreement, which will of course free up nursing staff to attend to other areas in the hospital such as the ED. I reiterate that that will not result in any changes to capacity of beds in that area and that consultation is continuing.

Supplementary Question

Ms ROSOL - My question was quite different to that asked by the Leader of the Opposition, and related specifically to the impact of cutting these jobs and the impact of reducing beds in the EMU. It will increase bed block, ramping and ED overcrowding. My question was, are you happy to add more stress to our hospitals?

Mrs ARCHER - Well, your question was substantially the same and also substantially incorrect, as were the claims made by the Leader of the Opposition -

Mr Willie - This is what the doctors told us last night. It's not incorrect.

The SPEAKER - Order. Honourable leader of the Opposition, the minister is answering the question.

Mrs ARCHER - No beds will be closed. You asked in your question about beds being closed: no beds are being closed. What is happening is that the current nursing staff includes capacity above the benchmarking and the department is currently consulting on bringing this back to the level under the agreement, which will of course free up nursing staff to attend to other areas in the hospital. Nurses currently working in the unit will remain there, and to be absolutely clear, no beds will be shut.

Maugean Skate - Declare Macquarie Harbour as Critical Habitat

Mr GEORGE question to MINISTER for ENVIRONMENT and CLIMATE CHANGE, Mr BARNETT

[10.12 a.m.]

Yesterday MPs were briefed by the Bureau of Meteorology about super El Niño temperatures, low rainfall and bushfires in Tasmania this year. An extreme marine heat wave is forecast to extend from the east coast now all the way around to the south-west. This bodes ill from Macquarie Harbour, for amoebic gill disease and the salmon industry, and particularly for the struggling Maugean skate. In April, a high-level scientific advisory panel urged the declaration of Macquarie Harbour as a critical habitat for the endangered skate, driven substantially by the salmon industry. But since then, the department has dragged its feet on acting. Minister, will you allow the state to sleepwalk its way into an extinction event for this endangered animal, or will you direct your department to act urgently on good scientific advice?

ANSWER

Thank you, Speaker, and I thank the honourable member for his question and his ongoing interest in this matter. I'm aware of that and acknowledge it. As a government, we take this very seriously, in terms of Macquarie Harbour and the Maugean skate. It needs to be a sustainable operation, that is absolutely important and ensures in terms of long-term protection of the endangered Maugean skate. The government's *Conservation Action Plan for the Maugean Skate*, published in 2024, provides a framework for coordinated and collective action from government, scientific experts and key stakeholders to support the health of the Maugean skate.

We've spent $1 million from 2024 to 2026 through the Threatened Species Fund to support priority research, monitoring and conservation activities as part of the implementation of the *Conservation Action Plan for the Maugean Skate*. This contributes to more than $5.65 million that the state directed towards the Maugean Skate Conservation Plan since 2014, so a considerable investment. You've made reference to the Scientific Advisory Council; I met with the chair just a couple of months ago. We discussed these important matters for your interest as well.

The recent monitoring results are showing encouraging signs for the Maugean Skate population and environmental conditions in Macquarie Harbour reinforce confidence in the conservation action plan and the adaptive management framework as appropriate framework for supporting the species' long-term conservation while enabling a sustainable salmon industry.

Supplementary Question

Mr GEORGE - Minister, when will you stop spruiking the entirely false claim that the Maugean skate numbers are increasing in the wild? The science says they are simply not, so why do you perpetrate this untruth? Why will you not direct urgent action from your department order or would you like to be remembered as a minister who supervised the researching of the Maugean skate into extinction?

Mr BARNETT - Through you, Speaker, to the honourable member. I take this role very seriously.

Mr George - I wish you would.

Mr BARNETT - I've been in this position since June this year, and I've been being briefed by relevant stakeholders. I've had an excellent meeting, very productive and enjoyable meeting, with the chair of the Scientific Advisory Council, I thank them for their work. They provide advice to the government, to my department, had regular meetings with my secretary.

Mr George - What about to MPs?

Mr BARNETT - And I thank him for that advice, that feedback, the updates that we get, and the advice I've shared with you today is the advice I've been given and I'm acting on that advice. It's based on science, it's based on evidence, and we're getting on with the job and providing a sustainable future.

Mr George - Why don't you let MPs hear directly from them?

Tasmanian Herbarium - Cuts

Mr O'BYRNE question to MINISTER for the ARTS, Mr JAENSCH

[10.17 a.m.]

The budget challenge facing the government will obviously require some tough decisions, but those decisions must be balanced against what is important to Tasmanians and Tasmania. Your proposed cuts to the Tasmanian Herbarium at the Tasmanian Museum and Art

Gallery (TMAG), including the Head Botanist, are a case in point. Whilst all areas of the public sector should strive for efficiency, there are things that we do in Tasmania that cannot be undermined nor dispensed with to chase short-term savings. History will judge this parliament poorly if we do.

Cutting the public sector by simple headcount is a blunt instrument; you let go of skills and knowledge the state cannot afford to lose. The proposal for TMAG undermines Tasmania's ability to document and preserve our unique flora and fauna. It's outraged Tasmanians and the local and international scientific community. Minister, will you reconsider this ill-advised plan to sack these highly-respected scientific staff from the Tasmanian Herbarium?

ANSWER

Thank you, Honourable Speaker. I thank the member for his question and his obvious interest and passion for TMAG, which I think we all share. It's been heartening for me as the incoming minister, taking over from my colleague, also Madeleine Ogilvie, who's a passionate minister for the arts. To see the level of support and interest that there has been, the number of MPs in particular, making sure that they are up to date, visiting the facilities, the collections and the staff and expressing their support for TMAG as an institution.

I think we all love TMAG. It has been loved for generations and will continue to be a jewel in our crown, so there's no doubt about that whatsoever -

Mr George - Hard love, Minister. Hard love.

Mr JAENSCH - As you know, as members here know, as part of machinery of government changes and necessary budget reform that we are undertaking, including with the support and at the direction of this parliament, all areas of government's investment and activity need to be taken into consideration. TMAG, as part of the Arts portfolio, is no exception and we are working through a considered process there, whereby there have been some targets or expectations set as part of the overall process.

There have been proposed ways of meeting them brought forward, they've been modified. They're currently in a consultation process. We know that these are very sensitive times because people who we all know, their roles and their jobs are affected by these things, and in our small city, in our small state, everybody knows someone who's involved. While we go through these necessary investigations and these appropriate industrial processes, including consultation on a model that we expect feedback from, and we are currently examining that feedback, we need to remain respectful of all of those people, their circumstances and their roles. We also need to follow established industrial processes to ensure that we're doing this appropriately and fairly, in ways that preserve the dignity of the individuals who are affected but also, ultimately, ensure that we're protecting the collection, the institution, the reputation of TMAG so it can continue doing its job for generations to come. Thank you for your interest.

DRAFT

Health System - AMA Call for Commission of Inquiry

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

[10.21 a.m.]

The fact that the Australian Medical Association (AMA) has taken the extraordinary step of calling for a commission of inquiry into Tasmania's health system speaks to the depth of its frustration with the state of our health system and its concerns about the way it is being managed. How can you simply dismiss such a call as though there is nothing seriously wrong and everything is under control when the AMA is telling you that the problems are so significant they warrant the most serious and comprehensive of inquiries?

ANSWER

Speaker, I thank the member for her question. First of all, I have not been dismissive of the calls from the AMA. I've engaged very constructively with the AMA, as I always have and will continue to. I've already spoken at length with them about this issue. I have a further regular meeting with them next week and look forward to discussing this further. I appreciate the commitment of the AMA and its members to improving the health outcomes of Tasmanians. As I said last night, we share the ambition of delivering a stronger, more sustainable health system, and we acknowledge the dedication of all of our healthcare workers who continue to care for Tasmanians.

I do not believe that a commission of inquiry is in the best interests of Tasmanians seeking health care. It would be costly, it would be years long and it would not help a single Tasmanian patient get the care that they need when they need it. It would also replicate the work of past and current inquiries, including one currently underway through the Legislative Council. Since coming to government, we have delivered record investment into Tasmania's health system. Health spending has increased from $5.8 billion in 2014 to $15 billion today, an increase of 159 per cent, which is massively above inflation over the same period; and it accounts for 35 per cent of the entire state budget. We've grown the workforce significantly with more nurses, doctors, paramedics and allied health professionals. We've also extended hospital capacity with more beds and statewide infrastructure upgrades to ensure that Tasmanians can access the care that they need.

But we do acknowledge that, alongside our investment, demand for health services has grown right across the health system. As I said to the Leader of the Opposition in response to my previous question, this persistent issue of long-stay older patients, for example, in our hospital system is creating a particular challenge in relation to access and flow through the hospital system. Some of these challenges are well known and they are not unique to Tasmania. They have been identified through numerous reviews, reports, audits, parliamentary investigations over many years. Indeed, the AMA itself said recently that Tasmania had had enough reviews. It recognises that patients aren't served by inquiries; they're served by additional frontline staff, more hospital and healthcare services capacity, better technology and improved access to care, which is all of the things that we are currently doing and currently investing in. A commission of inquiry would simply take years, it would cost well in excess of $30 million, and it would have no guarantee that it would identify solutions that are not already known. In particular, I take issue with their proposal -

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

Supplementary Question

Ms BURNET - Thank you for that answer, but what I heard was a dismissal of even the concept again. We've had various examples this morning; the system is broken. Why will you not consider talking with the AMA some more to see what their concerns are?

Mrs ARCHER - As I said, I'm not in any way dismissive of the AMA. I meet regularly with them -

Ms Burnet - Of the idea of the inquiry.

Mrs ARCHER - I've spoken extensively with them already in relation to their proposal. I will continue those conversations with them about where the common ground is that we can acknowledge. One of those critical issues that I do take issue with is the fact that they want to confine their inquiry to the Tasmanian health system without giving regard to all of the interfaces that sit around that, whether that's primary care or Commonwealth interactions more generally, this issue of long-stay older patients, for example, aged care. They're not seeking to look at any of those things. We know what some of those answers are. We have plans to address them. We need to get on and do that.

Recognition of Visitors

The SPEAKER - Can we all please welcome in the Gallery year 6 students from Southern Christian College. Welcome to parliament. We hope you really enjoy your time with us. Thank you for coming in.

Members - Hear, hear.

Education - Inclusive Practice Team

Mr WILLIE question to MINISTER for EDUCATION, Ms PALMER

[10.27 a.m.]

Good timing, honourable Speaker. This question is about education. Minister, on 23 September your office told Tasmanians there was no proposal to cut staff in the inclusive practice team. One week later, staff were told a quarter of the team was cut. This is the team that helps teachers support students with a disability. The number of students needing extensive support has doubled in three years, from 764 to 1529. One mother has said her daughter will be back at square one. Why did you initially deny the cuts before coming clean, and why are you supporting them in the first place?

ANSWER

Honourable Speaker, I thank the Opposition Leader for the question. Our government's commitment is to ensuring students with disability are supported to learn, contribute and participate in all aspects of life. Our record absolutely backs up that commitment. This year alone, we're providing over $182 million in funding through the Education budget to directly

support learners with disability. If we're looking at the funding that's provided to support students with disability this year, compared to the equivalent funding in 2014, we see an increase of over $125 million. That's a 339 per cent increase.

The Department for Education Children and Young People's central inclusive practice team is continuing beyond 2026. No final decision has been made about how the team will be shaped beyond 2026, and that will be determined following a formal consultation process. My department is working through a significant organisational restructure to ensure it is well positioned to meet current and future needs of children and young people, while delivering sustainable services. All State Service agencies, including DECYP, are subject to award-based consultation and change provisions. These provisions require consultation with relevant employees and unions. It's a very important step. My expectation is that the department works through this process in a sensible manner, and that once a suggested restructure measure has been progressed to a proposal stage, employees are appropriately consulted. It is unfortunate that in this specific instance, the process was not followed. The staff were notified of a potential change prior to it having progressed within the department to the formal proposal stage. While I appreciate that this conversation was undertaken with good intentions, it was not in line with established processes. It is my expectation, and I have reiterated to my department, that I expect the proper industrial process to occur.

Supplementary Question

Mr WILLIE - How much will be saved by cutting these positions, and is it worth students with a disability losing support?

Ms PALMER - Thank you very much, Honourable Speaker, and I thank the Leader of the Opposition for the question. Unfortunately, you didn't listen to the response I just gave you, which clearly said no decision has been made.

Sand Enduro Event - Risk to Shorebirds

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

[10.30 a.m.]

The Greens, BirdLife Australia and locals have repeatedly raised concerns about the Sand Enduro race held near Peron Dunes during the peak breeding season for threatened shorebirds. Experts in your own department agree with our concerns. RTI documents show that the conservation asset team recommended the race and similar activities should not occur during breeding season, stating vehicles are high-risk to the shorebirds in the area at this time of year. The RTI also revealed that Parks asked the event organisers to move the race to an appropriate date outside of breeding season. This was declined, and the event starts tomorrow. Minister, it's the government's job to protect threatened species. Will you now listen to your department's own advice and commit to making sure that this event is held outside of shorebird breeding season for all future years?

ANSWER

I recognise that the St Helens Sand Enduro has been an annual event in that part of the world since the early 1970s and continues to be a very popular recreation in that part of the

world. I'm certainly aware there have been calls by some sections of the community for the 54th Tasmanian Sand Enduro at Peron Dunes near St Helens this Saturday and Sunday to be cancelled. I am in receipt of correspondence from the Environmental Defenders Office acting on behalf of North East Bioregional Network, and I'm aware that the correspondent calls into question the RAA process used to approve the event, and that the department has responded and conveyed the significant monitoring required ahead of and during and post the event.

The enduro event is a legitimate activity for that reserve class, and arguments that it should be suspended or cancelled due to the risk are not considered necessary given the event has a number of RAA conditions already applied to it. I will obviously continue to take advice from my department.

Dr Woodruff - And ignore it. How dishonest. Or maybe it's honest.

The SPEAKER - Dr Woodruff, you have another question you can ask the minister.

Mr DUIGAN - I asked the club to continue to work with Parks and relevant authorities and receive regular updates on the matter from the department. I wish everybody participating this weekend all the best.

Supplementary Question

Ms BADGER - Just a quick supplementary, noting that RAA was done retrospectively to the Greens asking about it; that assessment was only done because we raised it in here. How many other events have taken place without this assessment?

This was good enough that we've seen in the papers today that there's a motocross track that's not going ahead due to concerns for local sheep in lambing season. They're respectful of that. At Bathurst 1000, they red-flagged practice session because there were ducklings on the track. It is good enough for everyone else. It's not good enough for this minister apparently, though, to take the precedent to do the right thing and listen to his department's own advice. Minister, it's quite simple, why won't you change it?

The SPEAKER - Minister, the time has expired, so we'll take that as a statement for the record, for *Hansard*.

Yemaya Women's Support Service - Funding

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

[10.34 a.m.]

Yemaya provides critical frontline support for women experiencing family violence, often at the most dangerous and vulnerable time of their lives. Since 30 June, Yemaya has been forced to pay the wages of two frontline family violence workers from its own limited reserves because your government has failed to finalise its funding agreement. This is despite the federal government supporting you with $3.57 million on 7 July. Minister, you have met with Yemaya and you know what is at stake. The federal government has delivered the money, and Yemaya is delivering the services. Why haven't you delivered the funding?

ANSWER

There's nothing more important than the work that we are doing as a government and across government with regard to stamping out violence against women and children, stamping out domestic and family violence. There is no place in any part of our community where violence ever has been or ever will be acceptable.

Ms Brown - Give them the funding so that they can do their work.

The SPEAKER - Honourable Member for Franklin, you've asked a question.

Ms PALMER - I did meet with Yemaya recently, and they had some questions. I understand there have been some delays with regard to the work that we're doing with the federal government around the 500 workers. I raised that with my department, and I believe it's being rectified.

Supplementary Question

Ms BROWN - Minister, will you commit today to immediately finalising Yemaya's funding agreement and reimbursing the wages that have been covered since 1 July?

Ms Brown - We have the money.

The SPEAKER - Order.

Ms PALMER - As I said, I've already raised this with my department and it's being worked through now

Macquarie Point Stadium - Cost Scrutiny

Ms JOHNSTON question to MINISTER for MACQUARIE POINT URBAN RENEWAL, Mr ABETZ

[10.36 a.m.]

You sold the AFL stadium to the member for Elwick on a promise of an $875 million cap and parliamentary scrutiny if that cap is exceeded. In a contribution this week on the member for Nelson's motion calling for that scrutiny, she said:

> If the government concludes it cannot deliver within its promised state contribution, the government must return to the parliament with a fully explained proposal before entering contractual commitments that depend on additional state funding,

She went on to say:

> Parliament should not be presented with a signed contract and told that further expenditure is now unavoidable. That would be entirely irresponsible.

> It would be extremely poor governance and would place Tasmania at significant legal and financial risk.

Treasurer, will you bring to parliament the latest price estimate for the stadium and allow time for debate and scrutiny before signing a construction contract, even if that means waiting until after parliament returns in 2027 before signing?

ANSWER

We are very anxious, within the constraints of probity and proper commercial negotiations, to get this project underway. The honourable member that asked the question has been opposed to this project from day-one. She knows, as everybody else in this Chamber knows, that every week this project is delayed will incur extra costs to the people of Tasmania - so to suggest that we should delay things and sign the contract over into next year means extra expense to the people of Tasmania. Yet she premises her question on this alleged concern about costs to the people of Tasmania. Do you understand what you're saying, member for Clark - that you want to delay, knowing that's going to incur cost, and then pretend over here that you're genuinely concerned about ongoing costs? It doesn't stack up; it doesn't dovetail at all.

In relation to Ms Webb's contribution, always interested in every single member's contribution in this place and the other place. Ms Webb has certain views. They're interesting, but we as a government will ensure that we talk with the people of Tasmania about costs and other matters as soon as we are able to. I've said that now on a number of occasions in this place that, subject to probity advice, subject to the Macquarie Point Development Corporation (MPDC) indicating, along with the probity advisers, that it is okay for us to announce figures, it is only then that I will do so. What you're asking, member for Clark, is that I in fact breach probity advice, that I don't follow it, that I don't follow the commercial advice of the MPDC. How, in anybody's language, is that responsible government and taking ministerial responsibility seriously? You know the constraints under which I operate, courtesy of the order that the parliament passed. I will abide by it and the probity advice and the commerciality considerations on which the MPDC will be advising me. What we want here is a great project, an iconic gateway into the city of Hobart, which will be an economic enabler, providing jobs and income streams for the future of Tasmanians.

Supplementary Question

Ms JOHNSTON - The Treasurer, in his response to my question, indicated that I'm only asking the question because I voted against the stadium. The member I quoted, the member for Elwick, voted for the stadium on a promise that you would provide a cap of $875 million and come back to the parliament for scrutiny if it was exceeded. Will you commit to coming back to the parliament before you sign the contract? Effectively what you've said today, in confirming that, is that you will sign a contract over the summer adjournment, the break in parliament, and there'll be no parliamentary screening before you sign a contract for construction.

Mr ABETZ - I don't know how often Southern Christian College students need to learn a lesson or hear a lesson before they actually comprehend it. And good luck to all the people from Southern Christian College. who live just over the hill from me. It's lovely to see them here. But I hope that when you're in class and you're taught something, it sticks with you. I'd

say to the honourable member for Clark, I don't know how often I've had to repeat to her the simple lesson that probity advice and Macquarie Point Development Corporation commercial considerations -

Ms Dow - That is so patronising.

Mr ABETZ - will be that which guides me as to when I can advise the people of Tasmania about the matters that she inquires about. Until I have that advice, I cannot promise anything because to do so could potentially put me in breach of probity advice and commercial advice, and that would not be in anybody's interest.

TasTAFE - Purpose of KPMG Cost Review

Mr MITCHELL question to MINISTER for SKILLS and JOBS, Mr ELLIS

[10.42 a.m.]

TasTAFE has already been gutted by your cuts. You've slashed more than 50 jobs and dozens of courses, leaving students stranded and damaging our future workforce pipeline. Now you're paying your consultant nearly $100,000 for a cost review. What is KPMG being paid to find? Is the cost review about cutting courses and jobs, jacking up course fees, or both?

ANSWER

Speaker, I thank the member for his question. It was great to have him at Burnie for the opening of our new TasTAFE student residence in the north-west coast. It was wonderful, as well, to have the federal minister there to celebrate it. This is a $7 million investment in learners from right across the region, people from the west coast, King Island and Circular Head, who will be able to come to TasTAFE in Burnie and be able to learn the skills for getting a great job. But people from right across the state as well because -

Mr Willie - Are you going to answer the question? You talk about everything else.

Mr ELLIS - it is part of our new north-west Clean Energy Centre of Excellence. That's a $27 million investment at the Burnie campus -

Ms HADDAD - Speaker, point of order, 45 relevance.

Mr Ellis - I'm surprised I could actually get it out of the Treasurer as well -

The SPEAKER - Honourable minister, point of order.

Ms HADDAD - The question was actually a very short one: what is KPMG being paid to find, and what's the cost review about?

The SPEAKER - It was bit longer than that -

Ms Haddad - Well, it certainly wasn't about the Burnie TAFE campus.

The SPEAKER - but I do ask the minister to return to the main points of the question.

Mr ELLIS - I only make the point because it demonstrates a substantial investment in the future of TasTAFE in the region -

Mr Mitchell - By the federal Labor government.

Mr ELLIS - It was wonderful to celebrate it with you and the federal minister as well, Mr Mitchell, just the other day. In terms of the cost review, this is a typical piece of work that most organisations need to do. They need to understand their costs so that they can continue to deliver efficient services. We want to make sure we continue the investment we've seen in TasTAFE, but making sure we are doing it wisely. Taxpayers work hard for their money, including the apprentices who come into TasTAFE. Many of them are taxpayers as well. Where there are opportunities to do things better, whether that's private industry, government businesses or other parts of government, we should look to do that because every dollar that's spent not delivering services in an organisation could be better spent delivering, teaching and training, in the case of TasTAFE.

We've had high praise from the Leader of the Opposition about our work in TasTAFE -

Mr Willie - Yeah, we like TAFE. We don't like what you're doing to it, cutting jobs and services and courses.

Mr ELLIS - He says that we have the facilities, the teachers and the expertise to deliver. We've also had very high praise from the National Centre for Vocational Education and Research, who again confirmed that Tasmania leads the nation in completion rates for our apprentices. We are number one. If you start an apprenticeship here in Tasmania today, you are the most likely students in the country to be able to complete and get the life-changing opportunities of an apprenticeship. More broadly, some of the investment that is being driven in our state over recent months and years -

Members interjecting.

Mr Willie - How many courses are you going to cut?

The SPEAKER - Order. Honourable members to my left, you still have more questions to go. And I do ask the minister to return to the main points of the question.

Mr ELLIS - Thank you, Speaker. Some of that investment, the new *Spirit*s coming online to back our farmers and our tourism operators, Marinus Link. I think the Labor Party might have even been there for that -

The SPEAKER - The honourable minister has time has expired.

Supplementary Question

Mr MITCHELL - I thank the minister for noting the investments that the federal Labor government is making into training and TAFE, free TAFE and the Burnie TAFE campus. But minister, will you rule out further cuts to TasTAFE jobs and courses under your watch, and any fee increases as a result of the KPMG review? Yes or no?

Mr ELLIS - It is a wonderful partnership with the federal government. and we're continuing to invest. Actually, we deliver the lion's share of funding for the training system, but it is good that the federal government also chip in as part of that, Mr Mitchell.

As I mentioned, this is a standard piece of work that most organisations need to do. You need to understand your costs so you can understand how you deliver those services efficiently. I'm not, of course, going to pre-empt what the review will find, but we want to understand the cost drivers within TasTAFE and how we can do things more efficiently -

Mr Mitchell - Why don't you understand it already? What have you been doing?

Mr ELLIS - There are substantial opportunities, we believe, to make sure that, for example, our timetabling is better set up so that our teachers can deliver more learning hours to our students for the same amount of time in front of classes. There are a range of different opportunities that we need to work through. There are also cost pressures that we're seeing, and this is right across the Australian economy, when it comes to some of the things that we need in TasTAFE so that we can deliver those training opportunities.

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

Liquor and Gaming Portal - Timeline

Mr Di FALCO question to TREASURER, Mr ABETZ

[10.47 a.m.]

You may remember me asking you earlier this year, during the Budget, about funding allocated to creating the liquor and gaming portal, and ensuring it is timely and on budget. This is a critical project for small businesses. Getting this wrong will add time and money to businesses that don't have a lot of either. How are we tracking, and when can we expect to see this operating?

ANSWER

Well, Speaker, I got that wrong. I thought when Mr Di Falco got up, it was going to be another question about fallow deer, but I was wrong. In relation to the question that the honourable member has asked, yes, we are trying to do that which small business requires of government to do the right thing by them, to ensure that we can do the administrative matters as quickly as we possibly can, as cheaply as we can, to ensure that small businesses don't have to spend time and frustration dealing with the matters that you've raised. In relation to the exact timeline, I would have to take that on notice, which I will, and get back to the honourable member, if I can, on the adjournment tonight. If not, privately during the coming week as the parliament won't be sitting.

Unsolicited Proposal Assessment

Ms FINLAY question to PREMIER, Mr ROCKLIFF

[10.49 a.m.]

Is the secret unsolicited proposal your government is paying a Sydney consultant - well, actually, Tasmanians are paying a Sydney consultant - almost $100,000 to assess, is it a data centre? Yes or no?

ANSWER

I thank the honourable member for the question. No.

Firmus IPO - Economic Risk Mitigation

Prof RAZAY question to MINISTER for MINISTER for BUSINESS, INDUSTRY and RESOURCES, Mr ELLIS

[10.50 a.m.]

Firmus recently failed to launch on the sharemarket and appears to be seeking more capital before another attempt. This is at a time when there are rising interest rates, increasing company failures in what appears to be an international glut of AI centres. The government must be careful and prudent and have a plan of how to manage the possibility that Firmus might not be successful. In this regard, the failure of Liberty Bell Bay is still fresh in our minds. Can you outline what steps the government is taking to shield Tasmania taxpayer funds and minimise the risk for Tasmania economy, including the private sector?

ANSWER

I thank the member for Bass for his question. Indeed, it's a good one, one that we need to work through. In terms of government involvement with the Firmus IPO, we haven't been involved with that process. Raising capital is largely a matter for those businesses, and we work with public and private businesses across Tasmania every day who have different ways of raising capital for their investments.

Now, Firmus is progressing Tasmania's largest-ever private technology investment. It's about $2.7 billion for our state, mostly in your electorate but a little bit in mine as well, planning to deliver about 175 jobs for the region and about 590 jobs in the construction process as well. I know firms that have been engaged in that work in Tasmania, which is very important. Now, obviously there are a range of stages that Firmus are proposing to go through. Construction has been already completed at the first St Leonards site and construction is underway for the larger development that's co-located at St Leonards too.

I'm advised that the Firmus cancellation of the IPO, or the proposed IPO on the ASX, does not have any impact on its planned Tasmanian operations. The company has indicated that St Leonards is fully funded along with Stage 1 at Wesley Vale, and the funding for George Town and Stage 2 at Wesley Vale will be progressed upon the finalisation of the development applications for these sites.

In terms of energy - because, of course, there isn't actually taxpayer funds going into the Firmus development, but in terms of our engagement on the energy side of things, I'm advised that Firmus and Hydro Tasmania are currently in advanced discussions regarding a long-term power agreement that will cover all three of Firmus's planned sites, but they are contingent on those sites progressing to construction and delivery as well.

AI Data Centres - Local Community Benefit Fund

Ms FINLAY question to PREMIER, Mr ROCKLIFF

[10.53 a.m.]

You've rolled out the red carpet for Firmus and now their new build at St Leonards is almost complete - but like everything you do, your community benefit fund still has no detail. How much will Firmus pay for St Leonards into the fund? What mechanisms make those payments compulsory? Will you guarantee the first payment is made before the data centre at St Leonards goes live?

ANSWER

I thank the honourable member for the question and all good questions contained with that, so I welcome your submission into our consultation around these matters. Of course, when it comes to our data centres, we've got very clear expectations, and one of those is the Local Community Benefit Fund. Now, we've said that we welcome investment coming into Tasmania. When it comes to data centres, we also recognise the depth of feeling when it comes to these types of investments, and the community wants more information and they want more guardrails. That's why we have a draft statement of expectations, in which we make that clear, and we expect the proponents to pay their own way and meet the infrastructure and network costs associated with development. We expect them to help grow Tasmania's energy supply, supporting new renewable generation and additional energy capacity; locate appropriate industrial precincts away from urban areas; protect consumers, ensuring water and power demand does not compromise supply security and does not raise costs for other users -

Ms Finlay - Why won't you say the words 'on island'? It's really simple.

The SPEAKER - Order, the honourable Premier's answering the question.

Mr ROCKLIFF - Contribute to the local community benefit fund to ensure those communities who host major AI and data centre projects share directly in the benefits. So, your questions are good ones and obviously will be part of, if you like, the consultation process. There needs to be, of course, rigour and very clear guidelines -

Ms Finlay - Why won't you say new renewables have to be on island?

The SPEAKER - Honourable Deputy Leader of the Opposition.

Mr ROCKLIFF - Around the community benefit fund and, as we've also said, publicly report their water and energy use. I believe you've asked me the question around 'will it include St Leonards' before, haven't you? And I've said yes.

Ms Finlay - Will the first payment be made for St Leonards before they go live, into the community fund?

Mr ROCKLIFF - I've said yes to your question in terms of St Leonards. I can extract further detail for you. There's no conspiracies here. We're all trying to do our best. We recognise, we've got a very clear set of expectations and -

Ms Butler - What are they?

Mr ROCKLIFF - I've just - oh, dear. And so -

Ms Finlay - Not clear enough to say that the new generation will be on island.

Members interjecting.

The SPEAKER - Order. Honourable members to my left.

Mr ROCKLIFF - Thank you for being so attentive. We understand these data centres and the community discussion did come up very quickly, I must say, in terms of people's questions.

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

Supplementary Question

Ms Finlay - Supplementary - why does it take questions in Question Time to extract this detail from you, Premier? What mechanisms will you use to make the payments compulsory? How much will Firmus pay into your community benefit fund before they go live?

Mr ROCKLIFF - Well, thank you, firstly, for acknowledging that we answer the questions so well, and that is what Question Time is all about. So, I appreciate that level of feedback, I really do, but also, this is what we're - the draft expectations, and so there will be that level of detail. I understand why you're asking the question. We will work through how the fund will be established and how it will be distributed in a way that best supports those hosting communities. We will take the best advice and develop the model that best supports community investment. We've already engaged with Firmus, but we will take ideas and examples -

Ms Finlay - How much will go into the fund before they go live?

The SPEAKER - Deputy Leader of the Opposition. Thank you.

Mr ROCKLIFF - From other areas across Australia and the world -

Ms Finlay - And what mechanism will you use?

The SPEAKER - Deputy Leader of the Opposition!

Mr ROCKLIFF - On how this is best applied, and there'll be clear and transparent governance structures around the Local Community Benefit Fund.

Ms Finlay - They're about to go live, Premier, and you have no details.

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

Ms Finlay - Pathetic.

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

Peron Dunes - Aboriginal Heritage Survey

Ms BADGER question to MINISTER for ABORIGINAL AFFAIRS, Mrs ARCHER.

Departmental advice about the serious risk the Peron Dunes Sand Enduro poses to threatened bird species wasn't the only revelation uncovered by RTI. The documents show the department only retrospectively started an impact assessment of the race after we asked about it in parliament. The belated RAA process found there was an Aboriginal heritage site at the race location. That discovery led to the track for the race to be reconfigured to avoid the site. Along with the recognition of the site, the RTI shows that Aboriginal Heritage Tasmania recommended that a full heritage survey of the area be conducted to consider all further potential impacts. That recommendation was made a year ago. Minister, has an Aboriginal Heritage survey of the race area and surrounds been conducted, as per this important recommendation?

ANSWER

Honourable Speaker, I thank the member for the question. I'll have to take that question on notice.

Ms Badger - Can we get a response today, minister?

Mrs ARCHER - I'll get your response as soon as I'm able to.

Tasmania Police - Use of Data Extraction Technology

Mr GARLAND question to MINISTER for POLICE, FIRE and EMERGENCY SERVICES, Mr ELLIS.

Members of Tasmania Police have publicly acknowledged that they have access to Cellebrite mobile phone extraction technology as far back as 2018. Rights activists say that this warrantless phone hacking is becoming normalised in Australian law enforcement while being dressed up as a routine tool against organised crime. Can you confirm whether Tasmania Police continues to use Cellebrite or comparable products, and whether those systems now incorporate artificial intelligence to analyse information extracted from people's phones? Can you also confirm what protection there is against security flaws, and what privacy safeguards govern the retention and subsequent use of that information?

ANSWER

Thank you, Speaker. I'll take it on notice. There may be information that I am able to share and some that I'm not. We'll work through that process, and identify where there's information that we potentially can't make available for a range of different surveillance and intelligence reasons. But happy to work with the member in good faith on some of that information.

Department for Education, Children and Young People - Tabling of Letter from Secretary

Ms ROSOL question to PREMIER, Mr ROCKLIFF

[11.01 a.m.]

I asked yesterday if you would table correspondence that you received from the secretary of the Department for Education, Children and Young People. You said you would look into that. Have you looked into that and sought advice, and will you table that letter? I note that you have tabled letters from departments in the past, including from the police commissioner. Will you table that letter today?

ANSWER

Yes, I believe that is possible. Thank you.

Time expired.

STATEMENT BY SPEAKER

Chamber Acknowledgement - Good Behaviour

The SPEAKER - Before we go into Constituency Questions, I want to say a big thank you to the Chamber. I appreciate that everyone probably only had three to four hours sleep and your behaviour has been fantastic. So, from the bottom of my heart, thank you. You have set the tone for a good day. I just want to thank you all because you've set the tone for a very important day. Thank you so much.

CONSTITUENCY QUESTIONS

Hastings Thermal Springs Precinct - Outcome of EOI Process

Mr WINTER question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[11.02 a.m.]

My question is on behalf of the far south community. The community and regional tourism operators are deeply concerned about the ongoing uncertainty surrounding key tourism assets in the Huon Valley. Following the collapse of the Transformer project at Ida Bay, local businesses and residents are left in the dark about the future of iconic regional attractions. This

anxiety has been compounded by the expression of interest process launched in June for the Hastings Thermal Springs Precinct, which closed on 27 July 2026. Locals are rightly worried about the potential loss of public access to the thermal pool, a vital community and visitor asset; and whether another regional tourism driver is set to be shelved or privatised without local benefit.

Can the minister inform the community of the outcome of the Hastings Thermal Springs EOI process that closed in July? How many submissions were received? And will the government guarantee the thermal pool and precinct will remain publicly accessible, affordable and fully operational for both local residents and tourists?

Salmon Industry - Source of Fishmeal

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

My question comes from Lisa Litchens in Cygnet. Earlier this month, the *New York Times* published an explosive investigative report into supply chains of global aquaculture companies, revealing a litany of crimes. Cooke, the owner of Tassal, also owns Peru's largest fishmeal company, Copeinca, whose supply chain is linked to at least 30 fishing violations or other concerns, including fishing in marine protected areas, exceeding catch limits and operating without a valid permit. Has the minister's department assessed where the fishmeal and fish oil fed to Tasmanian salmon comes from? Will he require the industry to disclose it publicly? And how can the government vouch for the integrity of Tasmania's clean green brand if it does not know the origin of the main feed used here in salmon farms?

Kings Meadows Heavy Vehicle Rest Area - Progress on Noise Attenuation Wall

Mr FERGUSON question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

The Kings Meadows heavy vehicle rest area is an important investment in our road safety, providing much-needed facilities for our truck drivers. My constituents who reside nearby, including Angela, Kirsty, Margaret and Kerry, are concerned about noise and light spillover. I thank the minister for his engagement on this issue, and his office, and particularly commend him for acting on my recommendation to amend the State Planning Provisions for such assets following the city council's effective refusal of the earlier development application (DA) for a tall noise attenuation wall. Can the minister assist me in updating my constituents on progress towards construction of the wall, what further steps are required, and when our constituents expect the protection to be delivered, along with the formalised rest area for our truckies?

Furneaux Museum - Loss of Roving Curator Program

Ms ROSOL question to MINISTER for the ARTS, Mr JAENSCH

This question is on behalf of the Furneaux Museum. The Furneaux Museum holds a collection that reflects some of the stories of Flinders Island, including Aboriginal cultural

history and more recent colonial history. The museum is run by committed volunteers who make decisions about collection management, conservation, storage, interpretation and exhibitions. They rely on the guidance of museum professionals to ensure they are managing the collections properly. However, Arts Tasmania is cutting the roving curator program that provides them with this support. Museum volunteers are devastated. They have benefited from the program for 20 years and are deeply concerned about the impact this will have on their collections.

Why are you cutting a program that helps Furneaux Museum and all the other small museums dotted around the state? Will you reverse this cut and help Furneaux Museum, and all the other small museums, maintain their collection and preserve our state's history?

TMAG Cuts - Climate Change and Biodiversity Context

Ms BROWN question to MINISTER for the ARTS, Mr JAENSCH

My question is from Esther from Margate. TMAG is one of Tasmania's most important cultural institutions. Its collection and staff are outstanding assets that provide cultural and economic value to Tasmanians. This depends both on exhibitions and specialist work and knowledge. These drastic proposed cuts will limit capacity for quality public access that benefits so many people, both Tasmanians and tourists. Reducing staff will damage TMAG's ability to serve visitors now and to safeguard the collections entrusted to it in the future.

Esther asks why is the Tasmanian government threatening drastic cuts to a vital institution when, at a time of rapid climate change, where biodiversity protection is more important than ever, these institutions should be invested in, not thrown aside?

George Town - Future Economic Prospects

Mr FAIRS question to PREMIER, Mr ROCKLIFF

My question is from Cheryl in Georgetown. Cheryl's a working mother and has hopes that her children will be able to grow up and get jobs in the George Town area to keep her family together. Following the unfortunate closure of Liberty Bell Bay, she is nervous about the future for her town. Noting the recent release of the Northern Tasmania Economic Summit summary report, can the Premier please outline what the future of George Town might look like for Cheryl and her children?

Arundel Farm - Lack of Response to Constituent's Letters

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

Fiona of Macquarie Plains wrote to you in relation to Arundel Farm on 30 February, 20 May, 23 July and 25 September of this year - four times and she hasn't heard a thing. Minister, why haven't you responded? Do you not care about Tasmanian farmers?

Bushy Park Pool - Minister's Engagement Sought on Reopening

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

My question is from constituents in Bushy Park and the upper Derwent Valley. It's to the ministers of Planning and Infrastructure, who, conveniently, are both Mr Vincent. Mr Vincent would be well aware of the issues around the closure of the Bushy Park pool in relation not just to funding, but to planning and infrastructure that is in place as well. Having this pool is an essential service in this community, and the community desperately want it reopened. Will you finally come and meet with the community and the newly elected Derwent Valley Council to talk through solutions so that the upper Derwent Valley and central highlands community can again have an accessible public pool?

PETITIONS

Service Tasmania

[11.09 a.m.]

Mrs GREENE (Bass) - Honourable Speaker, I have the honour to be the bearer of an e-petition signed by approximately 1014 petitioners. The petition conforms with the relevant standing orders and the rules of the House and requests that the House: reverse the planned reductions to opening hours at the five affected Service Tasmania shops; maintain reliable, properly staffed, face-to-face Service Tasmania services in regional and island communities; and recognise and protect the vital role Service Tasmania shops also play as Services Australia agents, providing regional and island communities with local access to essential Australian Government services

Petition received.

RESPONSE TO PETITION

No. 10 of 2026 - Electric Vehicle Recharging

[11.15 a.m.]

Mr BARNETT (Lyons - Deputy Premier) - Honourable Speaker, I table the response to the petition No. 10 of 2026 on electric vehicle recharging.

Paper tabled.

TABLED PAPERS

Joint Standing Committee on Energy Matters - Report

Ms FINLAY (Bass - Deputy Leader of the Opposition) - Honourable Speaker, I have the honour to bring up the Interim Report No. 2 - Inquiry into Energy Prices and Related Matters in Tasmania. I move -

That the report be received.

Motion agreed to.

Joint Standing Committee on Electoral Matters - Reports

Mr BAYLEY (Clark) - Honourable Speaker, I have the honour to bring up following reports of the Joint Standing Committee on Electoral Matters:

- Interim Report into the Electoral Amendment Bill 2025 (62 of 2025).
- Conduct of the 2024 and 2025 House of Assembly General Elections and 2024 and 2025 Legislative Council Elections.

I move -

That the reports be received.

Motion agreed to.

SENTENCING AMENDMENT (PUBLICATION OF CRIMINAL ACTIVITY) BILL 2026 (No. 29)

Bill returned from the Legislative Council without amendment.

HOUSING LAND SUPPLY (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 15)

Bill returned from the Legislative Council with amendments.

Mr ABETZ (Franklin - Leader of the House) - Thank you, Speaker. I move -

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

Motion agreed to.

MOTION

Days and Times of Meeting

Mr ABETZ (Franklin - Leader of the House) - Thank you, a fun motion. I move -

That:

(1) Standing Order 19 be suspended for this day's sitting and that the House suspend its sitting from One o'clock p.m. to forty-five minutes past One o'clock; and

(2) That, in accordance with Standing Order 301, the House give leave for any committees to sit during the sitting of the House between One o'clock and 30 minutes past Two o'clock on this day.

Just by way of brief introduction, this is a follow-on from last night -

Mr O'Byrne - This morning.

Mr ABETZ - Where we sat until this morning. In fact, I stand corrected, member for Franklin, Mr O'Byrne. Thank you very much. We are seeking to get a piece of legislation through by close of business, and therefore truncating the normal lunch hour has been agreed around the parliament. I thank members for their cooperation, and also for those that are sitting on committees during the lunch hour for their agreement for this motion to proceed. I commend it to the House.

[11.19 a.m.]

Ms HADDAD (Clark) - Speaker, there's no need to take up too much time of the House other than to say what the Leader of Government Business said is quite true. There's been agreement across the Chamber to suspend Standing Order 301 or to move in accordance with the motion that the Leader's moved. I understand there are committee meetings happening in the lunch break. Ordinarily they can't meet when the Chamber's in session, but this motion will mean that those meetings can go ahead as they should and do their important work while we remain here in the Chamber debating the very important legislation that I do anticipate will be supported through this place. Hopefully, if we do get to the point, as we did discuss prior to the adjournment last night, if we do end up close to 6 p.m. and there's still some time to go on the bill, there also had been that agreement that there would be a motion to extend the sitting of the House. I look forward to that if it's required. Alternatively, I look forward to continuing the day's debate on the legislation.

[11.20 a.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I thank the Leader of the House for this motion. We're obviously willing to accommodate it. We've agreed to this. We waived our MPI yesterday, we sat late last night, we are dead keen to get the conversion practices bill through today. I'm really cognisant of members of the Sub Leg and I thank them for, I guess, their agreement to this as well. It's really important because we do want to get the conversion practices bill done. Similarly, I remind the leader of opposition business and, indeed, the Premier of their commitment this morning, and put on record in today's *Hansard* the agreement that we will conclude the conversion practices bill today. We have amendments to go through, we have the third reading. Concluding the bill can be managed in several ways. The Leader and his colleagues can manage the way they engage in the committee process to make sure that they do their work, but we do it in an expedited way, or at least a thorough way that doesn't take up excess time -

Mr Abetz - That applies to everyone.

Mr BAYLEY - That's everyone, yes indeed. I appreciate that - so that we do finish by 6 p.m. But I want to put on the record the very clear commitment from the Leader and the

Premier that, should we need it, we will extend the House. We on this side are cognisant that on a Thursday, only a government minister can move to extend the House beyond 6 p.m. Our hands are tied on this side of the House. We take you on good faith, Leader, that that is what will happen if we haven't resolved this bill beyond its third reading by 6 p.m.

Motion agreed to.

The SPEAKER - Leader of the House, is there any other formal business?

Mr Abetz - No.

The SPEAKER - There should be.

SITTING DATES

[11.23 a.m.]

Mr ABETZ (Franklin - Leader of the House)(by leave) - Speaker, I thank the Clerk for reminding me. I move -

> That the House, at its rising, adjourn until Tuesday, 17 November next at 10.00 a.m.

Motion agreed to.

MATTER OF PUBLIC IMPORTANCE

TMAG - A Frontline Institution

[11.23 a.m.]

Mr GEORGE (Franklin) - Honourable Deputy Speaker. I acknowledge the dedicated TMAG supporters and staff, and the thousands of them around Australia and around Tasmania. The proposed restructure of the Tasmanian Museum and Art Gallery (TMAG) is ill conceived, inept and shows blatant disregard for the people who make TMAG what it is. With no evidence of meaningful consultation, it resembles *The Hunger Games*. Some face competing with each other for their jobs. Some were asked to submit 500-word justifications of their roles via an online portal. Imagine decades of internationally recognised research, public exhibitions, awards, conference papers, books and community engagement reduced to a text box of 500 words or less.

When you walk through TMAG's main door, or into the herbarium or the zoological collection, or any Tasmanian repository, you're walking through the front door of Tasmania, into an island history stretching back millions of years - the front door of what Tasmania is today, how we got here and where we're going. Now imagine the front door slammed in your face. The Arts minister, Mr Jaensch's response to my constituency question on behalf of Friends of TMAG reveals either wilful ignorance of what's at stake or that he's a fantasist. Regardless of staff changes, he says:

> The state collection will continue to be managed and conserved in line with the institution's statutory obligation.

Minister, I have heard firsthand from the very staff who manage and conserve these collections. In truth, they fear TMAG may have to close its doors. Its priceless collection totalling nearly a million objects may rot in unopened drawers. TMAG is already grossly understaffed and chronically underfunded. Its zoology and palaeontology collections are served by one vertebrate and one invertebrate curator, each caring for around 300,000 animal specimens, both fossils and living. Incredibly, the government plans to merge these two positions into a single curator for all non-human animals, a role that even Sir David Attenborough himself might struggle to get on top of. The herbarium holds 300,000 plant specimens collected from Tasmania and Antarctica. Last year, its leader, Dr Gintaras Kantvilas, won the Premier's STEM Researcher of the Year award. Now the same premier is giving him the sack, along with half of his overstretched team. Storied academics and institutions globally, from Gdansk to Boise, Idaho, to Trieste, have written letters expressing horror.

TMAG is the reference library of our island's living world. When the CSIRO needs to know whether a species was here a century ago, TMAG is there. When a land manager needs to know what grows in a gully before a road goes through, TMAG is there. When a biosecurity officer needs to identify an unfamiliar species, TMAG is there. When we want to understand ourselves as Tasmanians, TMAG is there. TMAG holds 250,000 cultural objects and a library of 15,000 rare books. Aboriginal communities see their own culture held there with respect. The curator finds the story, the photographer makes it visible, the designer makes it understandable to a 10-year-old, the librarian is a fount of knowledge. Cut the people, break the chain of knowledge and you lose the institution.

It beggars belief that the government's answer to the budget nightmare of its own making is to destroy a precious institution that is beyond value. This government promised no frontline jobs were at risk because of its own financial mismanagement. TMAG is not just a frontline entity; it is the advance guard. It is a statutory authority that must care for collections in the public trust. Half-a-million visitors annually also make it a cultural icon and an economic powerhouse. Above all, TMAG carries something we cannot replace: our memory. We simply cannot afford to lose the guardians of that memory. If the Premier understands the inherent value of the Tasmanian Museum and Art Gallery, as he assures me that he does, and as so many Tasmanians do, he will stop this today. The Premier should stop this today and then fund TMAG for what it really is -

Time expired.

[11.29 a.m.]

Mr JAENSCH (Braddon - Minister for Arts) - Deputy Speaker, I thank Mr George for bringing this matter of public importance here today. I also thank and welcome all of those who have joined us here in our parliament, friends, staff and supporters of TMAG. Thank you for your passion and commitment to this institution of our state, the people in it, the history, the stories and the heritage that it holds. It is wonderful to see you in here. It's also been wonderful to see members of parliament visiting TMAG over the last few months, in particular, taking an active interest, meeting the staff, seeing the collections and learning more about what goes on in TMAG. It is truly a treasured institution of our state, and I'm glad that it is front and centre and it is in our public debate right now. That's where it belongs and that's where it should be.

We will continue to ensure that TMAG is strong, front and centre, and available, accessible and valuable to more Tasmanians and our visitors over the years ahead.

We do value TMAG and it plays significant roles in telling the story of our state, there is no doubt about that. We are going through a process of change. We are proposing some changes to the machinery of government that will see TMAG, and the part of government in which it resides, moving under a common roof with other functions including tourism, events, hospitality, other parts of the arts, and screen and brand, in a new entity of government that I believe can generate significant synergies and add significant value working across that creative industry, arts sector and content generation part of our government's operations.

That can deliver us efficiencies and savings, as well as significant synergies that I hope will see more people accessing TMAG and its collections, the knowledge and the stories held there, and also turning them into other art forms and content that can be performed and displayed to the world with great pride. I look forward to seeing those opportunities realised over coming years. Change, though, is difficult always, and needs to be managed properly, responsibly and very sensitively.

As you'd know, Mr George, and others, this is a process which is being and has been consulted. We have taken advice from the department, there have been proposals brought forward, they have been modified, they are out for consultation and have been for a period of around a month -

Mr George - That's not the experience of the staff.

Mr JAENSCH - The outcome of the consultation processes is being worked through right now by the department, and we will receive further advice based on that.

You referred to a process by which people have been able to make statements and inputs to that. That has not been in terms of justifying people's jobs; it has been in terms of getting feedback from the people who know best because they are working in their system - their feedback on the proposed structures.

Now, we will continue to work through the appropriate industrial processes, which we need to do. We will also do this with great sensitivity. We know that any process that involves changes to people's roles - to some people their livelihoods - effects real people who we all know. We need to make sure that we are clear about why this is happening and how it's happening in a stepwise, sensitive, appropriate way.

I understand that there is strong emotion around this for people. I do urge that we don't overdramatise the intentions of government to destroy TMAG, et cetera. Clearly that is not our intention. We value the institution, the people who work in it, the asset that it is for Tasmania. We are working through a regulated industrial process, and we will follow it to the letter to ensure it is fair and just for all involved. We know that change is difficult and we do so with great sensitivity. Thank you.

Time expired.

[11.34 a.m.]

Ms BROWN (Franklin) - Speaker, I rise today to speak on the Matter of Public Importance brought forward by Mr George regarding the devastating cuts imposed by this government, this Treasurer and this Premier on TMAG. I want to acknowledge all members in the gallery today and thank you very much for your work and everything that you've been doing. Thank you, Friends of TMAG.

Speaker, I want to put on the record the Premier's own words when it comes to the arts that he spoke in this place less than 12 months ago. In his 2026 state of the state speech, he said:

> Speaker, in my inaugural speech in this place more than a few years ago, I was proud to be the shadow minister for the Arts. I said then that investment by government and business in the arts is not subsidising artistic expression; it is investment in community development, in diversity, creativity and cultural identity. I spoke of my passionate belief that arts empowers communities. I am dedicated today, as I was then. This government has a strong record of investment in arts. We are proud to support the Tasmanian Symphony Orchestra (TSO), TMAG, Queen Victoria Museum & Art Gallery (QVMAG), along with theatres across the state.

The Premier spoke those words only seven months ago, crowing proudly about his support and love for the arts, just to stand aside and let the honourable Treasurer take to the arts with a red pen, making sweeping cuts across the Tasmanian Museum and Art Gallery. I to be clear: TMAG is not just a building or a collection of objects. TMAG is the keeper and champion of Tasmanian art, heritage, history. It is a place that is free for all to visit, where our stories are held, where our culture is celebrated by skilled, passionate professionals.

TMAG's current exhibition, Becoming Modern, explores the emergence of modernisation in Tasmanian and Australian art during the 20th century. Drawn largely from the public-owned Tasmanian State Collection, it is a state case works that reflects our state back at us, with a wide range of experiences and perspectives. From many works, this is their first time being on exhibition. Speaker, David Walsh traces the beginnings of the Museum of Old and New Art (MONA) itself, back to his childhood spent wandering through TMAG and exhibitions like Becoming Modern.

TMAG staff have been told that the museum has been directed to reduce its workforce. That means the already lean staffing levels across specialist roles will be further depleted. Many have decades of experience, holding knowledge that simply cannot be replaced.

The Tasmanian Herbarium is responsible for developing, maintaining and managing Tasmania's official botanical collections. These collections are internationally recognised as the most comprehensive record of Tasmanian flora.

This place, these people, are the ones that we have entrusted to care for and tell the stories of Tasmania. These callous cuts will have impact on every, single Tasmanian, now and into the future. TMAG has already endured budget cuts and staffing shortages which has resulted in temporary gallery closures and reduced public access.

Cuts to TMAG will leave a lasting and irreplaceable loss. Cutting the arts simply doesn't save money. It comes at a real cost to Tasmanians. It costs jobs, access and opportunities for Tasmanian artists and our creative industries, and ultimately is an attack on our history, our culture and our ability to tell Tasmanian stories. This is an attack by this government, this Premier, who in 2002 said:

> I am delighted to have the responsibility for the Arts. Investment by government and business in the arts is not subsidising artistic expression; it is an investment in community development.

This is the same person who is now standing aside letting the arts be attacked. Thank you.

[11.39 a.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I rise to speak on a matter of significant importance to thousands of Tasmanians: the future of TMAG and the threat to its capacity to do its job as custodian of the State Collection. I thank Mr George for bringing it on.

Over 7000 people have signed the Friends of TMAG petition, sponsored by myself on behalf of Friends board member Ian Terry, himself a past longtime senior curator of history. That is a groundswell of concern that also packed out a public meeting. The Friends of TMAG have, for 44 years, backed TMAG with advocacy, fundraising and volunteering. Their commitment to the museum is exemplary and, to be frank, it is tragic that this commitment is not mirrored by this government. To all in the parliament here today, I acknowledge and thank you for your dedication to TMAG and to Tasmania.

To be clear, TMAG is not alone when it comes to cuts via this Budget. As we've discussed in this place, so-called efficiencies are hitting the public service, and the services we Tasmanians need and deserve, hard. Weekly cuts are confirmed: the Inclusive Practice Team, Parks staff, Tas Fire and Emergency Service, disaster readiness and recovery, Screen Tasmania, and TMAG, amongst many others. This year's Budget carries more than $1.4 billion in so-called efficiencies over the next four years; cuts by any other name. In an already stretched system, all job losses are untenable, but the share filtering down to TMAG is what concerns us in this debate. We await the new structure, the decision on which positions are lost, who's left to pick up the pieces and, sadly, what's going to fall through the cracks. The cracks have long been appearing. In the words of Ian:

> TMAG's shoestring budget has been shortening and soon the place is going to be held together by some yellowing, old sticky tape.

TMAG holds more than a million objects across art, history, cultural heritage and natural sciences. Under law, it has statutory obligations to keep, grow, care for, exhibit and share the state collection, but it will not meet its obligations without the people on the ground with the skills to do so. This is the hidden cost of these cuts. The loss extends beyond the roles on the organisational chart and the real-world work that needs to be done by fewer people.

The impacts are worse because of the loss of expertise, knowledge and relationships. Recently, I visited the Herbarium and had the pleasure of a briefing from director Dr Gintaras Kantvilas. He's a case in point, putting aside the unworkability of combining the head of the Herb and zoology roles and dispensing with Dr Kantvilas denies TMAG, the

Herbarium and Tasmania the 40 years of experience that he holds and both the expertise and international relationships that he has developed. As the state institution, this is a loss to us all and it will have ramifications, including international outrage.

The work of the Herb and the knowledge of its people underpins the application of numerous acts and the integrity and effect of our systems. An example is biosecurity and the role the Herb plays in identifying invasive weeds. In an island state with the protection water affords, cuts compromise our natural advantage.

This looks even more ludicrous, given the announcement today of the state's basketball coach as a 13-month, $95 000 so-called biosecurity ambassador. What even is that? According to the government, it's a campaign role, including showcasing the people who work behind the scenes to protect the state. That sounds like Dr Kantvilas and his team.

Headquartered in a heritage listed building in central Hobart, TMAG also has infrastructure challenges and in an artist panel I attended last year, bucket from the foyer floor were catching drips from a leaking roof. Similar challenges have plagued the Rosny facility. While some money has been committed and the minister tells us the foyer is fixed, we all know that TMAG's buildings are also patched together and the stains remain. They need additional investment.

A budget is a strong signal of a government's priorities, its choices and its preferences, what it cares about and what it doesn't. The irony of this government's obsession with a third AFL stadium, itself deemed by the experts to impact on the heritage values of Sullivan Cove and diminish the economic welfare of Tasmania, is an additional insult to the injury of all those who love TMAG and its place in our city.

TMAG is a treasure, holding the trove of our collective legacy and inspiring generations. It cannot afford more cuts. To inflict them is an attack on us all.

[11.43 a.m.]

Ms JOHNSTON (Clark) - Thank you, Honourable Speaker, and I, too, would like to begin by acknowledging those who have come along today, passionate people who are here today to show that they care about their much-beloved TMAG. The pro-staffing cuts at TMAG and the Tasmanian Herbarium epitomise this government's short-sighted approach to so-called budget repair. TMAG sits on Hobart's waterfront within easy walking distance of cruise ships, ferry terminals and the bus mall.

It is a draw card for locals and visitors alike. Combined, tourism and the arts and culture sectors contribute over $4 billion to our economy and employ over 60 000 Tasmanians. These are sectors built on people and on the expertise of people just like the TMAG staff. TMAG is so much more than a tourist attraction. TMAG is Australia's second oldest museum and has been a cultural, scientific and educational heart of Tasmania since 1848.

Present and past members of TMAG's young people's reference panel put it better than I could possibly do. They say:

> TMAG is not just a place to see exhibitions, it's a place for learning, creativity, science, festivals, family days, sharing collections, school trips, holiday programs, work experience and so much more.

There are always interesting things to do at the museum for free, but TMAG can't keep doing all this with less money. It needs money and staff because it has a really important job to do: telling Tasmania's stories, bringing joy to locals and visitors from around the world and keeping treasures safe for future generations.

Nor should we forget TMAG's contribution to science through the Tasmanian Herbarium. I, and I know other members here, have received many, many letters expressing deep concern, the loss of scientific expertise and research. These concerns reach far and well beyond our shores. Dr Frank Bungartz, collections manager of lichens and digital data at Arizona State University's Natural History collection, writes,

> In times of facing a global biodiversity crisis Tasmania cannot afford to downsize essential research on organisms that compromise more than half of its biodiversity: lichens, biophytes, algae and fungi. These organisms provide essential ecosystem services not only to Tasmania's diverse ecosystems, but they are globally important. Biodiversity is essential for ecosystems, health of the planet, and ultimately for our own survival as the human species.

With the cuts proposed, TMAG simply will not be able to keep doing what it has done so incredibly well: maintaining, preserving, researching and interpreting the collection for future generations. The government will say these cuts have nothing to do with the stadium, that they're simply about right-sizing the public service. They say infrastructure is a one-off expense that stimulates the economy, while staff are an ongoing cost. Follow that logic through and the message to TMAG's, curators, scientists and education educators is that their work is worth less to Tasmania than concrete. That is insulting and it is wrong.

It's also an insult to our intelligence to pretend the stadium debt sits quarantined in an infrastructure budget. The government promised the Legislative Council it would cap the state's contribution at $875 million, but that is a cap on construction, not on interest. The government's own Coordinator-General told the Public Accounts Committee that Tasmanians will pay between $45 million and $70 million a year in interest alone without repaying a cent of the capital. That is an ongoing cost, it is paid every year from the same budget that pays our nurses, our teachers and our TMAG staff, and with the final construction price still a secret, and the Treasurer saying he'll be 'agile about the cap', Tasmanians have every reason to fear the bill will grow.

Here we are, defending a cultural institution being sacrificed on the altar of the AFL, alongside so much else in this state, including proper process and transparent government. I share the dismay and the anger of so many Tasmanians at this government's spending choices which fly in the face of expert advice and the wishes of the community. I strongly urge the government to reverse this short-sighted decision and properly resource TMAG and the Herbarium for Tasmanians and our future.

[11.48 a.m.]

Ms OGILVIE (Clark) - Thank you, Speaker, and we're in a room full of love for TMAG. I, too, welcome everybody here today, and I'm very sad that I'm not still the minister responsible for TMAG, and I want to say to everybody in the arts: I do miss you. Please do invite me to events. I'd love to come back and see you all again, and I'm pleased to be provided the

opportunity to speak on this important matter today, I'd like to recognise the minister, Roger, thank you so much for allowing me this moment.

As a former minister for the Arts, I do want to share with you how important the sector is to me and how important TMAG is to me. I, too, grew up roaming the halls of TMAG, I'm a fifth-generation Tasmanian. Over all of those generations - there's even articles of our family stuff in there - we love it, and I can't hear you, but I can see your energy and I feel it, because I am familiar with what it's like to lose a role as well, and I'll just put that on the record.

The arts express who we are as Tasmanians and where we have come from. Now, I'm fortunate also to have a background in classics and history. I've worked for UNESCO and cultural heritage, and we did a power of work with TMAG. I know it's in good shape, and I will continue to press for its support and growth. The arts bring people out and bring people together. It sparks discussion and the exchange of ideas. At the heart of that is creativity and innovation. Last year, Arts Tasmania supported paid employment for more than 2400 artists and many exhibitions at TMAG, the ones I've been to; and arts and cultural workers around the state. Almost 450,000 people attended arts and cultural events across the year. The government has backed its arts and cultural sector in the 2026-27 Budget, where I was pleased to announce an additional $10 million for the arts over the forward Estimates. I believe that is, in particular, a focus on screen, which we've done so well in, in film and digital. The arts sector does enrich lives. It provides jobs, promotes our state on the national and international stage, and brings people together, celebrating our distinctive identity and enhancing our cultural, social and economic wellbeing.

We recognise this value. In 2025-26 budget, more than $4.9 million was distributed through Arts Tasmania through their competitive grants program. Further grants and subsidies totalling more than $5 million were provided to the wonderful TSO, Ten Days on the Island and our iconic Theatre Royal. More than $1.8 million was also provided to the City of Launceston to support the Queen Victoria Museum and Art Gallery. In total, that is more than $16.9 million of support for the arts and moveable cultural heritage sector. These initiatives have been designed to strengthen our state's thriving arts and cultural sector, and to create opportunities in Tasmania.

Our priority is not just for a sustainable TMAG that excels as a key cultural and tourism asset across the state, but to ensure it continues as a hugely successful organisation, with total visitor engagement having exceeded 464,000, with more than 180,000 on-site visitors. As the custodian of our incredibly important state collection, TMAG reaches and serves all age groups right across Tasmania, and provides a unique resource for national and international visitors. There are permanent collections, travelling exhibitions, it enhances knowledge through research, which is very important, presents a wide variety of cultural programs to visitors and comprehensive educational programs. Over these 140 years that it has been our state's major cultural institution and one of our top 10 visitor attractions, it has always been supported by state government. It is a highly valued institution. I love TMAG, I really, really do, and I'll continue to lobby the minister to see what we can do to make sure that there is a really beautiful landing through what is a period of uncertainty. Preserving, interpreting and showcasing our rich cultural heritage is incredibly important. The staff are important. The history of the organisation itself is important. I say we will look after TMAG, and we always have.

[11.53 a.m.]

Mr O'BYRNE (Franklin) - Honourable Speaker, I acknowledge my fellow member for Franklin, Peter George, for bringing this important matter on, and welcome the Friends of TMAG and those interested in this important institution. When I heard the news about the proposed cuts for TMAG, I was outraged because there are certain institutions in Tasmania that transcend budget cycles, that hold our stories, that tell our stories, that inspire young children, that inspire people to engage with this beautiful island and our people. My experience with TMAG, like many Tasmanians, is significant. As a child growing up in Launceston in a working-class family, every school holidays our mum would pack up the kids and we'd go to the museum. Why? Because it was free. Why? Because it was interesting, Why? Because it told us about who we were, why we are here and what holds in our future. Super important.

When I was arts minister, for a very short period of time in 2010, it was an absolute honour to have responsibility for the Tasmanian Museum and Art Gallery, and our galleries around the state, and important research institutions like the Herbarium. Looking at the work of Joseph Banks in the Herbarium, this is something globally significant. That is why I urged the Premier for an urgent briefing, I met with the minister, I asked a question today in Question Time. These are institutions that transcend budget cycles. The importance of TMAG to Tasmania cannot be judged on a head count; it cannot be judged on a cycle of budgets over the forward Estimates. This is an important institution. History will judge this parliament poorly if we make short-term rash decisions.

I was surprised that the executive CEO of TMAG was on annual leave whilst all of this was occurring. I felt that is an abrogation of their responsibility to lead TMAG staff through this consultation period. I was surprised, shocked and disappointed. When these moments confront significant institutions like TMAG, you need the leadership there to work with staff.

No part of the Tasmanian government should be above a discussion around how and why we do our work and where the budget should go. TMAG should not be excluded from that, but it should be valued above and beyond the short-term budget cycle. TMAG is an important institution. It holds so many stories. It is a part of our past, our current and contemporary life, and our future. We cannot cut it. We cannot undermine it to the point that it does not serve the purpose that this institution was created for. If that happens, we have let down - we are the current custodians of the Tasmanian Museum and Art Gallery. We cannot drop this, we cannot fumble this. It's too important an institution. I urge the government, as I've urged the Premier and the minister, to reconsider these plans. This is short-sighted and history will judge this parliament poorly if these cuts go through.

The SPEAKER - I'm going to give the call the honourable member for Clark. You have one minute and 30 seconds. Dr Broad, I appreciate you've jumped a number of times, but I've been trying to do it for local members as TMAG affects their electorates.

[11.57 a.m.]

Ms BURNET (Clark) - Honourable Speaker, I thank the member for Franklin, Mr George, for bringing this important matter to discuss. I acknowledge everybody in the gallery and all that they're doing. From 2014-2017, I was one of the trustees on the board of TMAG. Back then we had a number of ministers - I think it was Mrs Archer at that time, and there were cuts at that time. And so it continues. This is a legacy issue, but it is even more critical now with TMAG potentially losing very senior staff, staff who are recognised across the globe. We had a letter, and the Premier received a letter from Marko Hyvärinen from

Helsinki University. He, like many academics, has said how concerned he is about what is being lost. We've heard so many stories. I will talk about a couple of stories. There were two social workers from Beaumaris who wrote to us and said:

> For a community to be connected as a whole is vital to our survival and resilience -

Time expired.

Matter noted.

TEACHERS REGISTRATION BILL 2026 (No. 27)

Bill agreed to Without Amendment

CONVERSION PRACTICES PROHIBITION BILL 2026 (No. 45)

In Committee

Clause 12 agreed to.

Quorum formed.

Clauses 13 to 18 agreed to.

Clause 19
Offences by employers

Mr JAENSCH - Chair, I'm unsure if the amendment has been circulated, but it is one line only: to vote against the clause. The clause is 19 - Offences by employers. At (1) under that it says in the bill:

> (1) For the purposes of this section - *employee* means a person engaged under a contract for services or as a volunteer.
>
> (2) If an employee or agent commits an offence under this Act, the employer, or the principal of the agent is taken to have committed the same offence.

As we've been discussing through the discussion of this bill, the offences in this act and the criminal consequences of those are not insubstantial - they're serious matters. I believe that this clause is covered already in the definition adopted of 'person', which may also include an organisation. So, there is the capacity for someone to report an individual and for them to be investigated and held liable for a conversion practice. There is also the ability for a person to report an organisation or a business on the same grounds if they believe that organisation has a case to answer as well. So, there's the capacity already within the definition of 'person' for that to be a natural person or an organisation, so we are not removing businesses or organisations from liability or putting them beyond the reach of the law.

In this, though, if a person, a natural person, commits an offence under this act, then their employer is taken to have also committed that offence, which I believe is capturing other people who are responsible for that person's work in their employment, but who may have limited or no control about that person's decisions or actions that may constitute a crime under this act. So, I believe that there's some redundancy in this and I think it can be removed. In doing so, I think we can remove an area of risk and uncertainty for a large number of organisations, which may include any small business, but may also be the Department of Education - that has thousands of employees - and for the risk and liability that's associated with this clause, I think, can also be avoided.

The other aspect is one I touched on briefly in my first contribution on the bill. I think there is an outside risk in the area of potentially frivolous or vexatious claims or legal opportunism, for a real and genuine case to attract support or to be pursued in the knowledge that there is an organisation that will be held responsible behind the victim. That may attract a different type of case which is seeking the compensation ahead of seeking the safety and justice of the victim of a crime. I think that's something we can also avoid by removing this clause in its entirety. I'm happy to hear others' views on it, but I do think organisations can be captured by themselves. We don't need to attach an organisation or their employer to an infringement, an act undertaken by an employee, as an automatic extension of that criminality. Thank you.

Mr BARNETT - I'd like to speak in support of the honourable member for Braddon and minister Mr Jaensch on this very important amendment to Clause 19, to oppose it. I oppose it for a whole range of reasons, including the reasons I've shared in my second reading speech and the concerns I've had about this bill and the flow-on effect to organisations across the state. I'm talking small, medium and large businesses. I'm talking about sporting and community organisations. I'm talking about government departments. I'm talking about community groups. I'm talking about volunteer organisations. This has a flow-on effect and it should be rejected; it should be deleted. This is one of the many fundamental flaws in this bill.

I note, indeed, the comments of Prof Patrick Parkinson on the inclusion of an offence for employers, and it says:

> But all this is yet another compliance burden for small businesspeople, such as those who run food stores and restaurants, or employ plumbers and electricians.
>
> Yet even in their worst nightmares, I doubt that small business owners would dream that parliament could enact a law allowing them to be criminally prosecuted for things that their employees have done outside the scope of their employment. [tbc]

I'll repeat that last part of the sentence - 'allowing them to be criminally prosecuted for things that their employees have done outside the scope of their employment.' So, I commend and thank Prof Parkinson for his efforts. His submission has been sent to all members of parliament. It's very comprehensive, and I just hope that members in the community will have an opportunity to review that and see it and reflect upon it.

It's an important concern. It deserves serious consideration. Clause 19 goes beyond holding employers accountable to their own actions or failures. It provides that where an employee or agent commits an offence under the act, the employer or principal is taken to have

committed that same offence. That is a significant extension of criminal liability. So, while subsection 3 provides a defence where an employer can prove that they cannot have known of or prevented the offence despite taking all reasonable precautions and exercising all due diligence, the onus is placed on the employer to establish that defence. In effect, an employer may be required to defend criminal proceedings arising from the conduct of another person even where the employer did not authorise, encourage or have any knowledge of that conduct. This is particularly concerning where the conduct occurs outside the scope of an employee's duties or is contrary to the employer's express instructions and established procedures. It's beyond the pale, colleagues in this place, and I really commend you to think this one through very carefully and support this amendment. We should be careful not to create a situation in which small business owners, community organisations and volunteers are exposed to criminal liability for conduct that they could not reasonably have anticipated or controlled. We should not impose additional burdens without being satisfied that the proposed provisions are necessary, proportionate or appropriate. Subsection (4) compounds these concerns by allowing an employer or principal to be prosecuted and convicted regardless of whether the employee or agent has been prosecuted or convicted.

Taken together, these provisions raise legitimate questions about fairness, the scope of criminal responsibility and the potential consequences for businesses and organisations that are simply trying to operate lawfully. Legislation must be carefully drafted, as I've said many times over the last 24 hours in debate on this bill. It should be carefully drafted to achieve its intended purpose without creating unintended consequences or imposing disproportionate obligations on those it affects. The government should not support a provision that risks extending criminal liability so broadly without sufficient justification. The parliament, likewise, should not support that. For these reasons, I'm in strong support of this amendment for and on behalf of members on this side of the House.

Dr WOODRUFF - Chair, I thank Mr Jaensch, the honourable member for Bass, for raising this matter. We've had a number of conversations about it. It's been very productive. Thank you for those. A number of other members have also indicated that they want to remove this clause from the bill. On consideration, we're comfortable with its removal. The bill, as we've said a number of times, is not primarily a punitive model. The purpose of the legislation is to prioritise, where appropriate, confining vicarious liability to education, prevention and response scheme. We support its removal, but I will make a point in passing about the Attorney-General's comments that the employer would be responsible for an employee's action outside the scope of employment. That isn't correct. If it was outside the scope of employment, the employer couldn't reasonably have known or prevented that. That is what subsection (3) is specifically about: circumstances where an employer couldn't have reasonably known about or controlled the behaviour of an employee would not have meant that the employer was responsible. Nonetheless, we are agreeing with you.

I understand there will also be a vote on clause 54, from Mr Jaensch. I'm foreshadowing that we won't be inclined to support that, but I'll make my comments about that later in the clause and -

Mr Barnett - So, what's your position on clause 54, because it's directly relevant?

Dr WOODRUFF - We are talking about clause 19, and we do support the removal of clause 19, thank you, Mr Jaensch.

Clause 19 negatived.

Clauses 20 to 33 agreed to.

Clause 34 -
Discretion to decline to respond to report

Mr FERGUSON - Chair, the way it's been drafted for the government is in two parts, so there'll be two amendments, but they rely on each other. I'll speak broadly to the pair of them and then move the first. There are amendments that are before the committee to really strengthen the safeguards surrounding the reporting and response scheme that's established under the bill. Clause 34 already provides the commissioner with discretion to decline, so that's not new, that discretion to decline to respond to reports in specified circumstances. But we want more definition in this. This is a pair of amendments I'm moving on behalf of my party. The amendment would make that obligation mandatory in two particular circumstances.

The first one is where the commissioner is satisfied that a report is frivolous, vexatious or lacking in substance. Secondly, where the conduct alleged doesn't constitute a conversion practice under the act, including where it falls within the express exclusions in section 5(4), which we spent half of yesterday discussing. These exclusions are important. After all, section 5(4) identifies conduct that doesn't constitute a conversion practice, including, for example, participation in public debate, expressions of belief or religious principle, discussion of religious teachings, and parents discussing relevant matters with their children, which I note was broadened last evening. Those protections recognise that these activities are not intended by the bill to be considered conversion practices. The distinction between protected conduct and prohibited conduct, really, it's our duty here; they must be meaningful in practice. The commissioner should not progress a report through the statutory response scheme where the alleged conduct clearly falls outside the definition of a conversion practice. Again, I remind the committee and the House of the real risk and hazard that we must own up to: that the process, for many people, will be the punishment and a chilling effect, and arguably a most unfair one on them when, in the end, they may well be completely innocent.

Equally, the reporting scheme should not be used to pursue complaints that are frivolous, vexatious or lacking in substance. Requiring the commissioner, to decline those reports, which is what the amendments would do, would provide the sort of certainty that our Tasmanian citizens and organisations deserve from us; who may be subject of a complaint or report that is clearly, in the view of the commissioner, frivolous, vexatious or lacking in substance. This, subject to the rest of the bill, would allow the commissioner to focus resources on matters that really do fall within the final act. This is particularly important given the range of powers under the bill, including investigation, facilitation and compliance measures.

I thank the Leader of the Greens for her earlier position. From our point of view, that's the first sign of some real good-faith engagement, under pressure, I think, from the crossbench and the Liberal side. We've made our position known and the Greens have agreed to it, and I appreciate that. I hope that it's okay in the debate to be able to say a compliment.

I move this in two parts, and we need two of them. The first amendment is as follows. I move -

Page 39, before “The Commissioner may decline”.

Insert '(1)'.

That on page 39, before the words, 'The Commissioner may decline',

Insert (1)

This would be a consequential amendment specifically to facilitate the insertion of a new subsection into clause 34, which I've described, and I will come to in the second amendment. Thank you, Chair. The amendment would be page 39, before the words "the Commissioner may decline". I move -

Same page, at the foot of the clause.

Insert the following subclause:

'(x) Despite subsection (1), the Commissioner must decline to respond to a report if the Commissioner is satisfied that -

(a) the report is frivolous, vexatious or lacking in substance; or

(b) the conduct alleged in the report does not constitute a conversion practice, including because the conduct falls within section 5(4).'

I thank the House.

Mr BARNETT - I just wanted to support the amendment of my colleague. I'm more than happy to hear the Leader for the Greens, but it's very clear the position on frivolous or vexatious appeals, frivolous where there's no case or merit, and vexatious appeals, obviously, where there's some harassment, intimidation and concern. So, I'm very keen to hear the response from the Leader for the Greens and have wholehearted support for this one.

Dr WOODRUFF - Well, I'm glad we've put them together, because our comments stand on both of these linked clauses. Before I go into this amendment, just to your comments, Mr Ferguson, about us working together better under pressure, I think you said. We've actually had conversations with members in good faith about that previous clause 19 a number of weeks ago, which is why we got to the position of agreeing back then that it would be appropriate to take it out of the bill. So, that's how we've been working on this bill with most members so far.

On this amendment that we have before us, it's our view it's unnecessary. Statutory provisions that provide grounds for the dismissal on the grounds of vexatiousness construct this power in terms of the word 'may'. This is in part because these matters are in a list of a range of circumstances where a dismissal can occur. I make the point that this clause 34, as constructed in the bill, is in good company in Tasmanian legislation. We found 25 acts in Tasmania that provide for the dismissal of a matter on the grounds of frivolousness or vexatiousness, and they do so in a list of matters that may form grounds for dismissal, including three acts introduced by this government in the last two years.

Specifically, these are sections 20B of the *Architects Act 1929*; section 42 of the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*; section 25.7 of the *Building and Construction Industry Security of Payment Act 2009*; section 4.16 of the *Criminal Code Act 1924*; section 37 of the *Disability Rights, Inclusion and Safeguarding Act 2024*; section 38 of the *Judicial Review Act 2000*; section 35 of the *Judicial Commissions Act 2024*; section 36 of the *Integrity Commission Act 2009*; section 65 of the *Guardianship and Administration Act 1995*; section 98 of the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*; section 51 of the *Economic Regulator Act 2009*; 28ZB of the *Local Government Act 1993*; section 21 of the *Ombudsman Act 1978*; section 55 of the *Occupational Licensing Act 2005*; clause 84 of the *Marine and Safety (Pilotage and Navigation) Regulations 2017*; section 19 of the *Personal Information Protection Act 2004*; *section* 21 of the *State Service Act 2000*; the as-of-yet uncommenced section 77 of the *Retail Leases Act 2022*; section 48 of the *Residential Building Work Contracts and Dispute Resolution Act 2016*; section 16 of the *Racing Regulation and Integrity Act 2024*; *section* 92 of the *Property Agents and Land Transactions Act 2016*; clause 6 of Schedule 1 to the *Professional Standards Act 2005*; section 33 of the *Powers of Attorney Act 2000*; section 46 of the *Police Service Act 2003*; section 109 of the *Strata Titles Act 1998*; and section 19A of the *Teachers Registration Act 2000*.

So, honourable member, only two acts have explicit mandatory dismissal requirements for a complaint on the grounds that you would seek to amend the bill: the *Veterinary Surgeons Act 1987* and the *Health Complaints Act 1995*. These are, as you could appreciate, significant outliers and were not introduced by the government. In short, what you're proposing in construction is far from the norm, and exclusively the language that's been used by this government in their construction of legislation is the form that we have before us in this bill.

I'm sorry to say that this is just another example of how I believe government members are causing a fuss over language that is not only standard in legislation but is a language that they choose to use in their legislation.

We have a number of concerns with this amendment. Aside from being manifestly unnecessary, it's the construction of the proposed paragraph (b) The change in language from the words 'the alleged conduct' to the 'conduct alleged in the report' is problematic. It materially differs from the language in the current section. It has the potential to narrow down the information being considered to solely the conduct in the initial application to the Commissioner, and may not capture, for example, further information provided after inquiries from the initial referral.

Another concern is that the language, because the conduct falls within section 5(4), appears to be drafted on the basis of the earlier failed amendments to that section in our debate earlier this morning. We believe this may create interpretive issues as the amendment looks to try to reconstruct the interpretive provisions for conversion practices after the fact. This matter has been thoroughly debated on and voted on already, and members have accused us of not answering questions on this. Unfortunately, the fact is it was canvassed over many hours, and I outlined details specifically about that matter in my second reading reply, during the clauses. Many members in the Chamber have also made well-put and accurate representations.

To reiterate for the member, part of my contribution in my summation to the second reading speech, my reply:

> The qualifier 'of itself' is there to prevent the misuse of the clause. This means that the listed conduct does not itself constitute a conversion practice, or evidence of a conversion practice, but may be assessed alongside other factors to determine whether or not a conversion practice occurred. [tbc]

That's the function of the phrase. That is the answer, and it's on the record multiple times. For the record, the Attorney-General's equivalent position in his own draft bill, Conversion Practices Prohibition Bill, in 2024 read in full:

> For the avoidance of doubt, a practice that amounts to no more than the expression of an opinion, idea, or belief by a person, including a statement of religious principle or the provision of parental guidance, is not a conversion practice for the purposes of this division.

So, members can appreciate that the Attorney-General's own construction proposed for a similar bill, to have a similar effect, says 'for the avoidance of doubt' and it qualifies it with the words 'no more than' which we argue is very similar to 'of itself'.

The members have not argued to use the language that has previously been used by them of 'no more than'. They would like to remove the qualifier 'of itself' altogether. They made their intention clear to turn 'avoidance of doubt', 'guidance provisions' into 'absolute and expansive exemptions'. This is not the purpose of the clause. It wasn't the purpose of the Attorney-General's clause in 2024 either. For the record, we're not fundamentally uncomfortable with the language used in the government's draft bill previously. In our view, our language is better because it addresses specific concerns that have been pushed by opponents in the community and also specific matters that were requested by the AMA. In other words, it's an avoidance of doubt clause that avoids more doubt than the equivalent clause in the government's draft bill. I'm sorry for that protracted explanation, but we needed to go back to unpick why we have such concerns about the amendment before us in this clause. For the reasons I've stated, we cannot support it.

Ms JOHNSTON - Chair, I thank Dr Woodruff for her thorough explanation of why this clause is important and the amendment wouldn't be supported. Just for the record, I would like the mover of the amendment, the honourable member for Bass, to perhaps reflect upon how this amendment, if it was to succeed, would be represented in the actual bill itself. If my understanding is correct, the first amendment that you're seeking is to make what is currently clause 34, as a standalone clause without any subclauses, a subclause (1). And then your second amendment would effectively insert what will practically become, at this point in time, a subclause (2). The effect of doing that is that you create two provisions of almost the same thing but with two different standards. So, if we were to accept your amendment - and please correct me if my reading is not correct, that you would effectively create:

> (1) The Commissioner may decline to respond to a report if the Commissioner is satisfied that -
>
> (a) The report is frivolous, vexatious or lacking in substance; or -

And then you go on to list (b), (c), (d), (e), and (f). But then you'd also create, in your second amendment, a subclause (2):

Despite subsection (1), the Commissioner must decline -

'Must' decline:

… to respond to report if the Commissioner is satisfied that -

(a) the report is frivolous, vexatious or lacking in substance.

It begs the question, which is it - 'must' or 'may?', because you're leaving the two standards in there without making any amendment to the first. I suppose it's an important lesson to try and read the amendments in totality in terms of how it will impact the bill. But I suggest to the honourable member that you're creating two sections that are conflicting with each other by your amendment. You are not achieving, ultimately, what you're wanting and perhaps creating further uncertainty.

[12.33 p.m.]

Ms HADDAD - Chair, I have a similar question, so I thought in the interest of time, if I ask it similarly, maybe the member can answer both together. Forgive me if I'm not quite following this correctly, but my reading of it is the same as my Clark colleague's. As it is currently drafted, the commissioner has the capacity to decline to respond, including if a report is frivolous, vexatious or lacking in substance, at her own discretion. So, she would be determining whether a report is frivolous, vexatious or lacking in substance, and if it was, she could refuse to respond, as it's currently drafted. I believe the amendment would be increasing that bar, if you like, to say the commissioner must decline to respond to a report if they are satisfied that the report is frivolous, vexatious or lacking in substance.

I guess my question is, if we're trusting the commissioner to determine whether a report is frivolous, vexatious or lacking in substance, she is going to have to be making that determination whether she's then instructed to definitely reject that report if this amendment passes, and she still has the capacity to reject that report under the current drafting if that's what passes. For me, the question is that in either circumstance, the commissioner is going to have to be making a determination about whether a report is frivolous, vexatious or lacking in substance. Ordinarily, statutory officers don't take up the opportunity to respond to something that is frivolous, vexatious or lacking in substance. I kind of understand the intent behind this, but I'm wondering what the practical effect of it might be, because in either circumstance, the commissioner is still going to have to make that decision at the first instance. Is it frivolous, vexatious or lacking in substance? If the answer is yes, this amendment passes, she automatically rejects it. If the current wording passes, she will also likely reject it. It's just a question about the practical effect of the amendment.

Mr FERGUSON - Chair, I thank both previous members for their question. I totally comprehend where they're coming from, but I wouldn't concede that it's a drafting problem. This has been produced for the government by the Office of Parliamentary Counsel (OPC). But I can immediately see where you're coming from. On the one hand, what would become subsection (1) has six criteria that could be met to allow the commissioner the discretion. I accept that the new subsection, it's marked as a 'x' in my amendment, but the Clerks ultimately number it (2). So, what would become subsection (2) does have one common element. I accept that. That is, of course, the words that they would have in common:

The report is frivolous, vexatious or lacking in substance.

So, that's not original but, obviously, it would move from a 'may' to a 'must'.

It also inserts the language around where the commissioner is satisfied that the conduct alleged in the report does not constitute a conversion practice, including because the conduct falls within section 5(4). That is one of the two criteria that, if met, would lead to the commissioner more or less immediately declining to respond, to allow the process to not become the punishment. When I spoke earlier, I did say that this was an amendment seeking to strengthen the safeguards. Dr Woodruff may well say that there is a safeguard and we're looking at it, but this seeks to strengthen that safeguard in clause 34, to not affect the Greens' existing drafting around the commissioner's discretion, but to create an obligation in two particular circumstances which I've outlined. I see no problem with any of the drafting. However, I completely comprehend where you're coming from, given the common language of one part.

I urge the House to support this amendment. I think it costs the mover of the bill nothing in her intent, in the Greens' intent. I'd ask the Labor Party to support it as well because in a couple of years' time, when constituents come to us saying, 'I've more or less been cleared of what I was accused of, but it's cost me $50,000', you might want to look back on today and think, 'Yeah, we probably should have tightened that up because that was a frivolous or vexatious complaint'. 'The person wasn't even in the room, but they made a complaint and they had me dragged through that investigation', or, 'I was plainly operating within what parliament said I would be able to reasonably do in section 5(4)'. We come back to this point: if we can make early determinations to allow Tasmanian citizens not to be dragged through the bureaucratic and, frankly, frightening legal process, which will cause so much trauma and anxiety in their innocent lives, that's the good place where this amendment is coming from.

I'd ask the Greens to reconsider that position. I thank the Labor Party for their question. I hope that my answer is satisfying because we have a common interest in making sure that when we make a law, somebody who is subject to being, in effect, bullied, picked on, targeted and taken with a complaint to the commissioner, if they're totally innocent of the claim, that should be done as soon as possible, that gate should be closed as soon as the commissioner is satisfied on one of those two points: (1) that it's frivolous, vexatious or lacking in substance, or, secondly, that it's clearly not been a conversion practice. What could be more reasonable than to give that Tasmanian one benefit of our consideration? It's not me making the determination that I'm satisfied. It would still be the commissioner. It's the same decision-maker as you've originally proposed. But it's a clear message from the parliament that in interpreting this law, if one of those two criteria are met, end the matter and stop dragging a Tasmanian citizen or an organisation through what will undoubtedly be a stressful, challenging, potentially very expensive process. I believe that we owe that to our community. This is my final opportunity to speak, so I ask the Labor Party, in particular, please, I'm asking you to do the right thing in these circumstances and not subject people to a punishing process when they will ultimately be found not to have a case to answer.

Dr WOODRUFF - Chair, I thank Mr Ferguson, the member for Bass. Just a couple of comments. You did talk about strengthening the safeguards and the importance of making sure that people are not bullied or targeted or picked on. Absolutely, that's the purpose of the clause about being able to dismiss frivolous, vexatious matters, or those lacking in substance. We agree. On other important relevant bills, the *Disability Rights, Inclusion and Safeguarding Act*, *Guardianship and Administration Act* and *Integrity Commission Act*, which you could imagine

might give rise to the same sort of concerns of impacts on people from vexatious or frivolous complaints, the government itself has constructed it as a 'may' not a 'must'. However, we wouldn't, if we'd had time or consideration to discuss it with you, have opposed subsection (a). We believe it's unnecessary, it's not in government legislation to add that, but we wouldn't have been opposed to that. We are, for the reasons I've said, entirely opposed to subsection (b). It's problematic for all the reasons I've said, and it assumes the prior amendments to section 5(4) would pass.

I also note that a report can be referred to the tribunal which would, obviously, strike down a vexatious matter and, frankly, we'd expect the commissioner would do that. I suggest the member could take it up with members in the Legislative Council to look at, particularly, adding subsection (a). We don't think it's necessary, the government hasn't done it in its other similar legislation, but we wouldn't be opposed to it. But we don't support the amendment in its current form.

Ms HADDAD - Chair, I thank Mr Ferguson for addressing part of my question. This is a very genuine question. I can absolutely understand the intention of part (a). I know Mr Ferguson has exhausted his opportunities to speak on this clause now, so, again, maybe it is something that needs to be left for the other place. But I wasn't clear on what the practical effect of it will be because either way, whether it's 'may' or 'must', the commissioner is still going to have to make a determination when a complaint arrives on her desk about whether it is frivolous, vexatious or lacking in substance. And she does already. I think in her Anti-Discrimination Commissioner jurisdiction, she receives frivolous, vexatious and lacking in substance reports all the time. So does the Ombudsman, so does the Health Complaints Commissioner. A whole lot of other statutory review bodies routinely receive vexatious and frivolous reports.

I agree with Mr Ferguson that it's not fair for people to be dragged through an administrative process as a result of a vexatious or frivolous report. I know people who have been. It is very stressful. He's right. But again, I'm not sure - I mean, I don't actually have any fundamental problem with putting (a) in because I think it's not going to have any practical effect in reality. The commissioner's still going to have to make that determination first about whether it's frivolous, vexatious or lacking in substance; and if it is, she'll reject it. But (b), I need to understand more and, unless there was another attempt to move this amendment in here and we could all speak to it again, maybe to be able to work with my upper House colleagues on this. I'm worried that (b) might end up leading to an increase in court actions where people are trying to challenge whether or not a decision was correctly made around whether an exemption applied. I'm probably not expressing that very well, partly because of all of our lack of sleep in here, but it's a genuine question. On the face of it, I can absolutely see what the attempt here is. I just feel I need to know a little bit more about how (b) would actually play out. If it meant that somebody could have their complaint rejected at that first stage because it was determined that the commissioner is satisfied that the conduct alleged in the report did not constitute a conversion practice because it falls within 5(4), and the complainant disputes that, it could end up meaning people are more likely to get dragged through an administrative process or even challenged in court. Perhaps I'm wrong about that, but I feel I need a bit more explanation around how (b) would roll out in practical terms.

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

The Committee divided -

AYES- 13	NOES - 18
Mr Abetz	Ms Badger
Mrs Archer	Mr Bayley
Mr Barnett	Dr Broad
Mr Di Falco	Ms Brown
Mr Ellis	Ms Burnet
Mr Fairs	Ms Butler
Mr Ferguson	Ms Finlay
Mr Pearce	Mr Garland
Mrs Petrusma	Mr George
Prof Razay	Ms Haddad
Mr Rockliff	Ms Johnston
Mr Shelton	Mr Mitchell
Ms Ogilvie (Teller)	Mr O'Byrne
	Ms Rosol
	Mr Willie
	Mr Winter
	Dr Woodruff
	Mrs Greene (Teller)

PAIRS

Mr Vermey	Ms Dow

Amendment negatived.

Clause 34 agreed to.

Clause 35 -
Facilitation of resolution

Dr WOODRUFF - Chair, this is our first amendment aimed at providing greater and clearer detail regarding the relationship between a facilitation agreement and the tribunal process. I'll read this amendment in:

> Page 40, subclause (7), after 'If facilitation'.
>
> *Leave out* 'concludes without an agreement that finally resolves the matters raised by the report'.
>
> *Insert instead* 'in relation to a report concludes'.

Chair, the previous language of 'finally resolve' led to some confusion and there was some concern that determining what constitutes a final resolution may be difficult in some circumstances. The amendments, of which this is the first, instead of providing the circumstances in which a matter can be referred to the tribunal, allow for a referral to occur so long as a facilitation isn't active and instead clarifies that a tribunal can't make orders contrary

to a facilitation agreement unless it's in the interests of justice to do so. This framework makes it clearer what can happen in circumstances where an agreement has been reached that may not fully resolve all the matters. This particular amendment alters the language of 'finally resolves' consequential to the later substantive amendments.

Mr BARNETT - Thanks very much for those introductory remarks with respect to clause 35 and the remaining clauses. I'm seeking a question with respect to this matter. It appears, as I've read it, and the advice I have, that the amendments to clauses 35, 37, 57, 58, 59 and 60 are related amendments, if I understand that correctly. So, on the face of the amendments, it appears that they will enable the tribunal to reconsider, on referral, a matter that has previously resolved by facilitation by the commission. This includes allowing the tribunal to effectively use what has been agreed in a confidential facilitation process to revisit that agreement. Could you please explain the intended effect of these clauses?

Dr WOODRUFF - In response to the Attorney's question: our intention, in relation to the question you asked, is the opposite. The intention of the amendment is to prevent the tribunal from interfering in an agreement that has been made. Compared to the current framework of the bill, it does open the door to revisiting an agreement if, as it says in the clause, it's in the interests of justice to do so.

Sitting suspended from 1 p.m. to 1.45 p.m.

Dr WOODRUFF - My response to the Attorney-General's question was interrupted by the lunch break bells, so I might just start over again to make it easier for members to follow.

Certainly, the fundamental intent of our amendments, as in the bill that's drafted, is to prevent the undermining of an agreement through a potential re-litigation process. That is our intent. However, I acknowledge that the amended framework does open a door to a contrary order if it is in the interest of justice to do so - which is not available in the current framework in the bill.

This is not for the purposes of opening a window per se, but rather we intended it as a built-in safeguard, for example, in a case of coercion or a manifestly unjust agreement for either party. That being said, the Commissioner has a role in ensuring that the agreement is entered into freely and on an informed basis, which is ensured under section 38 of the bill. Therefore, the clause that we're talking about now is a safeguard on a safeguard. So, there is a safeguard in the bill that the Commissioner must make sure that agreements are entered into freely and in an informed basis, and this is providing an additional safeguard for the tribunal to have a contrary order if it's in the interest of justice to do so.

On the basis of what I've just said, if members are more comfortable with the words 'unless it's in the interest of justice to do so', if you'd be more comfortable with them being removed, we're open to considering that.

With regard to your question about the confidential nature of the facilitation process, this is highly critical, and the only circumstances where it could be considered by the tribunal would be in circumstances where it would be necessary to assess the nature of a potential conflict between a tribunal order and an agreement.

I hope that explains the situation.

Mr BARNETT - Chair, thanks very much for responding to the queries prior to lunch, which I think were very fair and reasonable. I'm not satisfied with the response from the Leader for the Greens, 'a safeguard upon a safeguard', and what I think would assist the committee is to see and to hear some examples of the concerns that are before the Greens, that are in the minds of the Greens, in this regard. We have a process in place, and these amendments to clauses 35, 37, 57, 58, 59, 60 - there's a group of them, they're related amendments - it would appear, on the face of it, enabling the tribunal to reconsider a referral that has been previously resolved by facilitation by the Commission. So, allowing the tribunal to effectively use what has been agreed in a confidential facilitation and to revisit the agreement - this is a pretty serious concern.

You indicated that it's a safeguard on a safeguard, so I think some examples would be useful. And you've indicated would we or others in this place be open to an amendment as described by yourself, in terms of removing 'if it's in the interest of justice'. Again, this is obviously your bill and I'm highlighting some questions, concerns, queries with respect to your bill, so I think it's in the interests of this committee to be persuaded. Otherwise, I've got serious concerns with this group of amendments, and I'd like you to make a further attempt to persuade the committee as to the merit of the clause or the merit of the amendment that you've put forward. Otherwise, we're feeling very constrained, and highlight to the committee the denial of natural justice and procedural fairness and process going upside down when it comes to the consequence of these series of amendments to clauses 35 through to 60 as described.

Dr WOODRUFF - I'm happy to provide the clarification. I've outlined our reasoning for why we think we need these, and we provided broad examples, but we don't want to provide specific case examples, because that would obviously be the purview of the tribunal, and that is their remit to make a decision. But I've outlined some general principles that would seem to be obvious, which would be on matters of coercion or where there was an agreement that was manifestly unjust for either party. We've indicated that we're open to a contrary view, but how you want to proceed is in your hands.

We think this adds a safeguard to the bill, because it is something that we heard in the consultation process provided some confusion, and this is how we've proceeded to deal with that. If there's an alternative that you're proposing - but as it stands, we're comfortable that this provides the opportunity, appropriately, for the tribunal to make a determination. It would be on an appeal by parties, and in a narrow range of things that could be dealt with, whether it's manifestly unjust. So that's the basis for our position.

Mr BARNETT - Thank you, and I don't want to delay the committee, but I want to make it very clear this is not my bill - this is your bill. You're asking me to try and fix your bill or to come up with amendments to satisfy not just myself but other members in this Chamber. With the greatest respect, through you, Chair, this is one of the problems for bringing forward a bill and, some would say, rushed, with these amendments at the end, when we received amendments to 11 clauses and then we had our debate and then further clauses yesterday. So, there's been a rush of amendments at the end. Due consideration is required by you and, of course, the members in this place, of those amendments.

I just want to make it clear, on the record, I am not satisfied, and I think on behalf of this side of the Chamber, with respect to this group of amendments. On the face of it, it raises a whole lot of questions and concerns around procedural fairness, around the process, around

breaching confidentiality in the facilitation process. And having that revisited opens up opportunities for further appeals, whether they're frivolous or vexatious appeals, or otherwise. So, not happy and, in general, non-support for this process going forward. I think that's a responsibility for the Leader of the Greens and the proponents of this bill.

Dr WOODRUFF - We're not unhappy with this amendment at all. We are happy with it. We've indicated that we're open to considering your views. We've just been criticised by you for not being open to your amendments. We are open to your views on this. If you just, in principle, don't agree, then that's okay. But we believe this is a safeguard that will take the bill in the right direction as a safer protection for the rules of justice and other things, and that, we believe, is a manifest improvement to the bill.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36 agreed to.

Clause 37
Confidentiality of facilitation

Ms BURNET - Chair, I just wanted to - Dr Woodruff, you're amending clause 37?

Dr Woodruff - Correct. We have an amendment.

Ms BURNET - Although that's not ready, I'll ask some questions around it. What I see is that section 45 abrogates the privilege against self-incrimination. This is the same as having the right to silence, and it's a fundamental pillar of the legal system. That right extends to providing information or a document in your possession. If you don't want to provide that information because you are concerned it might incriminate you, you don't have to hand it over. It reflects the fundamental common-law principle that individuals should not ordinarily be compelled to assist the State in establishing a case against themselves. Section 45(1) abrogates that right as far as I read it.

Subsection (2) provides a direct-use immunity by preventing the compelled material from being admitted against the individual in a civil or criminal proceedings, but it does not expressly provide derivative-use immunity. Investigators may be able to use compelled disclosures to identify witnesses, locate documents or obtain other evidence that may subsequently be used against the individual. The immunity, therefore, does not necessarily prevent the individual from being compelled to assist to build a case against themselves. The abrogation of the privilege should not be regarded as justified merely because it facilitates the exercise of investigative powers.

The Senate Standing Committee for the Scrutiny of Bills produces guidelines with principles that assist in scrutinising bills. One of those principles relates to undue trespass on personal rights and liberties. Under this principle, the committee would typically be concerned with bills that abrogate the privilege against self-incrimination. Where a bill abrogates the privilege against that self-incrimination, the committee expects the explanatory memorandum to the bill to address the following matters: Firstly, why it is appropriate to abrogate the privilege against self-incrimination and, secondly, whether this is a use and derivative-use

immunity provided, and if not, why not? The abrogation of the privilege was not recommended by the TLRI and, as far as I'm aware, the privilege is not abrogated by the ACT, South Australian, New South Wales or Queensland acts. In section 39 of the Victorian act, it says:

> It is a reasonable excuse for a natural person to refuse to give information, answer a question or produce a document under this Act if the giving of the information, the answering of the question or the production of the document would tend to incriminate the person.

I'm not saying that the privilege against self-incrimination should never be abrogated. It has been, but it's abrogated sparingly and only with good justification. Perhaps you can give the committee an example. What is the policy justification for this abrogation when no other state has it?

Dr WOODRUFF - This is a clause 45 matter, member for Clark. Could you explain the relation to clause 37? I'm just trying to understand.

Ms Burnet - Oh, my apologies. I'm reading this in far too early.

Dr WOODRUFF - I wondered whether I heard you right when you said 45. I thought maybe you're on 35, maybe I've got that wrong. Is that right? So, we'll hold that conversation off?

Ms Burnet - We can hold that conversation off.

Dr WOODRUFF - Okay, thanks.

Ms Burnet - My apologies.

Dr WOODRUFF - No, no, that's fine.

Mr BARNETT - Chair, just to make it very clear, my earlier comments relating to clause 35 relate to clauses 37, 57, 58, 59 and 60, and they stand as noted. Thank you.

Dr WOODRUFF - I think I need to read that in, Chair. I move -

> Page 41, subclause (2), after paragraph (b).
>
> *Insert* the following paragraph:
>
> '(c) in proceedings before the Tribunal under section 60, to the extent that the Tribunal considers the evidence reasonably necessary for the purposes of that section.'

I think we've prosecuted that in the previous clause, so unless members have any questions, I'll move that.

Amendment agreed to.

Clause 37, as amended, agreed to.

Clause 38 and 39 agreed to.

Clause 40
When investigations may be conducted

Dr WOODRUFF - Chair, I'll read our amendment in.

Page 44, paragraph (b), after 'possible'.

Insert 'material'.

This amendment relates to discussions we've had with the Premier. The amendment raises the threshold that's outlined in section 40(b) from conduct that amounts to 'a possible contravention of this Act' to 'a possible material contravention of this Act'. It's important to note that all the criteria of paragraphs (a) through (d) in section 40, in clause 40, must be met for an investigation to occur, including serious or systemic conduct. This amendment removes all doubt in circumstances where, for example, a serious breach of the positive duty occurs through an unintended typo, or an omission in an organisational policy or procedural document that is, or will be, swiftly remedied. It's certainly not our intention to capture things like that, and our view would be that the Commissioner would not investigate in these circumstances. However, we're happy to move and support this amendment on the grounds that have been proposed, that further clarity is not a bad thing. I want to thank the Premier for working through this matter with us.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clauses 41 to 44 agreed to.

Clause 45 -
Self-incrimination

Ms BURNET - Going back to what I read out earlier, I have the question: what is the policy justification for this abrogation, when no other state has it? Perhaps, Dr Woodruff, you could give an example?

Dr WOODRUFF - You talked about other states and what other states do. The Victorian legislation provides that a person may refuse to provide evidence on the grounds that it may tend to incriminate them. We were advised by OPC that Tasmania tends to instead provide provisions that abrogate privilege with the qualification that the evidence is not admissible in civil and criminal proceedings, other than those arising from the false or misleading nature of the information itself.

We looked at the Tasmanian legislation, and we were able to identify 28 examples of abrogation of privilege in Tasmanian legislation. These include the *Audit Act 2008*; *Biosecurity Act 2019*; *Child and Youth Safe Organisations Act 2023*; *Telecommunications (Interception) Tasmania Act 1999*; *Defamation Act 2005*; *Dangerous Goods (Road and Rail Transport) Act 2010; End-of-Life Choices (Voluntary Assisted Dying) Act 2021*; *Environmental Management*

and Pollution Control Act 1994; *Explosives Act 2012*; *Fire Service Act 1979*; *Forest Practices Act 1985*; *Health Practitioners Tribunal Act 2010*; *Legal Profession Act 2007*; *Liquefied Petroleum Gas (Subsidy) Act 1980*; *Local Government (General) Regulations 2025*; *Commissions of Inquiry Act 1995*; *Crime (Confiscation of Profits) Act 1993*; *Petroleum (Submerged Lands) Act 1982*; *Racing Regulation and Integrity Act 2024*; *Pharmacy Control Act 2001*; *Security-sensitive Dangerous Substances Act 2005*; *Tasmanian Civil and Administrative Tribunal Act 2020*; *Petroleum Products Emergency Act 1994*; *Work Health and Safety Act 2012*; *First Home Owner Grant Act 2000, Victims of Crime Assistance Act 1976* and the *HomeBuilder Grants Act 2020.*

It's also worth noting that the framework in this bill focuses on education and prevention. If an investigation process became impractical due to evidentiary barriers, it could run the risk of more prosecutions taking place, rather than an investigation process that's focused on investigation and prevention. But in answer to your question, that is the advice of OPC, that that's the appropriate person, because 45 requires a person to provide information documents even when this may tend to incriminate them or expose them to penalty. However, that evidence is not admissible in any civil or criminal proceedings other than proceedings arising from their false and misleading nature. OPC's advice is that we deal with that matter in this way in Tasmania. Does that help?

Ms BURNET - Well, you've given examples - thank you, Dr Woodruff - of it appearing in acts, but really, the right to silence is important. I can understand why there is probably a justification because of the trickiness or, you know, the deception that might be occurring in this unequal facilitation process. Well, it may not be facilitation, but the right to silence is still important, I would've thought. I'm just curious to know, given it's not in the other acts specific to conversion practices in other states, how do you justify that policy? What's the policy justification?

Dr WOODRUFF - I think you had two parts to your question: Why are we different to the other states - what is the reason for that? It is the advice of OPC that, as I've demonstrated through running through those acts, the way Tasmania deals with that right is to provide provisions that abrogate privilege with a qualification that the evidence - that's the way it's managed, that right to silence and right to protection from the false or misleading nature of the information.

The policy justification, if you like, is that in order to investigate serious or systemic conduct, if there is an incapacity to gather information that might relate to a conversion practice because a party refuses to answer, then that would, in all likelihood, significantly hamper the capacity for that investigation to occur. Notwithstanding what I've said that that couldn't then be used in a later date in any other circumstance, but it would be used to be able to determine the investigation under hand.

The commissioner, as we've said, as the bill says, is focused on education and prevention responses. If the investigation became impracticable because of those evidence barriers, it could run the risk of leading to more prosecutions taking place rather than an investigation leading to an education and prevention outcome.

Clause 45 agreed to.

Clauses 46 to 50 agreed to.

Clause 51 -
Compliance notices

Dr WOODRUFF - This amendment to clause 51 I'll read in:

Page 54, subclause (2), paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph -

'(a) the grounds on which the Commissioner is satisfied that the person to whom the notice is issued -

(i) has engaged in, or is engaging in, a conversion practice; or

(ii) has contravened, or is contravening, the positive duty under section 11; and'

The feedback that we picked up in the consultation process was that the compliance notice explicitly must state the grounds on which the commissioner is satisfied that a conversion practice has occurred, or is occurring, but does not have the same explicit requirement in respect of a positive duty contravention. This amendment reflects the fact that an investigation may relate to a positive duty contravention, and it clarifies that a compliance notice must also state grounds in this respect, if relevant.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 and 53 agreed to.

Clause 54 -
Vicarious liability

Mr FERGUSON - Colleagues, I reflect on our recent consideration and removal of clause 19 - Offences by employers, particularly the argument of if the employee -

Dr WOODRUFF - Excuse me. I beg your pardon, sorry to interrupt. I think we needed to do our amendment first.

Unknown - We are on the clause

DEPUTY CHAIR - Clause 50.

Dr WOODRUFF - Our amendment to the clause.

Unknown - No we are on the clause.

DEPUTY CHAIR - Clause 54.

Mr JAENSCH - Reflecting back to the last discussion we had around this similar issue, we removed clause 19, Offences by employers, on the strength, in particular, of the statement in it that if an employee or agent commits an offence under the act, the employee or principal of the agent is taken to have committed the same offence. We agreed to remove that from the bill. In clause 54 we have under (2):

> (2) If a person engages in a conversion practice in the course of the person's employment or while acting as an agent of another person, both the natural person and the employer or principal, as the case requires, are taken to have engaged in the conversion practice.

To me, this is the same thing - the same thing that we decided to remove from the bill at clause 19. I understand why it would be in here, or why it might be proposed, in order that you can capture systemic, or corporate, or organisational offending. However, I do note that in our definitions at the beginning, a person can be an organisation, and that what's shown in here in 54(2)(b):

> A report may be made under section 27 in relation to -
>
> (i) the natural person; or
>
> (ii) the employer or principal; or
>
> (iii) both the natural person and the employer ...

I believe that those avenues are available anyway. So, in terms of this vicarious liability, if you have a situation where you believe that the offending is aided or enabled by the organisation, you can make a report against the organisation and bring it through the normal channel, and the individual who's involved as well, or both or either. We don't need to repeat, I think, the thing that we took out before, which automatically captures a principal in the commission of an offence because of an employee's actions. For consistency in the bill, on that principle, we've removed it once. We should remove it here as well - noting that we still have recourse for the prosecution of organisations, and individuals, in relation to matters where both have an involvement and responsibility.

So, my proposal would be to vote against clause 54 - Vicarious liability and remove it from the bill.

Dr Woodruff - It's possible, with the indulgence of the mover of that amendment -

DEPUTY CHAIR - He didn't move an amendment. He spoke for clause 54.

Dr WOODRUFF - I understand. Then I'd like to move an amendment that we have to the clause and come back to dealing with your move to remove the clause, because there is an amendment that has been proposed -

DEPUTY CHAIR - On clause 54, and you can suggest amendments.

Dr WOODRUFF - Exactly, that's what I thought. So, I'm amending - I want to deal with the amendment from the minister for Education, Jo Palmer.

DEPUTY CHAIR - Leader for the Greens, please. He did not make an amendment. He is responding to a clause 54 amendment,

Mr Jaensch - To vote against.

DEPUTY CHAIR - He will vote against that amendment. And move an amendment before the vote.

Dr WOODRUFF - I will see if it makes a difference to how you feel about the clause before we get to the vote about whether people are going to support the clause or not. I move an amendment drafted following feedback from minister Palmer in the other place.

Page 57, after subclause (3):

Insert the following subclause -

'(x) In determining whether reasonable precautions were taken for the purposes of subsection (3), regard may be had to any of the following:

(a) the relationship between the employer's or principal's business or undertaking and the affected person;

(b) the role in the employer's or principal's business or undertaking of the natural person who engaged in the conversion practice;

(c) the level of control the employer or principal had over the natural person who engaged in the conversion practice;

(d) the extent to which the employer or principal complied with the positive duty under section 11;

(e) any other relevant matter.'

The member in the other place, Ms Palmer, suggested that further guidance on what constitutes 'reasonable precautions' would be beneficial. It's a suggestion that we supported in principle and are very happy to explore it and support this amendment. We considered that the provisions of 49H(4) of the *Civil Liability Act 2002* provide a sound basis for provisions providing guidance for this clause, and have had these amendments that we move on behalf of Ms Palmer drafted on that basis.

Mr O'BYRNE - Chair, I rise to support the proposed amendment and provide some response to what I think is a genuine concern from the member for Braddon. My understanding on the difference between 19 and 54 is that 19 covers the employee in both their professional, paid and non-paid, and basically their life, effectively, so it's a much broader catchment, where 54 is defined to the employment relationship. I met with a number of faith-based organisations concerned that they would be held responsible for actions of employees that they were not aware of and would not condone necessarily, but they would be a party. We've seen that in

organisations, both faith-based and non-faith-based, where employees have undertaken activities and employers have not been supportive of it, but have been captured by the broader responsibility of those activities.

This is a sensible amendment. It makes it clear that it's the employment relationship. It also outlines steps that employers can take to ensure that if an employee does undertake activities which breach other elements of this bill, that the employer can say, 'Well, we've done our level best, we've taken all precautions to ensure, we don't condone it, it's not a part of our policy, we've been proactively educating our staff about what to do and what not to do, therefore we won't be held responsible for their activities.' So, there's a plausible defence from the employer to say, 'We've made sure that it's clear in our policies and procedures'. And proactively, as any good employer would do, in their inductions and their broader general human relations or people and culture processes, they would remind people about acceptable behaviours, about Christmas parties, about activities and all of these things. It's a part of their normal proactive roles as an employer to set the standard about what should and should not happen.

My understanding is that in this amendment and in this clause, that provides an employer with, firstly, a responsibility to ensure, given this is new ground in Tasmania in terms of legal obligation, that they do their level best to educate their staff about what is conversion therapy behaviour, what is unacceptable, and what is acceptable in terms of conversations, guidance and care. I think this is a really important clause to keep in, particularly in the amended form, because it says to the employer, 'You have people in circumstances that you employ and control by virtue of the employment test that will be engaging in conversations and environments where this may happen, and we need to provide them with guidance about what to do and what not to do'. And if they don't do that then, like any other employment law or element, they will fall foul of other laws as well. I think the amendment is a sensible one from the member of the other place. It strengthens 54, but is different to 19 because they cover different relationships.

Mr JAENSCH - Chair, I thank Mr O'Byrne for that value-add. I understand but I can't name it straight up, but there are other clauses that require a proactive duty on the employer to ensure these things anyway. I suppose what I'm responding to is that these are defences or ways that someone who is already assumed to have participated in the conversion activity can explain how they weren't responsible for it. Rather than you establishing their crime, their guilt, their commission of the offence, they are taken to have engaged in the conversion practice. Given the gravity of these offences, this is going to capture - say, in minister Palmer's sense, the secretary of the Department for Education, Children and Young People, will be on flag fall when an employee is accused of a conversion practice. The secretary of the department, the starting point is they will be taken to have engaged in that, and then they will need to go through a process to say how they have distanced themselves from it. They're starting from guilt and then working back. This captures them up into a system rather than, if you believe that there is an organisational intent to provide, then bring the report against the organisation first up. This is capturing the organisation and its principal in the 'taken to have engaged in the practice themself'.

Now you're providing more ways that they can establish how they couldn't have known or they didn't have control -

Mr O'Byrne - It says 'not to have engaged'.

Mr Jaensch - It's reversed. This is an assumption of guilt and then a longer list of -

Mr O'Byrne - But the existing burden and standard of proof still applies.

Mr JAENSCH - taken not to have done so if you can demonstrate these various things.

Mr O'Byrne - It's not exhaustive, though.

Mr JAENSCH - It's not exhaustive, but it's providing some safe harbours. But it starts with, 'taken to have engaged', in the same way that 19, regardless of the context of where it was done, this person's done this thing; you are taken to have done it. And then you have to explain why you are not responsible for the action. That's a reversal of the assumption of innocence or construction of a case, don't you think?

Mr O'Byrne - No, I don't accept that.

Mr JAENSCH - Anyway, my view is that that principle has been applied elsewhere. I think it's the same here. And I think it's cleaner for us when we're bringing this law into effect to be able to explain to employers how there is not an automatic liability applying to them. At the moment, we can say not in these cases, but in some of these cases, then you'll have to prove why you're not liable.

Mr O'BYRNE - But there's an automatic liability for employers for occupational health and safety, for a whole range of things. That's as a responsibility as an employer and as an entity that exists in a whole range of work.

Mr JAENSCH - But for murder or for -

Mr O'BYRNE - Well, manslaughter.

CHAIR - Through the Chair, thank you.

Mr O'BYRNE - Sorry, through the Chair.

Mr BARNETT - Chair, I would like to back the comments of my colleague, Mr Jaensch, on this one. With respect to your amendment to your amendment, we are now getting into a position which is creating a legal quagmire. This is becoming serious. We have had a debate earlier, before lunch, with respect to vicarious liability, as the minister has outlined. We had a quite a discussion about it and we had, I thought, common agreement to remove that particular clause which was supported. So, here we are after lunch, we're talking about clause 54, again, Vicarious liability, and yes, it is a distinctly different situation but the same principles. A legal quagmire is enveloping this Chamber because the Leader for the Greens is amending her own amendment and adding a further subclause after subclause (3). But the point and the principle that -

Dr Woodruff - There's only one amendment. I'm not amending my amendment; I'm amending the bill. It's an amendment to the bill. It's an amendment to the clause.

Mr BARNETT -Yes, I've got the amendment.

Dr Woodruff - But it's not an amendment to an amendment.

Mr BARNETT -No. Well, I've got the amendment before me. My point is it's taken to have already - the person has been taken to have already engaged in the conduct, as Mr Jaensch has indicated. That flows through to a whole range of consequences. Once you accept that that person, whoever it is, employee of any organisation in Tasmania - business community, small, medium, large community groups, sporting organisations - we had this discussion before lunch - it flows. This is the concern. Now we're adding to that and, I would say, wrapping ourselves up in a legal quagmire, I think, to the point that minister Jaensch indicated earlier, to delete the clause, which is what we did with clause 19. That is something that I think our side of parliament would absolutely support.

This particular amendment is creating more questions that need to be answered by the Leader for the Greens, and I'm becoming more concerned about where we're heading to get some clarity around this, because I don't think this helps.

Ms HADDAD - I think we're in dangerous territory here, and the Attorney-General's not wrong - there is a legal quagmire, but it's not this one. These are, in fact, comments that I should have also made on clause 19, but I didn't have a copy of that amendment in front of me. But they apply equally to this clause. The legal quagmire is actually one that the High Court has created that the Attorney has already committed to acting upon - that's the case of DP v Bird, which all attorneys around the country have agreed is a problem and that they have committed to act on.

Vicarious liability is a longstanding, common law doctrine, and if those two major pieces of work, the federal Royal Commission and the local Commission of Inquiry into Child Sex Abuse, taught us anything, it taught us about the importance of vicarious liability. And the DP v Bird decision came as quite a surprise to most people who work in that field, and all attorneys at the Standing Council of Attorneys-General have committed to enacting state-based legislation to deal with the problem that DP v Bird in the High Court has created, including our Attorney-General here. I'm quoting from an article in *The Mercury* from just a couple of months ago, 26 May 2026, where:

> The Attorney-General announced that the government would seek feedback on legislation which has been drafted in response to the High Court decision in the case of Bird v DP. In a landmark decision in November 2024, the High Court ruled that institutions, including churches and clubs, cannot be held vicariously liable for child sexual abuse committed by a person who is not technically their employee.
>
> Victoria passed legislation this year to address the implications of the court decision also to allow victims to claim compensation retrospectively. At the time that the Attorney made his announcement, Beyond Abuse founder Steve Fisher praised the Tasmanian Government and the Attorney-General for his commitment to follow the other states enacting swiftly to help victim/survivors. [TBC]

He was very impressed with the speed at which the Attorney had made this announcement and commitment, yet we actually haven't seen any legislation tabled in this place

and, to my knowledge, we haven't seen any draft legislation put out for consultation. But what the Attorney said at the time of that announcement is that this was:

> 'A major law reform that would help victim/survivors. It flows from the High Court case in Bird v DP and will allow victim/survivors to make claims to support their claims and concerns with respect to child abuse.'
>
> Mr Barnett said the High Court decision created an anomaly in the law, so where there's been a child sexual abuse in institutions and other organisations, victim/survivors were not able to make that claim based on that High Court decision, he said.
>
> It could be any institutions of any colour, persuasion, where there has been child sexual abuse, and so that simply the justice system will be at work and there is likely to be some claims in the future.

It's not unrelated to what's being proposed by the suggestion that we would remove this clause, but equally, even the amendment is a watering-down of the responsibility of organisations to ensure no wrongdoing occurs. So, what removing the clause or narrowing the clause would do is it would narrow the circumstances in which an individual can bring a claim against an organisation that has placed a person in a position of power, giving them both the capacity and the opportunity to commit an offence and inflict harm on another. Because the criteria for establishing liability would also become much stricter, more complex. The changes are also likely to increase the cost of litigation, because expert evidence would be required on all of those questions of liability and the standards of conduct and safeguarding that could reasonably be expected by the organisation. Those expert reports could tie people up in costs and time in the court system, which we know is already under significant strain.

The result of removing this clause would be that claims that could otherwise have been brought would be less likely to be pursued, and those that are brought would be less likely to succeed. People who have suffered harm would be left uncompensated, while the cost of wrongdoing would effectively be shifted to the state. The burden of addressing the harm would shift to the state, through increased Medicare and social welfare expenditure - faced, ultimately, by the taxpayer. Also by reducing organisations' exposure to liability, the changes weaken the incentive to prevent such conduct, making it more likely to continue.

Without going into the facts of *DP v Bird*, that person was an employee but was held to have been acting in a volunteer role at the time of the offence. So, I think, removing - and equally these arguments, I should've made them on clause 19, because that's problematic that we've now removed that clause, in my view. What it's really saying is that if a person is acting in a volunteer capacity, their organisation can't be held liable for their wrongdoing. That's something that the attorneys already sought and committed to fixing, that loophole, because that's the loophole that we have currently because of the High Court decision.

Including this clause in the bill as it's currently drafted would ensure that the kinds of things that we've talked about in this place many times, the vicarious liability of organisations for child sexual abuse, would be somewhat covered by this legislation in respect to vicarious liability for people inflicting conversion practices.

I think we're in really dangerous territory when we start talking about removing vicarious liability provisions. I did think it was a shared concern with the government, specifically because of the arguments that have cropped up not just in this parliament, but around the whole country, as a result of the DP v Bird decision.

Mr BARNETT - A quick response to the shadow attorney, just to confirm the summary in terms of the government's response to DP and Bird. I think you referred to a media release or whatever at the time, which is, of course, if it's in accordance with that release, is accurate. We are working on that. The concept of vicarious liability is not an issue for us; we support that, and of course we've worked with other attorneys-general around the country in response. We want a nationally consistent approach, wherever possible. We've said that all along. The difference here is that we've got a bill that creates a lot of doubt. I've raised the concerns about the definitions, the vagueness, the ambiguity of them - and then imposing further liability on those employees as a result is a particular concern. We have, just before lunch, rejected clause 19 which referred to that, and this would be consistent with that. So, I wanted to make that point, and those concerns remain.

Mr O'BYRNE - I just want to clarify, I'm not sure if I misheard, but there was a view that there was a presumption of guilt or presumption of an act. From my understanding, it's clear that this clause only applies when the employer or agent needs to be found to have undertaken conversion practices. They need to be found to be undertaken and that conversion practice needs to have occurred within the scope of employment. Only then is the employer called to explain their role in that person's activities. If the employer has done the proactive work and made it very clear in policy procedures, 'This is what we expect, this is what we don't expect', then the facts of the matter will be borne out. But the employee or agent will need to have been found to be conducting conversion practices in the course of their employment. That's the connection here. And that's why 54 is materially different to 19. This kind of clause, suggested and nominated by the member in the upper House, is a very sensible one.

Dr WOODRUFF - I've listened to members' comments with interest. To the minister, the member for Braddon, just to make it clear, yes, the House has already dealt with the matter of vicarious liability in respect of criminal offences. That was clause 19. We're now dealing with precarious liability for the purposes of reports as well as investigations. These provisions are critical to the processes under the education, prevention and response scheme. In relation to investigations, this means that an employer who's failed to take reasonable precautions to prevent conversion practices can be the subject of an enforceable undertaking or a compliance notice that would remedy that failure going forward. Measures would be put in place for education, training or other organisational-level processes to prevent something similar happening in the future. In respect of an investigation, that means an employer who's failed to take reasonable precautions to prevent conversion practices can be subject to targeted education and, potentially, compensation if the tribunal was satisfied that their failure led to damages or loss. In our view, this is both reasonable and limited in nature.

I thank both the member for Franklin and the member for Clark for their comments about how this sits within workplace law. The removal of this clause would create difficulty in interpreting in what circumstances a person, other than a person directly engaged in conversion practice, could be part of a report or an investigation, which would risk fundamentally undermining the ability of the scheme to address complex institutional conduct. So, in our view this is an incredibly important clause to deal with investigations into serious or systemic

conversion practices or, indeed, of a report. We appreciate that's not your intention and that you've brought it forward in good faith, but we definitely disagree about removing the clause.

Amendment agreed to.

DEPUTY CHAIR - The question is that clause 54 as amended stand part of the bill. Those of that opinion say aye -

Mr FERGUSON - Chair, is this that amended clause be part of the bill? I'd like to speak to that, please.

I think that's appropriate. I was patiently just waiting for the consideration of the amendment just now to be concluded. I want to back Mr Jaensch's comments around the matter. The amendment might appear to be an improved safeguard. It was interesting to me that the Labor Party called no on that. I wasn't expecting that. Maybe I wasn't listening to Ms Haddad adequately, but I felt like it wasn't clearly stated that the Labor Party was opposing that amendment per se. I might have just missed the meaning in that. I think many of us were surprised actually -

Dr Woodruff - It was quite clear.

Mr FERGUSON - Oh, was it? There were a lot of surprised looks around the Chamber actually. But it doesn't actually deal with the problem that has been raised already once by Mr Jaensch. I want to raise that point again because this is a significant matter. For those who have taken the time to read Prof Parkinson's advice on that, he's really trying to guide us away from implementing clause 54. As has been said, this, in a similar but related way, has been dealt with in an earlier part of the debate on clause 19, and that has now been struck out. This, of course, relates to civil liabilities, and this could potentially have major ramifications for innocent organisations and people who are in charge of those organisations, whether they're businesses, and therefore you have owners of capital in those businesses, or whether they're not-for-profit organisations like a church, a Christian school, a community netball club or a scout group. You have got volunteers in many of those circumstances, whether they're committee people or a president or a part-time honorary executive officer. The clause is potentially very risky for them. I wonder how many of them are aware that this bill is being considered today that might have ramifications for them.

Dr Woodruff - That vicarious liability exists?

Mr FERGUSON - Well, I spoke to a newsagent last night at 2.30 a.m. and asked them if they were aware. They certainly weren't.

Dr Woodruff - How could you imagine that they would be conducting a conversion practice in a newsagency?

Mr FERGUSON - Dr Woodruff, that's a strange way to respond. I asked them if they were aware that a bill was going - when you get caught, you do this. I had a conversation with a newsagent, a hard-working small business operator -

Ms Haddad - And you wondered if he'd been listening to the entire 2.30 a.m. debate in the Lower House of the Tasmanian parliament?

Mr FERGUSON - No, you see, you just ridiculing a reasonable point. They got up early as we were going to bed late -

Mr Bayley - Are you saying everyone knows about every piece of legislation that we pass here?

DEPUTY CHAIR - Order.

Mr FERGUSON - If you'd be good enough to listen to the point, I spoke to a small businessperson - please respect their opinion, at least. They were very surprised to learn that the parliament was considering legislation that would bring them into a conversion practices regime. Please respect that small businessperson. They're actually in your electorate if that matters to you. I hope it does. I'm not being sarcastic. We should be prepared to hear that point.

Ms Rosol - Oh my goodness. So rude.

Mr FERGUSON - There is a lot of rudeness just at the moment, Ms Rosol. I'm just giving voice to what somebody has said to me. But I make the broader point as well about clubs, Christian schools, churches, the Nepali Association, which I'm shortly to visit. Every organisation in Tasmania will be captured by this. Do they know? They don't. They're not aware. We're here, we know and it's our responsibility to try to get this right, as best we can.

Part 5 of the bill is the education prevention and response scheme, which incorporates the making of reports. Part 7 is the section related to compliance and enforcement, which included enforceable undertakings - I think Dr Woodruff mentioned that, and compliance notices. Considering what the Attorney-General has already added to about the vague definitions in the bill, which I think are beyond debate, and the very low thresholds for complaints to be made and potentially accepted that this House has earlier settled on, I do have significant concerns about employers in my electorate, including small businesses, schools, health services, sporting clubs being dragged into those processes and ultimately made liable for the actions of employees. Doesn't it also cover volunteers as well?

Ms Haddad - But your own Attorney-General has committed to legislation that would, in fact, make them liable. That's the point I was making.

Mr FERGUSON - Can we deal with this one?

DEPUTY CHAIR - Order.

Mr FERGUSON - Clause 54 risks shifting - well, it's not a risk. It will be shifting responsibility to an employer, whether they're a private or not-for-profit organisation, even where that employer hasn't participated in that conduct.

By the way, I would love to know the answer to Mr O'Byrne's statement or comment that it's only after a conversion practice determination has been made. That is a genuine area of interest for me as well. Perhaps Dr Woodruff would confirm or not confirm that point? Or is it also potentially the case that a complaint could be made against both at the same time, and both get dragged into the same investigation? I think that should be answered.

Mr O'Byrne - If there's evidence, so they should.

Mr FERGUSON - I'm asking the question.

Mr O'Byrne - But if there's evidence, they should be.

Mr FERGUSON - But what if there isn't? What if a person is just linking the two and asking the Commissioner to investigate all of the above? Could they be dragged into that investigation process at that early stage? You asserted earlier, Mr O'Byrne -

Mr O'Byrne - Well, with any investigator you have to go through the stages of evidence, like any court, or any issue.

Mr FERGUSON - I'm not sure if you're saying that the employer or the host organisation would, in fact, then be drawn in at the earliest stage. I thought you were making a different point, that it would only be after a conversion practice had been determined that they'd even look at this section 54. I thought that's what you'd said.

Mr O'Byrne - No, that's twisting my words. It's a different -

Mr FERGUSON - Maybe I've misunderstood.

Mr O'Byrne - Yes.

Mr FERGUSON - Maybe Dr Woodruff could clear that up for us.

The clause in question is going to be a hazard for organisations, whether they're for-profit or not. I don't believe they should be left to navigate in such an uncertain compliance regime where they may be held responsible for conduct that they weren't involved with. We need to be very careful about creating provisions that risk discouraging organisations from providing support, engaging in legitimate discussion or allowing people to seek guidance on these personal matters. I think that there is a very important difference between holding an individual accountable for their own conduct, whatever the final bill will say, and extending that responsibility to another party, whether they're for-profit or not. That's a position that I take. It's a concern that I hold. It's not anything other than a very serious contribution to the debate when I inform the House that a small business that I spoke to were quite surprised to think that the bill that was about conversion practices, and in particular with the examples given about historical quackery and discredited practices in health environments or quasi-health environments, very surprised to think that they would have new obligations arising out of this bill. And how many businesses do we have in Tasmania, over 40,000? I don't know the number.

Mr Barnett - We have 42,000 plus.

Mr FERGUSON - The Small Business minister says 42,000-plus. It's a lot of people. I'm not trying to over-egg this, but I do -

Mr O'Byrne - Oh, I think you are.

Mr FERGUSON - Do you? So how about just extending equal respect around, because it is a reasonable point to be making. They will all be caught up in this. I don't think that's a

laughing matter. I think it's a fair point. So, on behalf of the Liberals, I support, again, Mr Jaensch's point of view on this. Mr Jaensch has different views to me on the bill. He supports it and I voted against it. But we share an opinion on this particular point, and I think that's a reasonable proposition to put forward.

Ms HADDAD - I just want to come back to the central issue here of vicarious liability. Mr Ferguson was describing this section as having the potential to bring organisations into scope of being vicariously liable, extending liability to another party, whether they're a not-for-profit or otherwise, for the conduct of their employees or volunteers. Yes, that's precisely what this is. The reason I'm on my feet again is because in response to my last contribution, the Deputy Premier and Attorney-General said that he is still committed to introducing legislation that would deal with the problem created by the High Court decision of DP v Bird, which is precisely this set of circumstances that we're talking about - vicarious liability for the conduct of somebody volunteering for an organisation. I'm just putting on the record, again, my concern that there seems to be a conflict in members of the team opposite in their commitment to fixing that problem, on one side, and refusing to, potentially, fix that problem in this set of circumstances. It is a fundamental issue around vicarious liability. I would remind people that in that case, the offending related to somebody who was, in fact, an employee but was held to be acting in the role of a volunteer at the time. That does put people at risk. It does mean that if people are conducting conversion practices - which, I would add, are mostly inflicted by people who are volunteers. That's part of the problem here. Just step back out of the detail and to the bigger picture of what we're dealing with here. As I said in my second reading contribution, people who I met with told me that they're confident these kinds of practices don't happen in mainstream religious organisations - they are happening at the fringes, usually by volunteers.

If there isn't a way to deal with vicarious liability, it almost negates the almost shared understanding across the Chamber that conversion practices are harmful and that we need to act on the fact that they do still occur in Tasmania. If we have a shared understanding that conversion practices cause harm and that we don't want Tasmanians to continue to be subjected to them, then there does need to be a capacity for vicarious liability to be dealt with. If it's not dealt with in this bill, it will be dealt with when the Attorney-General presents his legislation that he's, again, today committed to presenting to this place, which is dealing with a very similar issue around vicarious liability of people who are employed by and/or acting in a volunteer role who cause harm to others.

I do take seriously the comments that the member for Bass, Mr Ferguson, said, but I do think it's a bit of a stretch to say that the 42,000 small businesses in Tasmania would all be worried about being brought into scope of legislation like this. It's very unlikely that your newsagent friend that you spoke about or others would be conducting conversion practices.

The purpose of vicarious liability provisions is to ensure that, when there is harm caused, that that can be dealt with - that that harm, if we do have a shared desire to reduce and prevent harm and a shared understanding of what conversion practices are - I know there's been fierce debate around the definitions and so on, but if we have a shared understanding that conversion practices as defined are harmful, then there does need to be a way for vicarious liability to be dealt within the law.

So, even if this section is removed from the bill - which I hope it isn't - vicarious liability still will be dealt with in Tasmanian law as per the Attorney-General's commitment to deal with DP v Bird.

Mr O'BYRNE - Just briefly, in response to the contribution by Mr Ferguson: ultimately, ignorance of the law is no defence. It never has been. I'm sure there's laws across the depth and breadth of our statute book that most, if not all, members of this House would not be aware of.

Mr Ferguson - It's pretty cold comfort.

Mr O'BYRNE - We haven't even made that law. In terms of your conversation with that newsagent- now, they sell newspapers, magazines, cigarettes, and lotto tickets. I'm not sure that constitutes conversion practice. The risk of that person undertaking their lawful employment, their lawful small business, and engaging in activity being defined as conversion practice, is a bit of a stretch. More than a bit of a stretch. In fact, I think we've got an obligation, when we have these debates, and people do watch these debates - probably more now than at 2.30 in the morning - we have to be a bit more reasonable and not try to create a level of fear. The example that you used, which is far-fetched - 42,000 small businesspeople going about their day-to-day work conducting conversion therapy, apparently -

Mr Ferguson - Is that what I said?

Mr O'BYRNE - That's the effect of what you said.

Mr Ferguson - Is that what I said? No.

Mr O'BYRNE - The echo of that, the extension of that, is I remember the debates in the early 1990s, when we were talking about land rights. We had a whole range of politicians saying, 'They're coming after your backyard. They're coming after your parks, they're coming after - you can't vote for land rights legislation'. It is exactly the same extension of your argument to create a level of fear which is unfair, unbalanced and inflammatory, Mr Ferguson, in my view. I understand your concern about people understanding the law -

Mr Ferguson - That was the point.

Mr O'BYRNE - Well then, with respect, don't use newsagents selling magazines and newspapers as a pawn to try and bash us, to say that people are ignorant to this. It's a poor comparison. I expect you're going to run your arguments against this bill because you don't believe that I agree with it, but people who will slip in and see bits of this debate will hear that and go, 'Crikey, what's all this about?', when it's not. We have a responsibility to lead the community through this very important debate responsibly, carefully and honestly.

Mr FERGUSON - I'll be really brief. I just want to respond -

DEPUTY CHAIR - We certainly want to hear what you have to say. Just be mindful that we do have a commitment to try to minimise as much as possible in our responses today.

Mr FERGUSON - Mr O'Byrne, I would hate to think that there was a misunderstanding in the way you characterised it, because I mentioned Christian schools, I mentioned churches, I mentioned the Nepali Association, I talked about a netball club and I mentioned a small

business, the point being - and I don't like being verballed either. I'm not suggesting you are deliberately constructing a verballing of me, but I wasn't making an argument that by naming those different kinds of organisations, that that's because they do or don't conduct conversion practices under the definition. The point was that they are now going to be subject to this kind of regime if and when somebody associated with their business or not-for-profit, whether employed or a volunteer, is found to have conducted a conversion practice. The very point I'm making is that now they'll find that they are vicariously liable for that thing that's occurred in their organisation that they may not have known was occurring. That's the point I would ask you to accept I was making and I do make. I think it is reasonable to make this point.

You made a subsequent point about businesses needing to know. I don't see why you shake your head at that. You then made a subsequent point about businesses needing to know what the law of the land is that relates to their business and managing their risk. That's a point I want to make too. How are we going to be careful on that? Can we expect them to know about this, because it'll be cold comfort when they're later on found to have a volunteer who has been found to have conducted a conversion practice, whether it's a newsagent's or a netball club, it will be cold comfort to be told, 'Well, it's been in the statute book since 2026, you should have known, you should have managed your risk, you should have done something about that proactively'. I'll just leave it there, but I do like to have debate on facts and try to, if we do disagree on policy, still have shared a shared understanding of what we're actually trying to exchange.

Dr WOODRUFF - I just want to clarify and agree with the point that Mr O'Byrne made before. I think the question was asked - maybe Mr Ferguson asked the question. A conversion practice would have to be established first for an employer to be held vicariously liable. It would have to be established that a natural person had engaged in a conversion practice. So, there's an organisation, a person in the organisation is found to have engaged in a conversion practice. The question then becomes: what was the knowledge, responsibility, involvement of the organisation in making sure that that didn't happen? Or where was the lapse? Let's draw ourselves to the purpose of this. An investigation can only commence where there are serious or systemic allegations of conversion practice. This is not the criminal process, this is about prevention, this is about education and this is about a response. If we take this clause out, what we're saying is that organisations have no responsibility in this area. They don't have to be involved in that investigation process or in any compliance notice or enforceable undertaking of the investigation process into one of their employees who has undertaken a conversion practice. That seems manifestly problematic in fulfilling the purpose and intention of the scheme, which is prevention of future harms. I'm not sure how much clearer we can be. As a state, we're moving, updating, we've had the commission of inquiry, we've had a lot of conversations about vicarious liability. It's throughout other pieces of legislation. This is not a novel thing. And again, it's not about the offence, the criminal; it's about the education and response scheme. We support the bill as it is.

Mr Jaensch - Have I used up all of my wishes? Just for the record in this debate -

DEPUTY CHAIR - And if we can minimise as much as possible, mindful of time.

Mr JAENSCH - What I want is a clear statement to clarify, as you've just done, but to take it slightly further, that in the context of 54(2)(a), an employer or principal taken to have engaged in the conversion practice is not criminally liable. Is that the truth?

Dr WOODRUFF - Can I just check?

Mr JAENSCH - I think that's what you implied just now - that they're only taken to be involved for the purpose of making good in the future through policy, et cetera. But then you go to (b) and it says a report may be made under 27. So, once you have an employee who has been found to have engaged in a conversion practice, then their employer is taken to have engaged and a report may be made so that they are then - the consequence of that is testing their criminal liability. How is it not?

Dr WOODRUFF - No, that's not correct. So vicarious liabilities, section 54 subsection (2) is about the purposes of Part 5 and this part, this part being Part 7, compliance and enforcement. Part 5 is reports. So, it is not to do with criminal offences at all. It's about employment, for the engagement under a contract for services and engagement as a volunteer, Part 5 and this part. Section 27, as you said, is about the making of reports under the education prevention and response scheme. It's about going back into the education and prevention future pathways, looking at prevention of harm in the future.

Mr JAENSCH - Thank you for that clarification.

Clause 54, as amended, agreed to.

Clause 55 to 56 agreed to.

Clause 57 -
Referral of report to Tribunal by Commissioner

Dr WOODRUFF - Thank you, Chair. I'll move the amendment that we prepared and then discuss why we've done it. I move -

Page 59, subclause (2).

Leave out the subclause

Insert instead the following subclause -

'(2) The Commissioner must not refer a report to the Tribunal under subsection (1) if facilitation in relation to the report has commenced and has not concluded.'

This is another amendment around the relationship between a facilitation agreement and the tribunal process. This amendment removes the clause that prevents a matter from being referred to the tribunal if there is 'an agreement that finally resolves the matters raised in the report'. Instead, it provides that the matter cannot be referred while a facilitation process is still ongoing.

Chair, I indicated before that later amendments will instead outline the Tribunal cannot, unless it's in the interest of justice to do so, make an order contrary to a facilitation agreement.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clause 58 -
Application to Tribunal by person affected by conversion practice

Dr WOODRUFF - Chair, can I move that we move these three amendments and treat them as a block? They all relate to the same matter.

I'll read these three amendments in. I move -

First amendment

Page 60, subclause (2), paragraph (b), after 'has concluded'.

Leave out 'and has not resulted in an agreement that finally resolves the matters raised by the report'.

Second amendment

Same page, after subclause (2).

Insert The following subclause:

'(2A) Despite subsection (2), an application under subsection (1) must not be made if facilitation in relation to the report has commenced and has not concluded.'

Third amendment

Page 61, after subclause (3).

Insert the following subclause:

'(4) If facilitation in relation to a report commences before the expiry of a period referred to in subsection (3), an application under subsection (1) may be made within 28 days after the Commissioner gives notice under section 35(7) that the facilitation has concluded.'

Chair, these are further amendments in respect to the relationship between a facilitation agreement and the Tribunal process. These amendments replace the provisions around an agreement that finally resolves a matter to provisions preventing a referral when a facilitation is ongoing.

The new subsection (4), which is the third amendment I just read in, is consequential and covers circumstances where a facilitation may conclude after the referral window under subsection (3).

Amendment agreed to.

Clause 58, as amended, agreed to.

Clause 59 -
Application to Tribunal by respondent

Dr WOODRUFF - Chair, there are another three amendments that all relate to the same matter and I propose to move them as a group together. The first amendment reads:

First amendment

Page 61, subclause (2), paragraph (c), after 'has concluded'.

Leave out 'without an agreement that finally resolves the matters raised by the report'.

Second amendment

Same page, after subclause (2).

Insert the following subclause:

'(2A) Despite subsection (2), an application under subsection (1) must not be made if facilitation in relation to the report has commenced and has not concluded.'

Third amendment

Page 62, after subclause (3).

Insert the following subclause:

'(4) If facilitation in relation to a report commences before the expiry of a period referred to in subsection (3), an application under subsection (1) may be made within 28 days after the Commissioner gives notice under section 35(7) that the facilitation has concluded.'

Again, Chair, these amendments are in respect of the relationship between a facilitation agreement and the Tribunal process. These amendments cover the same matters as our amendments to the previous clause in respect of a respondent.

Amendments agreed to.

Clause 59, as amended, agreed to.

Clause 60 -
Tribunal's powers on referral or application

Ms JOHNSTON - This is clause 60 - Tribunal's powers on referral or application. I have an amendment to this clause which has been circulated earlier this week. I move -

Page 62, subclause (2), after paragraph (a).

Insert the following paragraph:

'(x) an order requiring the respondent to cease engaging in, or to refrain from repeating or engaging in, a conversion practice;'

Chair, this is just an amendment to simply clarify the types of actions or powers the Tribunal may utilise in its reference or application and to clarify in particular the kinds of things that might be considered under 60, subparagraph 2(e) where we talk about 'any other order the Tribunal considers appropriate'.

Obviously, the entire purpose of this act is to stop conversion practices happening in the state. This really just clarifies that in this particular section, when we're talking about the Tribunal's powers, that one of those powers is to make an order requiring the respondent to cease engaging in, or to refrain from repeating or engaging in, a conversion practice. So, it really does give effect to what the bill is talking about.

Dr WOODRUFF - I want to thank the member for bringing this amendment forward. It's a sensible amendment that makes the Tribunal's power to order that a person desist with a conversion process, to make that order explicit. So, thank you. We're happy to support it and it's consistent with the bill and adds clarity and strengthens it.

Amendment agreed to.

Dr WOODRUFF - This is the final and substantive amendment we're moving around the relationship between the facilitation agreement and the tribunal process. I'll read the amendment in.

DEPUTY CHAIR - Which clause is this?

Dr WOODRUFF - This is on the same clause, clause 60. Our first amendment -

Page 63, after subclause (3).

Insert the following subclauses.

"(3A)If -

(a) an agreement is recorded under section 38 in respect of a report to which this section applies; and

(b) the agreement includes a requirement that compensation be paid to the person affected by the conversion practice that is the subject of the report -

the Tribunal may only make an order under subsection (2)(a) in respect of the report if the Tribunal is satisfied that it is in the interests of justice to do so.

(3B) If an agreement is recorded under section 38 in respect of a report to which this section applies, the Tribunal may only make an order under subsection

(2) that would be inconsistent with that agreement if the Tribunal is satisfied that it is in the interests of justice to do so.

(3C) If the Tribunal makes an order under subsection (2) that is inconsistent with an agreement recorded under section 38 in relation to the report, the Tribunal may, to the extent necessary to give effect to the order, vary or discharge the agreement."

This amendment sets out that if an agreement involves compensation, the tribunal can only order compensation if it's in the interest of justice to do so. And in similar form, the tribunal can only make an order contrary to an agreement if it's in the interests of justice to do so.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clause 61 to 74 agreed to.

Clause 75
Review of Act

Dr WOODRUFF - Chair, first amendment, page 76 of the bill. I move -

Page 76, subclause (2), paragraph (a), after 'objects'.

Insert 'and advancing the principles set out in section 8'.

This amendment was proposed to us by Equality Tasmania to ensure that the review can also consider the principles of the act. I think it stands for itself.

Amendment agreed to.

Dr WOODRUFF - On the same page we have a second amendment to clause 35, the review of the act. The same subclause. I move -

Same page, same subclause, after paragraph (b).

Insert the following paragraph:

"(x) the operation of the Act in balancing rights and freedoms, including, but not limited to, the following:

(i) freedom of religion, beliefs and expression;

(ii) parental rights;

(iii) the rights of the child;

(iv) freedom from harm and discrimination;"

We've worked on this amendment based on conversations with and feedback from the Premier. We're confident that the bill appropriately balances these rights and freedoms, and are comfortable for these matters to be considered in the review. I thank the Premier for his constructive engagement on these amendments. We believe that this amendment, and the previous one which has just been passed will enhance the review that will be undertaken after five years.

Mr BARNETT - Chair, absolutely, we'll be supporting this amendment. I thank the Premier for his contribution. Obviously very important in terms of the five-year review and highlighting the importance of reviewing the freedom of religion, beliefs, expression, parental rights, rights of the child, freedom from harm and discrimination. But I'm making the point in the context that yesterday we had this very vigorous debate in terms of the fundamental flaws in the bill, including the broad and ambiguous definitions and how far-ranging it would reach. And then we had a debate about the exemptions. What we learned through that debate, with respect to the exemptions or purported exemptions, is the very point that they're not exemptions at all. It was confirmed by the Greens and, indeed, by the Labor Party, that that is actually not in dispute. They are not exemptions, so they are not guaranteed protections.

When we talk about public debate, parental discussions, religious rights and the rights of people in churches or religious institutions to express their views, when we talk about freedom of speech, freedom to go about your business in conversations with others, there was quite some debate with respect to not just discussions with parents, but discussions with other members of the family. Then we had a debate yesterday about those in schools - teachers, counsellors and school chaplains. What we learnt as a result of that debate was that they are absolutely not exemptions. That's why we support this amendment. But, of course, this review will not be occurring for some five years. That's why this bill is terribly flawed and inadequate to protect the interests of Tasmanians, children, families, free speech, freedom of religion, and, indeed, the impact of retrospectivity, which we'll get to very shortly with respect to Schedule 1.

Yes, it is important to have a review, I support that a hundred per cent, and to broaden the terms of reference for that review. But what we've learnt over the last 24 hours is revealing and highlights the flaws in the bill. Having said that, the government's position is one of strong support for this amendment, which will at least provide some review in five years. But I hesitate to say those concerns will absolutely come to the fore well and truly before the five years is up if the bill progresses and is passed. Thank you.

Amendment agreed to.

Dr WOODRUFF - Our third amendment on clause 75 is:

Same page, same subclause, after paragraph (b).

Insert the following paragraph:

'(y) the effect of the Act on healthcare, therapeutic and counselling outcomes for persons in relation to their gender identity or sexual orientation;'

These amendments, again, were based on conversations that we had and feedback from the Premier. The amendments provide for the review to consider the effects of the act on healthcare, therapeutic, and counselling outcomes for persons in relation to their gender identity or sexual orientation. I want to thank the Premier again for working constructively on these amendments.

Amendment agreed to.

Clause 75, as amended, agreed to.

Clauses 76 to 81 agreed to.

Schedule 1 -
Consequential Amendments

Ms JOHNSTON - Thank you, Chair. It's my last amendment for the day. I have an amendment to:

> Page 81, amendments to the *Anti-Discrimination Act 1998*, before item 1, *insert* the following item:
>
> 'x. The definition of gender identity in section 3 is amended by inserting 'agender,' after 'being'.'

This is quite a simple, straightforward amendment that really reflects lived experience and inserts, within the meaning of gender identity, 'agender'. For members' benefit, that will mean that the section in the *Anti-Discrimination Act* defining 'gender identity' will mean:

> *Gender identity* means -
>
> the gender-related identity, appearance or mannerisms of other gender-related characteristics of an individual, including gender expression, whether by way of medical intervention or not, with or without regard to the individual's designated sex at birth, and may include being agender, transgender or transsexual.

Dr WOODRUFF - I thank the member for bringing the amendment forward, and we're very comfortable supporting the amendment. Much like the current definition of 'sexual orientation', the current definition of 'gender identity' is ambiguous in terms of whether or not it captures agender persons. It's so important that there is clarity on this matter and we're very happy to support it. Thank you.

Amendment agreed to.

Mr JAENSCH - As circulated, I trust all have it. If not, I have copies. Three amendments are proposed in Schedule 1, as circulated. They all have the same purpose, and that is to modify these amendments to other acts that are referred to in such a way that we remove any scope for retrospective application of the matters in this bill. Now, this is a principle that's quite important when we're introducing new crimes and definitions and matters so that we avoid concern that

people may be reported, investigated, held liable for things that happened in the past before this act came into play that were not illegal at that time. Not to mention the added complexity of trying to determine the circumstances of historical matters, and how that might consume resources and tie people up. The intentions that we've spoken about throughout this debate have been around changing future behaviour, the educative power of what we're doing here, rather than dealing with historical practices. With the assistance of Dr Woodruff's office - and I'm very grateful for the help - three amendments have been proposed that, together, remove any retrospective application of this legislation.

DEPUTY CHAIR - Mr Jaensch, you're going to read them into the record?

Mr JAENSCH - Yes, I'll read them into the record. The first of those, the first amendment, page 81 of the bill, *Amendments to the Child and Youth Safe Organisations Act 2023*, item 1. The amendment is to leave out that item. I move -

> Page 81, amendments to the Child and Youth Safe Organisations Act 2023, item 1.
>
> *Leave out* the item.

The purpose of that is, noting that the amendment that's currently in there to the *Child and Youth Safe Organisations Act 2023*, may allow historical conversion practices involving children to be reported and investigated under the existing child -

DEPUTY CHAIR - Mr Jaensch, can I just clarify if you're moving the amendment separately or as a block?

Mr JAENSCH - I would like to read them all in and have them considered as a block, if colleagues are happy for that to happen.

DEPUTY CHAIR - You need to read the whole thing as a block and then go through and discuss, just for the sake of Hansard.

Mr JAENSCH - The amendments are as follows.

> **First amendment**
>
> Page 81, amendments to the Child and Youth Safe Organisations Act 2023, item 1.
>
> *Leave out* the item.
>
> **Second amendment**
>
> Page 84, amendments to the Limitation Act 1974, item 3, proposed new section 38B, subsection (1), after the definition of amendment day.
>
> Insert the following definition:
>
> 'conversion practice has the same meaning as in the amending Act.'

Third amendment

Same page, same item, same proposed new section, subsection (2).

Leave out the subsection.

Insert instead the following subsections:

'(2) The amendments to this Act made by the amending Act apply only in relation to an action for damages for personal injury arising from or related to a conversion practice that occurs on or after the amendment day.

(3) For the avoidance of doubt, the amendments to this Act made by the amending Act do not apply in relation to an action for damages for personal injury arising from or related to a conversion practice that occurred before the amendment day.

(4) If an action for damages for personal injury arises from or relates to conversion practices occurring both before and on or after the amendment day, the amendments to this Act made by the amending Act apply only in relation to the conversion practices occurring on or after the amendment day.'

That's the full wording of the three amendments that I'm seeking. I'll address them then. Thank you very much. In relation to the first amendment, to leave out the amendments to the *Child and Youth Safe Organisations Act*, the advice I have seen is that the amendments that are in the bill now to the *Child and Youth Safe Organisations Act 2023* may allow historical conversion practices involving children to be reported and investigated under the existing child safety framework. This is because the act expressly allows allegations concerning conduct that occurred before its commencement to be considered. By removing this item, the matters of conversion practices, which are not now defined as illegal activities, won't be captured in the *Child and Youth Safe Organisations Act* that way and, therefore, not able to be brought forward as historical practices for investigation.

The second amendment relates to inserting a definition into the *Limitation Act 1974*, which I understand is needed because in the third amendment, we're going to refer to the term 'conversion practice' and we have to establish its meaning. And so, we're establishing its meaning by confirming it's the same meaning as in the amending act, which is the one that we are debating right now.

The third amendment is an avoidance of doubt statement. It means that changes to the *Limitation Act 1974* can only apply to conversion practices that occur after the new law commences. It sort of explains that in three different ways for a triple avoidance of doubt so that organisations can be confident, and I think we, as the legislators, can confidently say it's not only not our intent for this to be backwards-looking, but that we have closed out the mechanisms by which, through these related acts, that ways could be found to bring historical practices forward for investigation as if they were illegal at the time. This is, I think, in keeping with our view that we should be forward-looking and educative, rather than this bill being

intended to prosecute historical harms and practices. Again, I'm grateful for the advice that's been provided and the drafting that's been offered to achieve that goal.

Mr BARNETT - I thank my colleague, Mr Jaensch, for bringing this forward. I strongly support it. The issue of retrospectivity is something that, as a government, we hold very strongly to. This amendment is consistent with the concerns that we have raised during the debate, myself on the second reading and others during the course of the debate. And it clarifies the circumstances in which proposed changes to limitation periods apply to actions for damages for personal injury arising from or related to conversion practices. It's an important clarification because retrospective laws can undermine certainty, fairness and confidence in the law. That's something that I think we all would want to support. As a general principle, people should be able to understand the legal consequences of their actions and the conduct by reference to the law that applied at the time. Retrospectively changing the limitation period that applies to civil claims can alter the legal position of individuals in relation to conduct that occurred years earlier. We're talking about years, maybe decades earlier. I don't know. That's a question that remains unanswered. It could potentially expose them to claims that could not reasonably have been anticipated in the law as it stood at the time.

That's the whole concern we have about retrospectivity, and why this is an important amendment. It can create practical difficulties in defending claims relating to historical events, getting access to evidence, interviewing the appropriate witnesses, memories fade over time. There's a whole range of reasons, and I think they should be noted. These considerations are particularly relevant when changing limitation periods because those periods determine how long a person has to commence legal proceedings and when another person may reasonably understand that they're no longer exposed to a particular claim. I think that's also a fair point. The amendment provides that the changes apply only to conversion practices occurring on or after the amendment date. It makes clear that the amendments do not retrospectively apply to conversion practices that occurred before that date. Where a person's action relates to conversion practices occurring both before and after the amendment date, the changes will apply only in relation to the practices occurring on or after that date.

This amendment provides certainty, it provides improved fairness, it provides confidence in the law. It will provide certainty for individuals, for the practitioners, for the courts in terms of how this provision will operate going forward. The amendment also establishes a clear temporal boundary for the operation of the new law, while ensuring that conduct occurring on or after commencement is treated consistently with the intended legislative framework. These amendments will provide clarity and certainty about the intended application of the legislation. I thank the honourable member for bringing it forward. I note again Prof Patrick Parkinson's observations on Schedule 1. He is particularly concerned about amendments to Schedule 1 in terms of the *Child and Youth Safe Organisations Act*. I'll read from Prof Parkinson's advice so it's on the record. This is important to note because it's very strong advice:

> The reportable conduct scheme is in its infancy and is already proving to be an onerous requirement for schools and other organisations because the threshold for reporting, out of an abundance of caution, is very low. The costs of an independent investigation are high. There is already ample provision in the bill for investigation by the commissioner.

With respect to the *Criminal Code*, Prof Parkinson said:

> These impose a mandatory reporting obligation on every resident in Tasmania. They are threatened with prosecution if they do not report, and so there would have to be a massive education campaign to explain what a conversion practice is and what constitutes the relevant criminal offences. Given that there have only ever been complaints about conversion practices against health practitioners and a few small religious organisations, the imposition of duties on every resident of Tasmania is excessive and will come at great expense to businesses and other organisations.

I had a briefing from Prof Parkinson. He made this point during that briefing and it is delivered here in this advice. Further, in terms of the amendment to the *Limitations Act* that was referred to by the honourable minister, Prof Parkinson said:

> It imposes a retrospective liability on organisations that may be sued for negligence in relation to practices that were legal and widely accepted at the time, going back as far as 60 years or more. Such cases are very difficult to defend because witnesses have died and records lost. It must be remembered that homosexual activity was a criminal matter until 1997.

Which we're all familiar with. I think the point's been well made. I thank the honourable member for bringing this forward and support the amendment.

Dr WOODRUFF - I thank the honourable member, Mr Jaensch, for bringing this amendment forward. We've had, as you've probably garnered, quite a lot of backwards and forwards conversations, and they've been really welcome. It was never our intention that retrospectivity would be a feature of this bill. The purpose of this bill is to make sure conversion practices never happen again in Tasmania. So, the purpose of this bill is education, prevention and forward-looking, but with the certainty that if conversion practices cause harm and are done with intention and negligence, that there should be some legal recourse, some criminal offence for that. There has to be a stick as well as a carrot. We are talking about some substantial changes that need to happen across Tasmania and we're not pointing fingers, but it is a fact: conversion practices happen today. So, some things have to change, because they still exist. We do need to have an educative response, but that's just by way of saying, being forward-looking, education, has been the priority that we've been thinking from. And these amendments are aimed at removing any retrospectivity from this bill, and we decided that we're comfortable supporting them.

In respect to the inclusion of conversion practices as reportable conduct, we're comfortable that the existing definition covers -

> Conduct that causes, or is likely to cause, significant emotional or psychological harm to a child.

On that basis, we believe a conversion practice could reasonably be captured by this already, particularly in serious circumstances.

The second amendment we likewise support, which is amendments to the *Limitation Act 1974* to insert the definition of 'conversion practice' has the same meanings as in the amending act. This amendment was on the basis of the TLRI report, and the TLRI didn't stipulate whether or not this particular amendment should be retrospective. We drafted it this way on the basis

that the section to be amended, introduced by this government, is already a retrospective section, Attorney. The TLRI model also involved establishing further civil liability amendments that we're unable to pursue as the *Civil Liability Act 2002* has precluded them. The tribunal avenue for compensation introduced subsequent to the consultation process is also an alternative pathway as well. For all those reasons, we're comfortable with that second amendment to prevent these provisions from operating retrospectively.

Finally, the third amendment, which is to leave out the subsection (2) on page 84 and insert a range of amendments in relation to an action for damages for personal injury and avoidance of doubt, and so on. I had a substantive contribution on that matter during an earlier amendment, so I won't go back there, and we are inclined to support this amendment as well, as it's a substantive amendment for the same purpose. I think it's just worth noting, Attorney, the Attorney's claims were not correct about the previous construction of the bill allowing claims for action that could not be anticipated at the time. That's not correct. We're dealing with limitation periods only, not the rules of actionable conduct.

This has been one of the pieces of misinformation that has been pushed by the Attorney and other opponents to this bill, and that's really unfortunate. In fact, the bill amends provisions that the government itself has already introduced as retrospective provisions. So, it's entirely disingenuous to try and claim it's something that the Greens are doing. It is amending provisions in the government's own legislation. And I will just note that it's unfortunate that the Attorney and some other members have continued to rest so much of their contributions on Patrick Parkinson, who has been, for a long time now, an entirely discredited professor from the University of Queensland's Law School. He was the subject of 40-law academic-strong letter to the university about his behaviour and his paper that he presented comparing transgender children to teens with eating disorders. So, I think it's unfortunate that a majority of arguments have been based on such a discredited academic. Yes, there are many sorts of experts to rest from, and I think I'll leave it to other people to draw conclusions on that.

We're happy to support those three amendments. Thank you, Mr Jaensch.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported with amendment.

SUSPENSION OF STANDING ORDERS

Third Reading Forthwith

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, I move -

> That so much of Standing Orders be suspended as would prevent the bill being now read the third time.

CONVERSION PRACTICES PROHIBITION BILL 2026 (No. 45)

Third Reading

Bill read the third time.

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

Consideration of Legislative Council Amendments in Committee

Mr ELLIS - Speaker, I move -

That the amendment of the Legislative Council be agreed to.

Chair, by way of background, the Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 proposes various legislative amendments to the *Land Use Planning and Approvals Act 1993* (LUPA Act) and amendment to the *Local Government (Building and Miscellaneous Provisions) Act 1993* - or I should say LGBMP, I guess, everyone knows what I'm talking about when I say LGBMP - to clarify certain requirements and improve planning processes. These changes include:

(a) Allowing the State Planning Provisions (SPPs) to contain maps;

(b) Broadening the scope for making interim SPP amendments by allowing the minister to consider a recommendation by the Tasmanian Planning Commission;

(c) Simplifying the application of the Tasmanian Planning Policies (TPPs), and introducing savings and transitional provision of the TPPs and regional land use strategies;

(d) Clarifying timeframes and notification procedures for councils making further information requests on a development application;

(e) Extending the timeframe for assessments when council offices are closed; and

(f) Excluding long-term leases for energy infrastructure or other utilities from being considered subdivisions under the LGBMP Act.

To address concerns raised by some Legislative Council members, the Tasmanian government moved an amendment to clause 4 of the bill to remove the ability of SPPs to include maps that spatially apply the zones in the Tasmanian planning scheme. It was always intended that the SPPs could spatially apply the provisions, but it was never the intention of the SPPs to contain the zone maps, as this is the strategic land use consideration by councils. The amendments retain the ability of the SPPs to spatially apply provisions through the maps,

overlays, lists and other provisions, particularly for the various codes in the Tasmanian Planning Scheme. There are variety of codes in the SPPs that are based on statewide mapping, or mapping that could be applied more consistently at a statewide level. It's important that we establish a streamlined process for introducing changes through a single SPP amendment, rather than 29 local provision schedule amendments, where appropriate.

A further amendment to clause 5 of the bill was moved by Ms Thomas, member for Elwick, proposing additional consideration of the making of interim SPP amendments. Interim SPP amendments provide a process for bringing certain amendments into effect sooner. These amendments have interim effect while the SPP amendments are fully assessed by the Tasmanian Planning Commission. They are replaced once the final SPP amendments are made or otherwise expire after 12 months. The amendments moved by Ms Thomas provide a reasonable approach that ensures that councils are adequately consulted by the minister on an intention to make an interim SPPS amendment. Section 30D(3) of the LUPA Act already requires the minister to seek advice from the council if there is an intention to make an interim SPPs amendment.

Ms Thomas's amendment adds a further requirement for the minister to consult with councils on an intention to make an interim SPPs amendment after the amendment has been approved for public exhibition. This occurs at the same time as advice is sought from the Tasmanian Planning Commission under section 30NB(2) of the LUPA Act. However, this additional consultation process is only needed if the minister has not already sought the advice of councils on the potential interim status under section 30D(3) of the LUPA Act, or if the draft SPPs amendments have substantially changed from what was originally consulted on. The amendment to the bill addresses concerns raised in the debate in the Legislative Council that the minister can make interim amendments to the SPPs on advice from the Tasmanian Planning Commission without specific advice being sought from councils.

The Legislative Council passed both amendments to the bill. All other parts of the bill remain unchanged from those previously passed by the House of Assembly. The government will be supporting these amendments.

Mr WINTER - Chair, we will also be supporting the changes that have come from the other place today, as we supported them, I understand. I read earlier today the *Hansard* to remind myself of what happened during that debate. I also read some of the correspondence we received both during the debate here or just before the debate here, and also in the other place. If you listened or read solely the public email campaign surrounding the legislation, particularly during the consideration in the other place, you might believe that parliament was attempting to hand the minister for Planning sweeping dictatorial powers to unilaterally rezone neighbourhoods, data centres were even mentioned in an effort to try and scare people, to strip local communities of every planning right that they had -

Ms Badger - They're in the bill. That's why they were mentioned.

Mr WINTER - Sorry?

Ms Badger - They are in the bill. That's why they were mentioned. Maybe in a different context than what you'd hoped.

Mr WINTER - Well, they're certainly mentioned in that email campaign. This bill, when it first came through the House, I expected the debate to be quite short. I didn't think the proposed changes were very controversial. In fact, I thought it made it much easier for our planning system, both at a local government level - and if I recall correctly, the Local Government Association of Tasmania (LGAT) actually supported these changes, as did councils that I spoke to - but also easier at the state level. And yet, we had a campaign that was calling this a much bigger set of changes than it actually was.

The bill was brought forward to, in my view, deliver some fairly sensible, practical changes. It allowed the SPPs to include single statewide hazard maps, such as landscape mapping, so that we didn't force 29 individual councils to process 29 separate local provision schedule amendments. It clarifies the assessment timeframes for councils when additional information is required, and it provides savings provisions so that amendments aren't disrupted when new strategies come into force. They were pretty practical and operational and, as I said, I didn't think very controversial. I certainly didn't expect the feedback we received from Planning Matters Alliance Tasmania (PMAT) in particular.

The minister has just taken us through what the changes are in some detail, so I won't go back over. Some of the proposals from PMAT were taken on board, but certainly not all of them. The amendment they proposed to restrict clause 4, the spatial application, only to natural hazards or basic transport, was rejected and it was made clear that it was overly prescriptive and would have blocked some of the spatial mapping for things like the National Assets Code. They also wanted to completely strip the ability to make interim amendments for any other matter recommended by the commission, confining interim powers directly to emergency safety matters. This was also rejected. The planning commission. as the independent statutory expert body, needs to still have a strong role but the minister also needs to have powers. Denying the minister the ability to act swiftly on an urgent recommendation from the independent commission, even when bound by council, consultation and public disclosure, would render our planning system too rigid and unable to respond to emerging issues.

I understand that there's fear in some communities around change. But I also think that we have to be realistic about what our planning system actually does or doesn't do. Our planning system actually needs to be fit for purpose to do its job, and that is to allow for Tasmania to grow, for us to build new houses in an environment where it is too difficult to build a home. I'm not satisfied with our planning scheme, and I've heard the Planning minister say that he's not satisfied with the way our planning scheme is working. But every time we have a proposal to make things easier, faster, fairer, as one government used to say, we end up in debates like we have on this, which I think makes things more difficult.

We do support the changes that the Legislative Council has brought to us. We supported these changes in the other place. I don't think this is controversial change. I don't think the changes even in the original bill were anything like what PMAT was describing it as. But I'm happy to support what the change that the Legislative Council has brought to us today.

Ms BADGER - Chair, I rise to make some brief remarks on behalf of the Greens and our spokesperson, the member for Hobart, Ms O'Connor, in the other place. I will start in relation to clause 4. Ms O'Connor tried to move some amendments to clause 4 in relation to seeking greater clarification on what it was trying to achieve to mitigate the deep concerns in the community as to how that could be applied. With the government's successful amendment, albeit different to what the member for Hobart was proposing, there is a new part that does add

additional clarification with the extra wording that has been added on, compared to what we had in this place. It adds in the words:

> Exempt for the spatial application of a zone specified in the Tasmanian Planning Scheme.

That additional clarification is welcome and is needed in our planning legislation, particularly when there are a lot of fears in the community. I disagree with the member who just spoke, Mr Winter's characterisation of some of the organisations, but there is fear in the community because of the overreach that we've seen from this Liberal government when it comes to some of the planning scheme. So, understandably, the community want very clear legislation that they can understand. When we have amendments that provide additional clarification, that is welcome.

Similarly, when it came to clause 5, Ms O'Connor had some - well, as we know, clause 5 as it stood was ultimately removed. Ms Thomas has inserted a new clause 5, or a clause A as per her amendments, into it. The member for Hobart had attempted some amendments in the other place, again just for a bit more clarity around where everything was standing. I understand from the member for Elwick, Ms Thomas's contribution, that PMAT and LGAT were consulted as part of her drafting of her new clause, that is inserted. That's absolutely fantastic to hear if both of those organisations were in full support of it and every component of it that wasn't fully put into Ms Thomas's contribution or not, to really understand how they fully felt about it. It's absolutely fantastic that she got that consultation underway. That does give us some confidence. In relation to her amendments, and the minister spoke on it in his contribution before, in relation to that consultation process to be put in place in lieu of the minister seeking advice from councils as well is another good aspect. When it comes to the state government and their dealings with council, that pathway has been put in place so Tasmanians can have confidence that either advice, consultation or anything in between has been sought with the relevant local government authority. That is fair sort of middle ground, as it was described in the other place as well, compared to where we were, to help mitigate some of the concerns, to seek greater clarity within the legislation.

The Greens still have other concerns, which the member for Hobart outlined in the other place. That is a step forward, as I've said. Certainly, though, there is a lot more to be done when it comes to Tasmania's planning system. There was a bit of debate in the other place and then a follow-up discussion in Question Time in relation to data centres and how that fitted in this, because it was one of the first times we've seen them explicitly named up in planning legislation because it's so new. Certainly, there is a lot of fear and misunderstanding, perhaps, of how that was being applied in this piece of legislation when we have communities across the state who don't feel like these centres are being adequately dealt with at the level that they expect because they are a distinct type of development within our current planning legislation. That is, of course, an ongoing discussion and subject to inquiries, so I'll leave that narrative there. But it is it is very understandable that there was concern and a lot of questions that went unanswered from the community in relation to how that was applied within the bill before us.

Ms BURNET - I just wanted to make a few comments about the process. Remember when we discussed this bill here on 11 August, and then it went upstairs to the Legislative Council, it was noted by some members in this House that the bill was rushed on in the House, ahead of schedule, catching some of us by surprise. You remember that?

Mr Shelton - Oh, I do.

Ms BURNET - Of course, then there were suggestions that amendments would occur in the upper House, which is a good thing, and we can see clauses 4 and 5 have been amended, clearly with some back-and-forth in the upper House. There was a little bit of criticism, too, I think, from the other place about how we didn't take this into committee down here, but I won't reflect on their -

Mr Winter - They reflected on us, though.

Ms BURNET - They might have reflected on us, but that would be very unparliamentary if we did that.

PMAT, who are obviously heavily invested in this, said:

> Had this bill not been amended at the last moment, by the Legislative Council with critical advocacy by PMAT, it would have expanded and consolidated the Planning Minister's total control over the planning system. The minister would have had new powers to amend every component of the planning controls. The minister would have had the ultimate say over our planning system and our future. Nothing could have stopped him.
>
> … And the bill as passed by the Legislative Council creates new powers for the minister to amend and apply/remove the state's 16 planning codes, and the minister needs to answer what he intends using these powers for, as it was not explained. [TBC]

That's from PMAT. I won't read the whole media release, but some of those claims stretch a long way, but I think they were right to raise concerns in relation to clause 4. The amendment moved by the Greens clarifies the limits of that amendment.

So, we have these amendments, and I have a couple of questions for the minister, Mr Ellis, who's speaking on behalf of Mr Vincent in a moment, but I think these amendments, with both the Greens and Ms Thomas introducing amendments, do put some checks in place, which I think is good.

When I received a briefing from the State Planning Office in relation to clause 4, they said it was not possible to rezone parcels of land under LUPA through a map. The State Planning Policies are a set of planning rules, but they are not spatial. We took that on face value, but the drafting creates some ambiguity, so I'll just ask a question around that - because it's highly likely that, had the bill not been amended and the government tried to use maps published in SPPs to rezone land, it could have been challenged as being beyond power.

The clear legislative intention of the *Land Use Planning and Approvals Act* is for rezoning to occur through the LPSs. This supports the claim of the government that it did not intend to use this amendment for rezoning purposes. I would like some clarity on whether this ambiguity of the planning rules becomes clearer with this amendment. In relation to clause 5, the member for Elwick has substantially changed section 30NB of the act to include two procedural safeguards, but otherwise includes the amendment the government was trying to include, which was to provide for the TPC to make a recommendation to the minister to order

an interim SPP amendment. So there are additional safeguards, which I won't go into, but I just wanted to ask a couple of questions in relation to Clause 5. Firstly, can the minister clarify:

(a) The commission would not have jurisdiction to make a recommendation to the minister under section 30NB(4)(a) unless they considered it necessary to urgently address a particular matter, or

(b) the minister would only consider it necessary to make an interim amendment on the recommendation of the Council if it was urgently needed to address the particular issue identified.

Now, that may have been sorted out in the upper House, but I just wanted to clarify whether either the commission would not have the jurisdiction to make a recommendation to the minister, or the minister would only consider it necessary to make an interim amendment on the recommendation of the Council, if that makes sense.

Mr ELLIS - Ms Burnet asked, can you use the SPPs to rezone land? Does the ambiguity become clearer with the amendment? So, to address the concerns raised by some Legislative Council members, the Tasmanian Government moved an amendment to clause 4 of the bill to remove the ability for SPPs to include maps that spatially apply of the zones that the Tasmanian Planning Scheme. It was always intended that the SPPs could spatially apply the provisions, but it was never the intention of the SPPs to contain the zone maps, as this is strategic land use consideration by councils.

The amendment retains the ability for SPPs to spatially apply provisions through maps, overlays, lists or other provisions, particularly for the various codes in the Tasmanian Planning Scheme. There are a variety of codes in the SPPs that are based on statewide mapping or mapping that could be applied more consistently at a statewide level. It's important that we establish a streamlined process for introducing changes through a single SPPs amendment, rather than the 29 local provisions, schedules, amendments where appropriate.

You asked if I could clarify, would the Commission have jurisdiction under 30NB(4)(a) or only where it is urgent and the minister accepts the recommendation? So, I might just double-check with our team over here. We're just working through some need for clarification. If it's okay, Ms Burnet, would you mind just restating the question by way of interjection, perhaps, just so that we're clear, and I'll double-check if there's any further clarity needed from our team?

Ms Burnet - Thank you, minister, for your patience, and it may well have landed in the amendment in clause 5, but could you clarify that either

(a) The Commission would not have jurisdiction to make a recommendation to the minister under section 30NB(4)(a) unless they considered it necessary to urgently address a particular matter, or

(b) the minister would only consider it necessary to make an interim amendment on the recommendation of the Council if it was urgently needed to address the particular issue identified.

Mr ELLIS - I'll just double-check with my team whether it's clear to them. We think we know.

Thank you for your patience, everybody. Forgive me, this is no longer my portfolio, so I don't know it to the level of detail that maybe I once did - probably never did - but I'm pleased to be able to try to offer this. It's been described to me that we're talking about prescribed circumstances of a matter, or any other matter recommended by the commission. So, those other matters of course don't include the matters that are referred to earlier, such as natural or environmental hazard, public health, public safety. Then if the minister of the day thinks it's in the public interest, then of course they would need to make their own assessment from there.

I'm seeing nods. Anything else that you guys want? That seems to be everything from that side. Anything that you'd like to clarify there at all, Ms Burnet?

Ms BURNET - No, I think, minister, what I'll do if there's any further questions - I mean, I'm happy with this amendment - so, if there's any further follow up, I'll speak to Mr Vincent's office.

Mr ELLIS - Great, thank you. I have some text here that I'll read out as well, if it provides any additional value. The commission can make a recommendation beyond the matters listed. The minister, in determining whether to make an interim SPPs amendment, would need to be satisfied that it was in the public interest to give effect to the amendment as soon as practicable, and the commission, in making its recommendation, would also take this into consideration when giving its recommendation to the minister. But I appreciate your understanding as well, Ms Burnet.

Council amendments agreed to.

Resolution reported.

Resolution agreed to.

COMMISSION OF INQUIRY (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 25)

In Committee

Resumed from 27 October 2026 (page xx).

Clause 18 -
Section 7 amended (State Service Principles)

[4.35 p.m.]

Ms BURNET - I believe that we're on clause 18, the amendments from the Attorney. I've got a question for the Attorney, but I also wanted to say to the Attorney that I'm very pleased to see that you've taken on some of the discussions that we had in relation to this clause. It's an important change that you've made and I think what it does is help recognise some of those State Service principles and the implications of the words that you had in previously. So, I'm pleased to see this amendment.

I just have a question in relation to 'apolitical' to you, Attorney. Will the requirement to have to be apolitical apply to the Office of the Coordinator-General and what action will be taken if the Coordinator-General doesn't comply? Just as a hypothetical.

Mr BARNETT - Through you, Chair. Thanks very much to the honourable member for Clark and also thank you for your observations regarding the collaborative approach of my office and myself, much appreciated. The advice is that this applies to all State Service representatives.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19 -
Section 9 amended (The State Service Code of Conduct)

Ms BURNET - Chair, I'll read the amendments to clause 19. I move -

First Amendment

Page 15, paragraph (a).

Leave out that paragraph.

Second Amendment

Page 16, paragraph (b).

Leave out that paragraph.

Third Amendment

Same page, paragraph (d).

Leave out that paragraph.

Fourth Amendment

Page 18, paragraph (h).

Leave out that paragraph.

Fifth Amendment

Same page, paragraph (j).

Leave out that paragraph.

Sixth Amendment

DRAFT

Same page, paragraph (k).

Leave out that paragraph.

Seventh Amendment

Same page, paragraph (l).

Leave out that paragraph.

Now, as you're aware, Chair, this is relating to the principal act being the *State Services Act* and I did talk about that in my second reading speech, but I'll just expand a little more. I have considered this clause and every part of it very, very carefully.

I wholeheartedly support sections 5A and 5B. These sections explicitly prohibit conduct of state servants that create a risk to the safety and wellbeing of a child and, importantly, those sections apply at all times. There is no need to establish any nexus at all between the conduct those sections prohibit and the person's employment. They apply at all times to all state servants. They meet the problem identified in the commission of inquiry, which was barriers preventing the investigation of misconduct against children by state servants, where that misconduct occurred either wholly or partially outside the course of their employment, but where those relationships with those children were intertwined with the power structures established through the employment. The expansion of responsibility or liability in Sections 5A and 5B meet that challenge head on.

The minister's amendments in clause 19(a), (b), (d), (h), (j), (k) and (l) make no reference to child safety or child safety laws. That's because they have no connection to child safety. Just the expansion of the circumstances in which they must now behave with honesty and integrity outside their employment, the law outside their employment, act with due care and diligence outside their employment, comply with the State Service employment outside their employment, and comply with any other conduct requirements prescribed by regulation requirements outside their employment.

Well, that is not exactly what the amended act, if these amendments pass, will say. It is how any State servant will feel. It is how they will have to approach their conduct outside of work because of that uncertainty, and that will have a chilling effect on employees. They will be asking themselves, 'Am I acting in connection with my employment if I'm on the way to work or on my way home or on my lunch break?' Of course, they will err on the side of cause. It will have a chilling effect on their conduct outside work. The Attorney should be familiar with this argument because he was using it yesterday during the debate on the conversion practices bill.

Everyone would be aware of the cuts proposed to the TMAG budget and the strong show of support from staff opposing those cuts. Rallies have been held and will continue to be held during lunch breaks and after work hours held and will continue to be, including on the weekend. Yet the CPSU is already reporting that workers being asked to explain attendance at rallies, such as the TMAG rally and rallies that they are attending in their lunch break. This is exactly the sort of chilling effect the government's amendments will have on the rights of workers to participate in these sorts of actions.

These concerns have been raised in the submissions of the AMA and the unions, and those concerns haven't gone away, by the way. The concern that these amendments will erode the privacy of State servants and that important divide between the public and private lives which we all should have - and remember, we're talking about 36,000 public servants. It's not a handful; it's 36,000. So, when you are talking about such a significant change for such a large number of workers, you have to ask: is this change really necessary, or can the problem highlighted by the Commission of Inquiry be overcome, remedied, in a less intrusive way? Of course, the answer is it can, and it will be, by sections (5)(a) and (5)(b).

Remember, section 5(a) requires employees to not commit reportable conduct at any time. 'Reportable conduct has a very expansive definition. I'm not going to read it out, but it covers all manner of offences that might pose a risk to child safety.

(5)(b) An employee must not engage at any time in conduct which poses an unreasonable risk to the safety or wellbeing of a child accessing a service operated by the agency.

Once you've reached that conclusion, the government's amendments I'm seeking to leave out are not necessary to overcome the problem identified by the COI. I argue that the impact that they have on public servants is not justified, and those clauses should be left out of the bill, which is precisely what my amendments seek to do. I might add that the union's concerns have not gone away, and they are advocating for 36,000 public servants.

Before I hear any other parts of the debate on this amendment, I just want to quote from the State Service Annual Report 2026, which was tabled today. So, there are 37,000 State servants in this state.

> For 2025-2026, there were 264 code of conduct matters under investigation. Only 130 of those were finalised. In 20 of those investigations, this misconduct was not substantiated or resolved through alternative means. [TBC]

That is a number to watch, because if my amendments don't get support from this House, the number of investigations, and the number of unsubstantiated investigations, will no doubt increase significantly.

Mr BARNETT - Yes, thanks very much, through you, Chair, to the honourable member for bringing forward this amendment to clause 19, and the manner in which the honourable member has brought this forward. I just wanted to put that on the record to start with. I can understand some of those views that she has shared through you, Chair. I would, however, like to respond and to indicate, as I've indicated earlier in the debate on this particular bill, that the amendments in the bill before us are a direct result of the recommendations from the Commission of Inquiry and the Woolcott Review.

They're intended to address a recognised limitation in the current code of conduct framework, namely that relevant conduct can fall outside disciplinary reach simply because it did not occur during work hours or at a government workplace. I've made reference to the views of the Child Safety Implementation Monitor, the honourable Robert Benjamin, who I know very well, and I do meet with from time to time, including last week at a range of events. The family law conference here in town, with some 1400 lawyers and, of course, at the judicial

plenary for the Federal Circuit and Family Court judges, which I hosted here in this place in parliament. I had never hosted 100 judges before, but I did last week and thoroughly enjoyed myself, and at the gala dinner as well, talking on the theme of the importance of culture and leadership.

Having said that, I note the findings of the Woolcott Review that:

> Allegations of child sexual abuse often involved conduct that had occurred outside of employment and/or extended outside of employment and/or leveraged connections and relationships that were established during the course of employment. In such cases, the disciplinary processes required the relevant managers and decision-makers to spend considerable time addressing the requirement to establish a nexus between employment within the State Service and the alleged conduct. That was notwithstanding the very serious nature of the alleged conduct and the risk of real and serious harm to children.
>
> In the opinion of the review, the State Service must act in an ethical and lawful manner at all times if it is to build public trust. This view is supported at the most senior levels in the State Service. The alternative view that an employee is not subject to the Code of Conduct outside of employment hours has, in particular, left children exposed and has been a complicating factor in managing disciplinary proceedings involving the grooming and exploitation of children. [TBC]

The Woolcott Review, I'm advised, went further and recommended that 'employers should adhere to all elements of the Code of Conduct at all times.'

The review recognised that limiting the operation of the code of conduct occurring strictly in the course of employment created gaps in accountability. The government considered this recommendation carefully. Rather than applying every provision of the code universally at all times, the bill adopts a more nuanced approach by extending relevant provisions to conduct occurring in connection with employment. So, this approach gives effect to the intent of the recommendation while recognising that some code obligations can only sensibly operate in the employment context.

Having said that, the Commission of Inquiry also recognised that conduct affecting the safety and wellbeing of children does not always occur during ordinary working hours or within workplace settings. Recommendation 20.1, subsection (1) and subsection (3), for example, expressly contemplated circumstances where contact with a child or young person occurs through employment, but the alleged conduct may occur outside the workplace or outside ordinary hours. The commission's concern was not where conduct occurred, but whether there was a sufficient connection between the conduct, the employment relationship and the risk posed to children.

In terms of why the amendment matters, one of the lessons of the commission of inquiry was that serious risks to children do not always arise neatly within workplace boundaries. A State servant may meet a child, young person, client or service recipient through their work and later engage in conduct outside work hours. Under a narrow 'in the course of employment' test, there may be uncertainty about whether that conduct falls within the disciplinary

framework. The amended wording helps ensure that, where employment creates a relationship, opportunity, access to risk, agencies can appropriately assess the conduct.

In terms of the scope, importantly, the amendments do not mean all private conduct becomes a code of conduct matter. There must still be a real and meaningful connection between the conduct and the State Service employment. Australian courts and tribunals have consistently recognised that employees are entitled to private lives and that employers cannot regulate conduct with only a trivial or remote connection to employment. The concept of conduct being 'in connection with employment' operates as both a power and a restraint.

In terms of my closing message, I would say the bill provides a considered response to the recommendations of the commission of inquiry and the Woolcott Review. I put on record - was it last week when we were last talking about this? - my thanks to Peter Woolcott AO for his contribution. He is a former Australian Public Service commissioner and a fine and eminent individual. They ensure the State Service has the ability to address conduct that is genuinely connected to employment, particularly where child safety is at risk. The amendments proposed by the member for Clark would substantially weaken the bill, would weaken the protections for children and young people, and would disregard the important findings and recommendations from two independent inquiries. I think I've made my thoughts clear there. I do have some legal precedents. I'm happy to share those. But I will pause there and see if that adequately addresses the honourable members' queries. I thank the member and the committee for the opportunity.

Mrs GREENE (Bass) - I rise to associate myself with the comments of the honourable member for Clark, Ms Burnet. I don't think we're going to agree today, and I'm not really going to surprise you with anything that I'll say that I didn't already say in my second reading contribution some weeks ago. But Labor does support the amendments moved by Ms Burnet concerning the proposed expansion of the State Service Code of Conduct. I feel that the government is seeking to change the existing wording and taking it a little too far. I feel like you've got the right intent but perhaps taken it too far in this circumstance. As a public sector union organiser for a decade, involved in many disciplinary issues in the State Service before I came to this place, I have fears about how what we're talking about today can be used. It might seem like quite a minor change in language, but the potential implications for thousands of Tasmanian public sector workers are significant. As Ms Burnet outlined, unions have been very clear in their feedback. I believe last time we were in this place talking about this bill, you said that you had received union feedback, but you hadn't acted or made any changes based on the information that they had provided. I think that that's quite disappointing.

I do want to be really clear, though, that Labor does support strong standards of conduct across our State Service. Of course we do. Public servants have important responsibilities and where serious misconduct occurs, there must be accountability. That accountability has been missing, and we saw examples of that time and time again through the commission of inquiry. But this proposal raises a fundamental question about the boundaries between a person's employment and their private life. Under the proposed wording, conduct occurring outside of working hours and away from the workplace could potentially become the subject of workplace investigation and disciplinary action. I still don't think we've really heard clearly where that boundary sits, and it will be challenging for people who work in HR and managers in the State Service to know where that boundary sits.

We've also heard concerns from unions about lawful political commentary and participation in public debate, and what these changes potentially could mean for them. I think that they are legitimate concerns. Organisations representing thousands of Tasmanian public sector workers, including the CPSU and HACSU, Unions Tasmania, and the AMA have raised concerns about the implementation of what you're proposing here today. We need to be listening to those concerns because these are the organisations and the unions that represent workers through disciplinary matters. They'll tell you the complaints process in this state is broken, and nothing that we've proposed here today will fix that at all. I believe it was yesterday in Question Time the honourable member for Clark talked about State Service investigations, ED5 standdowns in prisons, and how long that takes. We need to address that. That's what we should be focusing on, I believe, because we're wasting a lot of money as a state in failed grievance and ED5 processes.

We should also remember - and I want to really put this on the record today, that Tasmania has not implemented the position of a Public Service Commissioner despite the recommendation of the Woolcott Review. I'm concerned that the Tasmanian government want to expand disciplinary powers over public servants without first addressing longstanding concerns about independent oversight and procedural fairness when it comes to the *State Service Act*. What we have here today is not a balanced approach. The complaints process and the grievance process in Tasmania does need to change. It's a systemic problem. As I said, it's costing us a lot of money and we can do better. But what we should not do is respond to those failures by simply expanding the circumstances in which individual workers can be disciplined, while failing to address management, leadership, culture and organisational systems that have allowed these failures to occur. Accountability cannot just flow downwards to frontline workers. It also must reach the people who are actually responsible for systems and the way in which they work. The CPSU's general secretary, Thirza White, has said:

> We should be asking why disciplinary investigations take so long, why processes are applied inconsistently, and why workers and complainants are too often left without answers.

Expanding the code of conduct will not, in itself, fix any of those problems. If the government wants to undertake broader reform of the State Service disciplinary framework, then I believe it should bring that reform to the parliament separately, not wrap it up in a commission of inquiry bill. I don't think that that's proper at all. And also ensure that you're actually consulting with Tasmanian public sector workers through this. I don't know if your agencies have done that. I highly doubt it, because I think that they'd be out there on the lawns if you had. Too often those opposite aren't listening to the voices of public sector workers. They can tell you where some of these problems lie.

Public servants do not surrender their rights as private citizens simply because they work for the Tasmanian government. I know that some of you sitting opposite would probably love to stop public sector workers from rallying outside on the lawns or taking industrial action, but that is their right. There will, of course, be circumstances where serious conduct outside of work has genuine and material connection to a person's professional responsibilities. Those circumstances should be addressed appropriately. I think what Ms Burnet has put on the table in terms of her amendment strikes the right balance there. I don't think we need to go any further. I don't think we need to create an unnecessarily broad and uncertain disciplinary framework that risks capturing conduct with little meaningful connection to someone's employment. The amendments moved by Ms Burnet adjust and preserve the appropriate

accountability and child safety obligations. Labor supports the objectives of the commission of inquiry and the reforms necessary to keep children safe. But supporting child safety does not mean giving the government open slather to expand its disciplinary powers over the entire public sector in the way you are trying to do today. Accountability must be accompanied by fairness, clear boundaries and proper oversight. For those reasons, Labor supports the amendments today.

Ms ROSOL - Chair, I thank the honourable member for Clark for bringing these amendments, and bringing out a conversation and debate about the two different values that we hold here. We hold the value of workers' rights and we also hold the value of the importance of children's safety. The reason these amendments have been put into this legislation is because it has focused on the protection of children. There are some very important things that have been raised by the member for Clark and the member for Bass in terms of complaints processes for public servants, and processes for dealing with things that happen in the workplace or things that happen with public servants and how they're dealt with. At the moment, the system isn't working particularly well. But I would see that as a separate issue from this. We do need to address those problems with the way the complaints processes are dealt with and the way investigations happen. But we also need to ensure that we're keeping children safe and we need to keep that in the front of our minds. The commission of inquiry was a watershed moment in this state, where so many stories were heard about damage that was done and abuse that was conducted against children in our state when they should have been safe. Those abuses did occur when children were in state institutions. It's heartbreaking and terrible to think that those things happened in our state. The commission of inquiry found that there was insufficient strength in the wording of the State Service Code of Conduct and that the wording, as it stands at the moment, where it says 'in the course of employment', did not adequately protect children and young people from sexual abuse. In the words of the implementation monitor, Mr Benjamin, in September, 'In the course of employment' is not sufficiently strong enough language. But that's what we have in the current code of conduct. The commission of inquiry recommended that there needed to be a stronger code of conduct to ensure the protection of children. The Woolcott Review looked at the code of conduct.

Two very experienced people, Mr Woolcott and Ms Radha Sharma, looked at the code of conduct and the *State Service Act* more broadly, and what was happening, and what they recommended was that the code of conduct be changed to say, 'At all times'. That was kind of going to the other end of things and saying that State Service employees should at all times comply with the code of conduct. Potentially, that that went too far and put the balance out of whack. It meant that workers didn't have those rights that they needed protected. What we have here in the amendments, as drafted by the government are, I think, a compromise on that. The commission of inquiry found the code of conduct was not strong enough, the Woolcott Review said it should be 'at all times'; then we've reached this middle ground where it says the code of conduct should apply 'in connection' with work.

That wording is actually already in the code of conduct. There are two places in the code of conduct where it says that. It already has provisions that operate in connection with employment. These are:

> That an employee must disclose and take reasonable steps to avoid any conflict of interest in connection with the employee's State Service employment.

And then also that:

> An employee must not knowingly provide false or misleading information in connection with the employee's State Service employment.

These tests are already in the act, and they're specifically in the code of conduct. The language of 'in connection with' is also used in the Australian Public Service Code of Conduct. The language there is 'in connection with', which is distinct from having any connection with work. When you look at the explanatory material for the Australian Public Service Code of Conduct, it makes it clear that a reasonable connection is needed between the behaviour and the employee's APS employment. It elaborates with the examples of if someone is on work-related travel or during training, or if they're at a work social event such as a Christmas party. There's also a wealth of employment-related case law that sets limits and parameters around these tests.

The recommendation that resulted in the amendment was for the code of conduct to apply at all times. We are satisfied that changing that, from the Woolcott Review's recommendation, to being 'in connection with employment' already makes a reasonable compromise. The Greens are also satisfied that similar existing provisions in the current code of conduct exist. This being the standard also in the APS Code of Conduct, as well as in existing common law around this phrase, means that this is a reasonable and appropriate threshold. We think that the provision in the bill is targeted, appropriate and has adequate safeguards. The Attorney-General earlier said he had some examples of legal precedents. It would be interesting to hear those. But we have to keep children's safety at the forefront of our minds. Children must be safe. Historically they have not been safe. This legislation is designed to strengthen the code of conduct so that children will be safer in our state institutions.

Mr BARNETT - Chair**,** I'll just make a few short contributions, through you, Chair, for the colleagues and to respond to the honourable member for Bass and, likewise, both honourable members for Bass.

First of all, thank you for your response. I think there's a lot of common ground here in terms of our intentions to provide safety in our homes, in our workplace, for children across Tasmania. So, there's no issues there. I think there's issues around the wording. I've made reference to the commission of inquiry Peter Woolcott report, and I wanted to indicate with respect to the ED5s from the honourable member for Bass, Mrs Greene.

I've responded in Question Time today to Mr O'Byrne and I've indicated I'll be following up, which I have already started that process. Those things take a little bit of time. Of course, it's got to be an independent process but I'm making further inquiries. I just wanted to acknowledge that.

In terms of independent oversight and grievance processes, I'm sure there's always opportunities for continued improvement in terms of how they operate. I'm not the head of the State Service. Somebody much smarter and more clever than me is in that role. Of course, these views that have been shared, I'm doing that as an Attorney for and on behalf of the state government, and the head of the State Service and DPAC specifically.

You made mention, I think during the debate, about the protests on the lawn. We support the right to free speech. I've always supported that. I support the right to protest and peaceful protests. I wanted to clarify that, put all that on the record.

The honourable member for Bass, Ms Rosol, made reference to legal precedents. The point I wanted to make there was, and I could go into it, but, in short, in terms of those words, 'in connection with their employment', that concept and that conduct is not new. It's well established across Australian jurisdictions, Australian employment law principles that have been considered in our courts, in our tribunals, industrial tribunals for a number of decades, is my advice. Australian case laws consistently recognise that conduct occurring outside the workplace and outside working hours can sometimes be sufficiently connected to employment to justify employer action. So, it's not sort of creating a whole new precedent. At the same time, the authorities are equally clear that employers cannot regulate every aspect of an employee's private life merely because they're employed. So, I think you've got to get that balance right. I respect the views that have been shared during this debate.

I think the other point to make there, the legal test requires more than a trivial, incidental or remote link to employment. There must be a real and meaningful connection between the conduct and the employment relationship. I could go on.

The only other thing I would say, before the honourable member for Clark might wish to wrap up this section, in terms of the unions, we do listen to the unions. I know members of the DPAC and the State Service listen and meet with the unions and we appreciate their feedback. It is an important part of the process, and I hope that continues in a collaborative way. Thank you.

Ms BURNET - I appreciate everybody's contributions to this amendment. I want to make a first statement, and I have made this before in relation to this debate, but we are here not just to accept the amendments and legislations that are brought before us, but we're here to critically analyse it and really dig deep to look at how we can make this better. I sometimes feel that if we have a comment by the Attorney-General that we have this eminent Mr Woolcott, who's done the report, that's fine. I'm sure he's got the best credentials in the world, Attorney, but that doesn't stop us actually analysing what the Woolcott Review has said. What I've heard, Attorney, is that I see that there's a lot of cherry picking in relation to the recommendations from the Woolcott report, and I have to challenge that. I just cannot accept that that's the way that we can just accept these amendments to the legislation because I see that as problematic, because in addition to recommending an expansion of the responsibilities of state servants beyond in the course of employment to in connection with employment, Woolcott recommended the establishment of a State Service commissioner, and we don't have one. That goes to the heart of one of Ms Rosol's arguments about comparing these changes from the Attorney-General. The Australian Public Service has a public service commissioner, so there is that check and balance for public servants in place. So it's expanding the disciplinary powers but it hasn't put into place the safeguards. There are numerous recommendations that Mr Woolcott made that the government hasn't implemented. So, it's just interesting what is recommended from Woolcott and what isn't.

I go to the point that Ms Rosol has made and I know, Ms Rosol, you have made very strong public commitments to ensuring child safety, and I absolutely appreciate it, and you've made the comment that we're balancing child safety and public servant rights but, again, I go to parts 5A and 5B, which pick up that point. We have to always question what the government

is trying to put in legislation - I think that's our job. I think by framing it as all about child safety - of course it's not, because it's absolutely about eroding public service rights. I feel very strongly about that. I feel that whilst there's so many good parts to the government's bill, it is so important that we amend this so that we do protect public servants.

After Mr Benjamin's letter had gone to all MPs, I sent a letter out to explain my concerns. From part of that letter, I just want to say that I support the commission of inquiry's recommendations concerning child safety and expected behaviour, which are reflected in the bill. My amendments do not seek to weaken those reforms. They seek to remove the broader changes that extend the code of conduct from conduct in the course of employment to conduct in connection with employment - so much broader and so much more an incursion into everybody's lives in the public service. The broader proposal goes beyond the commission of inquiry's specific child safety recommendations. I cannot emphasise that anymore.

The Woolcott review recommended that state servants comply with every element of the code at all times, relying on community sentiment and practice in other jurisdictions. The government has not adopted that recommendation directly, but its proposed wording would still broaden the circumstances in which conduct can be treated as employment.

In closing, I feel that making sure that we are getting that balance right of having those provisions, which the government has in parts of this clause, but adding my amendments will actually make this strong; it doesn't reduce the strength of child safety, but it does protect the 36 or 37,000 public servants in Tasmania.

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

The Committee divided -

AYES - 13	**NOES - 19**
Dr Broad	Mr Abetz
Ms Brown	Mrs Archer
Ms Burnet	Ms Badger
Ms Butler	Mr Barnett
Ms Finlay	Mr Bayley
Mrs Greene	Mr Di Falco
Ms Haddad	Mr Ellis
Mr Mitchell	Mr Fairs
Mr O'Byrne	Mr Ferguson
Prof Razay	Mr George
Mr Willie	Mr Jaensch
Mr Winter	Ms Ogilvie
Mr Garland (Teller)	Mr Pearce
	Mrs Petrusma
	Mr Rockliff
	Ms Rosol
	Mr Shelton
	Dr Woodruff
	Ms Johnston (Teller)

DRAFT

PAIRS

Ms Dow — Mr Vermey

Amendments negatived.

Clause 19 agreed to.

Clause 20 agreed to.

Title agreed to.

Bill reported without amendment.

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (22 OF 2026)

Third Reading

Bill read the third time.

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

In Committee

Council amendments to Clauses 22, 23, 24 and long title

Mr BARNETT - Thank you Chair, after the amendment read by the Clerk, I move -

That the amendments of the Legislative Council be agreed to.

Honourable Speaker, I note that the other place has accepted most of the amendments contained in the said bill. I also note that the other place has voted to remove clauses 22, 23 and 24 of the bill which collectively make up Part 10 of the bill. These clauses relate to the membership of the Joint Standing Committee on Integrity, *Integrity Commission Act 2009*. As stated in my second reading speech, the intention of these amendments was to futureproof the act by allowing for some fluctuation in the numbers of committee members, six or eight, should there be up to four parties with three or more members in this House, while maintaining equal representation from Houses on the committee. There is no urgent need for clauses 22, 23 and 24 of the bill and therefore, the government accepts the form of the bill as passed by the other place.

Ms BROWN - Thank you, Chair. I'll speak just briefly on behalf of the Labor Party. These amendments are pretty non-controversial, and we agreed to these in the other place and we will be agreeing to them down here as well. Thank you.

Dr WOODRUFF - I can indicate that we also support these amendments and we're happy to do that.

Ms BURNET - It is, I think, pleasing that that there has been debate and consideration in relation to the numbers on the committee in the upper House for this bill. I have some concerns about the arguments about the interpretation of wording 23(3) raised in the Legislative Council. The argument was probably fairly limited, I suppose, but ultimately when this does come back for any - we've got an amendment to the *Integrity Commission Act 2009*, and I just feel that when there's further amendment, maybe that should be considered to amend a lot more effectively. When we do the next tranche of reforms to the *Integrity Commission Act 2009* the Integrity Committee and members of both Houses should be consulted in relation to this. I see the Attorney-General nodding, so I think that would be a good thing.

Council amendments agreed to.

Reported the Committee had resolved to agree to the Council amendments.

Resolution agreed to.

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

In Committee

Council amendments to clauses

Mr BARNETT - Deputy Chair, I move -

That the amendments of the Legislative Council be agreed to.

In speaking to that, through you, Chair, I note that the other place has accepted most of the amendments contained in the Justice and Related Legislation (Miscellaneous Amendments Bill) 2026. I further note that in response to the government's request, the other place voted to remove clauses 6 and 7 from the bill, which made a minor amendment to section 28ZK subsection 6, subsection 3 of the *Local Government Act 1993* to replace a reference to the Magistrates Court with a reference to the Tasmanian Civil and Administrative Tribunal. It was noted in the other place that this minor amendment is now redundant, as the parliament has now passed the Local Government Amendment (Targeted Reform) Bill 2026, which omits subsection 6 from Section 28ZK of the *Local Government Act 1993* altogether. That bill is currently awaiting proclamation. These circumstances do occasionally occur where separate bills propose amendments to the same legislative provisions for different reasons, and the department's managing those bills cannot be certain whether or when either set of amendment may be approved by the parliament. I can confirm the government supports the form of the bill as passed by the other place and I thank the House.

Ms BROWN - Thank you, Deputy Chair. I once again am speaking on behalf of the Labor Party, and we will again be accepting those amendments. Thank you.

Dr WOODRUFF - Thank you, Chair. We also support the amendments that have been made in the Legislative Council.

Ms BURNET - This is a pretty interesting debate, as it turns out, so there was an amendment to the *Local Government Act* that updated references from the Magistrates Court Administrative Appeals Division to TASCAT to reflect current practice. But then, as I understand it, the legislative sequencing wasn't quite right. This amendment was already affected by Local Government Amendment (Targeted Reform) Bill, which passed before this Justice Miscellaneous Bill. This amendment to the bill to withdraw the clause was moved by the government, and I support that change.

Council amendments agreed to.

Reported the Committee had resolved to agree to the Council amendments.

Resolution agreed to.

ADJOURNMENT

[5.36 p.m.]

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

That the House do now adjourn.

Tabled Paper - Letter from DECYP to Premier

Answer to Question - Liquor and Gaming Portal - Timeline

Answer to Question - Peron Dunes - Aboriginal Heritage Survey

Mr ABETZ - Speaker, I table a letter from the secretary of the Department for Education, Children and Young People forwarded to the Premier.

Paper tabled.

I have further information for the member for Lyons, Mr Di Falco, regarding the online liquor licensing system from a question he asked this morning. The government is progressing procurement of the new licensing system to support digital applications, faster processing times and improved online services. A request for tender for the replacement system closed on 11 June 2026. The department is working with a preferred tenderer to finalise a contract and implementation activities will commence thereafter. The new system is expected to be implemented about this time next year.

In response to the question without notice from the member for Lyons, Tabatha Badger, to the Minister for Aboriginal Affairs, I can advise in 2025, Parks and Wildlife Service requested advice from Aboriginal Heritage Tasmania (AHT) according to the standard PWS process for assessing activities on reserved land. AHT provided advice to the Parks service confirming known Aboriginal heritage in the area and reminded PWS in the interests of the proponent of the legal obligation to avoid impacting heritage. The advice recommended a

heritage assessment related to ongoing events of ancillary infrastructure upgrades to ensure these would not impact on heritage. While maintaining these activities is a matter for the Parks portfolio, the minister understands the response of the Parks and Wildlife Service has been to ensure known heritage is avoided and to consider further surveys according to any change in use or associated infrastructure upgrades.

Further, the minister for Parks has advised that during the September 2025 RAA process, Aboriginal Heritage Tasmania undertook a desktop assessment that identified a previously recorded Aboriginal cultural heritage site. That area was subsequently excluded from the licenced race area. The Parks and Wildlife Service will consider the need for a more comprehensive Aboriginal cultural heritage assessment as part of the development of any future review of the vehicle recreation area. Any further detail on the nature of the activity and the specific measures taken to ensure heritage is avoided should be directed to the minister for Parks.

The Big Tassie Walk - Walk for Belonging

[5.39 p.m.]

Mr BAYLEY (Clark) - Honourable Speaker, I rise tonight to talk about the Big Tassie Walk, which is the Walk for Belonging. It's a really simple act and it's something that people can do together. It's a walk that celebrates diversity, it celebrates multiculturalism, it celebrates inclusion and the walk fosters understanding, conversations and connections across our community.

Many people will know that this is an initiative of the Migrant Resource Centre. It's actually a fundraiser, so people and members and anyone listening can actually get behind this. It's a fundraiser for the Migrant Resource Centre to help with its programs to support migrants in this state. Migrant Resource Centre, as I'm sure every member in this place knows, is a fabulous organisation. It's been around for 45 years and it's a not-for-profit that's dedicated to supporting migrants, humanitarian entrance and refugees. It helps them to settle, it helps them to recover and it helps them to thrive. It does this by giving practical support, assistance with housing, with healthcare, finding employments, supporting children, mental health care and to build confidence so that new Tasmanians can fully participate in our community, and of course that includes youth work and aged care. They cover the full spectrum of ages. Fabulous people are involved with the Migrant Resource Centre. I want to give a shout-out to CEO Gillian Long; the chair is well known to this place, the honourable Peter Gutwein, who I guess kicked off this notion of walking for tolerance, for inclusion and for belonging, in his walk from the north of the state to Hobart. So he's really led this charge, and it's great to see the organisation get behind the concept and raise money on the back of it. Of course, staff like Tabitha and Sahana have done a power of work to actually engage multicultural communities, get them walking and try to work with us.

I'm really proud of our Greens Team. We've got the Greens parliamentary team that's got a Big Tassie Walk team: Emma, Alice, Hannah, Jack, Jenny and William. While we set ourselves a $500 fundraising goal, we're up to $715 now, and anyone is welcome to make a contribution so that we can top $1000. While we did originally set 150 kilometres as our goal, Peter Gutwein informally set us a target of 450 kilometres and I'm proud to say tonight we've topped it with 488 kilometres. So, it's not too late to donate. The Greens Team, search it on the Big Tassie Walk website. It across October, so it concludes on Saturday.

Now, I want to talk about the Palawa Business Hub and its showcase, because today at lunchtime, I had the opportunity to go over to PW1 and have a look at the showcase that the Palawa Business Hub has put on. Of course, Palawa businesses, Aboriginal businesses, exist across our community and they are really trailblazers in their community, in the space of food, in when it comes to art, when it comes to landscaping, music, communication, law. Everything, including a skip bin business. This is about Aboriginal people working together to promote their businesses, to learn from each other, to hold each other up and ensure that their businesses are successful going forward.

I want to give a shout-out to Leah Cameron (Brown), who spearheaded and initiated the Palawa Business Hub. She is a lawyer with Marrawah Law, and is a truly amazing Palawa woman here in this state. Sara Maynard, a dear friend and incredible campaigner and communicator and networker, has done a power of work over the last couple of years to really build up the Palawa Business Hub, to recruit Palawa businesses to sign up to it, and to organise events like the Palawa Business Hub showcase over at PW1.

It was a really great event. It was spectacularly laid out, there were heaps of people there and everyone was enjoying it immensely. I saw the Premier, the minister for Aboriginal Affairs there. Honourable Speaker, you were there yourself, the Leader of the Opposition, and my colleague Cecily Rosol from Bass was there already. So, I know we are well engaged with the Palawa Business Hub.

I want to give a shout-out to Kitana on Palawa kipli, that's Aboriginal food. While she does a range of catering opportunities and delivering catering across the community, she's also created a nine-spice blend of spices that's great for your summer barbie, your summer salad or anything else. So, kudos to the Palawa Business Hub, to Leah and Sara. It was a great event and all power to Palawa businesses. Nayri nina-tu.

Racing Integrity Commissioner

[5.44 p.m.]

Mr WINTER (Franklin) - The integrity of public administration relies on clear policies, proper governance and adherence to established financial management networks. But evidence provided to the Greyhound Transition Committee raises serious questions about whether those standards have been met in relation to the government's Greyhound Voluntary Exit Scheme. The scheme was announced earlier this year, but as too often is the case with this government, the announcement came long before any detail.

On 1 August, the minister for Racing and the Racing Integrity Commissioner issued a joint media release, stating that the Commissioner's Office had received 13 expressions of interest from participants seeking information about the scheme. Yet when the Commissioner appeared before the Joint Standing Committee, he refused, on five separate occasions, to tell the committee how many expressions of interest had been received, claiming the greyhound industry was too small, and the participants might speculate about each other.

The Commissioner was more forthcoming in a government media release than he was under oath before the parliamentary committee responsible for scrutinising his activities. This raises another question: why is an independent statutory officer appearing alongside

government ministers in media releases promoting government policy? The Commissioner frequently emphasises his independence, yet he's become the public face of the government's policy that has no legislative basis. During the hearing, the Commissioner was forced to concede that the deed governing the voluntary exit scheme was still being drafted, and there was no finalised funding pool, and that participants did not necessarily need to submit an expression of interest to be considered under the scheme. Those admissions are extraordinary.

The committee was first told that no participant had been offered a figure, then was told no participants had been offered any amount that they could accept. We later learned that figures had, in fact, been discussed with various participants. Those propositions cannot sit comfortably together, and it will be for the committee to consider whether it has been misled.

That brings me to the statutory declaration provided by licenced trainer Anthony Bullock, which led to the Commissioner's evidence. According to Mr Bullock's sworn declaration, the Commissioner approached him on multiple occasions regarding the voluntary exit scheme. Mr Bullock outlines that the Commissioner said he had 'hundreds of thousands of dollars' available for him to leave the industry, later referring to a cheque beginning with a '3', and ultimately indicated that $300,000 was all that he was prepared to offer.

Mr Bullock never submitted an expression of interest. He says he never sought an exit package. Yet according to the statutory declaration, he was repeatedly approached and presented with financial figures. If those allegations are correct, they raise serious questions. We are talking about a scheme whereby the Commissioner's own evidence, key arrangements remained unfinished, including the governing deed and final funding pool. Yet the Commissioner admits financial figures were being discussed with industry participants.

Even more concerning is the overlap between the voluntary exit discussions and a regulatory matter involving Mr Bullock's greyhound, Dewana Craig. According to the Tasracing Integrity Unit investigation report issued in late 2025, the matter concluded with the finding that 'the matter is considered finalised and no further concerns have been identified.' Yet, according to Mr Bullock's statutory declaration on 14 July 2026, more than six months after the matter had been deemed finalised by the Integrity Unit, he received advice that a further hearing would now occur.

Mr Bullock further alleges that the following day, he received a call from the Racing Integrity Commissioner during which the Commissioner discussed the potential consequences of that matter, including the possibility of suspension, while also telling him that he had 'hundreds of thousands of dollars' available for him to leave the industry. Mr Bullock also alleges that the discussions about financial figures under the voluntary exit scheme and discussions relating to the Dewana Craig matter continued to intersect over the subsequent period.

Honourable Speaker, those allegations are deeply concerning. The Racing Integrity Commissioner position was established by the parliament to independently oversee integrity, compliance and disciplinary matters across the racing industry. The position was not created to negotiate payments for participants to leave the industry. This is why this is a central question and so important. How can the person responsible for enforcing the rules and exercising disciplinary powers over licence-holders also be engaging in discussions about financial incentives to leave the industry? Even the perception of conflicts of interest is a serious risk to public confidence.

These matters warrant further explanation and, given members of the Joint Select Committee had a heavy focus on integrity matters throughout their time in the parliament, I look forward to their forensic interrogation of this matter. This is not about whether members support or oppose the phase-out of greyhound racing. It's about process, it's about governance, and it's about whether legal power has been exercised in a matter consistent with the legislation.

TMAG and Herbarium - Funding Cuts

[5.49 p.m.]

Dr BROAD (Braddon) - So, on the MPI this morning, it was clear to me when the discussion was about the cuts to TMAG and the herbarium that the Liberals and the minister clearly don't understand the importance of TMAG and the Herbarium. Importantly, they don't understand the role that they play, what they do, and what we heard from the minister was just words and not understanding. So, I think as a scientist in this place, I'd like to give the minister some understanding of what he's actually doing.

Before I do that, I'll talk briefly about priorities, because we saw a media release come out today where the minister was talking about this fantastic appointment of Scott Roth as a Biosecurity Ambassador. So, we've got a basketball coach going to be a biosecurity ambassador at the same time as people who biosecurity heavily rely on, like the herbarium and the zoology department of TMAG, are being cut back.

If there is an incursion at the border of an insect, Scott Roth has got a lot of skills but I don't think he's got the skills to determine whether that insect will be a problem or not. Or if we find a weed in a paddock, I'm pretty sure that Scott Roth wouldn't be the one that we'd call; we'd go to the herbarium and say is this a problem, or isn't it? That is just what we're actually seeing here, is terrible priorities where you can appoint someone as an ambassador but you, at the same time, are getting rid of the people that Biosecurity relies on.

Why do you need the herbarium? I'll give you an example, a real example, and that is - I've talked about it in this place before - yellow nutsedge was found in a paddock in Forth, one of the most productive soil classes and environments in the world. Now, yellow nutsedge is actually difficult to determine whether it's a problem sedge or it is just a sedge that looks almost identical that is not a problem; you need an expert to be able to determine that, not a Biosecurity ambassador. You need to know whether it's bad, whether it's good, whether it's not a problem, whether it needs control and so on.

We also see that the Liberals and this government completely do not understand what zoology does and how the TMAG zoology department is vitally important. They are seeking to amalgamate vertebrate and invertebrate sections at TMAG. Now, both of those words have 'vertebrate' in them, but they are completely different. It is animals versus insects and things without a spine.

These are completely different disciplines. This is like saying in the health system 'Oh, we've got an eye surgeon over there. Eye surgeon, could you just pop into the emergency department and give an epidural?' Like, these are just completely different things. It may be that that doctor would have a vague recollection of the time they were in university, that they might have an idea what an epidural does but they definitely haven't had the practice and you

wouldn't do that in a hospital system and you wouldn't do that in a biosecurity system or in a zoology setting. This is just not appropriate and the government clearly does not understand the difference. You cannot amalgamate and expect someone to do both vertebrate and invertebrate, just like you can't ask an eye surgeon to do an epidural. These are completely different things and it was clear from the minister's response he doesn't understand the distinction. All I heard were words and a complete lack of understanding of the key work that these departments do.

Now, it's very easy in a modern world to be anti-expert. You can think 'Oh well, we'll just get AI to do it or we'll be able to Google it'. Well, I don't know if we have the expertise in Tasmania to determine is that weed a problem, or isn't it? Is that insect a problem, or isn't it? These skills do not just come in a nice wrapped package. You have to have experts to do it.

While I'm going, I'll just speak briefly about another matter which is absolutely shocking, and that is the state of our ambulance services in Tasmania. I quite often ask myself the question: what would it take to really shock this government into action, especially when it comes to ambulance services? Now, over the last period, just on the north-west coast, we've had incidents where there's been an elderly grandmother lying in a gutter for hours after falling and breaking her hip, we've had a footy player in Smithton lying on a footy field for hours waiting for an ambulance, and now we've had a man in Zeehan who unfortunately died waiting for an ambulance. My sincerest condolences to that family.

Is this an ambulance service that we're expecting in Tasmania? Especially in the Premier's own electorate. Is this the ambulance service we can expect in regional Tasmania? What would it take to get this Premier and the Health minister to actually improve?

The SPEAKER - Honourable member's time has expired.

Tasmanian Sand Enduro - Impact on Aboriginal Heritage Sites

[5.54 p.m.]

Ms BADGER (Lyons) - Honourable Speaker, I'd just like to speak a little bit further on the question that I asked today in question time in relation to the event that's taking place this weekend, the Sand Enduro event, and I thank the Minister for Aboriginal Affairs for being able to provide us that answer on notice.

I note that the minister for Parks also added to a part of that answer saying that yes, indeed, a cultural heritage desktop survey was undertaken in September. Yes, it was; that was done because the Greens asked a question in this place and a retrospective RAA was done and part of that had to become the cultural heritage assessment. What did that recommend? That a further full heritage assessment needed to take place as well.

I want to read out some of the comments that came from the RTI documents that we've been looking at off the back of asking questions for over a year about this event. To be really clear, it says:

> PWS strongly requested that the club either change the date or the location for their November event, but this was refused.

Now part of the negotiation for continuing with the event at this time of year, which is peak breeding season for threatened shorebird species, were things like: working with the club to form a volunteer group to do ecological restoration and clean-up works afterwards. Well, actually, there's already a volunteer ecological restoration group, there's a professional ecological restoration group up there in the North East Bioregional Network and they are currently working with Environmental Defenders Office over the legalities of some of this, which is what the minister read out to us this morning. How ridiculous that now we're also expecting volunteers to go out there and clean up this mess afterwards. We've already got this incredible group up there that we should be supporting to do.

Going back into the history of some of this, the RTI also says:

> It is also likely this event precedes any type of formal assessment, even the precursor to the contemporary RAA process. However, a retrospective RAA process is now underway …

This is from back in September last year.

None of the assessment had been done on that, on the renewals, in all this time. How many other events or things are taking place on our public lands in areas that are critical habitat for threatened and endangered species that have not had adequate and contemporary environmental assessments done?

It goes on even further that Parks were told on the 16 January 2025, by the Parks Service tourism unit, that this event permit had actually expired back in November the year before, and due to time pressures for comment, they felt that they had to renew it and then go on and do all the processes retrospectively. That's not appropriate. You've got to ask the question: do Parks actually have the resources to keep up with all of this in due time so that the assessments are done?

Indeed, as I mentioned this morning, there's been track alteration requests, and it says very clearly Aboriginal Heritage Tasmania advice recommends conducting a heritage survey to confirm the conditions of, and impacts to, the sites that were identified in the desktop survey that this minister responded to me just before. Again, it goes on further. It talks about the site that was identified in the desktop survey. Yet again, in these documents it says that the advice is recommended that an Aboriginal heritage assessment is to be produced as to ascertain potential impacts and required mitigation methods.

Sure, the Aboriginal heritage minister has said that is a job for the Parks minister to be doing and recommending that - why isn't he? He's already renewed all of this and stood by against the expert advice in his own department.

As a part of this retrospective RAA process, Parks said in an email, and it is literally in response to the question that I asked, the subject line is 'constituent question Ms Badger', and it says:

> The process of completing an RAA checklist, I understand, was delayed due to capacity. [tbc]

This is another question. Parks' job is conservation and things have changed in the 50 years that this race has been taking place at this location. We're in a biodiversity crisis. The birds that nest on this beach are now threatened species. In fact, some don't even go there anymore. What is this minister doing, the minister for Parks, actually doing to protect the species? This is a conservation area as well, mind you. There have been reports out about the bird species and the population decline in this area since 2002.

This off-road area and part of the exclusion, Parks were calling it a 'sacrificial area', was only really put in place from 2005. This is all the more reason that this Liberal government needs to step up and properly fund Parks so that we can have the adequate environment assessments done, the RAA assessments, so that we can actually look at biosecurity issues as well. We're happy to put Scott Roth in as a Biosecurity ambassador. Meanwhile, we're cutting critical Biosecurity jobs in the TWWHA under NRE. We seriously need to get our priorities straight and we need this minister to step up and actually do his job.

Northern Suburbs Community Centre - Community Connector Program

[6.00 p.m.]

Prof RAZAY (Bass) - Honourable Speaker, I rise to speak about a proposal from the Northern Suburbs Community Centre in Launceston, called Community Connector plus. For 43 years, the centre has worked alongside people in Launceston's northern suburbs. Its proposal starts with the practical observation that someone who has been disconnected from work for a long time, willingness alone might not be enough. Confidence, health, literacy, transport and access to training can all affect whether a person can take up an opportunity and remain in work. A Community Connector class proposes a sustained pathway. Ten participants would be employed for 35 hours a week over five years. Three days would involve meaningful paid work in roles such as community services, administration, hospitality, horticulture and program delivery. Two days would be devoted to learning and individual support, including accredited training, literacy, coaching and pathways to a drivers licence. The length of the proposal is deliberate. The centre argues that people facing several barriers need time to build a recent work history, take on responsibility and prepare for employment or further education beyond the program. It proposes measuring progress from the beginning, including participation, qualifications, wellbeing, independence and future pathways beyond the program. This is a locally developed proposal from an organisation that knows its community. It deserves a careful hearing and a clear response. I encourage the state, federal and local governments to sit down with the Northern Suburbs Community Centre and examine what it would take to make a Community Connector class work.

Trevallyn Primary School - Treatment of Public Sector Workers

[6.02 p.m.]

Mrs GREENE (Bass) - Speaker, I want to put on record today my disgust at the way this Liberal government is treating Tasmania's public sector workers. Their contempt, their arrogance, their complete lack of respect for the people who keep our state running is extraordinary. These are the people who educate our children, protect vulnerable Tasmanians, staff our hospitals, respond to emergencies and deliver essential services. And what do they get in return? They get a government who treats them as disposable, ministers who don't understand their value and Liberal politicians who are only too happy to throw them under the bus when there's a cheap political point to score.

What we witnessed recently at Trevallyn Primary School was an absolute disgrace. The Premier took issue about their end-of-year celebrations and turned it into a national culture war. He would have known the type of reaction that he would get by making that Facebook post, claiming that Christmas was being erased from schools. And then, somehow, internal correspondence found its way to the media and we still don't have any clarity about how that happened. But we all know the truth: that Christmas wasn't being cancelled. Santa's still coming and Christmas carols are being sung at their event. The school community is very excited to celebrate Christmas. They just wanted to make sure that it was inclusive, and that's what the students wanted. But the Premier thought well, why let the truth get in the way of some manufactured outrage to cause a distraction - and a distraction is what he needed that week. Rather than picking up the phone, establishing the facts and talking to the school, the Premier took to Facebook.

The school community was absolutely dragged through the mud, public servants subjected to appalling online abuse, abusive phone calls to the school, and the acting principal was publicly identified and targeted. All because the Premier decided that stirring up outrage was more important than protecting the people who work for him or what the students at that school wanted. And others piled on. The honourable member for Bass, Michael Ferguson, the honourable member for Braddon, Felix Ellis, the Treasurer, too. They all added fuel to the fire. That is the sort of divisive, inflammatory politics that they ought to be condemning, not encouraging. It's pathetic politics. It also had real consequences for the students at Trevallyn Primary School because when they went back to school on the first day of Term 4, there were security guards in the office and there were security guards at the gate. I spoke to a local mum on Tuesday last week and she told me that her kids, the day before, they were afraid to go to school. No student should ever be afraid to go to school. The staff I spoke to at Trevallyn Primary School are livid. Schools should be places where children feel safe, where teachers feel supported and where families have confidence in the people that are entrusted with their children's education.

The union is right to ask: what does this have to say to every principal and teacher in Tasmania? That if they make a decision that the Premier doesn't like, they could be the target of the next political pile-on. The school community deserves an apology. They've been asking for one, and for weeks now the Premier has refused to do so.

The hypocrisy of this government is staggering because, sometimes in this place, they talk about respecting teachers and schools, but they're cutting the inclusive practice team that helps teachers support children with disabilities. The minister tried to deflect on that in Question Time today and said, 'Oh no, we're not cutting, we're just consulting.' Well, I think we all know what that means, don't we? And they say in this place that they care about regional communities while they're cutting Service Tasmania opening hours in areas like Queenstown and Flinders Island. Those Service Tas shops are also the access point to federal government services. I tabled a petition about that in parliament today. People in our regional communities certainly deserve better than that.

Those opposite talk about valuing public sector workers when the Premier and the Treasurer are cutting up to 1700 public sector jobs. They call it 'right-sizing', which is an offensive and very sanitised way to describe taking away someone's livelihood and not delivering the services that Tasmanians rely on. These workers are people with bills to pay, mortgages and families to look after. They are not disposable, they're not expendable, and they

deserve better than being treated as collateral damage for the 13 years of Liberal financial mismanagement in this state.

Then there's the minister for Multicultural Affairs, the honourable Roger Jaensch. Where's his voice with the English language classes being cut from TasTAFE in Alanvale and in Devonport? Not a word of public protest from him, not a defence of the migrants who are relying on those classes, not a defence of the teachers -

Time expired.

Trevallyn Primary School - Letter from Department of Education Secretary

[6.07 p.m.]

Ms ROSOL (Bass) - Honourable Speaker, I rise to follow on from the member for Bass and the things that she has just raised in relation to Trevallyn Primary School. On Wednesday, 14 October at 8.33 p.m., Pulse Media published an article saying, 'Launceston school ditches Christmas'. On 14 October at 8.47 p.m., the Premier posted a social media post saying this:

> It has been brought to my attention that there have been efforts made to remove all references to Christmas in end-of-year school celebrations. Whatever your religion or heritage, Christmas is part of our way of life.

He went on and finished by saying:

> Our schoolkids should be encouraged to sing Christmas carols whenever they please. I have requested that the Education Department step in.

What ensued from that media article, which named the school and named the acting principal, and from the Premier's social media post was a pile-on. The school faced an avalanche of abuse: abuse online, the school office was phoned, they received threats, they needed to put security in when the school term started again the following week. It was a terrible situation for them, and they were overwhelmed by the negative attention that had been brought to them for no good reason, because the school was not ditching Christmas, the school was not getting rid of Christmas carols. They had just been considering how they could be more inclusive, and that was a response to requests from the students. The school was following the principles of the Education Department, particularly around respect, around connection, making sure that everyone felt included in their end-of-year celebrations.

It's been a little bit difficult to get to the bottom of what happened here, and there are still some pieces of the jigsaw puzzle that we don't know. But following questions in the other place from the honourable member for Hobart, Ms O'Connor, to the Minister for Education, it became clear that after the Premier had written a letter to the Education Department, that the secretary of the Education Department had replied to him. It's taken us till this evening for that letter to be tabled in this place. I want to read what the secretary of the Department of Education wrote to the Premier on 14 October. Before the social media post, before the Pulse article, this letter was sent to the Premier:

> Dear Premier, thank you for your correspondence of 13th of October 2026 regarding end-of-year celebrations at Trevallyn Primary School. The school has advised that Christmas carols will remain part of the event, with some

> classes choosing to perform Christmas-themed items, and Santa Claus will also be attending, consistent with previous years.

The letter goes on, with the secretary saying:

> Based on the information provided by the school, I am satisfied that Christmas remains an important part of the proposed celebration. Rather than removing Christmas, the school is seeking to balance longstanding traditions with an inclusive approach that enables all students and families to participate in a way that is respectful of their individual beliefs and circumstances.

What's particularly shocking about this is that the Premier would have received this letter before he made that social media post. He absolutely knew that Christmas was not being removed from the school, that Christmas carols weren't being ditched and he still went ahead and made that post, and threw that school under a bus. It has caused so much pain and distress in that school community. I've had so many people contacting me, really upset about what's happened because they have been unfairly targeted and they have suffered greatly at the hands of people on social media - trolls, bots, scurrilous people who are just awful, and the Premier is the person who has opened them up to that abuse. It is completely unacceptable behaviour by this Premier. And why has he done it? So, he can shore up his own standing amongst conservative voters. He's dog-whistling to parts of the community that he needs to get on his side. This is really, really terrible. The school has been used as collateral in the Premier's own attempts to make himself have a better standing among certain members of the community. It's absolutely shameful. I have written to the Premier and asked him to apologise. I have asked in this place if he will apologise on two occasions, and I'm asking again.

Premier, what you have done is unacceptable, it's hurtful and you need to apologise to the school. I call on you to apologise to Trevallyn Primary School.

The House adjourned at 6.12 p.m.

DRAFT