



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Wednesday 14 August 2024

REVISED EDITION

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Wednesday 14 August 2024

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

TABLED PAPER

**Joint Sessional Committee on Gender and Equality - Inquiry into
Tasmanian Experiences of Gendered Bias in Healthcare**

[11.03 a.m.]

Ms FORREST (Murchison) - Mr President, I am honoured to present the report of the Joint Sessional Committee on Gender and Equality inquiry into Tasmanian experiences of gendered bias in healthcare.

Report received and printed.

Ms FORREST - Mr President, I move -

That consideration of the report and its noting be made an order of the day.

Motion agreed to.

HUMAN TISSUE AMENDMENT BILL 2024 (No. 18)

Third Reading

[11.04 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill be now read the third time.

Bill read the third time.

**ASBESTOS-RELATED DISEASES (OCCUPATIONAL EXPOSURE)
COMPENSATION AMENDMENT BILL 2024 (No. 21)**

Third Reading

[11.05 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill be now read the third time.

Bill read the third time.

TASMANIAN DEVELOPMENT AMENDMENT BILL 2024 (No. 34)

Second Reading

[11.05 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill be now read the second time.

Tasmania Development and Resources (TDR) provides a vital mechanism to support Tasmania's economic development. The bill presented before the Council is designed to ensure that it can continue to offer this support in a robust and efficient manner.

TDR was established in 1983 as the Tasmanian Development Authority to consolidate the government's arrangements for providing financial support to industry. Since then, TDR has operated as an efficient way to provide loans, grants and guarantees, with the aim of contributing to business stability and employment in Tasmania, and the prosperity and welfare of its people.

TDR's role is more important than ever as Tasmania confronts national and international economic headwinds. Recognising this, the government committed in its 2030 Strong Plan for Tasmania's Future to enhance TDR's ability to co-invest in strategic projects by lifting the equity investment cap from \$10 million to \$35 million. This increase reflects that the cap has not been increased since 1999, and has not kept pace with inflation or with the broader investment landscape.

This bill delivers on the 2030 Strong Plan commitment and makes various other improvements to the *Tasmanian Development Act 1983*, which I now summarise for the Council.

Starting with the cap increases: in addition to raising the co-investment cap to \$35 million, the bill increases three other caps in section 9 of the act. The first of these is the cap for secured loans. Currently, this is set at \$3 million and was last updated in 2016. The bill increases the limit to \$15 million. The higher limit for secured loans is complemented by the second additional cap amended by this bill, which is the cap for unsecured loans. This cap would rise from \$250,000 to \$500,000.

Before addressing the final cap increase by this bill, I would like to explain to the Council why we believe these higher loan caps are appropriate. It goes without saying that higher caps will allow TDR to support a wider range of initiatives which benefit Tasmania. Any associated risk is mitigated by several factors. Specifically, TDR's board is skills-based and applies a commercial lens to its work, acting in accordance with its corporate, fiduciary and statutory duties. It also works within the constraints of borrowing limits from TasCorp set by the Treasurer and any appropriations made by parliament for its purpose. We strongly believe that these factors make it entirely appropriate to increase TDR's capacity to make loans.

The final limit that this bill would increase is for discharging liabilities. On occasion, it is necessary for TDR to discharge an entity from a liability, for example, when pursuing it is

uneconomic. The current limit for discharging of liabilities is \$20,000. This makes it difficult for TDR to manage its loan portfolio.

An example of this is the COVID-19 Business Support Loan Scheme, where the government offered unsecured loans under exceptional circumstances in the knowledge that there was a higher than usual risk that some loans would not be repaid. Pursuing legal action to recover these funds would likely incur costs greater than the value of the loans themselves and would likely cause considerable distress to businesses which acted in good faith during a once-in-a-generation crisis. For these reasons, the bill increases the limit for discharging liabilities to \$50,000.

I also note that TDR requires approval from the minister to exercise this power, adding an extra layer of scrutiny to the decision to discharge a liability.

Moving onto another key change designed to deliver operational efficiency is the introducing of a power of ministerial delegation. The *Tasmanian Development Act 1983* contains dozens of powers and functions for the responsible minister, ranging from approving terms and conditions of grants to the making of larger loans under section 35.

It is common for modern statutes to contain a power of delegation so ministers are able to efficiently administer their portfolios, but no such power currently exists within this act. The bill presently before the Council would insert such a power of delegation. However, the power is restricted to functions and powers which are administrative or managerial in nature. This limitation is intended to reflect the fact that certain functions and powers, such as the making of large loans, are so significant as to require direct ministerial oversight.

With that said, under our Westminster system of government, the minister remains ultimately responsible to parliament for actions taken under a power of delegation. For this reason, combined with the constraint built into this bill, we consider it entirely appropriate that this power of delegation is inserted into the act.

I will talk about funding of certain loans. The final improvement this bill would make is to the funding arrangements for grants and loans under Part III of the act. Part III contains three sections, each of which deals with a different type of state assistance to business undertakings. These are by section: section 35 - loans by the minister to TDR's recommendation; section 36 - guarantees by the Treasurer; and section 37 - which is loans, grants and guarantees on the Governor's direction. Sections 36 and 37 identify funding sources for grants, loans or guarantees made under those sections. There is no such guidance in section 35.

The practice for some time now has been for section 35 loans to be paid from Tasmania Development and Resources funds. However, during the ongoing administration of these loans, the Crown has considered its position and formed the view that the practice may not be supported by the act. The bill would improve Part III by inserting a new section 37A. This new section would make clear that all Part III loans or grants may be paid either from money appropriated by parliament or from the funds of TDR. Funding them from TDR will only be allowed as determined by the Treasurer. This would resolve the ambiguity and allow TDR to continue playing its important role in supporting Tasmania's economic growth. For the avoidance of doubt, the new section 37A would also validate any affected existing and historic loans or grants, ensuring agreements with Tasmania's industries and businesses are not put into any doubt.

In closing, this is a short and, what we thought, a simple bill, but one which substantially improves the ability of Tasmanian Development and Resources to achieve its functions in recognising that TDR is a robust mechanism for supporting economic prosperity for Tasmanians. It aims to leverage this by giving it the flexibility it needs to promote further investment in Tasmania. It also achieves operational efficiencies and resolves the historic uncertainty with the operation of Part III.

Mr President, I commend the bill to the House.

[11.14 a.m.]

Ms FORREST (Murchison) - Mr President, when I first looked at this bill a week or so ago now as it landed on our desk only a short time ago, I was interested to try to understand how the decisions were made on increasing the levels to which these loans can be made - particularly when you are seeing a significant jump in the loans to acquire an interest in the business undertaking to be increased from \$10 million to \$35 million.

I thank the Leader for organising the briefing and the information provided this morning. It did not clarify these matters very much. It seems to me we have a bill that has had a very short to no consultation. The government has only talked to the board, who administer this anyway. I say this with all due respect to the board members. They are required to operate under all their corporate and fiduciary responsibilities and statutory duties as outlined in this legislation and relevant Treasury instructions and all the rest. This is a skills-based board. I cast no aspersions on their ability to do their job at all - to make that really clear.

However, as I understand it, there was no proactive push for consultation. It merely seems it was to meet a government election commitment as part of their so-called Strong Plan. I say 'so-called' because saying it is a strong plan 55,000 times a day, as we seem to be getting in this place, does not make it strong, and it does not make it a plan. It does not make it an appropriate thing to do. It is an entirely political catchphrase to try to make us think that this is something we have to agree to because it is something that the government committed to during the election.

The commitments they made during the election were for if they won majority government, so, if you want to go down that path, none of this holds any weight at all. We are here to do our job: to scrutinise the legislation in front of us. That is our job. What we have here is a bill that significantly increases the amounts of money that can be made available for loans to support Tasmanian business - a good thing - and also to adjust the amounts. You might discharge a liability, noting that the cost of doing such could outweigh the benefit of any money you might get back pursuing it through other mechanisms.

The reality is that there was no risk assessment done on this at all from what we heard in the briefing. To approve, basically, an unsecured loan from \$250,000 - which is still not an insignificant amount of money, a quarter of a million - to half a million dollars without any risk assessment at all seems reckless; no modelling; no engagement with Treasury. It seems extraordinary that there is nothing to back up how these decisions were made.

Add on top of that the provision - and this is not an unreasonable request at face value - of the delegation power. Of course, pretty much all corporate entities, with good corporate governance, have delegation powers. It is limited in some respects, depending on the nature of those delegation powers. There is always the catch-all that you cannot delegate the power of

delegation. That is fine, but when we go to clause 7 of the bill, which refers to this matter, the minister may delegate in writing any of the administrative or managerial functions or powers of the minister under this act other than the power of delegation, it raised a big alarm bell for me.

In relation to section 35 of the principal act, which is the minister's determination of the larger loans, in the briefing we were told this delegation power only applies to the administrative sorting out of the payment schedules, variations on a payment schedule and that sort of stuff. That is not how it reads here to me, because there would be administrative processes involved in that initial decision to grant the loan, and when you add the phrase 'or powers', the power for the minister to determine that loan is the power that notionally could be delegated here.

I raised this in the briefing as a major concern of mine. I am not concerned about a delegation authority - that is fine - but it should clearly exclude those aspects which we want the minister to make the decision on. The Leader said in her second reading speech that under our Westminster system of government, the minister remains ultimately responsible to parliament for actions taken under a power of delegation. That is true. But we are relying on a minister to make decisions on significant amounts of money that can be appropriated from parliament. That is the other amendment here: section 35 in the act, approvals by the minister have traditionally been funded out of TDR's money or the resources they have. The principal act does enable an appropriation for other areas - this was to make it clear that it could also include the ministerial power here.

The reality is once that is approved and the money is out for this business, the accountability happens later. One of the last things people of Tasmania want to see is loans or grants or anything else given to mates. In a small jurisdiction like Tasmania there is always a risk of that, so I have serious concern about this provision. Some of these things are a bit hard after the fact when we are talking about increasing the amount from \$10 million to \$35 million ultimately without the ministerial oversight. The fact that the delegation of power is written in that way to me is a very major concern.

The Leader also noted that for the avoidance of doubt, under the new section 37A, which talks about making the money available from appropriation albeit from the parliament. That is to validate any affected existing or historic loans or grants. I appreciate the fact that you do not want people thinking they have a legitimate loan and then suddenly, hang on, no, you have not. I am interested if the government is aware of or has actual concerns about that because if it has, one would ask 'why are the concerns there?' What has triggered that concern and thus what has triggered this validation clause?

The other question is for the Leader because this is part of the 2030 Strong Plan and the election commitment. It provides for the Treasurer, as well as all other aspects under that relevant clause and the principal act, to award these grants from an appropriation as well as from the TDR's resources.

Are we progressing at this seemingly fairly rapid pace - it has not been on the table that long - because there is a requirement to do so before the budget, because there will be an appropriation in the budget for up to \$35 million for a loan? My view is we should delay this until after, so we can understand what the risks are with this, and that the departmental people

and relevant minister, the Premier, can actually do a proper risk assessment and come back with a more detailed explanation of how these figures were arrived at before we do it.

I am going to sit down and let other members speak, but I am concerned about a number of these things as they stand. At this stage I am not in a position to support the bill as it is, because of those matters. While it is entirely appropriate that we modernise our legislation, acknowledge these figures have not been updated since 1999, I think it was, it would be much more defensible if there was clarity around how those figures were arrived at, what risk assessment had been done, particularly to the major increase in some of these provisions, particularly unsecured loans, before we are required to make a decision that surely is not in a hurry unless there is another political purpose.

[11.25 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I listened intently to the Leader's contribution and the member for Murchison's contribution. I acknowledge the briefing that, in my view, raised more questions than it provided answers. I wrote down 'how was the decision made for the increases?' The consultation time frame, five days, to me, is a tight time frame. To then say we did not receive any feedback - I suggest, most organisations need more than five days to provide feedback.

Ms O'Connor - It is insulting.

Ms RATTRAY - Especially if they are small organisations, just gathering and meeting and putting something together is time consuming. The increase of \$10 million to \$35 million, is a lot of money for government to provide - especially when we hear on a daily basis that there are departments looking at efficiency dividends as we speak.

Mrs Hiscutt - Through you, Mr President, you must remember that it is a secured loan; it is a loan.

Ms RATTRAY - Secured loans: does that mean if you secure a \$35 million loan for a hospital in Launceston and then cannot operate the hospital that the government is expected to take it over or try to sell it? I am not sure how valuable a secured loan is in some instances, and I am not a financier. I am not a lot of things this week, Mr President, certainly not a financier.

I will continue with my list. No modelling, no Treasury advice, and then -

Ms Forrest - No risk assessment.

Ms RATTRAY - No risk assessment, I did not write that one down, but thanks for reminding me. To the foregoing, even though there may be insignificant or smaller amounts of loans that were provided, is this sending the wrong message to the community? Apply for a loan through the government, TDR will give it to you - set you up and get you started. If you fail, it does not matter because if you have nothing, you will not have to worry about paying it back. To me, that is the wrong message to send. Whether people have enough skin in the game to be providing those loans in the first place, again, it raised some really significant questions in my mind about this.

The issue that the member for Murchison raised, if it is in the budget, that had not crossed my mind. Governments, as we know, make promises for elections. Whether it is a majority government or otherwise, they are the government. Whatever arrangement they have put in place, they are the government. I do not necessarily have huge concern about that.

I am not comfortable with what has been presented. The Leader may have sufficient answers to quell some of my concerns, but I am not sure that the community that I represent.

Plenty of businesses would love a government loan. It is much easier than applying for one through other financial institutions that want to know what time you get up, what time you go to bed, how long you are going to be awake. It is a nightmare in this day and age, but when people do that, it means they are invested in what they are trying to borrow money for.

I am not sure that this is what we need to be doing right now, when we have some serious economic challenges before us. We have not seen the budget this year to be able to make a measured consideration or assessment of what has been put forward. I also will listen to other members' contributions - there will be many in regard to this - and assess whether I am willing to support this into the Committee stage at this time.

[11.30 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I will not say too much about the bill. It has been covered quite well by the member for Murchison and the member for Apsley.

Ms Rattray - McIntyre.

Ms ARMITAGE - I have gone back in time.

Ms Rattray - It warms my heart, Mr President, that the member goes back in time.

Ms ARMITAGE - I was thinking, as I said it, 'is it Apsley?' It just came to mind.

I appreciate the amendments in this bill will make a difference for the work of the Tasmanian Development and Resources. First, it sets the new financial limits by increasing for the financial caps which are currently imposed on the TDR in undertaking its work.

Tasmanian Development and Resources focuses on the creation of investment-associated employment through supporting the implementation of government policies. In other words, the TDR helps out organisations with money.

The Tasmanian Development Act 1983 sets specific areas of responsibility for the TDR board. I found online a number of plans and reports on activities and projects which the TDR has worked on. By way of example from the quarterly summary activity report from 31 March 2023, I found the instructive example of just what sort of work the TDR assists with.

The case study for supported affordable accommodation says:

Supported Affordable Accommodation (SAA) constructs specialised supported accommodation housing for vulnerable Tasmanians.

In April 2021 SAA contact State Growth seeking financial assistance to help to progress the development of seven supported accommodation dwellings.

SAA was successful in obtaining an Australian Government grant to construct the dwellings, however, requires short term financial assistance to alleviate cash flow constraints.

TDR was able to assist SAA by approving a loan of up to \$954,000 over an 18-month term which provided sufficient working capital to allow SAA to successfully progress the project and deliver much needed support accommodation to vulnerable Tasmanians.

This loan is an excellent example of TDR's ability to provide financial assistance to strategically important projects where normal financial markets may not be willing or able to assist for a variety of reasons.

SAA successfully repaid the TDR loan in January 2023.

This is a clear example of the work that is being done, often under the radar, as these sorts of financial assistance arrangements do not necessarily come with the flourish of a media event, announcement and ribbon cutting. It is just business as usual and is an excellent example of cohesive, coherent and smooth interaction of our different levels of government working together towards a common goal.

As we look towards the coming months and years and face the reality of the Tasmanian economy having challenges, it is all the more important that we do have tools and resources to support projects like SAA and many others.

Importantly, this bill, and the *Tasmanian Development Act* that it amends, has in place existing checks and balances, a robust governance structure and proper legal provisions.

I have said the nice things and now the concerns I have.

Ms Rattray - That was a really good initiative that was supported and the funds were repaid.

Ms ARMITAGE - Absolutely.

Ms Rattray - I am not saying there have not been some good things.

Ms ARMITAGE - No. They do some wonderful work.

Ms Rattray - Well done for raising that.

Ms ARMITAGE - I have real concerns about a five-day consultation period. Very few people would be able to get themselves together in time to put submissions for consultation. Five days is a very short time frame. In fact, I do not remember anything ever having a five-day consultation period. It does not seem right.

Acquiring an interest in the business undertaking from \$10 million to \$35 million is a huge increase; a secured loan from \$3 million to \$15 million, five times, another massive increase. The one, as mentioned by other members, of unsecured loans from \$250,000 to \$500,000, where are the risk assessments? These are unsecured loans and \$500,000 is the price of a house. I have real concerns there. Also, discharging liabilities of \$20,000 to \$50,000. I accept if you do not have the money, you cannot get blood out of the stone. If someone does not have the money and has gone broke, you are not getting that money back. I guess that is fairly difficult. Why is it important to have risk assessments? To do your very best. This is public money. It does not matter who it is - whether it is council or a government - it is not their money. It is our money and our constituents' money. Would you spend your own money on that? Would I give somebody an unsecured loan up to \$500,000? I am not sure that I would.

Ms Rattray - Maybe one of your boys.

Ms ARMITAGE - No, I do not think I would. I might put it in my name if I bought something, but I do not think I would be giving someone an unsecured loan, family or not; probably less likely to family. It is an awful lot of money for an unsecured loan. We do need to consider this money is like our money when we are spending it.

I have some serious concerns, as other members have mentioned, but I do accept the wonderful work done by TDR and how they help many in the community.

I will also listen to other members. I understand the reason and the need to expand TDR's scope, especially on the strength of previous success stories of organisations receiving vital assistance from them. They are opportunities which likely would not have been possible to capitalise on if not for the assistance of TDR. These are the sort of opportunities that will only become more difficult to seize if economic conditions deteriorate.

I see a bit of a balancing act and understand the need to increase. I am surprised at the level of increase, whether it is because you think if we come back once, we will not need to come back for another 10 years - if that is why it has increased so much. I know house prices, for example, have gone up, but they have not gone up five times. Our valuations on our land values might have, but apart from that.

Looking at this, I really am in a bit of a quandary. I would like to support it, but I would like some more answers.

Recognition of Visitors

[11.37 a.m.]

Mr PRESIDENT - Members, before I call the member for Nelson - who was rising there, which keeps it fairly in order, we had the Deputy Chair, the Second Deputy Chair, the Third Deputy Chair and it is nice to keep things in order - I welcome to the Chamber students from year 6 at the Port Sorell Primary School, which is in the electorate of Mersey. Your member is not in the Chamber at the moment due to not feeling well.

We are currently in what is called the second reading stage of the Tasmanian Development Amendment Bill 2024. During this stage, members of the Legislative Council get to make contributions about their feelings on the bill and to ask questions of the Leader of

the Government, who then has to, through assistance of her advisers, come up with some robust and strong answers to satisfy the inquiring minds of the members of the Legislative Council.

We will be going through that bill and then, once it goes into its next stages and if it gets completed, we will move on to another bill and keep working through our day.

We hope you have enjoyed your tour through the parliament. The Parliamentary Education Program does a great job. All the members here in the Legislative Council thank you for coming and hope you have an enjoyable time in the Tasmanian parliament today.

Members - Hear, hear.

[11.40 a.m.]

Ms WEBB (Nelson) - Mr President, I rise not to make a detailed second reading contribution to echo some points and add some concerns I have about the bill. That is on the questions that were put during briefings and the answers provided; also not provided in terms of the detail that was not there.

I find it extraordinary we would let a lot of time lapse and certain limits, like the ones we are dealing with in this bill, go out of date and we need to lurch forward with such significant increases of 150 per cent or more. That is concerning.

I asked in the briefing, and it is good to put it on the record here, what consideration was given, if any, to introduce something more into the bill than raw rates or numbers for these limits? Some sort of formula to apply so that increases to these limits happen automatically over time, rather than us waiting for them to become out of date before we lurch forward with updated amounts. It does not appear that that consideration was given and I seek clarification as to whether it was given or not. And, if not, why not? Why would we not aim to keep our legislation current instead of letting it go out of date?

I am particularly interested to know what triggered this updating of the limits to bring them to significantly higher levels? I do not believe any need for it was identified in TDR's annual reports. I do not believe there was a specific request from the board, but could it be clarified if there was a specific request from the board? I think that would be the most likely place for such a request to be made, so it is interesting if that was not the trigger.

The lack of modelling to explain how these amounts were arrived at is concerning. The fact that Treasury did not model it; the fact that there have been no risk assessments, especially on the unsecured loan amount - it is all concerning. I add my voice to others who have mentioned that.

The consultation period appears to be something of a joke. Seven days in total, with five working days. Not only that, on further questioning, it appears that surprisingly, or rather unsurprisingly, there were no submissions made in that five-day period. That might be because there was also no active promotion of the consultation period occurring. No active reach-out to anybody external to government. There was some consultation with board members and apparently with other parts of government. If I have misconstrued that in any way, it can be corrected during the Leader's summing up.

It is extraordinary to me because, in most instances, we expect departments that have legislation going out for consultation to advertise that with exposure drafts and the like. In fact, we heard, in relation to other bills, when the Department of Justice does this, they have an automatic list of 50-odd stakeholders whom they alert to the fact that there is a consultation period on a bill. So, I do not understand why you even bothered to have a consultation period of five working days with no promotion or outreach to invite input. I find it entirely unsurprising that there were no submissions as a result. That is concerning. I wonder whether that is compliant with policy for the department. I imagine it is not compliant with policy for government. Perhaps that could be clarified on both fronts.

The issue that the member for Murchison raised in the briefing, and has put on the record here, is significant. Are we rushing this through, with all these questions hanging over it, to deliver on an election commitment? What is behind that commitment to raise, I believe, the \$10 million new equity investment cap to \$35 million? Why was that election commitment made? What is behind it? Is there something lined up to be delivered under the new cap after we pass this legislation in the upcoming budget?

This is particularly relevant because we have recently had an election and there is a budget coming up for the government to deliver on funding its election promises. What sits behind those promises? How does that relate to funding elections and political donations? We do not have anywhere near enough transparency with political donations to make assessments as a parliament, or as Tasmanian citizens in the broader community, about election promises, the legislation that is rushed through to fund them, and who may or may not have donated to the major parties - in particular the party who has formed government. That is problematic. That is a nexus that should be as visible as possible. We should know about significant donations. We should have the opportunity to determine for ourselves - as citizens and here as a parliament - any connections between promises made during elections, funding delivered through budgets, and political donations made to major parties.

I am incredibly disturbed that this has been raised and brought to our attention - that there is potentially a connection there. The government has to have some good explanations and descriptions about any connections that can be drawn in relation to this bill, given all the opacity around those unanswered questions, about these limits and the lack of modelling.

That is my short contribution. I am somewhat disturbed.

[11.46 a.m.]

Ms O'CONNOR (Hobart) - Mr President, I will make a brief contribution on the Tasmanian Development Amendment Bill. I could not find a single thing that I disagreed with in the four previous speakers on this bill.

In the other place, the Greens did not oppose the bill on its way through the second reading and Committee, but we have very serious concerns about how we came to be in this position. We are debating a bill that - as the member for Launceston reminded us all - is dealing with public money that came about as a result of an election promise that has not been consulted, and will have an impact on the budget.

Our understanding - from a briefing that our spokesperson for trade and economic development, Cecily Rosol MP, attended before the bill went to the House of Assembly - was that she asked for the reasons behind the 250 per cent increase under section 9(2)(d), which

increases the cap on government equity investment from \$10 million to \$35 million, which is a startling jump; a 250 per cent increase. Ms Rosol asked if this increase had been requested by a private business or if the government had a specific project in mind when they settled on this amount. We are advised that this increase was a Liberal election promise that was made specifically to enable the development of the Launceston Health Hub. This sets a precedent. I have no doubt at all that the Launceston Health Hub would deliver tangible positive community benefit. That is not the issue here. The issue is how we came to be debating a bill which so fundamentally changes the numbers.

Ms Forrest - Are there others that we do not know about?

Ms O'CONNOR - 'Are there others?', the member for Murchison asks. Have other promises been made? Was it one of those situations where - having been asked by one private developer whether there was some capacity to increase the threshold for acquiring an increase in a business undertaking - did the Liberals then go, 'actually, here is a vehicle for us to promise other businesses, particularly in key electorates, so we will change the administrative provisions within the Tasmanian Development Amendment Bill'?

It is interesting that when industry and business want something here, the government is able to act very quickly. We are seeing it with the proposed changes to the State Coastal Policy, which came about in significant part because the Robbins Island developer lobbied for those changes. We are seeing changes to the Tasmanian Development Amendment Bill. We see it very often where, in order to provide a better operating arrangement for businesses, government can act very quickly. However, if you want to talk to them about, for example, what their powers are to regulate short-stay accommodation so people have an affordable rental in nipaluna/Hobart, it falls completely on deaf ears. In part that is because a number of Liberal government ministers own short-stay properties. When you are trying to push government -

Mrs Hiscutt interjecting.

Ms O'CONNOR - Well, it is true, Leader. It is true and we have raised it before. When you push government to do something which is manifestly in the broad public interest, and that is reform the Integrity Commission, we are told it will take at least a year longer despite the fact that we know the case has been made for reform going back at least eight years.

Having said all of that, we do not oppose this bill. The questions that have been asked by experienced members are serious questions. I hope that the Leader of the Government has some very good answers to those questions. It is right for the Council to ask why we are in this position. It is right, on behalf of the people we represent, to be offended and insulted by a five-day consultation period. It is right to question what the modelling is for this set of numbers - or were they, in fact, pulled out of some minister's backside?

It feels like that, because there has been no clear, cogent argument made by government for this set of numbers so substantially increasing the capacity for the Tasmanian Development Corporation to hand out money and loans. It is very serious that we have a set of numbers that have so dramatically increased the provisions that are in the act. I look forward to hearing the other contributions and the response from the Leader of the Government.

I do not know if this is a matter that could be examined by a parliamentary committee. I do not know if this is something that could come before the Public Accounts Committee, for

example, given the size of the numbers that we are looking at. It is something that may require some further scrutiny. I look forward to hearing the answers to the questions that have been asked.

Mr PRESIDENT - Before I call the next member, I remind all members of Standing Order 99(5) to ensure that members do not digress from the subject matter under discussion, or comment upon expressions used by any other members in previous debate or make imputations of improper motives. All personal reflections are disorderly. If you work within those boundaries, it would be appreciated.

Ms O'CONNOR - On your point of order, Mr President, perhaps you could explain why you felt the need to read out that point of order following my contribution. I do not understand.

Mr PRESIDENT - I think sometimes in our comments we assume, and it is not pointed at you, but there are assumptions made that things are done for certain reasons. Without having proof of that, the Standing Orders are fairly clear about the rules of debate. I am just asking that members are careful with what they say during their contributions.

Ms O'CONNOR - Thank you, Mr President. I am always careful about what I say. If there was anything incorrect about what I said, I would like to understand what it is. I think there should be, and I believe there is, a relatively liberal approach to debate in this place, in the small-l sense of the word, which I respect.

Mr PRESIDENT - That is how we wish to continue. I am just reminding all members that during debate, and particularly when we are dealing with matters to do with finances and government spending, we need to be really sure of our facts. That is all - just a timely reminder. I ask members to ensure that the Standing Orders are followed.

[11.55 a.m.]

Ms THOMAS (Elwick) - Mr President, I will not speak for too long on this. I appreciate the contributions of other members so far. I, too, have concerns about what is being proposed here, and they come from a place of not being clear on what problem this legislation is meant to solve, or what specific or even broad outcomes will be achieved by increasing these caps.

One of the things I learnt through my sociology degree is that conceptualisation or definition of a problem is critical. That is something I will always ask when we are considering amendments to legislation and new legislation in this place. What is the issue we are addressing? What improvements are we trying to make? That is not clear to me here, and other members have shared this concern.

The rationale that was provided in the second reading speech was to increase efficiencies and recognise that the equity investment cap, and three other caps, have not been increased since 1999 and have not kept pace with inflation. There were no examples provided of investment proposals or even inquiries from proponents about requests. Noting that you may not be able to point to specifics, generally, what is being held up or held back by the existing provisions?

In fact, there was no mention of any limitations or negative impacts that have arisen as a result of the current caps or administrative provisions. So, it is not clear to me what problem

we are trying to resolve with this bill; what issue are we trying to address and what outcomes will be achieved; what will be improved or enabled by us supporting this proposal.

In the briefing it was mentioned broadly that there have been a number of proposals and there was mention of a private hospital development. If that is the case, be open and clear with us about that and why these changes are required because, otherwise, we do not know what we are supporting.

It may have a positive impact; it may not. I am not convinced either way. I am not convinced of the need. I am not clear what the impact of not passing this bill would be either, other than maintaining the status quo with those caps still in place, but what will this mean in a development sense? Is it going to hold back economic development significantly? Give me some tangible evidence of that if I am to support this bill. Otherwise, what I am seeing is that the outcome here is supporting the delivery of an election commitment. I am yet to be convinced, but I am open to being convinced.

[11.58 a.m.]

Mr VINCENT (Prosser) - Mr President, I welcome the questions that have been put today. They have made me think with my business hat on from a previous life. I should also apologise to the member for Murchison. I do not have the 2030 Strong Plan in my notes here, but I will keep the daily average up by mentioning it for you now.

One of the things that sprang to mind with a lot of the questions that were going on is that development now has escalated. Before COVID, we saw 10 years where there was no major increase in the cost of developments. However, now, since COVID and the escalation of costs, an \$8.5 million project four years ago is now costed anywhere between \$24 million and \$30 million for commercial projects. Some projects I am involved with that were \$2.5 million four years ago are now \$4.5 million to \$6 million. I can name probably half a dozen of those projects and that is actual costings. That is the importance of the Tasmanian Development Amendment Bill 2024. It significantly improves TDR's ability to assist business in Tasmania.

The board provides a commercial lens in considering the provision of the government support, comprising up to nine directors with diverse corporate backgrounds. It has statutory and fiduciary duties; prepares an annual report, which is tabled in parliament; and has financial statements audited by the Auditor-General.

By introducing delegation of administering loans after they have been approved by the minister, this bill will reduce red tape, letting TDR get on with the business of providing business support and administering its loan portfolio. The additional limit changes proposed in this bill will make it easier for TDR to support economic growth. The higher limits for secured and unsecured loans will give TDR more flexibility to make loans in support of Tasmania businesses and other investments in the state. Any risk associated with higher caps is mitigated by TDR's robust processes as well by its borrowing cap from TASCORP which is set by the Treasurer.

The current \$10 million cap constrains the ability of the Tasmanian Development Board to invest in projects. This cap was set in 1999 and, as I mentioned, there was probably no need to make a change, but there has been over the last few years. It has not kept pace with inflation or with modern investment landscape. The higher cap will allow the board to take equity investments in new and more impactful projects, achieving the best outcomes for Tasmania.

The government believes this new cap will unlock new potential in sectors such as advanced manufacturing, energy, international education, the visitor economy, technology and food production.

Giving TDR a higher limit for unsecured loans allows it to support more initiatives which contribute to the Tasmanian prosperity and welfare, increasing employment opportunities and stabilising business undertakings. The limit is still far lower than that for secured loans and TDR's robust processes will ensure the new limits unlock economic growth, while carefully balancing our risk. With that, I say thank you, Mr President, for the opportunity to speak.

[12.02 p.m.]

Mr HARRISS (Huon) - Mr President, it has been pretty well debated better than I could do, so I will not go down that track. I will touch on a couple of interesting things. The member for Prosser also mentioned the increases in construction and development costs, which is absolutely relevant. I would have hoped the government did modelling on that. If that is clear and good, I would have thought that could have been presented to the Council and said - here are the facts and here are the details. We have heard also whether this initiative has come from the board and they have requested this due to one, two and three that we need to do this. I would have hoped the government could have provided that.

I do not have much more to add. I will, like the member for Hobart, listen to the Leader's summing up with hopefully, some good answers.

[12.04 p.m.]

Mr EDMUNDS (Pembroke) - Mr President, I will be supporting the bill. The member for Prosser did a good job outlining most of the reasons why we have a slowing economy and changes in the economic circumstances in Tasmania and the need for more activity. The caps are old and they do need updating, just like every other type of dollar limit. I agree with comments made by the member for Huon that spelling out 'here are the facts of this is why we are doing it', certainly would not go astray.

[12.04 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have been supplied with what I feel are some really good answers, especially for the one that the member for Murchison was worried about when I get to that part. I think she will appreciate the answer.

We will start with the member for Murchison: Are there any concerns about the legality of current or historic section 35 loans? Since forming a view that section 35 may not permit the funding of loans with the TDR, the government has not entered into any further agreements supported by TDR funds out of an abundance of caution; so, we have not done that. The government considers the risk of dispute over the status of current or historic loans to be relatively low. However, it is not reasonable for loan recipients to carry even a low risk of their engagement being disputed when they have acted in good faith and it is proper for government to make good any possible errors in administration. The best option is to put the issue beyond any doubt whatsoever.

That is why we have included the validation clause in proposed section 37A(3), which makes it completely clear that current and historic loans are valid whether funded by TDR or

an appropriation. That is to clear up historical loans where there may be doubt about that. That will just clear that so that everybody knows where they are going.

The member for Murchison said: Is this for an appropriation? The bill is a '100-day commitment'. We are delivering on what we promised. The budget development process is well advanced and will not be affected by the passage of this bill.

Ms Forrest - If it was delayed until after the budget it would not matter?

Mrs HISCUTT - The budget process is well advanced and it will not be affected by the passage of this bill. I hope that is clear.

Ms Forrest - So we could wait, Mr President, with this bill - sit it on the table while we get a more comprehensive risk assessment?

Mrs HISCUTT - Or you could, hopefully, progress to the Committee stage.

Ms Forrest - We could hold it there.

Mrs HISCUTT - The budget is well progressed and this bill will not affect it.

Ms Forrest - Through you, Mr President, it does not answer the question if there is likely to be an allocation from the Public Account for the purposes of a loan.

Mrs HISCUTT - This bill is not going to affect it if it is. It will not affect it. This bill will not affect it.

Ms Forrest - If it does not go through, it will.

Mrs HISCUTT - The government is progressing this legislation now because it has formed the view that the ambiguity of funding in section 35 loans requires resolution for the avoidance of doubt. The other amendments are simple to implement, and will increase the overall efficiency of TDR, which I will, hopefully, cross as I go through all this.

The member for Murchison talked about the delegation of functions and powers of the minister. The policy intent of this clause is to ensure that any original decision to make a grant or loan of money under section 35 must be exercised by the minister. Parliamentary Counsel advised on the best way to draft this clause and has confirmed that, as drafted, an original decision to make a grant or loan would not be considered administrative or managerial in nature and could not be delegated. OPC has confirmed that the inclusion of the word 'power' is necessary to give effect to the policy intent, as matters such as varying a payment schedule or extending a loan term are discretionary on the part of the decision-maker and by their nature are correctly defined as a power. Instruments of delegations are drafted by Crown law and advice would be sought before any delegations were made.

The member for Murchison asked: What are the risks assessments on the new limits? There is no risk assessment on the new limits. They were set according to the experience of the board as seen in recent years. The appropriate time to do a risk assessment is at the time of assessing the loan application because the risk profile is so variable. Each and every application has a risk assessment done by the board at the time.

Why was the consultation period so short? It is normal for government to adjust the consultation approach according to the complexity and impact of the policy of the bill. This bill was released for public comment for a relatively short period, reflecting that the bill was small and relatively technical in nature. There was some consultation with the Treasury and TCCI are in full support. I do not know how many businesses they represent, but the Tasmanian Chamber of Commerce and Industry CEO, Michael Bailey, said this was an important, commonsense change to the TDR's co-investment ability that will support economic growth.

Ms Forrest - Do you think the TCCI had time in the five days available to talk to all their members? Is that what you are suggesting?

Mrs HISCUTT - I will tell you what Mr Bailey said. His words are:

We know businesses are facing a number of challenges due to national and international economic pressures, so I applaud the government for taking this decisive action to help stimulate the economy and create jobs in Tasmania.

We also talked about the delegation of functions and powers of the minister. The policy intent of this clause is to ensure any original decision to make a grant or loan of money under section 35 must be exercised by the minister.

What modelling was undertaken in settling the new limits? Each of the new limits was considered individually, informed by the board's experience and insights into the nature and scale of proposals that have been proposed in recent years. The new limit for acquiring an interest in a business undertaking was informed by the Launceston Health Hub Project, as mentioned earlier, which is an election commitment to take a 50 per cent with \$35 million stake in the project.

The limit has also not been increased since 1999, 25 years ago, and has not kept pace with the current investment landscape. The limit for discharging a liability was mostly informed by TDR's experienced administration administering the COVID-19 business support loans, which were made at a higher than usual risk appetite, given the unprecedented global circumstances.

The new loans were informed by the sorts of projects that TDR is seeing and give the board more capacity to contribute to Tasmania's prosperity and welfare. It is worth emphasising these are limits only and TDR carefully considers the risk profiles when making decisions. In layman's terms, what we are saying here is the board does not willy-nilly hand out loans. They do their risk assessment. I believe the board is looking forward to this bill passing.

How does TDR make loans? TDR has a robust process it undertakes in assessing a proposal for a loan. TDR generally operates in a similar manner to a commercial lender. For most loans, there are a number of thresholds to be met. One of these is included in the act. Section 9(3) makes it clear that a loan cannot exceed 80 per cent of the value of the security offered by a borrower. That is similar to a commercial lender. TDR charges similar fees to its lenders as a bank does. They do not just hand out money willy-nilly. They do their risk assessment and get it right.

The member for Launceston came up with a couple of case studies. I will not go through them again. The supported affordable accommodation one was a very good example. They are on the website if anyone cares to look.

The equity investment election commitment: The government is unapologetic about using the skills and experience of TDR to add value and robust interrogation of any projects or proposals the government is considering before it considers investing. The government sees TDR as an important check and balance in the decision-making processes.

Can I say the figures - and perhaps we should have gone more into the rise of those - were clearly articulated by two, if not three, members. The expenses of buildings have tripled, as you say, member for Prosser, over the time, and for the TDR to be able to keep up, help businesses grow and keep economic stimulus going in our state, they do not have to use these limits, but they certainly may do and it should be open to them.

I certainly encourage members to get this through to the Committee stage and consider passing this bill so they can get on with their very important work. Thank you.

Bill read the second time.

[12.16 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the Council do now dissolve itself into Committee to consider the bill.

Mr PRESIDENT - Honourable members, before I put the vote, the Chair of Committees will chair from here to allow some more space as it is flu season. If we can increase the distances between ourselves, it should alleviate some of the discomfort of members.

Motion agreed to.

TASMANIAN DEVELOPMENT AMENDMENT BILL 2024 (No. 34)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 9 amended (General powers of TDR)

[12.20 p.m.]

Ms RATTRAY - In regard to the numbers here, I acknowledge the answers that were provided by the Leader in her reply to the second reading speech contributions, and thank her for those. I also want to say there was no reflection, particularly from me, on the board members; nobody questioned. It was just you talked about what a good job they do and government has every faith in them. I want to say that there was never any question over their integrity on this.

Mrs Hiscutt - None was taken. I just want to get on record they are people with a lot of expertise.

Ms RATTRAY - Good, thank you. The question was asked on a formula rather than waiting another 25 years to come back to these figures. I will not have to worry about it, Madam Chair. Possibly, some other members here will not have to worry about it in this place. It would be worthwhile having a commitment that we do not wait another 25 years to look at figures.

I know you might have the minister on speed dial or something to that effect, but I am asking the government if we can have some indication of what that might look like if you are not prepared to put a formula in place when it comes to increasing from \$3 million to \$15 million and from \$10 million to \$35 million and from \$250,000 to \$500,000 and \$20,000 to \$50,000. Acknowledging, yes, costs have increased and there is no-one going to argue about that, least of all the member for Huon, who absolutely knows costs have increased. He has been in the middle of it. I want some indication from the government on behalf of yourself, Leader, what it might look like in the future - when most of us are not here.

Mrs HISCUTT - I know you meant not here in this place, not here.

Ms Rattray - Twenty-five years at our age: you never know.

Mrs HISCUTT - Madam Chair, the government will commit to having a look at what you are talking about, probably within a year. I can commit to that on behalf of the government and a formula process will be discussed. I cannot say it will be put in, but it will be discussed.

Clause 4 agreed to.

Clauses 5 and 6 agreed to.

Clause 7 -

Section 38A inserted

Ms RATTRAY - Madam Chair, in regards to proposed section 38A, this is the one we had quite a bit of discussion on:

38A. Delegation by Minister

The Minister may delegate, in writing, any of the administrative or managerial functions, or powers ...

That was where the rubber was hitting the road for a number of members

... of the Minister under this Act, other than this power of delegation.

I want to have it absolutely clarified there will be no delegation of powers when it comes to the minister not having a full understanding and full knowledge and comprehension of what monies are being provided to who.

It is really important if we are not going to remove all powers, I am not sure there will be an appetite for that; it is important we have that understanding, because we cannot rely on

people being responsible or taking responsibility in departments for such significant decisions that could be made. I want to be absolutely certain that will be the case.

Mrs HISCUTT - Madam Chair, for clarity, the policy intent of this clause is to ensure any original decision to make a grant or loan of money under section 35 must be exercised by the minister.

Parliamentary Counsel advised on the best way to draft this clause and has confirmed that as drafted, an original decision to make a grant or loan would not be considered administrative or managerial in nature and could not be delegated. OPC has confirmed that the inclusion of the word 'power' is necessary to give effect to the policy intent as matters such as varying a payment schedule or existing loan term are discretionary on the part of decision maker and by their nature are correctly defined as a 'power'. To add to that, we specifically confirm this with the OPC. I hope that is clear. Thank you.

Recognition of Visitors

[12.25 p.m.]

Madam CHAIR - Before I call the clause, I welcome the second group of students from Port Sorell Primary School from the electorate of Mersey. The member for Mersey is sitting in the seat over on this side. Welcome to the parliament.

We are in the Committee stage of a bill which looks at each part of the bill separately. Normally I sit down there, but there is a bit of sickness in the Chamber. I am perfectly fine but I have not much of a voice. Normally I would sit down there and the President sits up in this chair when we are in the main part of the bill.

There are some more students from Port Sorell coming in, who we welcome to the Chamber. The Leader normally sits over here, but she is in the middle of the Chamber to answer questions on behalf of the government, related to any questions about the sections of the bill we are going through. We are almost through. You will see the process in a moment where we finish that and go back to the whole of the Chamber. Welcome.

Members - Hear, hear.

Ms RATTRAY - Madam Chair, I appreciate that full response in regard to this because it is significant and who am I to argue with OPC? I just want to make that point. I have been here a long time but I do not have their knowledge.

Clause 7 agreed to.

Clause 8 agreed to.

Title agreed to.

Bill reported without amendment.

[12.28 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

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

Motion agreed to.

RACING REGULATION AND INTEGRITY BILL 2024 (No. 10)

In Committee

Continued from 8 August 2024 (page 56).

Clause 5 -

Application of Act

[12.31 p.m.]

Madam CHAIR - For the students' benefit, we have entered the Committee stage of a bill - the Racing Regulation and Integrity Bill 2024 - which we debated last week. We started the Committee stage, but we adjourned at that point. The Leader is waiting for some more advisers to come before we start. We are up to Part 1 of the bill. It is a fairly big bill, so there is a long way to go, and also some amendments are going to be proposed as we go. I will give the Leader a bit more time to get her staff before we start.

Mrs Hiscutt - Yes, I am sorry, Chair, they are racing here.

Madam CHAIR - They are racing here, are they? With integrity, I hope. I make the point that there are a number of amendments being proposed, and I understand there may be more to come, which makes it problematic.

Mrs Hiscutt - It is not for us to say until the member proposes them.

Madam CHAIR - There are a number of amendments, so we will take it slowly. If there are further amendments that come, we need to allow our Table officers time to do the work they need to do to ensure we get this right. If others have further amendments to propose, I urge them to make sure they are provided promptly to all members and the Table officers.

Mrs Hiscutt - Chair, I am told that they are imminent, but we can start?

Madam CHAIR - Okay, I think the Leader is ready to go, so we will make a start. Members may recall we are up to clause 5.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7 -

Tasmanian Racing Integrity Commissioner

[12.33 p.m.]

Ms RATTRAY - It is such an important aspect of the bill - that the Tasmanian Racing Integrity commissioner is the right person - so I want the Leader, if she will, to walk me through how this person is going to be secured for the position. What is the government's intention around that, and do we have a time frame connected to that as well?

Mrs Hiscutt - While the member is on her feet, what do you mean 'secured'?

Ms RATTRAY - The appointment.

Mrs Hiscutt - So, the qualifications necessary?

Ms RATTRAY - No, not necessarily the qualifications. That has been pretty well laid out, but you must have it in your hand, Leader, what the process is.

Mrs HISCUTT - With that clarity, yes, I hope I have the answer here. The commissioner will be appointed by the government on the recommendation of the Minister for Racing. The person appointed must be able to fulfil the functions as described in section 9. The role can be filled by a person with racing experience or integrity experience, or they may have a legal background as appropriate to those functions.

It is important that the right person is able to be appointed in the commissioner's role, and not to limit any options. It is also important to note that Tasracing will appoint a suitably qualified person as Chief Racing Integrity Officer and we anticipate that this role would need race experience given the roles and functions of that particular office. Both appointees will need to possess the skills, experience and knowledge to fulfil their roles and functions.

Ms RATTRAY - I appreciate that is, broadly, what the government is looking for. I am talking more about the process, not the person. What is the process in appointing that person? What are you doing? Are you are looking overseas?

Mrs Hiscutt - You are talking about the logistics, putting an ad in the paper?

Ms RATTRAY - How are you going to find that person or encourage people to apply for that position? What does that look like?

Mrs HISCUTT - Davidson has been employed; they are an executive recruitment firm. They will search statewide, nationwide, worldwide if necessary. If they happen to see someone who they think would be ideal for the job, they may be tapped on the shoulder. They are an executive recruitment firm who know what they are looking for.

Mr EDMUNDS - This was a clause that I was looking to make an amendment to. Just as an explanation to members, also members of the public and for *Hansard*, that after some really good engagement with the government and other members and the sector, we have now looked to amend a clause later in the bill to apply that. I appreciate the comments by the Leader about the necessary experience that both these roles will need to have in the racing industry.

Ms RATTRAY - I am interested in the quantum of the recruitment and also what the salary is envisaged to be. I think those are important aspects of any legislation and people need to understand what it costs to provide integrity to the racing industry.

Mrs HISCUTT - There has been a large brief, sizing and scoping exercises done to say what sort of person that will be. It will not be a State Service appointment. I am informed that the market rate for a position like this would be between \$250,000 and \$350,000, but that is to be determined.

Ms Ratray - What is the cost of the consultancy for the recruitment?

Mrs HISCUTT - I'm sorry, I missed that question. As a general rule, it will be 10 per cent of the bank.

Ms O'CONNOR - Given the significance of this role to the government's reform agenda, but also to, in some ways, hopefully, lifting the animal welfare and integrity standards of the industry, can the Leader step out how this role will be independent of government and ministerial direction? I understand under section 54 the minister can request the commissioner develop standards but, apart from that, does the government regard the role of the Racing Integrity Commissioner as independent?

Mrs HISCUTT - The bill makes provision for the independence of the commissioner. The commissioner is appointed by the government on the recommendation of the minister. The bill states that the government may appoint an existing state servant to the office of commissioner, but also may not. This ensures the widest possible pool of candidates for the important role into the future.

Importantly, in either case the *State Service Act 2000* does not apply in relation to a person in the person's capacity as commissioner. This separates the role of the commissioner from the State Service. If the commissioner is also a state servant in their capacity of commissioner, there is no state service or ministerial reporting line outside that provided for in the proposed act. Only the Governor can remove the commissioner from the statutory office.

Schedule 1 of the bill also states the commissioner must not, except in so far as authorised by the Governor, engage in paid employment outside the duties of the office of a commissioner or hold any office of profit or trust other than the Office of the Commissioner.

Yes, is the answer. It will be totally independent.

Ms O'CONNOR - For clarity and, to be honest with you, I hope it is not the case - but if the commissioner ends up being a state servant, can the Leader confirm that would be a secondment, effectively, of a person from the State Service to perform the role and functions of the commissioner?

Was that my final go?

Madam CHAIR - No, you have one more.

Mrs HISCUTT - We are of the opinion it will not be a state servant. I have already said that State Service appointment has gone out into the wide, wide world for many and very so -

Ms O'Connor - If it was?

Mrs HISCUTT - If it was, would it be a secondment? It would be unlikely, but I will check on that. It will be a new position, but I will check on that.

Ms O'Connor - Because it would be an office of profit, would it not, under the Crown?

Mrs HISCUTT - To make the role independent, everything would happen behind the scenes to make it an independent role. Was it splitting from the State Service, yes. If it was a secondment, all necessary steps would be taken to make that person a totally independent commissioner, separate from the State Service.

Ms O'CONNOR - This goes to the matter that was raised in part, but from a different perspective, by the member for Pembroke, who initially, as I understood it, sought to amend here to provide that the commissioner had an understanding of the industry. Equally, the Greens would argue that this role, given the integrity and oversight role and the power to develop standards, should have experience in and understanding of animal welfare law and practice.

Can the Leader help the committee understand what skill set the government is looking for in the recruitment process?

Mrs HISCUTT - At the risk of repetition, I think I had read this out before. The role can be filled by a person with racing experience or integrity experience, or they may have a legal background as appropriate for those functions or animal welfare experience. The person appointed must be able to fulfil the functions as described in clause 9 of the bill.

[12.46 p.m.]

Ms WEBB - Madam Chair, I will follow up on the answers provided to the member for Hobart about that independence if it is a state servant who is appointed because Part 2 does say it can be a State Service officer or employee who is the commissioner and that officer or employee may hold the office in conjunction with State Service employment. So, taking on board the answer before about the very distinct expectation that they would be separate, why are we providing for that to be held in conjunction? It sounds like they can do that role alongside another role there, which sounds difficult then to be very distinct about a separate independent situation.

Mrs HISCUTT - I shall seek some clarity on that, Chair.

Importantly, in either case, the *State Service Act 2000* does not apply in relation to a person in the person's capacity as commissioner. This separates the role of the commissioner from the State Service. The schedule is there to guarantee that independence and to be able to spread the net as widely as possible to find the correct person.

Ms WEBB - I do not think you answered my question, though. I will try again if that is okay. I understand that it is clear that the *State Service Act* does not apply while they are holding that role, but here we are saying that they can hold the role of commissioner in conjunction with their State Service employment. Please correct me if I am not right in this interpretation, but I read that to be that they can have a State Service role that they are doing and they can have the commissioner role that they are doing. I understand what you have described as during the commissioner role, they will not be covered by the *State Service Act*, but they can hold those two roles together. This sounds potentially as more problematic for independence if there

are two roles being undertaken at once - it is difficult to ring-fence that for the one person. Maybe it is to ensure that they do not lose their long service leave provisions, or that they retain a substantive role if they are stepping out of a substantive role, but 'in conjunction' sounds like 'alongside'.

Mrs HISCUTT - I will seek further clarity. The role of commissioner and any role of state servant are not concurrent in performance of the duties. It ensures that the State Service benefits are retained for service, not service as commissioner.

Ms THOMAS - My question follows on from those questions that have been asked about clause 7(2), which provides, as we have heard, that a State Service officer may be appointed as commissioner and may hold that office in conjunction with State Service employment. I appreciate I asked, through the Leader's office, this question on notice, and I have received quite a comprehensive answer, which you have also provided to the member for Hobart in response to that question asked on the Floor.

I am wondering if one of the scenarios - as the member for Nelson has described - is for the purpose of carrying over any provisions such as long service leave, et cetera, that existed as a state servant. If it is a state servant who becomes the commissioner, is the provision also to provide for a situation where the commissioner may be on leave for some reason and a staff member from that office may act in the commissioner role? My understanding is staff within the office - a bit like staff of the Integrity Commission and staff of the Ombudsman's office - will be state servants. Is that one of the reasons for this provision - that someone may need to act as the commissioner?

Mrs HISCUTT - It appears that the commissioner is always in control. The commissioner does not have the ability to employ, therefore there are state servants under there as employees. It does not matter what happens or who is in charge. While there is a commissioner, the commissioner is the boss. If the commissioner is not there for some reason, say, they not well or have a holiday, the commissioner is still the boss. There may be a caretaker appointed for a week or two weeks or something like that, but the commissioner is the boss at all times.

Ms THOMAS - It is still not clear to me then why it is necessary for the commissioner to remain a State Service officer or to hold State Service employment in conjunction. It is still not clear. I wonder if for other statutory authority positions that I have mentioned, like the Integrity Commissioner and the Ombudsman, this provision exists.

Mrs HISCUTT - If the commissioner was a state servant, as you are saying here, the reason for that is so that they can retain long service leave benefits like that, but they are not a state servant at all because are separated from that. They then become the commissioner. The reason that is there is so they can retain no other benefits other than the fact that they may have long service leave or other entitlements under the *State Service Act*, but they would not be employed as a state servant, they would be employed as the commissioner.

Clause 7 agreed to.

Clause 8 -
Staff and facilities

[12.56 p.m.]

Ms WEBB - Madam Chair, I am not sure if this is the right place to ask this question. I am wracking my brain to recall whether we covered this during the second reading contribution. Excuse me if I am covering ground already covered.

Mrs Hiscutt - It is important to get it on the record in this process.

Ms WEBB - Reading clause 8(1) about staff and facilities where:

The Commissioner may arrange with the Head of a State Service agency for the services of the State Service officer or State Service employee, or facilities and goods, of the Agency to be made available...

It brings to mind questions on the budget that will be associated with the commissioner and how that budget will be dealt with. Clearly, there is a budget that has to be for the commissioner's wage, but there will be a budget required for a whole range of the functions the commissioner is responsible for, not least, when we look later in the bill, that the commissioner could in fact end up holding public hearings, which we know through information about the Integrity Commission, can be incredibly expensive.

How will this budget be presented? Will it be a separate appropriation specifically for the commission and the functions it undertakes? Will we be able to scrutinise the details of that? That is one aspect. How will we see it presented?

The second aspect is to what extent will it be politically able to be increased or decreased over time? Will we find ourselves potentially in a situation where like many of our other statutory officers, this commission is suffering under a budget insufficient to deliver on its legislative functions? Who is going to be controlling the budget? How will we know it is being set to be appropriate to the functions?

Mrs HISCUTT - Madam Chair, the government has committed \$1.9 million over two years - between 2024-25 and 2025-26 - to progress implementation of the new integrity model. Funding in the output of the budget for the director of racing and the Office of Racing Integrity will be reallocated based on a functional split to the Tasmanian racing integrity commissioner, Tasracing, Department of National Resources and Environment Tasmania, including to support appointments to the new statutory roles. As with all other Tasmanian commissioners, neither the Tasmanian Racing Integrity Commissioner, nor its office will be established as a government agency.

Under the *Financial Management Act 2016*, the commissioner will have obligations that are independent of the obligations of government agencies in terms of the employment of staff to assist the commissioner. The bill provides that the commissioner may arrange with the head of a State Service agency for facilities and goods and the services of state servants to be made available to it. In this way, agencies' resources will be mobilised to support the commissioner as required. The bill has inbuilt flexibility to ensure that the commissioner will be appropriately equipped and resourced at all times.

Ms WEBB - Madam Chair, it is still not clear to me from that answer. It sounds like it is all fine. They will be given what they need from within the agency. The reality is we will want to scrutinise the budget that sits around undertaking these functions in a way that is clear and detailed. The first part of the question I asked you last time and I will ask it again, is how will we see that? How will it be presented within the agency? For example, will it be a line item in the budget and will we be able to see that broken down?

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

QUESTIONS

NAPLAN Results for Tasmania

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

[2.30 p.m.]

Another year, another terrible set of NAPLAN results for lutruwita/Tasmania. Compared to the rest of the nation, Tasmanian students, again, still lag behind their counterparts interstate in literacy and numeracy. You and I and the whole Council will agree that teachers are doing their best but are constrained in significant part by a lack of funding. Both the federal Labor government and this government continue to not fund public schools to the level needed. The Australian Education Union attests that Tasmanian public schools were underfunded by \$119 million in 2023-24. That has to have an impact on literacy and numeracy.

Do you agree these NAPLAN results are the sign of policy and funding failure? What will you be doing as minister to better invest in schools and the future of our students?

ANSWER

Mr President, I thank the member for the question. These are not the results that we want to see. I acknowledge that. I do not want to see them as the Minister for Education. I do not want to see them as a parent. I accept that we must do more and we must do more every day. That is what the data is showing us, in particular, the data identifying the additional needs support category.

We want to identify those learners and we want to identify them in our schools as soon as we possibly can and to make sure that they have the support they need when they need it. That is why schools do additional assessments, in particular the progressive achievement test across Prep to year 10, to monitor reading and mathematics progress. That is an important data set because it tracks children individually and teachers are able to use that in the classroom.

The NAPLAN data is one of the tools we have to look at the areas we must focus on in 2024. We can see that we are on the right track and where we need to clearly focus, in particular, in the literacy space.

When I look at this data, it is important for me as a minister to not be afraid of it, rather to think, how do I use that to say that what we have done in previous years is on the right track, that is where our energy should be, that is where we should focus because that is what the data

is telling us. Or, the data might throw out something that we are not focusing on and we need to adjust to that.

We do not have to be afraid of it. It is not what I wanted to see. It is not what anyone wanted to see, but what can we actually learn from it? What can I do as a minister with it?

By 2026 all students across all schools will be taught to read in a structured, systematic, and explicit way. This is our focus in the literacy space with what we are rolling out across schools. We began rolling it out this year within a framework that ensures every student receives appropriate additional literacy support when they need it.

We will deliver evidence-based structured literacy in 100 per cent of all government primary schools by 2026 and are transforming the way students are taught to read; remembering these programs have been established in the science of reading and the evidence we have that shows the best way we can teach reading. We know that from the NAPLAN data, this is an area we should be focusing on. We are transforming the way students are taught to read. That is not going to see results overnight. We know it is going to take time to see those student outcomes.

When I looked at the data for 2024, I thought, 'right, we are on track'. It is great we are putting these programs in place, especially in that literacy area and now let us give that time to come to fruition - to see the outcomes that we could have with students.

When it comes to the funding side of things, Tasmania is at the 74 per cent mark when it comes to our contribution in our government schools. As you would be aware, there are conversations happening now with the federal government and the state government on the states lobbying the federal government to see that final 5 per cent put into place. I can assure you that I, together with every other education minister across every state and territory, am lobbying very hard. We have meetings one-on-one with the federal Education minister and we will continue to lobby to see full funding in our government schools.

Literacy and Numeracy - School Curriculum

Ms RATTRAY question to MINISTER for EDUCATION, Ms PALMER

[2.37 p.m.]

On the radio this morning it was suggested one of the issues on children's learning was the fact the curriculum is so full of other areas. Are there any areas you, as minister, have identified - through your conversations with other education ministers from states and territories or the federal minister, or your own network in our state - that could be wound back so there was a more dedicated focus with more time spent on literacy and numeracy?

ANSWER

Mr President, I thank the member for the question.

One of the best things I am doing as Education minister is getting into schools. I have made a commitment that I want to try to get to every single school in Tasmania, because you

have those conversations with principals and with teachers. Some of the feedback I am getting is that in some areas they are feeling overwhelmed with what we are asking them to do.

That is a point I am focused on in my office. We have already begun looking at what are some of the levers we have to pull to ensure our teachers are doing what they trained to do and need them to do in that educational area; remembering there are also outside influences and circumstances our state finds ourselves in where there is work that teachers have to do that does step outside of the pure education area; keeping children safe, for example, and they are doing an amazing job in those areas.

You are right and we are looking at levers we can pull to ensure our teachers have as much time to be able to deliver programs, like the literacy program I just spoke about.

King Island - Ambulance Services

Ms FORREST question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.39 p.m.]

With regard to ambulance services on King Island, the government's commitment to employing paramedics and providing a suitable facility for the current volunteers and paramedics:

- (1) What is the actual and specific timetable for the identification of the site for the new facility, the notification of the site facility, securing the site of the new facility; identification of the site for the new facility; notification of the site in use for the facility; securing the site of the new facility; planning approval for the new facility; completion of the new facility; recruiting of the paramedic or paramedics; employing the paramedic or paramedics; and commencement date of the paramedic or paramedics.
- (2) How many full-time-equivalent paramedics will be sought?

ANSWER

Mr President, a feasibility study of suitable locations on King Island has been completed and the minister can advise that the preferred location is 35 Edward Street. It is located within the King Island District Hospital and the health centre grounds. The initial concept design is being developed to illustrate the exact location and layout of the proposed station, which should be finalised in coming weeks. As the preferred site is located on existing Crown land, no additional land acquisition is necessary.

The minister has also advised that plans are scheduled to go to council for planning approval by May 2025, with approval of the development application by the start of August 2025 and construction expected to be completed by the end of April 2026.

Our 2030 Strong Plan for Tasmania's Future includes a commitment to recruit 78 new full-time paramedics. I can advise that two of these paramedic positions will be stationed at

King Island. However, the Community Paramedics in District Hospitals Initiative requires a new service delivery model as it is different to how community paramedics currently operate and are deployed in the regions. The development of the service model is currently subject to consultation with key stakeholders and union bodies. Once the service model is determined, the training program will be developed and recruitment of the community paramedics will commence. This will inform the onboarding process.

Ms Forrest - When?

Mrs HISCUTT - Once the service model is determined.

Climate Change - State Actions

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

[2.42 p.m.]

Section 5C of the *Climate Change (State Action) Act* requires the minister to develop sector-based emissions reduction and resilience plans, and further, that such a plan for the transport sector was to be provided within 12 months of the royal assent to that amending act, which was introduced in the requirement.

- (1) On what date did the amending act containing the requirement for the development of the emissions reduction and resilience plans receive royal assent?
- (2) Is the minister therefore out of compliance with the act that he has sworn to administer with respect to completing and tabling an emissions reduction resilience plan for the transport sector?
- (3) When do you expect to complete the other five emissions reduction and resilience plan specified in section 5C(1) of the act?
- (4) Section 5C(1)(g) provides for the development of an emissions reduction resilience plans for any other sector or sub-sector determined by the minister. Did your predecessor as minister determine to prepare any emissions reduction resilience plans for government operations? If so, when do you, as minister, expect to complete and table that plan?

ANSWER

Mr President, work is ongoing to finalise the plans, including the final round of consultation with portfolio agencies and other key stakeholders. The Transport Emissions Sector Plan is in the final stages of its development.

The Tasmanian government seeks to include the input and maximise the opportunities for Tasmania through relevant Australian Government initiatives which are happening concurrently, including the development of national sectoral decarbonisation plans. I certainly look forward to sharing more in the coming weeks once those draft plans are finalised.

There was some detail requested in the first part of your question that I would need to take on notice just regarding the early part of the question.

Ms Webb - It was about the date of royal assent and whether you are out of compliance with the act.

Mr DUIGAN - Can I take that part of the question on notice? In terms of other emissions reduction and resilience plans (ERRPs) that we have committed to produce, there is one being prepared for the government sector. We hope to have other ERRPs outside the transport plan out in the coming weeks; the rest of those ERRPs will be out in November.

State of Environment Report - Concerns for Independence

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

[2.45 p.m.]

We have not had a state of the environment report in Tasmania for 15 years, despite the legal requirement for it to be produced every five years. While your government has finally committed to producing this report, it has been delayed to the end of this month. This report, I hope you agree, is critically important to understand the condition of our environment and what we can do to sustain and protect it.

In today's *Mercury* newspaper, I do not know if you saw the story, Environment Tasmania raised concerns over the independence of the upcoming report. They lodged a right-to-information request on correspondence between the government and the Tasmanian Planning Commission, but were denied. This is despite six instances that Environment Tasmania is aware of where the commission and the government discussed the report.

Can you confirm that there has been no interference from your government in the state of the environment report and that it will be a rigorous and independent document?

ANSWER

Mr President, our government's 2030 Strong Plan for Tasmania's future outlines our commitment to protecting our state's much-loved natural environment. We remain steadfast in our commitment to protecting Tasmania's natural environment and its unique species. The state of the environment report is an important means of documenting baseline data, trends, and risks across our state under the *State Policies and Projects Act 1993*. The Tasmanian Planning Commission is responsible for producing the next report for the state.

The state of the environment report is the responsibility of the Minister for Housing and Planning and not Parks and Environment.

Ms O'Connor - Yes, I know.

Mr DUIGAN - I understand that following a request from the independent Tasmanian Planning Commission for additional time to undertake quality assurance processes and finalise

the report, the minister for Planning directed the commission to produce the state of the environment report by the end of August 2024. I am advised that the Department of Natural Resources and Environment has played a significant role in contributing data and reviewing reports for 17 of the environmental indicators, as well as providing input through the preparation of case studies and other feedback where appropriate.

The independent, pre-eminent Tasmanian Planning Commission continues to carry out this important work and the government thanks it. As the minister responsible for the environment, I look forward to seeing that report and have had no contact with the Tasmanian Planning Commission.

State of Environment Report - Concerns for Independence

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

[2.48 p.m.]

Towards the end of your answer, I think we had the answer. As an observation, it is very peculiar. I know the Tasmanian Planning Commission is doing the work but it should come under the Planning minister rather than you as minister for the Environment. Is it your understanding that the report that will be produced by the Tasmanian Planning Commission will be independent and without undue interference or influence from the government?

ANSWER

Mr President, as I detailed, the Department of Natural Resources and Environment has had interaction with the Planning Commission; certainly I have not.

RACING REGULATION AND INTEGRITY BILL 2024 (No. 10)

In Committee

Resumed from above (page 27).

Clause 8 -

Staff and facilities

[2.52 p.m.]

Ms WEBB - Madam Chair, I want to be sure the question I am asking now is clear, so we can get an answer.

Will there be visibility and, therefore, the ability to scrutinise the budget of the commissioner, and the office and the functions of the commissioner? Will we see that as a line item in the budget, for example, or will there be detail available to us elsewhere to scrutinise, particularly because it is within the agency and is being provided with resources by the agency?

We will still want to know that it has sufficient resources to undertake the functions as detailed in the act - that being a sore point for many of our statutory officers. On that, if and

when we are able to scrutinise during budget Estimates, for example, will we have the commissioner appear before us at the budget estimates as part of that process in order to be able to engage with the commissioner on scrutiny?

Mrs HISCUTT - The answer to all of that is yes. Funding and corresponding expenditure for the commissioner will reside in the existing racing regulation and policy output group. This output group will be subject to the same scrutiny as any other agency output group, including for external reporting purposes and budget estimates hearings.

As stated earlier, the government has committed \$1.9 million over the two years 2024-25 and 2025-26 to progress implementation of the new integrity model. The funding enables the costs of the transition to the new model to be met, including the external investigations and any other expertise to support the commissioner. So the answers are yes and yes.

Ms O'CONNOR - This is a question that came up in our briefing before the winter break - and thank you again to the departmental officers who are here for that briefing. So that it is on the record, as we raised questions about the independence of the commissioner, it is reasonable to ask whether, within the confines of clause 8(1) there is no restriction on the commissioner employing from outside the State Service. What I am seeking here is confirmation on the *Hansard* record that the commissioner will be able to recruit and manage from outside the State Service.

Mrs HISCUTT - As with all other Tasmanian commissioners, neither the Tasmanian Racing Integrity Commissioner, nor its office will be established as a government agency under the *Financial Management Act 2016*.

The commissioner will have obligations that are independent of the obligations of government agencies. In terms of the employment of staff to assist the commissioner, the bill provides that the commissioner may arrange with the head of the State Service agency for facilities and goods and the services of state servants to be made available to it. In this way, agencies' resources will be mobilised to support the commissioner as required. The bill has inbuilt flexibility to ensure the commissioner will be properly equipped and resourced at all times. I apologise for repeating this answer - I am sure I have delivered it earlier in this session.

Ms RATTRAY - A point of clarification, following on from the member for Nelson's question on the funding allocation. Is the government's funding allocation additional to the current funding for the Office of Racing Integrity or is it instead of? I want to make sure I have that perfectly clear in my mind.

Mrs HISCUTT - There is an additional \$1.9 million we put in the budget for this year and next year and the other monies that consolidated from what was there from the other two.

Ms RATTRAY - For clarity, the \$1.9 million is over the two years and it is not on top of the other; it will be the total?

Mrs HISCUTT - My original statement was correct. Sorry about that.

Ms RATTRAY - I do not have the Budget Papers from last year with me, but can the Leader give me some indication of what was allocated to the Office of Racing Integrity in last

year's Budget? Then the \$1.9 million over two years. I got that, over two years. Effectively, it is \$950,000 for each year this year and next year, or the next two financial years.

The quantum is \$950,000? I want to be clear: that is the entire quantum. I also want to know what was the allocation to the Office of Racing Integrity in last year's budget? Apologies for not having it with me.

Mrs HISCUTT - In 2023-24 it was \$5.970 million. Does that help?

Clause 8 agreed to.

Clause 9 -

Functions of Commissioner

Ms O'CONNOR - Madam Chair, I move the following amendment -

Page 25, subclause (1), paragraph (k), after "to make"

Insert "best practice".

As I noted in my second reading contribution, there is reference made to this industry being under a best practice framework. They are the words that were in the second reading speech. However, there is no reference to 'best practice' in the legislation. I believe parliament should expect of Tasracing, and expect of this new commissioner, that they apply best practice standards - that they develop best practice standards and that those standards are applied.

As I understand it, the definition of 'best practice' is a term referred to explicitly in other Tasmanian acts, including the *Tasmanian Assessment Standards and Certification Act 2003* and the *Education Act 2016*, and it is referenced more generally in the *Disability Services Act 2011* and the *Land Acquisition Act*. There is certainly precedent within Tasmanian legislation for requiring that obligations be delivered to a best practice standard.

We know in Tasmania, and it is one of the potential positives in this legislation, that at the moment the industry quite often operates under a set of guidelines. If members want to see what is expected, for example, for greyhounds - and this is the Tasracing recommended standards for the care of greyhounds - they have no weight as an instrument. They are just recommended to greyhound trainers. It says here there is a minimum exercise standard that would allow greyhounds access to an exercise area for at least 10 minutes twice daily, or walking greyhounds on a lead or on a walking machine for at least 10 minutes twice daily.

I do not know how many members here have dogs, but if I took our dogs for a 10-minute walk, they would feel incredibly ripped off. That is an example of how poorly we treat greyhounds and how poorly Tasracing is prepared to accept them being treated. If you look at the guidelines around sleeping areas and bedding, it says:

The sleeping areas of the kennel should be enclosed on 3 sides to a minimum height of 1.5m with solid partitions. The minimum sleeping area is 1m² per greyhound.

Again, really? These are the same recommended standards for greyhounds that we were looking at nine years ago when the Joint Select Committee into Greyhound Racing was established. They are pathetic and they are certainly not best practice. The same goes to a significant extent to the way racehorses are treated.

I implore government, if you want to be taken seriously on this racing bill, if you are going to put the word 'integrity' in its title, then be true to the promise that was made in the second reading speech and require this industry to operate to a best practice standard. Until it does, its social licence will continue to wane. There will continue to be calls for Tasracing's massive public subsidy to be defunded. I implore members to require of this industry that it operates at a best practice standard.

Mrs HISCUTT - The amendment makes clear something that is already there in the bill which is that the commissioner's standards will establish what is best practice for the Tasmanian racing industry. However, we do feel that it is not necessary, but the government will support this amendment.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11 -

Performance and exercise of Commissioner's functions and powers generally

Ms O'CONNOR - Madam Chair, for confirmation and clarification, there is no direction that the minister can give to the commissioner in terms of their functions and powers. The minister can propose, for example, that a standard or set of standards be developed but that is the extent of the minister's capacity to direct the commissioner. Can the government confirm that?

Mrs HISCUTT - As it is written, in clause 11 is correct.

Ms O'CONNOR - Thank you very much.

Clause 11 agreed to.

Clause 12 -

Recommendations by Commissioner

Ms RATTRAY - Madam Chair, another important area for the roles and functions of the commissioner is in regard to the recommendations by the commissioner. It says in subclause (2) that the commissioner makes a recommendation under proposed subsection (1) to Tasracing:

... the Commissioner may request Tasracing to notify the Commissioner,
within a specified time ...

Then it goes on to talk about the steps that have been taken or are proposed to be taken to give effect to the recommendation, and if no steps have been or are proposed to be taken, the reasons why they have not been taken, as the case may be, or not proposed to be taken. I am interested to understand - the commissioner gives the direction to Tasracing, nothing happens. I am interested in the time frame that the commissioner might allow for something like that or is that at the discretion of the commissioner? It is certainly not at the direction of the minister because we have just had that clearly outlined.

What are the mechanics of how the government sees that being undertaken? That could quite be a significant body of work for Tasracing. Can they come back to the commissioner and say, 'Look, this is going to take a lot longer', or 'No, we do not believe that that is appropriate'. What happens with the standoff that might occur between the commissioner and Tasracing?

Mrs HISCUTT - It is at the discretion of the commissioner. Also, if Tasracing or a racing club fails to comply with a recommendation given to it by the commissioner, the commissioner may issue a direction to Tasracing or the racing club, requiring compliance with the recommendation.

Non-compliance with a direction and the reasons for non-compliance will be reported to the minister. Where there is non-compliance, this will be reported in an annual report which the minister must table in parliament. There will therefore be transparency about whether the standards are being implemented or complied with. The arrangements are designed to ensure transparency in the racing industry and to ensure that governance, integrity and animal welfare arrangements are best practice.

Ms WEBB - To clarify, because I may have missed it, although subclause (1) of clause 12 talks about the fact the commissioner can make recommendations to such persons in relation to racing, which could include Tasracing or clubs, as you have just said in your answer, subclause (2) seems to imply the request to notify the commissioner about the outcomes only applies to Tasracing. Does it also apply to clubs or any other persons or entities the commissioner has made recommendations to?

Mrs HISCUTT - I will seek some advice.

Subclause (1) talks about our recommendations to such persons. Subclause (2) talks about Tasracing. To make it clear that the commissioner can do this, see clause 13; it talks about compliance with directional commission. We are not there yet, but that will answer your question. It says if 'Tasracing or a racing club fails to comply,' et cetera. It is addressed in clause 13.

Clause 12 agreed to.

Clause 13 agreed to.

Clause 14 agreed to.

Clause 15 -
Investigations

Madam CHAIR - Member for Hobart, that was nearly too late.

Ms O'CONNOR - I know.

Ms Webb - We are going slowly, Madam Chair.

Madam CHAIR - We are doing them one at a time and you cannot go much slower than that. There are many clauses, so we are not going any slower than one at a time.

Ms O'CONNOR - Madam Chair, this clause empowers the commissioner to investigate any matter relating to racing, including, but not limited to, matters relating to integrity, and racing and animal welfare. I am seeking clarity for the committee on what the potential interface is with, for example, a matter that may be subject to an appeal. We have a situation now where trainer Ben Yole and Yole's stable was subject to a thorough and damning ABC investigative report and two subsequent attempts by Tasracing to suspend Yole from racing horses. As of today and this week, the Yole stable is still filling the field regularly on race day.

I do not know how many members saw this image. Before I get pulled up for using a prop, this image is from Race 8 in Launceston on 11 August. The horse's name is Swim in the River; it won the race; it was driven by Nathan Ford of Murrihy Report fame, trained by Wayne Yole, father of Ben Yole. The bleeding along that stressed horse's neck is apparently the result of a rein burr, otherwise known as a pricker. The video also shows some full-on whipping later in the race.

Can government confirm that, should the commissioner have evidence like this presented to them, notwithstanding the fact that Yole has had the Tasmanian Racing Appeal Board effectively uphold their appeal and reject the findings of the Murrihy Report, which found there was credible evidence of race-fixing and that those miserable looking horses in Ben Yole's paddocks did not have enough food and water - can the government confirm that the commissioner will be able to look at something like this even though Yole has been through somewhat of an investigative process and initiate an investigation based on new information?

Mrs HISCUTT - Madam Chair, the commissioner will have broad discretionary powers in relation to investigating and considering complaints and allegations, including to require all necessary information. The commissioner may investigate any matter related to racing, including but not limited to matters relating to integrity and animal welfare in racing.

If you go over the page, though we are not to clause 16 yet, but 16(2) says:

The Commissioner must refuse to conduct an investigation ... into a matter if [it] would prejudice -

(a) Any [other] proceedings...

For example, if it is the subject of any criminal proceedings.

(b) an appeal to the TRAB; or

(c) an inquiry by the stewards under the Rules of Racing.

Once the TRAB hearing was completed, the commissioner may choose to undertake a new investigation if deemed appropriate.

Ms O'CONNOR - Thank you for that clarity. There may be matters that are subject to a TRAB appeal. For matters outside that, regarding how a trainer or an owner is treating an animal, would the commissioner have the discretionary powers to investigate new and compelling information, even if that trainer had lodged an appeal with TRAB or was subject to those other circumstances that you talked about?

I draw members' attention to the most recent stewards' inquiries listings on the NRE website where, as a result of Animal Liberation Tasmania's investigation relating to Barry Heawood and his giving away greyhounds via Gumtree, he has been found guilty under the rules and his penalty is \$1000 with half of this suspended for 12 months. A slap on the wrist for flogging off a greyhound on Gumtree. So, \$500 for falsifying documents and sending greyhounds out un-desexed and without a wind-down period. Presumably, this is the sort of matter the commissioner could investigate.

I go back to my earlier question off the back of your answer, Leader. Notwithstanding that if we just look, for example, at the Yole allegations and findings of the Murrihy report, which were utterly damning, if new information about Ben Yole's operations came to light or was presented to the commissioner or to Tasracing or a steward, the commissioner would be able to investigate that. Is that correct?

Mrs HISCUTT - The answer is yes, as long as it does not prejudice the matter before the TRAB. Thank you.

Clause 15 agreed to.

Clause 16 agreed to.

Clause 17 agreed to.

Clause 18 agreed to.

Clause 19 agreed to.

Clause 20 -

Disclosure of information by Commissioner

Ms RATTRAY - Madam Chair, the old chestnut:

The Commissioner may provide or disclose any information received or obtained by the Commissioner to a person or body specified in subsection (2) if the Commissioner considers that -

Then it goes on to list various actions on that. In subclause (2) it goes on to list the persons and bodies specified: Secretary of the Department; Commissioner of Police; Commissioner of the Australian Federal Police; Tasracing; Integrity Commission; the Ombudsman; the TRAB; a Minister of the Crown; the Advisory Committee; the Auditor-General; and a local authority.

Regarding 'may', I would have thought it would be important to put 'must' there so it would read: must provide or disclose any information received or obtained. If we are looking to be open and transparent, and support the integrity of the industry, is it not important that the community, people involved - stakeholders - have that information? That is my first question.

My second question relates to 'a local authority'. Can I have an example of 'a local authority'? Is that the North East Pacing Club, the St Marys Pacing Club, the Carrick Park Pacing Club?

Ms Armitage - Or the council?

Ms RATTRAY - Or the council. I am interested in some examples of a local authority for clarification.

Mrs HISCUTT - I will seek an answer to the first part of your question, but yes, it could be a local council. I do not know whether it might include the ferret races on the Mersey.

Yes, 'a local authority' is the council under the *Acts Interpretation Act*.

Ms RATTRAY - Okay, that is actually a council. It is not a race group?

Mrs HISCUTT - It is local government, yes.

The commissioner has discretion and will be best placed to determine the appropriate referral body when that time comes. That is the answer to your first question.

Clause 20 agreed to.

Clause 21 agreed to.

Clause 22 agreed to.

Clause 23 -
Hearings to be public

Ms O'CONNOR - Madam Chair, it is an interesting provision here, where there is an expectation in the act that the commissioner will hold public hearings - but will it? Does the government accept - given the history in Tasmania and, for example, the Integrity Commission's ongoing refusal to ever hold a public hearing - that given the test on the commission on whether to hold a hearing is whether the public interest is outweighed by other matters, and they are all 'ors' basically. He does not have to be satisfied that the public interest is outweighed by any other consideration, including public security, privacy of personal or financial affairs and the right of any person to a fair trial.

Ms Ratray - He or she?

Ms O'CONNOR - Absolutely, or even 'they'. Is it the government's expectation that there will be public hearings in relation to matters being investigated by the commissioner? Or, is this clause simply window dressing to give the look and feel of transparency and openness about the industry, when in fact the history tells us public hearings are very unlikely to happen?

Mrs HISCUTT - I will seek some advice, Madam Chair.

It is our expectation that the commissioner will hold public hearings, except as provided for in the act.

Ms WEBB - Madam Chair, I am also interested in this clause regarding public hearings, to understand the extent to which 'public' is construed here. Does it mean people can turn up in person to watch, or would there be a modern expectation that a public hearing is one that can be accessible to people online, for example, broadcast in some sense? Does it also mean that there would be transcripts and things available for later public visibility of the hearing? I want to understand what a public hearing is and how that is construed here.

Also, given what we know and have heard recently from Robert Redlich AM about the functioning of integrity commissions and his experience with IBAC in Victoria, holding public hearings is an expensive exercise in that sort of context. I am imagining here, is it actually anticipated that public hearings are budgeted for, in relation to the commissioner and the resourcing that is going to be made available?

Are you expecting to have to provide additional funding if and when public hearings are required, or will that be from within the existing resource that is provided to the commissioner to undertake their functions?

Mrs HISCUTT - The answer to your first question is dealt with in clause 24, where it says 'control of public reporting'. That is all there. Whilst we are looking for the answer to the second part of your question, you might peruse that section.

Ms Webb - Clause 24 does not answer it at all.

Mrs HISCUTT - To clarify your follow-on question, this says that it is implicit that it will be reported unless some of these things happen.

Ms Webb - No, I was not asking about public reporting.

Mrs HISCUTT - You are talking about the hearings?

Ms Webb - I will have another go. Public reporting is not my question.

Mrs HISCUTT - What about clause 24(2)? Let us have a look at that one.

Ms Webb - It is about what does an 'open public hearing' mean. Does it mean broadcast? Does it mean a transcript is available later?

Madam CHAIR - You need to either take the call or wait. The Leader understands the question. Otherwise you need to take another call.

Ms Webb - She did not appear to the first time so I am clarifying while she is on her feet.

Madam CHAIR - If it is better to address this under clause 24, it might be better to leave it until then.

Ms Webb - It is not covered by clause 24.

Madam CHAIR - I will leave it with the Leader to respond to clause 23.

Ms Webb - I would quite like the answer, yes.

Mrs HISCUTT - In developing budget funding for investigations, it will be factored into the output budget. As to what is meant by 'open to the public,' this term is not defined, so it is intended to align with expectations and understanding of the community from time to time, and it is expected the commissioner will adopt best practice and standards with public hearings.

Ms WEBB - We need to have a better resolved answer than that. For example, here in this place, when we are conducting our business, it is in an open and public way. That is achieved through the fact the doors are open. People can come in person and be here physically. We are being broadcast live. People who are not able to be here physically can still in a real time way watch us. Then we have also our *Hansard* transcripts available later. In those three ways here, for example, we are conducting ourselves in a way that is open to the public.

What I am trying to find out is the way 'open to the public' is mentioned in this clause. Does that mean, for example, those three elements will be required - that it is physically open to the public on site, that it is being broadcast in real time, and that there will be a record later for people to see?

Mrs HISCUTT - I will make a couple of comments. It is open to the public and clause 27 talks about the commissioner's findings and how we report it. I know we do all those sorts of things in parliament, but I do not know that we do them in other places, other than the fact that the commissioner will have to make sure it is open. Hearings have people attend now, so there is a standard there.

As to your specific question, the doors will be open if the commissioner determines.

If the commissioner determines it should be recorded it will, but at the moment it is up to the commissioner. I do not know what the commissioner is going to ask.

On completion of an inquiry, the bill states in clause 27 that the commissioner must submit a report of his findings and recommendations to the minister. These amendments provide greater clarity and protections, providing the inquiry report must be in writing. Their inquiry report must be tabled in parliament within 10 sitting days. The commissioner may recommend to the minister the admission of a part of the report before it is tabled in parliament in specific circumstances, namely, when the public interest in the disclosure is significantly outweighed by any other consideration such as public security, privacy of personal or financial affairs, or the right of any person to a fair trial. The omission of a part of the report is to be clearly indicated on a copy of the report tabled in parliament.

These amendments are based on similar provisions in the *Commissions of Inquiry Act 1995*. Redactions will be based on the recommendation of the commissioner and what criteria the commissioner should apply.

As the commissioner may make such a recommendation, it is not mandatory that omissions from the report are made. Importantly, when tabled in parliament, it will be transparent whether any information has been omitted. Which brings me back to you asking specific questions, is it going to be like our House here in parliament?

Ms Webb - Or like an integrity commission, which has open hearings?

Mrs HISCUTT - How does the Integrity Commissioner run his hearings?

Ms Webb - Well, we have not had any in this state, so we would not know.

Mrs HISCUTT - I could say the same thing.

Ms Webb - That is why I am interested.

Madam CHAIR - It is hard for the Leader to comment on something that has never happened.

Mrs HISCUTT - The law does not fix broadcasting requirements. That would not be future proof. Whether and how a matter is broadcast depends only on the sensitivity of the matter and the available technologies. Clause 27 requires a report of the commissioner's findings to be tabled. I think this is to be determined by the commissioner.

Ms WEBB - The government, in legislating this, is setting that there is an expectation that the inquiry is to be open to the public. It is setting that as the norm, obviously with clear exceptions that can be made.

The reason we would normally require that to happen is because open justice is justice being seen to be done. That requires it to be public to the extent that anyone can hold to account the way that it has been conducted and see that it has been conducted appropriately, and therefore, whatever transpires from it, in terms of consequences or otherwise, can be understood from that proceeding.

In requiring it to be default public, did the government not have an expectation about what that would mean in terms of public accessibility? A modern understanding of that would be not just that you can walk through the door and sit and watch. A modern understanding of 'open to the public' would absolutely be, I think, at a minimum, that if there is not a live visual opportunity from afar to watch online, that there would be at the very least a video and a transcript available later for people to be able to see what transpired. If it is only that you can show up in person and sit and watch, if that is the only way that it could be public potentially, then I do not think that meets our modern expectation of the reason we would make 'open to the public' the default setting for these hearings.

What was the government's intention when having this drafted - the policy intention around requiring it to be open to the public? Why would that be anything less than what we expect in this place or in similar sorts of proceedings that are set to be open to the public for accountability purposes?

It is my final call, so I am asking about the government's policy intention in having that inserted in there and why it would not be to a modern standard.

Mrs HISCUTT - We expect the modern standard, whatever that is, but that is a matter for the commissioner when the time comes. The provision implies that it will be accessible to the public. That is what it is all about. The expectation is that what the TRAB is empowered to do will be done by the commissioner. That is the best we can do.

Ms Webb - Is the TRAB empowered to do all those things that I have talked about?

Mrs HISCUTT - They have public hearings.

Ms Webb - That are broadcast and have transcripts? I am trying to clarify if they have answered my question fully.

Madam CHAIR - Order, we are not going to continue like this. We are going to ask a question and get an answer, hopefully.

Mrs HISCUTT - Madam Chair, thank you. We have something hot off the press, so to speak. Are TRAB hearings broadcast? They are at the discretion of the chair, so the commissioner will have that discretion.

Ms O'Connor - I bet they never are. This is a daft question, but I have tried to work it out myself and wish I had asked it in the briefing. What is subdivision 2?

Mrs HISCUTT - Subdivision 2 starts on page 45. It talks about private sessions.

Ms O'Connor - Okay, so it is set in there. I have not seen it quite like that before. Thank you so much.

Clause 23 agreed to.

Clauses 24 to 26 agreed to.

Clause 27 -

Commissioner's findings

Ms O'CONNOR - Madam Chair, there is a typographical error in this clause, I believe. Just a small one. There should be a comma in clause 27(2) after 'minister'.

Madam CHAIR - That can be fixed on the vellum.

Ms O'CONNOR - I am not suggesting it be amended, but for flow.

Madam CHAIR - That is something that can be taken on notice and dealt with through the vellum stage. The former member for Hobart was also in charge of commas, so it is good to see you have taken up that task.

Clause 27 agreed to.

Clauses 28 to 36 agreed to.

Clause 37 -

Compensation for witnesses

[3.42 p.m.]

Ms RATTRAY - Madam Chair, compensation for witnesses:

A person who is required by the Commissioner to attend the hearing of an inquiry is entitled to be paid such allowances and expenses as are prescribed or, if not prescribed, as the Commissioner determines.

How does that work? Is there a daily allowance for turning up and sitting? If someone is not of a mind to be any value when they get there, are they still paid their allowances and expenses? I am interested to know how that works.

Mrs HISCUTT - This is consistent with what tribunals in courts may do. It ensures that people are not resistant to participation in the process of justice. If you are called for jury duty, there is compensation for the day's lost wage or something similar.

Ms Rattray - If it is prescribed, why would you need the commissioner to determine?

Madam CHAIR - Order.

Ms RATTRAY - Apologies, Madam Chair, I thought I might get away with that but I did not.

It says, 'if not prescribed'. You have just indicated that it is prescribed and in many other acts, I acknowledge that. Why would the commissioner need to determine otherwise if it is prescribed? Why would the commissioner need any discretion? That is what you get: travel, lunch break, dinner break, going home. That is it - the commissioner has no role in determining.

Mrs HISCUTT - Prescribed means in regulations. In the absence of regulations, as there are no regulations attached to this bill yet, the commissioner can establish allowances and expenses and could have regard to existing arrangements for the same as are applied in tribunals, inquiries and places of justice. The ability to regulate means that the government can practise. That is because there are no regulations prescribed at this moment.

Clause 37 agreed to.

Clauses 38 to 40 agreed to.

Clause 41 -
Self-incrimination

Ms O'CONNOR - Madam Chair, it is an interesting provision and an important one. I note this clause displaces the general privilege against self-incrimination. A witness can be compelled to give evidence to the commissioner, even if it is self-incriminating. We have one statute that parliament will certainly pass today that treats participants in the racing industry very differently from state servants. For example, the *Integrity Commission Act* under section 92, as we talked about yesterday, expressly permits someone who is the subject of misconduct or serious misconduct allegation, the right to silence. The Greens, together with former Justice Cox, commission of inquiry, Regina Weiss, all argue that those coercive powers are needed for the Integrity Commission.

Perhaps, the government could explain its thinking here. Why has it given these important coercive powers to the integrity commissioner in the racing industry but does not give those same powers to the Integrity Commission?

Mrs HISCUTT - I will take that as a comment. This is consistent with arrangements from the Tasmanian Racing Appeal Board and the commission of inquiry.

Ms O'Connor - What commission of inquiry?

Mrs HISCUTT - It is the *Commissions of Inquiry Act 1995*, section 26.

Ms O'CONNOR - Does the government agree that when matters of conduct, misconduct or integrity are brought to statutory bodies there is a higher order objective here, that is to allow that statutory body, the commissioner, to be able to obtain evidence? Does government agree that statutory bodies like the racing integrity commissioner and the Integrity Commission should be fully and properly empowered to investigate misconduct, whether it be in the racing industry or in the State Service?

Madam CHAIR - The purpose of the Committee stage of this bill is to prosecute the clause in front of us. Some of the questions that you are asking, member for Hobart, relate to a different bill in a different portfolio, which is somewhat unreasonable to expect the Leader to respond to. As a comparator, you can ask a question about the construct of this clause but not necessarily in relation to other bills or other legislation that is not part of this bill.

Ms O'CONNOR - Thank you for your guidance.

Madam CHAIR - This is the third call, member for Hobart.

Ms O'CONNOR - Thank you for your guidance, Madam Chair. As I understood it, there is a broad discretion -

Madam CHAIR - Not that broad.

Ms O'CONNOR - for us to ask any range of questions in the Committee stage of a bill.

Madam CHAIR - Related to this particular legislation.

Ms O'CONNOR - Yes, and I was doing that, Madam Chair, but it does not sound like I am going to get an answer, so I am happy to yield.

Mrs Hiscutt - Madam Chair, I was going to say that this is a philosophical question and is not related to the mechanics of the bill. It is not for me to answer that.

Madam CHAIR - If I could make the point, before I call the member for McIntyre, that this is not the place for a broader policy debate about a policy position related to other commissions. We are talking about the provision in this bill. A broader policy debate is not something we will prosecute in the Committee stage of a bill that relates to a particular matter. I hope that is clear.

Ms O'Connor - Thank you, Madam Chair.

Ms RATTRAY - Madam Chair, I am somewhat concerned about this. Does this effectively mean that somebody would need to take with them a legal person? Is that the

intention? I am asking the question because I do not know. I have not seen this. This almost looks like it is a court of law.

Ms O'Connor - There is a provision in there that allows people to have legal representation as of right.

Ms RATTRAY - In relation to clause 41, self-incrimination, is that the intention that you would effectively need legal representation? You could not just front up to an inquiry, I do not think, by the look of this and attempt to answer some questions.

Madam CHAIR - What is your question to the Leader?

Ms RATTRAY - The question is: is it the government's intention that this be pretty much a court of law and that a person would need to have with them some legal assistance to be able to undertake this inquiry?

Mrs HISCUTT - Clause 48 talks about representation if needed, but the idea of this particular part is so that a person cannot hide evidence that is required to animal welfare issues. You just cannot. If you are compelled to answer it, you have to answer it or take your legal representation with you to defend you.

Ms WEBB - Madam Chair, for clarity - and there will be a question as well - in other contexts, like normal integrity commissions, not ours but everybody else's - or commissions of inquiry arrangements - there is this sort of clause in there about self-incrimination, saying you cannot refuse to answer because it might incriminate you. What they also have is a clause that says that any evidence gathered in the process of this cannot then be used in a court case against you in a matter elsewhere. So, you have that protection alongside the fact that you cannot refuse to answer is my understanding.

The question would be, given that we have the self-incrimination clause here, do we have that partner arrangement like we do in those other sorts of commission of inquiry and integrity commission-type arrangements, where while we take away your right to silence by saying you cannot refuse to answer on the grounds of self-incrimination, we also then provide the protection that any evidence gathered through this process is used in this process, but cannot be used in a court or another proceeding against you.

Can you clarify where that is to offset the taking away of this right to silence?

Mrs HISCUTT - Clause 32, which we have already passed, says:

Admissibility of evidence in other proceedings

Evidence given by a person before an inquiry is not admissible in subsequent legal proceedings other than proceedings against that person under this Act.

There we go, both those things there.

Clause 41 agreed to.

Clauses 42 to 51 agreed to.

Clause 52 -

Report to Minister on failure by Tasracing to comply with requirements

[3.57 p.m.]

Ms WEBB - Madam Chair, this is on report to the minister on failure by Tasracing to comply with requirements. It is just requiring the commissioner to advise the minister about that failure. What happens next? Is there any further accountability or visibility on that report that goes to the minister or the advising of the minister that occurs at that point? Would that be then on-reported into an annual report of some sort, or does the minister have to somehow report that back to parliament? Is there any further visibility there?

Mrs HISCUTT - The answer is yes, but we are finding out where it is.

We have just passed clause 51 where it talks about the annual report by the commissioner. Clause 51(2) talks about any recommendations by the commissioner under the act, et cetera. One of them is subclause (c) which says:

any non-compliance with recommendations made or directions given by the Commissioner under this Act;

Ms WEBB - Does that line up? Section 51(2)(c) lines up with this 'advise the minister' requirement here in clause 52 specifically, does it?

Mrs HISCUTT - The answer is yes.

Clause 52 agreed to.

Madam CHAIR - Before calling clause 53, I know the member for Hobart has five amendments to this. In order to be fair, I will allow her a call for each amendment and two responses. If members have questions, please get up and ask them so she does not use all the calls straight up on each amendment.

You need to move each amendment separately is what I am saying. Sorry, I was not clear about that.

Ms O'CONNOR - Thank you, Madam Chair.

My first amendment is page 68, subclause (1).

Sitting suspended from 4 p.m. to 4.30 p.m.

RACING REGULATION AND INTEGRITY BILL 2024 (No. 10)**In Committee**

Resumed from above.

Clause 53 -

Integrity and Animal Welfare Standards

Ms O'CONNOR - Madam Chair, I will read the whole amendment because the bells went previously. I move the following amendment -

First amendment

Page 68, subclause (1).

Leave out that subclause.

Insert instead the following subclauses:

- (1) The Commissioner is to prepare and issue standards including, but not limited to, standards relating to integrity and animal welfare.
- () The Commissioner may prepare and issue Standards as a result of a request of the Minister under section 54.

The intention here is, I hope, self-explanatory. Too often in legislation we allow the use of 'may' when either 'is to' or 'must' more appropriately reflects what the parliament would want to see in terms of the actions and roles of a statutory officer.

The clause as written now says:

The Commissioner may, on the Commissioner's own motion or at the request of the Minister under section 54, prepare and issue Standards.

It is not necessary to say within that part of the clause 'on the request of the minister' because there is already provision for the minister to request under clause 54. I hope members see this amendment is clearer, more directive and sets out the expectations of this parliament on the commissioner.

The member for McIntyre raised this earlier. It is an ongoing issue in legislation: 'may', 'must', 'is to'. We had an interesting briefing this morning on the Justice Miscellaneous (Commission of Inquiry) Bill 2024 in which the Department of Justice advisers made an astute observation of fact in changing language in that bill which we will debate this afternoon from 'is to' to 'must'. The adviser said those words really do make a big difference, as we know.

This is in some ways, from an animal welfare point of view, the most significant part of this bill because this is where the rubber will hit the road in terms of obligations and expectations on Tasracing and industry participants to operate with integrity and upholding high standards of animal welfare.

I commend the amendment. I understand there is some receptivity to it. I had thought about including the words 'best practice' between 'issue' and 'standards' but as the departmental advisers informed me, because under the roles and the functions we have now made it clear that the function of the commissioner is to issue best practice standards, it is unnecessary to put 'best practice' there.

Obviously the commissioner needs to be responsive to a request from the minister to conduct an integrity or animal welfare inquiry. All members of this place know how hot this subject has been, certainly in the other place. There are from time to time calls from community members, animal welfare advocates, industry participants, that there be an investigation, so, the minister needs to have that capacity. I do not see that impinges in any way on the independence as set out in this act of the commissioner. I hope members will accept the amendment.

Mrs HISCUTT - Madam Chair, it is the expectation of the government that the commissioner will make standards. Therefore, we have no objections.

Amendment agreed to.

[4.36 p.m.]

Ms O'CONNOR - Madam Chair, I move the following further amendment -

Second amendment

Page 69 subclause (3), paragraph (f), after "keeping,"

Insert "humane".

The Greens' attempts to require Tasracing and the industry to operate humanely through amendments, which we will discuss later, caused a real hoo-ha downstairs and were rejected by the major parties. The amendment to require Tasracing and industry participants to operate humanely was rejected. The clause would read in relation to standards:

The keeping, humane treatment, handling and care of greyhounds and horses.

That is the bare minimum. We expect animals that are part of the racing industry to be treated humanely. That is a broad community expectation and it is an expectation which has not been met by the industry. If there is a question mark over how you define 'humane', members received a definition that was provided by Dr Megan Alessandrini; a commonsense definition of the word humane.

In this book, *Australian Animal Law: Context and Critique*, which I talked about in my second reading contribution, we need to be mindful that 'existing legal frameworks are based on the animal welfare paradigm, which accords limited moral significance to animals, although their use as human resources is subject to the humane treatment principle. Animal protection is often readily traded away when it collides with human interests'.

It would be good to think that the reason we have a bill before us - which seeks to respond to the integrity and animal welfare issues across the racing industry - is recognition on the part of government that the industry could operate more humanely. While that might throw up some challenges to the likes of, for example, Ben Yole or Anthony Bullock, we are not here to make legislation for them. We are here to make good legislation for the people of Tasmania. In this instance, to the greatest extent possible, we need to deliver legislation that improves the wellbeing of animals that are in these industries.

I hope members will accept that humane treatment is the minimum and should be the standard.

Mrs HISCUTT - Madam Chair, the government recognises that this amendment is proposed with the best intentions. However, we do not support it as we feel that it is totally unnecessary. There are two reasons for that:

First, it is already in the bill. Clause 53(2) states that the commissioner's standards:

... may provide for any matter relating or incidental to the conduct of racing.

That includes animal welfare.

Clause 53(3)(f) already recognises that the commissioner may make standards for:

the keeping, treatment, handling and care of greyhounds and horses;

generally or specifically.

Second, the commissioner's powers to make standards is permissive. It is not restricted by limits, adjectives or other qualifications. The bill is drafted so that the commissioner's standards will set the bar, including for the welfare of animals. Therefore, there are two places where this is already taken care of. It is repetitive and there is no need to repeat it. I urge members not to fight for this amendment.

Madam CHAIR - I remind members that if you are going to have questions for the member for Hobart, get up and ask them before she uses the calls.

[4.41 p.m.]

Ms RATTRAY - Madam Chair, a question to the Leader: if it is already there, is there any issue with adding it to - as the amendment has been put forward by the member for Hobart? I am looking to see if there is any detriment - if it is already there, is it a belt and braces approach? Is it a word that would be receptive to the industry and to the community particularly around racing in Tasmania? That is my question. I do not mind if you wait and answer mine with others or answer it now.

Ms Webb - We would like to hear that.

Mrs HISCUTT - I will seek an answer on that, but it is clear that it is already in the bill.

Ms O'Connor - Where?

Mrs HISCUTT - It is covered in other areas. The word itself is covered in other areas and there is no need to add it. The government accepted the amendment to clause 9 to make best practice standards, which describes the commissioner's function. These proposed amendments do not add to the bill one iota. No need for it.

Ms THOMAS - Madam Chair, I thank the member for Hobart for bringing this amendment. It has turned my mind to what the definition of animal welfare is more broadly. It is referred to throughout the act, which refers to integrity and animal welfare. Neither of those

terms are defined anywhere in the act. It is reasonable to expect that the commissioner and the Animal Welfare Advisory Committee, from which the commissioner will seek advice, will refer to definitions set and used by world-recognised organisations when applying the act, including in the development of standards.

When I looked at the World Organisation for Animal Health's definition of animal welfare, they talk about the terrestrial code. Terrestrial code for animal welfare means the physical and mental state of an animal in relation to the conditions in which it lives and dies. Chapter 7.1 of the *Terrestrial Animal Health Code* has the introduction to the recommendations for animal welfare and article 7.1.1 has a definition of animal welfare and it says that animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if, as indicated by scientific evidence, it is healthy, comfortable, well-nourished, safe, able to express, innate behaviour and if it is not suffering from unpleasant states such as pain, fear, and distress.

Good animal welfare requires disease prevention and appropriate veterinary care, shelter, management and nutrition ... humane handling and humane slaughter or killing. While animal welfare refers to the state of the animal, the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment.

I am concerned that inserting the word 'humane' could be limiting because the term 'animal welfare' encompasses everything included in that definition. Again, the bill refers to integrity and animal welfare throughout. I expect that the commissioner - and I seek advice from the Leader and I ask the member for Hobart - to consider whether it could be limiting, rather than trying to achieve the intent. I feel that the intent is already covered by that World Organisation for Animal Health definition, which I expect the commissioner and the committee to refer to when they are setting standards and when they are considering the application of the bill and the intention more broadly.

Madam CHAIR - Do you want to go now, Leader?

Mrs HISCUTT - I will respond to say that my advice from my advisers is that you are correct in what you say. It is also worth noting that these words are not defined in the legislation because the community's expectations do change from time to time, as do the meanings of words. That is why the ability to make standards is not qualified by limits and why the bill does not define these terms.

Clause 53(7)(c) gives the commissioner the relevant and adaptive power. It provides that the commissioner may adopt, either wholly or in part, or with or without modification, either specifically or by reference, any standards, rules, codes, guidelines or other documentation. So, it could have a limiting effect. I urge members to leave the broad term there.

[4.46 p.m.]

Ms WEBB - I am rising to put my thoughts on the record in relation to this amendment. It is interesting to contemplate that community expectations around a term like 'humane' may change over time. In fact, a lot of the reason we are talking about these industries at the moment is because community expectations have certainly changed around what we expect to see from the racing industry's treatment of animals.

Mrs Hiscutt - It is this bill.

Ms WEBB - Yes. That is because there have been so many instances of concern raised about treatment of animals in these industries amongst other issues, but that is a key one. I am sure what we have now, already, is all sorts of rules and regulations and guidelines and frameworks that are about the treatment of animals in those industries and the welfare of animals in those industries. Yet here we are with industries that are facing the collapse of their social licence in the Tasmanian community because of a whole range of matters that have come to light repeatedly about the inhumane treatment of animals in those industries.

That is in a current setting, under current arrangements that already talk about animal welfare, that already talk about the treatment of animals and things like that. I am inclined to support this amendment because it puts something in that is explicit. It is actually attaching itself just to one word - 'humane' treatment.

We still have the whole clause 53 called 'Integrity and Animal Welfare Standards'. We are not changing that statement or constraining it in any way. We are not limiting what we are talking about in terms of animal welfare standards. We are attaching the word 'humane' to the word 'treatment' in subclause (3)(f). That is what this amendment does - simple as that.

That is absolutely in keeping with community expectation. I do not think it limits in any way. If we were going to make standards about treatment of greyhounds and horses, we would expect them to be standards that were about the humane treatment of those animals. I do not think adding 'humane' to the word 'treatment' constrains it. I believe it reflects community expectation. I cannot imagine the community expectation of humane treatment of animals will not continue. What we have had clearly has not been good enough. This bill is a good piece of work to try to fix it. Putting explicit steers in there like the word 'humane' in places like this is, I think, not just acceptable but actually preferred.

I support the amendment. I do not see a constraint being applied through this particular amendment at all. I hope others will see, even if the argument is that it is unnecessary, it has been demonstrably necessary that we be more explicit about these things because of the failures we have seen.

Mr EDMUNDS - I agree with some of the comments being made, but they are getting almost into second reading territory about this entire bill. This entire bill is addressing those issues.

The member for Hobart is correct. I thank her for proposing the amendment. I will not be supporting it. It did create some brouhaha downstairs, mainly through media - I assume that was a press release and some emails. I understand that there is an easy argument to win in the community with this, in that you can just say, 'We tried to get this word in and it did not get through'.

With that in mind, and having watched that debate closely downstairs, when we had our briefing last Thursday, I stuck around to hear the advice from our departmental advisers and experts. I stayed in that room to hear why, and, in fact, I was the one who asked the question, 'Can you please run me through the situation essentially around the use of the word "humane"?' Because I was there, I was satisfied with the explanation. The Leader and others, including the

member for Elwick, have explained that clearly and well. I asked the question, I listened to the answers, and I am satisfied with them.

Animal welfare is embedded in this legislation and, in fact, it is the reason why we are here. Without going down the same path of giving a second reading speech on an amendment, we are here because there have been failings - absolutely. I completely agree with that sentiment. But it has been explained thoroughly why this word - yes, it sounds great, and I am sure there will probably be another media release later today, but -

Ms O'CONNOR - Madam Chair, goodness me. Point of order. I was pulled up this morning, or was it yesterday, for allegedly impugning people's motives, and basically the member for Pembroke here -

Madam CHAIR - Order.

Mr Edmunds - If I can -

Ms O'Connor - We cannot have a double standard in here. I am happy -

Madam CHAIR - There are two people on their feet and I cannot hear either of them. I take your point. I will be listening carefully. I am not sure he was doing that, but I will listen more carefully and more fully.

Mr EDMUNDS - What I was dealing with was the fact that community expectation has been talked about throughout this discussion: community expectation - how this is being received in the public. What I am trying to do for my community is to have them understand when they read about this in the paper about how people might have voted on this issue, that it is understood that the position that I take as their local member is based on advice and that it was me at the briefing who asked these questions to get the understanding.

Ms O'Connor - Good on you. Amazing.

Mr EDMUNDS - Yes, you were not there to ask it.

Ms O'Connor - Do you know why? I was out front presenting a petition -

Madam CHAIR - Order. Order. We will not have argument across the Chamber.

Mr EDMUNDS - I am responding to an attack.

Madam CHAIR - The member for Pembroke has the call. Do you have a question or is this supporting or opposing the amendment?

Mr EDMUNDS - No, I am putting -

Ms WEBB - Madam Chair, point of order. I am interested to know whether it is against a standing order to reflect on who was - or who was not - at a briefing that we receive on bills before the debate.

Madam CHAIR - I remind all members that the purpose of this stage of the bill is to prosecute the clauses in front of us. I urge members to stay away from extraneous experiences related to getting to the point. Either speak in favour or opposition of a particular amendment or proposal that is in the bill and give your reasons. Stick to that and do not reflect on matters.

As far as reflecting on who appeared at a briefing, it is irrelevant. That is not an official proceeding of parliament. The Standing Orders reflect not referring to matters that are raised in debate in the other place, or in a previous debate in this House, and on how people determine their position. That is what the Standing Orders refer to. There is no mention of briefings as they are not a formal process of parliament.

I call the member for Pembroke to finish his contribution and focus on his support or opposition to this amendment.

Mr EDMUNDS - Madam Chair, I will sum up my point in that I will be supporting the comments of the Leader when it comes to this proposed amendment. I apologise for those comments if that is part of me, but to be honest I was giving my speech and was interrupted, so thank you.

Ms O'CONNOR - Madam Chair, it is hardly very surprising that the major parties which have backed the racing industry here for many years do not want to see the word 'humane' put into the legislation. The definition of humane under the *Law Insider* publication is:

Humane means providing care such as water, food, safe handling, clean facilities, medical treatment, and euthanasia if needed, and conditions including environments sensitive to species' typical biology and behaviour with the intent to minimise fear, pain, stress, and suffering.

I very strongly feel the need to make a short personal explanation because I have been maligned in that I did not attend the second part of the briefing on this bill. That is because we had an hour-long briefing on this very bill before the winter break in the Greens' boardroom. I spent a fair bit of the winter break going over this bill off the back of that briefing, which I appreciated very much. It was very thorough. Also on that morning, I had the great privilege to present a petition with 3603 signatures on it from members of the community who want to see some accountability around the public subsidy.

Madam CHAIR - I will take that as a point of personal explanation.

Ms O'CONNOR - Thank you.

I do not think it is a solid argument, with respect, for government to make off the back of the question asked by the member for Elwick, that inserting a word which has a common understanding and meaning is somehow limiting. Spare me. How can it be limiting if we in this legislation are simply saying that the treatment of these animals should be humane.

Community expectations actually matter, member for Pembroke. I am not sure if you have seen the polling that was undertaken by EMRS, but overwhelmingly we are put here by the community. The community trusts us to do the right thing and vote the right way. All by whatever lights and values we bring to this place. The community has been really clear it

expects this industry to operate humanely as a baseline. It is disappointing and unsurprising to see the major parties who have been part of the problem with this industry for 30 years -

Madam CHAIR - Order, order. I will ask you to sit down. You can continue your call. This is not an opportunity to reflect on other people's positions. You make your point.

Part of this debate is to help elicit further meaning from a clause, not to slang off at each other across the Chamber. People make their own decisions on the provision and everyone is entitled to land where they do. This process is to assist a court in the future to determine the intent of this amendment, should it be approved, or the clause as it stands if not.

I urge members to refrain from reflecting on the positions others take. Put your own case and leave it at that.

Ms O'CONNOR - Thank you, for your ruling, Madam Chair. Every member of this place should be able to criticise a political position that has been taken; not an individual, but a political position. We have an implied right to freedom of political communication under the Constitution.

Madam CHAIR - You do, but you are going very close to the line. I urge you to come back to the purpose of this process.

Ms O'CONNOR - I will be seeking some clarity on that ruling about whether or not we can speak about other parties in this place, because it is extremely concerning.

I see what is about to happen here to this proposed amendment and understand why it is happening. If we insert the word 'humane' into this bill, it requires something very clear of Tasracing and the industry. By refusing to allow an amendment that inserts 'humane' into this bill, it is an acknowledgement the industry cannot operate to the level of humane treatment the community expects.

If that was not the case, there would not be such resistance. There has been such resistance, in the other place and in here, to what should be a standard we all agree the industry and Tasracing should be held to. It makes me very cynical about how this bill will change anything, if at all, about the treatment of animals in this industry.

They are treated as things - livestock. They are. We have heard the arguments in the other place. We have heard the arguments by members out defending the industry - saying everyone in this industry loves their animals. Plenty of people in this industry love their animals. Overwhelmingly, people in this industry have a heart for and respect the animals that they either own or train. As we know, that is not overwhelmingly the case, and it only takes one or two to bring the whole industry down. That is why the member for Pembroke does a disservice in some ways to the industry, because it is true. Why can I not say that?

[5.02 p.m.]

Madam CHAIR - Order. We are going back to taking personal slangs. Member, sit down.

I remind members the process here is to elicit further information that would allow a court or other people to interpret the purpose of this provision. The *Acts Interpretation Act* provides what it means to include extrinsic material that has been drawn into the debate.

Section 8B. Use of extrinsic material in interpretation

- (1) Subject to subsection (2), in the interpretation of a provision of an Act, consideration may be given to extrinsic material capable of assisting in the interpretation -

This says what is appropriate:

- (a) if the provision is ambiguous or obscure, to provide an interpretation of it.

I do not think the information is not ambiguous or obscure. It also says that extrinsic material in this section means material not forming part of the act including a speech made in the House of Parliament by a member of the House in moving a motion that the bill be read a second time or relevant material in the Votes and Proceedings of either House, or in any official record of debates in the parliament of either House.

I urge members to stay away from what might have been said in a previous debate. Focus on the matter in front of us to assist in the interpretation of an amendment before the Chair and avoid reflecting on other people's comments in other places or this place.

Ms WEBB - Can I have a point of clarification on that please, Madam Chair?

Madam CHAIR - You can ask a question, but we are getting very bogged down in this when it is a simple amendment before the Chair.

Ms WEBB - Indeed. When it comes to amendments that we are debating in this process, is there not also a function that we, as representatives, are stating our position and our intention in terms of a vote and that is part of our accountability to our community? I am clarifying that it is okay to do that.

Madam CHAIR - It is not your own position. I said that already.

Ms WEBB - Yes, so it is not seeking more information necessarily, but stating your own position.

Madam CHAIR - I have said it is not about reflecting on what has been said by other people in other places.

Ms WEBB - Thank you. I am clarifying that is okay to do.

Ms O'CONNOR - On the point of order, Madam Chair - and I will not go on too much about this - but I have watched the course of debates in Committee in this place and I have seen other members refer to statements or positions taken by other political parties and members. I do not want to be the subject of a double standard in here. I will not be.

Madam CHAIR - The purpose of this is to seek to convince members to support the position you are putting. If it is not clear what you are asking, then members can ask for further information to make it clear what you are asking, to further illustrate information that would actually make it clear. Okay?

More than one member in this place has referred to other members' comments, thoughts, views expressed in other places. That does not add to the value of you trying to inform members of your view in this House. I urge members to focus on debating the amendment before the Chair. That is all of you, including the member for Pembroke, who was getting very close to the line and possibly stepped over it.

I am saying there is not a ruling to be made here. I will put the question and anyone who still has calls left can use them. I do not want things being repeated, because otherwise I will call out Standing Order 99 on repetition.

The member for Mersey on the question before the Chair.

Mr GAFFNEY - Chair, I was convinced by including the word 'humane'. Then I went to clause 53(4), where it refers to the *Animal Welfare Act 1993*. I thought I will go there to see what the definition of humane is. It is not included in that act. I cannot see it in the act. Therefore, if that term is not in the *Animal Welfare Act*, should we impose it in this one or does more work need to be done in the *Animal Welfare Act*?

Because there is no interpretation or definition in that act, I would not want to put it into this act, because I do not think it makes sense. I could be convinced otherwise. At this stage, I will not be supporting the amendment to include the word 'humane' because it is not reflected, even though the intent might be in our *Animal Welfare Act*. In this bill, it is not explicit, so I could not support this amendment.

Madam CHAIR - Use your last call if you get up now, member for Launceston.

[5.07 p.m.]

Ms ARMITAGE - Chair, I have been listening to all sides and all sides make sense and I am more confused than I was at the beginning.

I have been reading a variety of definitions of animal welfare. Protecting animal welfare is a veterinary commitment that encompasses all aspects of an animal's wellbeing, both physical and mental. Good animal welfare requires disease prevention and treatment, responsible care, proper housing, management, nutrition, humane handling, and when necessary, humane euthanasia.

I understand what the member for Mersey was saying about the act. I have not actually looked at the act, but if it is not in there, maybe we need to add it. Maybe I am looking at it from a different angle. From my perspective - regarding the word humane - I see it differently when looking at all the other words. It all comes down to the perspective you are looking at and I am inclined to support the word humane. I know it is not going to make any difference. I know it does not need to be there. I also really appreciate the views of the member for Pembroke. I have been listening to all the different opinions. If it does not make any difference, it does not hurt being there; it just seems to be that little bit more caring. Even though it does

nothing, it just gives you the feeling that more is happening. I said I am more confused now than I was before, but at the moment I am likely to support.

Ms O'CONNOR - I will point out in response to the member for Mersey's considered contribution that nor are there definitions of 'efficient' or 'effective' in the act, and we are moving on shortly to clauses that require Tasracing to operate efficiently and effectively. There is no definition of efficient for a public entity that absorbs \$34 million a year or so out of the public purse. There is no definition of effective for an industry which has been blighted by integrity issues and erosion of public trust going back for many years now. There is a commonsense understanding of humane and it is not an insurmountable problem.

The problem with the act is that the *Animal Welfare Act 1993* has not been amended properly since its inception. Any amendments that have been made to it have been tinkering.

I will go back to the Animal Welfare Act Review which relates to this question of humane treatment, and of thinking about animals differently: less as things and more as sentient creatures that have their own intrinsic rights. This Animal Welfare Advisory Committee was not made up of a whole heap of animal welfare organisations. It did have the RSPCA on it. It had a representative from the RSPCA, Tasmanian Farmers and Graziers Association, Animals Australia, Intensive Farming Industries, the Local Government Association of Tasmania. DPIPW, Tasmania Police, UTAS and the Australian Veterinary Association. A very broad range of interests made up the Animal Welfare Act Review which was finalised and submitted to government in 2013.

They recommended 25 changes to the act, most of which have been completely ignored. The one that grates the most is to a recommendation to amend section 8 of the *Animal Welfare Act* as it relates to animal cruelty:

- (1) Amend the act to clarify that pain and suffering includes, but is not limited to, distress, mental suffering, physical suffering.

Eleven years ago, a properly constituted diverse body examined the act - which is terribly out of date, even more so now - and made these recommendations that relate to a humane approach to animals. That is an approach that recognises they can experience distress, recognises mental and physical suffering, and is clear and explicit in the act. The *Animal Welfare Act* is no longer fit for purpose because we keep tinkering with it. Fundamentally, it still treats animals as things. The lens through that act and this bill, which is why I am so keen to see some language around humane treatment in it, is that animals are there for our use.

You can have different views on that, but I am very thankful to the members for Launceston, McIntyre and Nelson for indicating, potentially, support for this amendment. I understand the concern of the member for Mersey but it is not an insurmountable problem. It will be an insurmountable problem if we pass legislation which changes nothing substantially for the welfare of animals in the industry. Therefore, if your concern is the industry itself and its future, it will damage the industry, because the social licence for this industry is disappearing.

Members who go along to the Melbourne Cup would know that numbers at the cup are crashing and they have never recovered from the 7.30 report story of a few years ago. While I have been asked not to reflect on what other members have said, it is not an argument to say,

as we have heard, that participants in this industry love their animals. Some do. A number do not, and those who do not have caused enormous suffering to animals.

We should demand of this industry that it operates humanely at a bare minimum. I understand that there are members here who are frequent participants at the races, and I know that you go there because you enjoy the social atmosphere. Having a bit of a bet can be fun, unless you are losing. I ask that next time you go, have a real look at those animals and think about their lives. Place a bet on them. What is happening to these animals?

In this clause you see it. In this clause there are standards around lifetime traceability. Neither the greyhound racing industry nor the horseracing industry have come anywhere close to lifetime traceability. Greyhounds usually do not live past the age of four years, and it is a fact that we do not know what happens to ex-racing horses. We have had Tasracing talk about an off-the-track program and then go very quiet about it. Why? Because it is really hard to track horses, and it is hard to rehome a horse. It is not as easy as rehoming a greyhound, as challenging as that is.

Again, I find it worrying that we will not insert a word that is so clearly understood and so necessary in the way we deal with animals. It is a recognition to me that this industry cannot operate humanely. It is irredeemably cruel, and that is a fact.

[5.16 p.m.]

Mr GAFFNEY - Madam Chair, I appreciate the honourable member's contribution, except that when I look at the words 'humane killing' regarding animals, it says all methods of humane killing including slaughter and on-farm euthanasia must meet the same criteria: death of an animal without pain, suffering or distress. By inserting the word 'humane' in this bill, are we then saying that if you humanely destroy a racehorse or a greyhound, that is okay in the definition?

I want to be clear that that is not the intent of this change. I think that is something that we need to be aware of, because that is what humane killing of an animal would mean. If we insert the word 'humane' into this legislation, is that what we are trying to do? I am not certain that I have long enough to reflect on that.

Mr EDMUNDS - Madam Chair, I do not think members of this House are that far apart in what we think about this bill. It was reflected through the second reading speech that we acknowledge that there is a lot of work to be done in this field. That is why we are here dealing with this broader bill.

There are participants who love their animals, as I am sure everyone in this Chamber does. There are participants who have done the wrong thing and a watchdog that has not done its job. That is why we are here dealing with this entire bill and that is why we will be here for a few hours yet, I am sure.

When it comes to the specific amendment, we have all asked our questions and we have all put our point of view. I am satisfied with the answers given to me, which is why I will be voting how I am. I have tried to do this as a councillor and in here. We have more in common than we do not have in common.

Ms O'Connor - That is true.

Mr EDMUNDS - I agree with a lot of what you said, member for Hobart, about the industry. There are people who love their animals and there are bad eggs who are wrecking it, and our integrity bodies have not been up to snuff. Here we are with a chance to sort that out. As mentioned in the second reading speech, we will all be keeping a close eye on different elements of this as it plays out, but I appreciate the advice and the contributions to the debate, which have spelled out why I will be voting the way I am.

Ms RATTRAY - Chair, I also acknowledge the very passionate contributions that we have received today. It is causing me to address my mind to whether to support adding the word 'humane'. I acknowledge the member for Mersey in taking me over the page where it talks about the *Animal Welfare Act*.

My question is to the Leader and not to the mover of the amendment. What is the expected time frame for the commissioner to go through the process and provide the standards that are going to be required by the industry?

Madam CHAIR - This is not directly related to the amendment. You can bring this up whether the amendment is agreed - unless it is related to the inclusion of 'humane'.

Ms RATTRAY - I was hoping to have that information to see whether I wanted to support the amendment, or perhaps wait -

Madam CHAIR - How does insertion of the amendment or not relate to your question, if you do not mind? You have another two more calls on the clause as amended.

Ms RATTRAY - Yes, I understand that. As I said, I was working hard to address my mind to the amendment. I will wait and have to make a call before that.

[5.21 p.m.]

Mrs HISCUTT - Madam Chair, I have a little bit to add, but first, the commissioner will get those standards as soon as practicable. It is expected that will be one of the primary initial starts.

The member for Launceston made a comment that putting the term 'humane' in will not make a difference. The member for Elwick alluded that it will make a difference. I want to reiterate that the amendment, if accepted, may have the consequence of narrowing what is meant by the general term 'animal welfare'. 'Animal welfare' was not a term that was included in the *Racing Regulations Act 2024*. This here is a significant step forward. It is there so that the expectations with respect to animal welfare can be standardised and met.

The bill recognises the need for care and the adoption of best practice standards. These standards may be of a type or of a kind as appropriate. As part of the government, we need to refute that by not accepting this amendment, we will see no change to animal welfare, as alluded to by a member.

The bill establishes a commissioner with the power to set integrity and animal welfare standards - that is in clause 53 - including the power to set standards relating to animal testing, care and traceability. Tasracing must prepare a plan for each financial year in respect of integrity and welfare in racing, including, but not limited to, animal welfare for each code of

racine, which must be submitted by the commissioner in clause 61 for endorsement. This is an important additional requirement to provide transparency and oversight of the commissioner.

The bill also creates provision for veterinarians to be appointed to the Tasracing integrity unit to assist with its animal welfare functions. The commissioner will oversee Tasracing's responsibilities and the bill provides for the commissioner to be assisted by the Integrity and Animal Welfare Advisory Committee. The committee will include representatives from the RSPCA, Tasracing, and the department responsible for the *Animal Welfare Act 1993*.

The bill also gives further scope for the commissioner to nominate members with animal welfare, veterinarian and industry expertise to it. The committee will also have the power to inform itself by seeking expert advice about animal welfare matters.

Members, I urge you not to accept this amendment because it could inhibit some of these things by making it too restrictive. Members, please vote against this amendment.

Amendment negatived.

Ms O'CONNOR - Madam Chair, to indicate to members that I will be dividing on the amendments, I seek to make to the functions of Tasracing to add insert 'humane' to 'efficient' and 'effective.'

Madam CHAIR - I could not hear what you said then.

Ms O'CONNOR - To flag with members that I intend to seek a division following a future amendment.

Madam CHAIR - Not that last one?

Ms O'CONNOR - I did not on this one.

Madam CHAIR - That is fine.

Ms O'CONNOR - Madam Chair, I move the following further amendment -

Third amendment

Page 70, subclause (4) after paragraph (a).

Insert the following paragraph:

(ab) industry best practice integrity and animal welfare standards;

This is self-explanatory. I simply ask that members consider we are working to make legislation. First, I do not know if the Leader was referring to me when it was stated that if you do not put 'humane' in, nothing will change in terms of animal welfare.

Madam CHAIR - I think that was me.

Ms O'CONNOR - I certainly do not believe that. If you have a racing integrity commissioner who is properly independent, and an expectation from the communities we represent that there be improvements to animal welfare, and a set of standards that are actually enforced, then there are likely to be improvements to the welfare of animals in the industry.

However, they will still be exploited and they will still die before their time. Most greyhounds do not make it past three or four years of age and very few retired racehorses live to be old horses. What I am seeking for the House to agree to here is that there be an insertion of industry best practice and animal welfare standards in this clause. I think that is fairly self-explanatory.

[5.27 p.m.]

Mrs HISCUTT - Madam Chair, the amendment is not needed for the following reasons:

First, the bill is designed so that the commissioner's standards themselves will set the bar for industry integrity and animal welfare practices. The amendment would also create a circularity. It would mean that the commission must have regard to its standards when making its standards.

Second, more importantly, clause 53(4) of the bill already identifies matters to which the commissioner must have regard when making standards. These include any standards and guidelines issued under the *Tasmanian Animal Welfare Act 1993*.

Third, and the most relevant, is clause 53(7)(c) already allows the commissioner to:

adopt, either wholly or in part and with or without modification, either specifically or by reference, any standards, rules, codes, guidelines or other documents

such as may be best practice from time to time.

Finally, the government also accepted the amendment to clause 9 - the insertion of 'best practice'.

Ms WEBB - Madam Chair, in light of the Leader's comments just then, I am seeking clarity from the member moving the amendment to see if you could explain whether this is circularity? When I read the amendment to include that, in making the standards under this section, the commissioner is to have regard to - according to the amendment - industry best practice, integrity and animal welfare standards - those standards being referred to would be external to the ones being developed - that it is not a circularity referring to its own standards. Subclause (4)(a) already requires there to be regard to specific animal welfare standards or animal welfare guidelines that sit under the *Animal Welfare Act*. That is all well and good and clear.

This amendment is also asking that there be regard to other sets of best practice integrity and animal welfare standards. Is there something that is imagined in terms of what that would capture beyond what we already have under the *Animal Welfare Act*? Or, under subclause (7)(c) as the Leader pointed out, which again does not necessarily fill the gap because it does not have to be taken into account. Is there a specific set of standards you are looking at?

Ms O'CONNOR - Madam Chair, I thank the member for the question. There is a gap in this section because it requires the commissioner to have regard to standards or guidelines that has been issued under the act that are applicable to racehorses and greyhounds. I am not sure there has ever been a set of decent standards issued to those industries under the act. As I understand it, the industry operates mostly under the Australian Rules of Racing, which are just adopted here and Tasracing issues some guidelines. I do not think they are pursuant to any obligation under the act. Perhaps the Leader could clarify that.

The *Animal Welfare Act* itself has not been particularly useful in terms of responding to some of the animal welfare issues in the industry. I thought it would be useful for the commissioner to be able to look past the *Animal Welfare Act* at such things as have been adopted in New Zealand. For example, the IFHA Minimum Horse Welfare Guidelines, which I sent to members after the briefing. They are the global best practice standards for the nutrition, health, environment, behaviour, and mental or effective state of horses in the industry and they are accepted readily - as I understand it and as I am told - by industry participants in New Zealand. They are founded, in terms of another set of standards, on the five domains model of including human-animal interactions and assessments of animal welfare.

I think there is a deficit in this clause in that we are confining the commissioner to look at the act and to look at the functions and powers of Tasracing, but in the middle, should not there be a capacity or a provision that is explicit in the act that says to the commissioner, 'you can go and look, please, go and look elsewhere, find what those best practice standards are', because I can tell you where you will not find them. You will not find best practice standards anywhere connected to Tasmania's *Animal Welfare Act* and there are no best practice standards in place for horses or dogs who are part of this industry.

This clause is very limiting on the commissioner as it is written. I do not buy the argument that there is some sort of circularity. What we are talking about is a very clear line of potential matters for the commissioner to have regard to in developing standards. I see a deficit there. I hope other members do too.

[5.33 p.m.]

Mr GAFFNEY - Madam Chair, I am inclined to support this. However, I got a bit stuck on the industry best practice integrity and animal welfare. If it was just industry best practice animal welfare standards, I can understand that, because that has to do with the welfare of the animal. Integrity, to me, comes down to a human value. How do you put those two together? You are stating the animal welfare standards in terms of how people adhere to that and adopt it. I do not think it is a standard we can measure animal welfare by. It is more about how people deal with that in an apparent way.

I am not sure if the commission would have to look at the standards, or whether they would know what to do with the integrity part of it. It has to be that animal welfare.

That would be my concern. I can accept best practice animal welfare standards. I do not know whether I can accept best practice integrity animal welfare standards because that is inherent in all our legislation.

Mrs HISCUTT - Madam Chair, after listening to the member for Hobart, it backs up the fact that the amendment is not necessary. Clause 53(7) already provides that the standards:

- (c) may adopt, either wholly or in part and with or without modification, either specifically or by reference, any standards, rules, codes, guidelines or other documents.

It is there.

Madam CHAIR - You are saying it is heavy on repetition?

Mrs HISCUTT - I will say it louder, perhaps: it is there. I believe the member for Hobart has backed up our reason for not inserting that. Please do not vote for it.

Ms WEBB - Madam Chair, in considering this, I thank you for the clarification and extra information. I am going to land on not supporting this amendment. I will put on the record the reason for that. I understand and support the intent, but the clause we are dealing with, because of the way it is phrased, is talking about the things the commissioner is to have regard to. It is an imperative on the commissioner. That has to be specific. If we are saying the commissioner must have regard to these things, we have to be specific as to what those things are. It is specifically referring to matters that are captured under the *Animal Welfare Act*. Granted, from your comments, it is probably true that those specific things are not there, but at least it has specified the standards and guidelines under the act, and the functions and powers of Tasracing, which are quite specific.

If we are adding something else to subclause (4), I think it has to be something that we can specifically point to as a matter that they are to have regard to. I do not think it can be broad, because then there is always going to be a question and a bit of uncertainty as to what is captured. Best practice integrity and animal welfare standards will always be a slightly grey area around where the edges of that are.

This has to be specific, because we are requiring what it will specifically have regard to. I do accept that subclause (7)(c) across the page provides for other things to be brought in.

It does not mandate that they must be given regard to, but it provides that they can be. That is probably less than we would like in terms of surety, but it is there. We can infer, with the other requirements and expectations around the commissioner, that it is likely something they are going to be turning their mind to. It is likely they will look to other jurisdictions - you have mentioned New Zealand - to draw on under subclause (7)(c).

I thank the member for the amendment. I understand and support the intent of it. I do not think technically we can say 'is to have regard to' something vague. It is vague in the sense that it is hard to actually put a specific prescription around specifically.

Mr EDMUNDS - Madam Chair, I was going to vote against this amendment because it was already embedded in the bill, certainly through (7)(c). However, I think also the fact that we were able to support across the Chamber the member for Hobart's amendment for clause 9; if it was not clear, then it is certainly covered by the unanimous support of the Chamber for the amendment to clause 9.

I have one question for the Leader. There was some comment by the mover that perhaps there still is a gap left to be filled by this motion. Can I ask, is it considered there is a gap with best practice or not?

Mrs HISCUTT - Madam Chair, the government is of the opinion that, no, there is no gap. We have thought of everything we can possibly think of.

Members interjecting.

Madam CHAIR - I will check before I call you - are there any other questions from any other members for the member for Hobart?

Ms O'CONNOR - Madam Chair, thanks everyone for your contributions. I found myself being persuaded across and around the room. I still think there is a deficiency there. If you take out the words 'integrity' and 'animal welfare standards', that the intent of it is that the commissioner is to have regard to 'industry best practice standards', that is okay. I can read the room. I am not going to push this. I thought it was a gap. It may or may not be. Only time will tell.

While I am on my feet, I am going to withdraw my fourth and fifth amendments.

Madam CHAIR - We need to dispose of the question before the Chair.

Ms O'CONNOR - I am just flagging this. It is my intention not to move the fourth and fifth amendments to this clause, in part because the fourth amendment is dealt with later in the bill, where it is very clear the advisory committee has a broad range of powers and capacities to get information from elsewhere. I am reassured on that point by information that we have received. For the fifth amendment - why would we have this argument again?

Amendment negatived.

Madam CHAIR - This is an opportunity for members to ask questions about the clause in its entirety now as amended.

Ms RATTRAY - Madam Chair, thank you for the prompt. It is much appreciated. I know the Leader did provide an answer to my question around a time frame for the standards to be in place. 'As soon as practicable' does not give me a lot of confidence. I would really like to have something more concrete than 'as soon as practicable'. There must be an expectation. The commissioner is appointed. That is the first job. I would expect that would be the very first job - onto it. Bang, bang, bang. Surely, within 12 months of the legislation passing, you could say there will be a set of standards for the industry?

Mrs HISCUTT - Madam Chair, we do not want to constrain the commissioner but once it is up and running the expectation of government is that will be the first call of order. I cannot demand that he does it within a month - if it is a he. I cannot demand that she, if it is a she, does it within the year, but the expectation of the government is those standards will be implemented as quickly as possible once the commission is up and running.

Clause 53, as amended, agreed to.

Clause 54 -

Request by Minister to prepare Standards

[5.43 p.m.]

Ms O'CONNOR - Madam Chair, I have a question about clause 54. This is: when the minister asks the commissioner in writing to develop an issue, standards or a standard, the minister is required to consult with the commissioner and may consult with the Treasurer.

First, I am keen to understand what role the Treasurer has with the racing industry, apart from overseeing the racing deed and the massive public subsidy to the industry. But, also, the minister can talk to the Treasurer anytime. The minister can have a chat with the Treasurer if they have an issue that they want resolved in relation to the racing industry.

I wonder and question why we have inserted the Treasurer into this legislation because, as far as I understand it, these standards, while they may have an impact on the viability of some industry participants if they have to, for example, change the housing for greyhounds - and let us hope we do get a better standard for housing greyhounds - the financial impact is not something that would be borne by the state of Tasmania. Why have we put the Treasurer in here?

Mrs HISCUTT - Madam Chair, the Treasurer is a shareholder minister for Tasmania Racing and the clause is a 'may' only, not 'must'.

Clause 54 agreed to.

Clause 55 agreed to.

Clause 56 agreed to.

Clause 57 -

Racing Integrity Committee

Ms THOMAS - Madam Chair, clause 57(3) says:

... not eligible to be a member of the Racing Integrity Committee ...

- (e) any person who has or obtains a financial or proprietary interest in a greyhound or a horse, other than a greyhound or horse that has retired from racing;

I could not find if this also applied to the racing integrity commissioner, TRAB members, Integrity and Animal Welfare Advisory Committee members and the chief racing integrity officer. Clearly, it is important that there is no interest in it for any of these positions. If it is stated in the legislation for members of the racing integrity committee, where is it or ought it be included for those other positions that are referred to in the act.

Mrs HISCUTT - Madam Chair, we will come back to the chief racing integrity officer. With regards to the TRAB members, clause 71(10) states that a person is not eligible to be a member of the TRAB if the person is the trainer, owner or lessee of a horse or greyhound used for racing.

With regard to the commissioner, strong protections exist against conflicts of interest - also in respect of the commissioner, in addition to the conditions that may be specified in the commissioner's instrument of appointment, the breach of which could lead to a dismissal. Clause 4 of Schedule 1 enables the commissioner to be removed by the Governor, including if the commissioner is unable to perform their duties adequately or competently, as may occur because of a conflict of interest.

I have some more information coming in a moment.

In finality to your question, member for Elwick, there is not a similar clause for the chief Racing Integrity Officer. However, the bill has protections against this person being compromised and it is the government's expectation that this person, to be appointed by Tasracing, will be subject to standards issued by the commissioner as well as the oversight of the Racing Integrity Committee under clause 67, which will oversee its appointment and dismissal.

Ms O'CONNOR - Madam Chair, can I get some clarity in relation to the answer the Leader just gave? In subclause (6) of this clause, it says:

The Minister may only appoint a person to the Racing Integrity Committee if the Minister is satisfied that the person has the skills, experience and knowledge in matters that are relevant to the functions of the Racing Integrity Committee.

There is nothing in there about 'has no conflicts of interest'. Would you mind clarifying? Where is that in the act under the TRAB bit?

Mrs Hiscutt - Only TRAB.

Ms O'CONNOR - Only for TRAB. Would we not want members of the Integrity Committee not to have conflicts of interest as well so there can be that level of reassurance about the membership?

Ms Thomas - That is the exact clause I was referring to, clause 57(3)(e).

Ms O'CONNOR - Yes, but in terms of this committee, is that really clear and understood, that there is no chance for conflict? Yes?

Mrs HISCUTT - That is what the legislation says.

Clause 57 agreed to.

Clause 58 agreed to.

Clause 59 -

General functions and powers of Tasracing

Madam CHAIR - Member for Hobart, these two you can do together because they are essentially the same. Move them both and then speak to them.

Ms O'CONNOR - Madam Chair, I move -

First amendment -

Page 81, subclause (1), paragraph (c).

Leave out "efficient and effective".

Insert instead "efficient, effective and humane".

Second amendment -

Same page, same subclause, paragraph (d).

Leave out "efficient and effective".

Insert instead "efficient, effective and humane".

I want to reassure the member for Pembroke that I do not do this because I want to put out a press release. That is not the motivation of any -

Madam CHAIR - We do not reflect on motivation to members either way.

Ms O'CONNOR - I am reflecting on my own motivations. I think that is legitimate.

Madam CHAIR - No, you reflected on what the member for Pembroke might be doing.

Ms O'CONNOR - No, I was not. Sorry, Madam Chair.

Madam CHAIR - All right, I need you to stick to - while moving the amendment -

Ms O'CONNOR - I would be interested to seek some clarity on the way the rules are applied here at some point.

I want to reassure the member for Pembroke that I am not doing this because I want to put out a press release. I am not doing this to big note myself or to make anyone else feel bad. That is not the motivation here. It is not.

As someone who has had the Greens animal welfare portfolio for more than a decade, I am doing this because I genuinely believe, as do a whole host of animal welfare stakeholders, including the RSPCA and the Dogs' Homes, that this what needs to be done.

The industry should be expected to operate humanely. The community should feel reassured that, given they fund this industry, that the industry is operating humanely. I recognise the resistance to the insertion of this word and hope I am around long enough in this place to have us all move past the resistance to using a word that has a common understanding in law and in common parlance, and that is the word humane.

It is very clear the legislative framework under which animals are captured in this state is inadequate. The *Animal Welfare Act* is inadequate. The Animal Welfare Advisory Committee found it to be inadequate and made a series of informed, reasonable

recommendations for what that Committee regarded as necessary changes to the act. Those reforms were intended to make the act more humane. For example, one of the recommendations was to remove shock collars that people can use on dogs to stop them from barking. There are a series of recommendations there which are simply about the mechanical stuff to make the act operate better. The recommendations, which have been routinely ignored by government, to accept that animals experience distress, mental suffering and physical suffering. I do not want to have to reiterate my point about my disappointment that this keeps being rejected.

I am not casting any aspersions anywhere and do not want to be shut down. I just implore members to see again this is a basic that we should be expecting of the industry. It is simply not true to say it is already in the act as the Council was reassured earlier. It is most emphatically not already in the act, it is not. I understand because I am a realist, where this amendment is likely to go. When that happens, we will be leaving the act deficient because all we will expect of Tasracing, which now has the integrity functions glued to it because of the Monteith Report recommendations that brought us to this place. But it will be deficient because all the parliament will have said it expects of Tasracing is that it be efficient and effective. Again, two undefined words and very loosely applied in legislation.

This amendment is going to go down. I understand that, but parliament should take a close interest in the *Animal Welfare Act 1993*. It is an area of public policy that is in pressing need of reform, and it is because of the deficiencies in that act we are dealing with a deficient racing integrity bill. The foundation of this bill is weak in the statutes. We could today and we will not, I understand that, but we could send a very clear signal to the industry that in exchange for a legislative framework that provides a structure and some certainty about the application of the law and the standards that will go with it, as well as massive sums of public funding in return for that, parliament expects the industry to operate humanely.

The arguments that have been put by government for not accepting this amendment in the other place and in here are flawed arguments. They do not hold water because in the community's lights, the industry should be required to operate humanely. That is really clear. The community has made that clear to all of us. The polling makes that clear. Overwhelmingly, people want this industry to be tidied up and made more humane.

There is a connection between the humane treatment of animals and the integrity of the industry. If you want to see an example of that, have a look at the Yole stables. We have industry participants here who we know are too big to fail, and it is unarguable that some of the biggest operators in this industry do not operate humanely, even to the frustration of Tasracing - Tasracing's quite valiant attempts to rein in the Yole stables.

Here we are. Nothing has changed and that is the problem. It is not likely to if we do not require the industry to operate humanely and give that direction to Tasracing, which oversees the industry. I know where this is going but I implore members to think about this. Is all we want of Tasracing for it to be efficient and effective in exchange for the \$30 million to \$40 million a year we give it?

I do not think that is what the community would expect. I understand what the member for Pembroke said about the community being a big catch-all, and we all represent different communities to an extent, but we all represent the people of Tasmania in our own electorates.

We are members of an island community, and we have different electorates that to some extent will have different imperatives and objectives, but the community expects Tasracing to operate humanely. This parliament should too.

[6.00 p.m.]

Mr GAFFNEY - Madam Chair, I am convinced by the argument; it is just whether in legislation it is in the right place. I looked at this and thought this is talking more about the running of an industry. It has to be run efficiently and effectively because it is using money that it gets from the state government. That is fine, but in subclause (2) it says:

Tasracing is also responsible for -

- (a) developing policies, procedures and guidelines, in respect of its functions, that are conducive to integrity, and animal welfare, in racing;

It also says in paragraph (b) 'animal welfare, for all codes of racing.'

From my point of view, the first one on page 81, subclause (1) is about streamlining the industry to make sure that public funds are spent correctly in an efficient and effective manner, which we want. Subclause (2) highlights and clearly states that Tasracing is also responsible for integrity and animal welfare. I would have thought if you want to include the word 'humane', you would have put it into subclause (2) where it mentions animal welfare, not into subclause (1), which I see as more about running an organisation and spending money wisely and that sort of thing.

In light of that, I do not think I can support the amendment because I think the word is in the wrong place.

Mrs HISCUTT - Madam Chair, I want to respond in the first instance to the member for Hobart. We have had the argument and the debate wrapped around the word 'humane', so I will not prosecute that again, other than to say that it could possibly narrow the definitions here. The addition of the word 'humane' is not required in clause 59(1). Clause 59(2) describes the integrity and welfare functions of Tasracing.

The bill provides an appropriate framework for the management of animal welfare in racing. The commissioner can establish animal welfare standards and the commissioner has the function to monitor, review, and give advice and make recommendations in relation to the implementation of and compliance with those standards.

The commissioner can also conduct audits and reviews, and make recommendations in relation to the functions, processes and systems of Tasracing and racing clubs, including in relation to integrity in racing, animal welfare, governance and finances. Tasracing itself, under clause 59(2), through a Tasracing integrity unit must develop policies, procedures and guidelines in respect of its functions that are conducive to integrity and animal welfare in racing. Clause 59(2)(d) also provides that Tasracing must also implement, coordinate and monitor compliance with the standards through the unit. Clause 59(2)(b) also requires Tasracing to assess and review animal welfare practices. There is no need for this amendment.

Ms THOMAS - Madam Chair, I want to make it clear on the record that I am not resistant to the use of the word 'humane'. Although I do not support this amendment, that is not why I am not supporting it. I support the intention, which is the intention of this act, to ensure that the industry does treat animals humanely. I am stating this again because I want it to be crystal clear that I am not resistant to the use of the word 'humane'. I am satisfied, rather, that the definition of 'animal welfare' encompasses, among many other things, the word 'humane'. It is encompassed within the word that much of the act centres around. We hear the word talked about a number of times throughout the act, 'animal welfare', and that encompasses humane treatment of animals.

As the Leader said earlier, the previous act, the *Racing Regulation Act 2004*, did not include the word 'welfare'. It does now. That is one of the key reasons why the act is before us. If we are going to include the word 'humane', perhaps we should also, dare I suggest, include other elements of the definition of 'animal welfare', else we may be missing something and there may be a perception among the industry that humane is all that is required. There are other elements, as you heard previously when I read out that definition of 'animal welfare', that the Animal Welfare Advisory Committee will be required to consider when providing advice to the commissioner.

I trust that the people appointed to that committee will consider 'humane' as part of the standards that they are recommending be developed by the commissioner. Members who support this amendment can choose to be disappointed if the word 'humane' does not get included or they can choose, as I will, to be satisfied that the word 'humane' is encompassed within the definition of welfare.

Ms O'CONNOR - Madam Chair, my response to the contributions from the previous members and the Leader of Government Business is that this is the section in the act that talks about the general functions and powers of Tasracing. What we are trying to establish here is the higher-order expectations of parliament on Tasracing, which oversees the industry.

What I am suggesting is that parliament should give Tasracing responsibility for operating an efficient, effective and humane racing industry. The second part of this clause is about the non-commercial functions of Tasracing, which relates to animal welfare, integrity issues, rules of racing and that sort of thing. It is not about this higher-order set of objectives that the act will give Tasracing responsibility for.

I say in response to the member for Elwick, the words 'animal welfare' have made no difference, none at all to this industry. We have an animal welfare act that has not made any tangible improvements or differences to the way this industry operates. If you want some proof of how weak the system is, even though we have an *Animal Welfare Act*, we have some guidelines, we have some suggestions from Tasracing about how to treat animals. The fact of the matter is that Anthony Bullock and Ben Yole are still racing despite an enormous body of evidence which was first brought forward by whistleblowers and animal welfare advocates and then drilled into by the ABC's investigative unit, and then became subject to the Murrihy review which made some really informed and damning findings.

Yet here we are. Tasracing twice tried to stop Ben Yole from racing and the argument that they put - and you can read it in the Murrihy report - is that his operations ran the risk of bringing the industry into disrepute. My word it did and it dragged everyone in the industry down to the basement. I know that there are people, industry participants, who are utterly

revolted by the evidence of cruelty and allegations of cheating that were substantiated by Murrihy. It made the everyday participants in the industry sick in the guts and nothing in our *Animal Welfare Act* changed that. Nothing in the rules of racing has prevented those participants from continuing to race to this day.

Having the words 'animal welfare' in there, having an assurance from a government that strongly supports the industry is not enough. It is not enough. Parliament should expect Tasracing to be responsible for an efficient, effective and humane industry. Yes, we can argue about the definition of humane - even though there is a foundational language and understanding of it - but the industry here could operate much more humanely than it is.

We could, for example, do away with the amazing concept of the 'breeders' bonus', which forks out \$600,000 a year to people in the industry to overbreed -

Madam DEPUTY CHAIR - I would like you to bring your argument back to the amendment. Thank you.

Ms O'CONNOR - Thank you, Madam Deputy Chair. I believe I am speaking to the amendment because -

Madam DEPUTY CHAIR - You have wandered a little bit, but I am allowing a little bit of leverage.

Ms O'CONNOR - Thank you, Madam Deputy Chair. It is not humane to allow an industry to overbreed. It is not humane to enable an industry to discard animals once they are past their racing life. It is not humane not to have lifetime tracking of animals in this industry, but it could be done. We could place that expectation on Tasracing and perhaps it will happen through the standards, but given the history, it is easy not to be optimistic about that. All the structures within this industry are about overbreeding. We do not know what happens to many of the puppies that are not named, that are whelped. No idea.

It is in the industry's interests to operate humanely. As I have been told by some industry participants, there is a concern that the industry is 'ageing out' a bit. If you are a supporter of the industry and you want to see it have a social licence and a viable future, why would you not say to Tasracing that there is an expectation here, that the industry will operate humanely? We can discuss how that looks regarding developing standards, but if we are serious about best practice standards, then they will have to be humane. I still do not really understand the resistance.

I mean, I do. I do understand the resistance to this. It is an entrenched problem, but the community expects this industry to operate humanely. We should expect it to. We should accept this amendment. I understand what is going to happen here, but again, it is very disappointing.

[6.13 p.m.]

Ms FORREST - I have been listening from the Chair quite a lot and inserting myself from time to time. I hear the member for Hobart on this. There is a bit of a distinction here that I would not say is being ignored, but maybe overlooked, in that when we were talking about the development of the standards and the role of the commission in that, the argument that was had around that has been had, and I shared some views. All members were very close to where they wanted to land, but you have to land one way or the other.

When we are dealing with Tasracing here, when we are talking about the commercial arm - there is the commission arm and the integrity side that is overseeing the whole industry, if you like, but what we are focusing on here is the commercial arm. The commercial arm has a number of responsibilities. When you link the general functions and powers, which are about running the industry and trading sponsorship, allocating race dates, race programming, promoting the industry - all those things - I do not see there is such a problem with putting 'humane' in there, because humane is a well-understood term.

Then I will go over to subclause (2) of this clause, which says 'Tasracing is also responsible for' - it is like it also ran, in some respects. The drafting of this requirement for Tasracing is just a shame. As the member of Hobart rightly says, the commercial arm has been absolutely powerless to stop Ben Yole racing. After all we have seen and all their very clear evidence, it was not in dispute. For me, I think this could have been drafted in a better way to put the animal welfare component of Tasracing's responsibility much more front and centre.

It should not just be about making money and feeding money back to the industry. It should be that when you are making money and you are promoting and supporting the industry, you do it in a way that gives effect to animal welfare matters. It should be there in the higher-level overall functions of Tasracing - in the general functions and powers. Whether the word 'humane' is the right one when we are focusing on humane treatment of animals being encompassed in animal welfare is a bit of a moot point in many respects.

In any event it is disappointing to me that one of the headline responsibilities of Tasracing is not to have animal welfare at its forefront, when they are running an industry that has a really bad reputation in many places. One bad apple affects everyone in the industry. That is the problem for the industry. One bad politician that makes us all look bad. We all know that. One bad operator in this industry, which has been fought with over the years, with corruption, with all sorts of inappropriate behaviours, not just in terms of animal welfare but in terms of a whole range of areas. You need to ensure that when you are putting out this industry as a reputable, worthy industry to receive taxpayer funding, that it is part of their absolute, upfront core business.

I am not sure whether inserting the word 'humane' here is the right thing or not, but I would not be averse to it, because I think it is lacking as a core function of the commercial arm of this industry. I was disappointed when the member for Hobart kept saying she knew how it was going to go. You should let members speak before you make a judgment about how they are going vote.

Ms O'Connor - No, no.

Ms FORREST - No, no. Because you do not know until you put it to a vote in this place, I can assure you of that.

Ms O'Connor - That is true.

Ms FORREST - I can assure you of that, so do not pre-empt peoples' vote and what people might say or think. Just a bit of advice for further down the track.

Ms O'Connor - The old 'respond don't react'.

Ms FORREST - That is right. Do not presume. Most members in this place come in with fairly open minds and are willing to be convinced by the argument, okay?

I hear what other members say. I accept the members for Elwick and Mersey's comments and others about if this is the right place or is it already there? I do not think it is adequately there in the headline function of the commercial arm of the racing industry in Tasmania. Particularly, with the history it has had.

[6.19 p.m.]

Mrs HISCUTT - Madam Deputy Chair, I remind members the bill provides that Tasracing must prepare a plan for each financial year in respect of integrity and welfare in racing, including, but not limited to, animal welfare for each code of racing, which must be submitted to the commissioners, which is in clause 61, for endorsement. This is an important additional requirement to provide transparency and oversight of the commissioner.

I also draw members' attention to subclause (2). We are talking about clause 59(1)(c) and (d) at the minute, I draw members' attention to subclause (2). Tasracing is also responsible for - if you look in (a) and (b), it talks about defining policies, the things that Tasracing Board should do, 'blah blah blah', and animal welfare in racing. It says:

(2)(b) reviewing and assessing the integrity of practices and participants, and animal welfare, for all codes of racing; and

It is there. We do not need to add anything more and I urge members this amendment is totally unnecessary and please do not vote for it.

Mr GAFFNEY - Madam Chair, I appreciate the member for Murchison's comments. I looked at it and thought she has a point there. Then I went to clause 59(1)(a) where it says, 'developing a vision for the racing industry'. I thought Tasracing would have that as the number one function, to develop a vision for the racing industry. Surely part of what they are going to do is look at efficient, effective management of the code, but also look into welfare of their animals they use or are part of it.

To me, (a) is the most important one - the functions and powers. They have to develop a vision. They are not going to get back out.

Ms O'Connor - What is a vision?

Mr GAFFNEY - Well, it is, is it not? Now they have to come out and say this is what we want to do.

Ms O'Connor - It is weird.

Mr GAFFNEY - You might think that if we put in the word 'humane', Ben Yole and all those people are going to do the right thing. It is just putting in the word. They are not, so it does not matter. But if the vision Tasracing comes back to us with is about what it believes its participants should do, both for effective and efficient running and also the management welfare of their animals, then that is the vision and what I would expect.

Mr EDMUNDS - Madam Chair, I thank members, including the mover for the discussion. It has been interesting to listen to everybody's point of view. The majority of us agree on a lot of these things, that the bad eggs do wreck the industry. The thing that we have to move forward is this big bit of paper to put our faith in that will hold people who are not participant in ruining it on behalf of all the good and honest participants, but also to hold people to account, to reward those who do the right thing and to punish people who do not.

I am convinced by the arguments made by the Deputy Leader. This is covered on page 83, subclause (2)(a), (b), and (d) even satisfies me on that. I agree with the point made by the member for Elwick that 'humane' is encompassed within the animal welfare definition.

Ms O'Connor - Where is that definition?

Mr EDMUNDS - As pointed out by the member for Elwick.

Madam Chair, we got into this mess because of interjections and I do not want to get back into it. I am making my point so that people can understand why I am voting how I am. The arguments put forward by the Leader are convincing for me and they spell out why this amendment is not required. We all agree that animals should be treated with respect and with love. However, that is covered within the elements of the bill that are already in there, so I do not see the need to support the motion.

Ms RATTRAY - Madam Chair, given that you wandered into the second part of that and I was going to leave my contribution to the substantive clause, I will make my contribution now. I agree with the member for Murchison. It is disappointing that the animal welfare aspect, together with the others, was put in number (2): 'Tasracing is also responsible for'. It is a bit of an aside. If it had been upfront in the main aims and objectives and roles and responsibilities and says here, 'General functions and powers of Tasracing', that would have certainly given me more confidence that it was a really important part of what Tasracing would be doing, not in regard to an effective and efficient racing industry and promoting and development of the effective horse and greyhound breeding industry.

We know that and that is fine to have it there, but I would have liked to have seen that more up-front. In light of that, I am leaning towards supporting the member's amendment in adding 'humane', because it puts it front and centre and up-front and not just over the page - 'Oh, and Tasracing is also responsible for.' That is where I am heading in my mind right now, but I will listen to other contributions.

Mrs HISCUTT - We have had the debate on the word 'humane'. Please bear that in mind when you cast your vote. I also note that it says Tasracing is also 'responsible', not 'may' or 'might'.

Ms Rattray - No, I did not say that.

Mrs HISCUTT - I just wanted to point that out because it is there and they do have to do that. Clause 59 identifies all the functions of Tasracing. The division into clause 59(1) and clause 59(2) is deliberate, but because it is mechanical it is needed to separate and allocate the functions in (2) to the integrity unit. This does not mean that subclause (1) takes priority over subclause (2), only that the commercial responsibilities do not affect the integrity and welfare responsibilities or separation of the unit. It is divided in groups. That is why it is like that. Just

bear in mind that Tasracing is also responsible and it is divided up as mechanics and separated. They still have to do it. We have had the debate on the word 'humane', so I will not repeat all that. Please bear that in mind.

[6.26 p.m.]

Ms WEBB - Madam Chair, I thank members for their contributions. It has been quite interesting to listen to people's rationale for things. Thank you for the amendment to consider, member for Hobart.

One of the things I wanted to put my thoughts on in clarifying is about the use of 'animal welfare' as a term in this bill and the way it is being used in our consideration in the debate. 'Animal welfare' is a neutral statement. Animal welfare carries with it absolutely nothing to do with what standard that animal welfare is set at, that we are discussing. If something has to be in relation to animal welfare, whether it is a policy or a set of standards or whatever, it has to do with the mental and physical state of the animal. It is neutral until we start to set the standard that we want it to meet.

'Humane' is an indication of a standard we want it to meet. We can use the definition of 'humane' to understand where that standard is so when we are making animal welfare rules, rules to do with the physical and mental state of the animal, we know we want to set them to meet that standard.

The fact that animal welfare is referred to in subclause (2) here under the responsibilities assigned to Tasracing's integrity unit part is neutral on the page here as to whether they are what we might think of as being good animal welfare or bad. Our expectation is that we are setting up a system with a great commissioner role with good accountability. We expect for animal welfare to be dealt with in a positive way and to a high standard. That is our expectation.

Simply pointing to the words on the page and saying that means in and of itself a high standard of animal welfare will be set because we have said the words 'animal welfare' is an incorrect assumption. In and of itself, it is a neutral term. It means the mental and physical state of being of the animal. I wanted to make that point for a start. The fact that 'animal welfare', as a neutral term, is used does not mean anything until we have set the expectation for it.

I agree that we want to set a high expectation of animal welfare for this industry. That is the whole reason we are doing this. There is nothing constraining about saying something needs to be humane. There is nothing about saying we want humane animal welfare standards or a humane industry that constrains that industry in a negative way. Saying we expect an industry to be humane means we expect it to have circumstances under which animals are treated in a way we think is appropriate as a community. The community expects that. There is nothing extraordinary about that expectation.

Possibly a good place for it would have been in the very first, (1)(a), in terms of the vision for the racing industry. Front and centre then, we would have an expectation about humane in that, but I am content and supportive of the idea that we go to where this amendment goes and look to insert it in terms of promoting the development of an efficient, effective and humane racing industry, and an efficient, effective and humane horse and greyhound breeding industry.

There is nothing constraining about inserting that term, except for in a detrimental way to things that we would not want to see happening anyway. The fact of the matter is, the only

reason not to state that we expect this industry to be humane is if we either do not expect it to be, or we think that it cannot be and if that is the case, that is very telling.

If we are not putting 'humane' in as a descriptor of this industry because we do not think it can meet that standard, that tells us something fundamental about the industry and the way we understand it to work.

Somebody make the case, if they want to, that that is not a standard that we should explicitly expect of this industry.

[6.31 p.m.]

Ms O'CONNOR - Madam Chair, I thank all members who have provided instructive and informative contributions on this amendment.

I simply note that for Tasracing to develop a plan, which the Leader of Government Business reassures members will be part of making sure Tasracing operates humanely, is not enough. There will be nothing in the act that says 'Tasracing, when you do this body of work, make sure you reflect on your responsibilities to operate efficiently, effectively and humanely'. To develop a plan and present a plan is not a response to the need for the industry to operate humanely - if it can - at the scale that it is at. Maybe that is the concern.

We are prepared in this clause. We give Tasracing responsibility for attracting sponsorship income, but we will not expect Tasracing to seek to make the industry humane. Interesting priorities. I refer to what the member for Mersey said about clause 59(1)(a), developing a vision for the racing industry. How does this find its way into a statute?

A vision? What is a vision? Define vision. If we are going to have an argument about defining humane, let us try defining what a vision means in this clause. It is just rubbish language. What are we expecting? Tasracing to develop a strategic plan for the industry. What is a vision?

Ms Forrest - You hope it is aspirational.

Ms O'CONNOR - Aspirational? A vision may, for example, have a set of goals and objectives in it. One of those goals and objectives may be - who would know? Because we are not requiring it in the legislation - but it may be to reach certain benchmarks that indicate an industry moving towards a genuinely humane operating system. Benchmarks around euthanasia and injuries on tracks, none of which are acceptable.

At the moment, if this amendment is not accepted, then we are most certainly expecting second best of Tasracing. We are not only letting the animals down, but we are letting down the people in the industry who want to see it be respected in the community; people who want to have their efforts in that industry recognised and respected instead of being caught in the muck trap that descends after someone like Anthony Bullock or Ben Yole does it again, whatever it is.

I take on board and hear your advice not to take anything for granted regarding how members might vote, but I was reflecting on the previous debate over another attempt to insert the word 'humane' here. What the member for Nelson said about the term 'animal welfare' is

absolutely true. An example of what (2)(a) and (b) could say is that 'Tasracing is responsible for developing policies, procedures, guidelines, et cetera, and positive animal welfare in racing'.

It could say, 'and strong animal welfare standards'. It could say something that is more instructive than those two words which, as the member for Nelson has pointed out, are not indicative of any type of animal welfare. They are just two words. It is a neutral term unless you add something like positive, strong, weak or poor.

Ms Webb - Or humane.

Ms O'CONNOR - Humane, thank you. I heard what was said about the way this section is structured. We read bills from front to back. When I first saw the first part of this, I thought, 'Oh, terrific. We are just expecting it to make money, be efficient and effective'. Then I got to the page that has those animal welfare provisions in it. As the member for Murchison said, 'It is a shame that it is cleaved like that'. I am paraphrasing the member. That is the gist of it and it was also echoed by the member for McIntyre. What the government has done here in setting this out the way it has, rightly or wrongly, has sent a signal that the making of money, the attracting of sponsorship income, the allocating of race dates, and the like is more important than the developing of policies, procedures, guidelines, standards, et cetera.

Ms Rattray - It is probably not more important, it should be as equally important.

Mrs Hiscutt - It is.

Ms O'CONNOR - Yes, I hear what you are saying, Leader, but if we just step back from it and have a look at it at face value, it sends a signal in this legislation that animal welfare and other integrity issues, which are core to the survival of this industry, are a lesser order consideration. I am not saying this to create offence, Leader, I am seeing it and that is why, again, having the higher order objective under clause 59(1), Tasracing needs to operate humanely. This could ameliorate some of those concerns about a deprioritisation of animal welfare.

We should be expecting Tasracing to operate efficiently, effectively and humanely. It is good for the animals, it is good for the industry and I really hope enough members see that this could be just part of setting an expectation for Tasracing so we are not back here in five years after another catastrophic investigation into animal welfare abuses or cheating in the industry, when we realise that this structure is not working either.

It was a recommendation of the greyhound inquiry that we maintain the separation between the commercial and the integrity arms of racing, but here we are, we have stuck them back together again and stuck integrity into Tasracing and sent the stewards over to Tasracing. It is not necessarily going to be a good outcome for the industry if the future of the industry is your concern because, for this industry to survive, it needs social licence. For it to have social licence, it needs to understand that community expectations have changed and they have, markedly. Part of the reason they have changed is because of whistleblowers and animal activists who have been able to expose the cruelty within this industry and had excellent journalists like Caro Meldrum-Hanna from the ABC there to present the information.

We need to get it right. I do not think we are in this bill because we are glueing the commercial and integrity functions together. You can see what a problem it is just in this clause, so I support my own amendment.

[6.41 p.m.]

Ms THOMAS - Madam Chair, I will try to be really succinct with this point. The member for Nelson gave me cause to reflect with her contributions, so thank you; it got me thinking. The member was talking about - yes, to get a social licence, to be successful, the industry needs to improve its social licence and retain a social licence. We have talked a lot about definitions through this part of 'humane' of animal welfare vision. What does the vision mean?

The clauses we are looking at talk about 'efficient and effective', and I would think for Tasracing to be effective they need to be regaining and retaining a social licence. To regain and retain a social licence they will need to demonstrate that the industry is treating animals humanely. They will need to demonstrate that they are promoting and doing all they can to ensure that participants are treating animals humanely. It goes back to my argument that I presented earlier in relation to seeing that 'humane' is encompassed in 'animal welfare'. I also see that, to be effective, Tasracing will need to be demonstrating that element of it as well. Thank you for listening to that.

Mrs HISCUTT - I have a couple of issues that I would like to touch on. We have just had a look at the Tasracing Corporate Plan, which is on their website and it is the government's expectations that this will continue to be the guiding principles' activities and even part of its provision. The plan will be updated. Tasracing publishes its corporate plan on its website, and I have just had a look at that. Its corporate plan recognises that one of its strategic principles is to safeguard animal welfare. The plan will be updated for the 2025-26 financial year and beyond, and it is the government's expectation that this will continue to be a guiding principle of its activities and even part of its vision. That will cover that part.

This very debate we are having here at the moment is the reason why the government had agreed to the insertion of 'best practices' in clause 9, and the addition of 'best practice' in there. The use of the phrase 'animal welfare' is deliberate. It does not need another qualifier. It is not quantified or defined deliberately. The phrase is commonly understood to speak to the wellbeing of animals, and the understanding of what is required for the wellbeing of animals has historically improved.

The bill needs to be adaptive. It needs to respond to improvements in understanding, not limiting itself to a current understanding of 'humane'. I am not going to repeat that argument again. Taking one element of the definition of animal welfare is static and is potentially narrowing. There you are, I have repeated it. With regards to subclauses (1) and (2) of this clause, it is not about priority, so having the separation is a drafting tool. It is also critical to have the separation, because a fundamental principle of the bill is the separation of the commercial and integrity and welfare functions.

Bear in mind that this is drafted that way to separate the two functions of Tasracing. It is not one lesser than the other. Bear in mind that subclause (2) says, 'Tasracing is also responsible'. It is only separated like that because of drafting and to get it together. We are not saying it is any -

Ms O'Connor - No, I was talking about perceptions that could arise.

Mrs HISCUTT - I am talking about perception too, but this is the law and this is the way OPC has drafted it as a separating mechanism.

Ms WEBB - Madam Chair, I did not really want to have a second speak on this, but I cannot listen to that sort of contribution from the Leader and not comment on the fact that it is utterly unsupported that putting the word 'humane' in is going to narrow anything - absolutely unsupported. If we are talking about animal welfare, which we have talked about as being the mental and physical state of an animal, are we ever going to expect something higher than humane, such that putting the word 'humane' in there somehow drags us down? Is that ever going to be the case? There is absolutely nothing narrowing about it. To state that is nonsense.

It is up to anyone, but there remains to be anyone who has made a case to say that there is a reason we should not describe this industry as humane, and expect it to be described as humane and for that to be true - absolutely no-one.

You can talk about the fact that you find it to be implicit in other parts of the act and in other descriptions of the industry, but nobody has actually explained on what basis we should not expect this industry to be humane, such that we explicitly put it in the bill? No-one has done that.

[6.47 p.m.]

Madam CHAIR (Ms Forrest) - The question is -

That the amendments be agreed to.

The Committee divided -

AYES 6

Ms Forrest
Mr Gaffney
Mr Harriss
Ms O'Connor
Ms Rattray
Ms Webb

Pair: Ms Lovell

NOES 6

Mr Duigan
Mr Edmunds
Mrs Hiscutt
Ms Palmer
Ms Thomas
Mr Vincent

Pair: Ms Rattray

Madam CHAIR - As the case has not been able to convince the majority, the motion passes in the negative.

Amendments negatived.

Madam CHAIR (Ms Forrest) - The question is -

That the clause as read stand part of the bill.

The Committee divided -

AYES 10

Ms Armitage
Mr Duigan
Mr Edmunds
Ms Forrest
Mr Harriss
Mrs Hiscutt
Ms Palmer
Ms Rattray
Ms Thomas
Mr Vincent

NOES 3

Mr Gaffney
Ms O'Connor
Ms Webb

Clause 59 agreed to.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Madam Chair, I seek leave to report progress.

Leave granted.

Progress reported; Committee to sit again.

SUSPENSION OF SITTINGS

[7.00 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

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

This is for the purposes of a dinner break, Mr President. It will probably be no more than an hour. As members know, I will be running around making sure you have eaten and are ready to go again. Thank you.

Motion agreed to.

Sitting suspended from 7 p.m. to 8.01 p.m.

RACING REGULATION AND INTEGRITY BILL 2024 (No. 10)

In Committee

Resumed from above.

Clause 60 -

Decisions in respect of licences and registration under the Rules of Racing

Ms RATTRAY - My question in regard to this part of the bill is: have there been any changes from what has always been the case regarding decisions about licences and regulations under the rules of racing? Could you give me some indication of what has changed?

Mrs HISCUTT - The answer to your first question is no.

I will answer your second question. One of the key ones is to add in a fit and proper person into the bill under clause 60(2)(a) and (b). Prior to approval of licensing or registration applications or renewals, the Tasracing Integrity Unit must be satisfied that the applicant is a fit and proper person.

Also, the Tasracing Integrity Unit may refer a matter or question relating to licensing or registration to the Racing Integrity Committee for consideration. That is clause 60(3). This allows for efficient processing of straightforward applications, while at the same time providing an avenue for referral to the Racing Integrity Committee for consideration and advice as needed. These arrangements keep Tasracing's new integrity functions and responsibility for them in the integrity unit.

Clause 60 agreed to.

Clauses 61 to 66 agreed to.

Clause 67-

Appointment of Chief Racing Integrity Officer

[8.05 p.m.]

Mr EDMUNDS - Madam Chair, I move -

Page 94, subclause (1).

Leave out "suitably qualified person".

Insert instead "person, who has a demonstrated understanding of the racing industry".

I make some brief comments. It is based on the briefing where we had some participants from the industry come in to brief about another amendment, which was to insert racing experience into the commissioner's role. This amendment comes from listening to the advice that was given, and also listening to members' views and trying to find a compromise position that reflects the feedback we received from the participants who were here last Thursday and from others within the field. That feedback suggests that some of the issues that have plagued racing - and we have had a number of members list some of the issues that have been occurring in this industry - are partly due to the lack of understanding and/or experience of the people who have been overseeing integrity.

We heard it from, pardon the expression, the horse's mouth about why that is important. It was good to hear that from participants and, through engagement with them, the advice of departmental advisers, members here, the minister and participants, this is where the amendment has landed.

The need for an understanding of industry has been stressed, and I have heard this expression a few times this week, but this is where the rubber hits the road. That is where the understanding of industry was most relevant to sit, rather than at the commissioner level.

We do not want to see the repeat of some of the issues that the racing industry has faced in the past, which have, in part, stemmed from a lack of understanding of the racing industry, which has led to the turning of a blind eye to obvious issues - having a go-to person for industry whom they can talk to when they see the wrong thing.

I am happy to cap my remarks there to tell the story of where this amendment has come from. I thank members across the Chamber for their frank views on this. I hope we have come to a good compromise and I look forward to the debate.

Mrs HISCUTT - The government thanks the member for Pembroke and industry participants for briefing the members about the importance of an understanding of the racing industry for this particular position. The government supports the amendment and recognises that an understanding of the racing industry can only be an advantage to the chief racing integrity officer.

Ms O'CONNOR - I do not support this amendment for a couple of reasons. Presumably, if a person is going to be appointed as the chief racing integrity officer, they will have extensive experience within the racing industry. Equally, should not this position be vested in someone who understands animal welfare law? Good governance, for example? Why would we restrict in establishing the chief racing integrity officer, the one prerequisite in this clause to being a demonstrated understanding of the racing industry? Presumably, what the member for Pembroke intends here is that this be someone who is in and of the racing industry. Perhaps the member could clarify that, because business as usual in this industry is clearly not acceptable, otherwise we would not be debating this inadequate legislation.

Does the member for Pembroke agree that this person should also have an appreciation and understanding of developments in animal welfare law? An understanding of good governance, for example. We can all agree this is an important position. If we do not get this one right, a lot of the on-ground integrity improvements that are needed may not flow.

The Greens would be arguing, I would be arguing that, if we are going to require them to understand the industry, we should also require them to understand contemporary animal welfare laws, standards, and issues.

[8.10 p.m.]

Mr GAFFNEY - I was surprised that they amended this by leaving out 'suitably qualified persons'. I possibly would have been more impressed if they had left 'Tasracing is to appoint a suitably qualified person as the chief racing integrity officer' and then added 'and also a person who has a demonstrated understanding of the racing industry', which would have then said that the person must understand all aspects of it, but understanding that it is better if they have had some idea and knowledge of the racing industry, per se.

That would have covered the member for Hobart as well, because a 'suitably qualified person' as a racing integrity officer would have to understand animal welfare, et cetera. I was surprised when I saw it taken out. I would have put it in as another add-on to have a person who has demonstrated an understanding of the race industry but the number one would be

a suitably qualified person as a chief racing integrity officer, which I thought would have covered both aspects.

Ms WEBB - I have to apologise to the member for Pembroke because I have done something that I find frustrating. I am moving an amendment from others and, that is, I did not pay enough attention to this before we are here now debating it because I agree with the sentiment of it and the inclusion of that wording. I agree with the member for Mersey. My definite preference would be not to remove the 'suitably qualified' element, but just to add it in. I know it is awkward and that could have been raised with you before we were here.

Mr Edmunds - I will deal with this.

Ms WEBB - Yes. I will certainly support it if it is like that.

Ms RATTRAY - In response to the member's amendment, I had taken the time to look at this but with the comments that have been made, it does make sense to leave in 'suitably qualified person who has a demonstrated understanding of the racing industry'. I would pose to the member that perhaps he could consider an amendment to the amendment and add those words on the end.

I was very much in favour of having this person have a demonstrated understanding of the racing industry. I know that we have had a couple of discussions, but again, in hindsight I should have suggested to the member we leave in 'suitably qualified', but I still would like to see that extra bit - 'suitably qualified person who has the demonstrated understanding of the racing industry'.

You might be able to withdraw your amendment, have the clause postponed, move on and then come back, but that will be up to the Chair.

Madam CHAIR - Before the member for Pembroke gets up, there is a question before the Chair. We would need to dispose of that question one way or another. We must have a new amendment in writing before we can consider it, because it is not just changing one word.

Mr EDMUNDS - Perhaps if I could speak to it, it might help.

Madam CHAIR - I will get some advice so you have some clarity before you make a decision.

Depending on what the member's decision is, the clause can be postponed and we can come back to it, unless there is anything else that is contingent on it, which I do not believe there is, but I will leave that to the member.

Mr EDMUNDS - Perhaps if I speak first and then maybe there might be some comment from the government that could clear that up and then we will know our pathway forward.

I will quickly deal with the first issue that I have noted. I agree, business as usual is not acceptable and the evidence that we were provided was that a lot of the issues that we are facing is from nine in a row without any knowledge of the industry. People in positions who openly admit they do not understand the industry - and good on them for admitting that. In a role like

that it is good to understand where the limits of your knowledge are but if you are struggling even with simple terminology within the sector, that could be a big issue.

I refer to the point made by the member for Mersey and backed in by members for Nelson and McIntyre. It is funny that you asked that, because I asked the same question myself this morning. When I saw the amendment, I wondered, 'Does that stuff everything up?'. I did seek some advice. I am not sure if I am allowed to pass that advice on, but it is here in writing. You are not stopping me. Essentially it said it is not necessary, but it also does not cause harm. That was basically the advice on that.

I am really keen to hear the perspective of our advisers through the Leader. I certainly have no problem postponing and adding those words in. I would like to hear a bit more advice though, because I did seek it. It is probably quite good that it is being raised. It means we may be on the mark in trying to get this through, and on the mark in how much effort has gone into trying to get this right, and to get the support of members. Essentially my advice was that it would not make any material difference. With that being said, I am ambivalent whether it is in or out, but I will let the Leader speak.

Mrs HISCUTT - We have just been discussing that. It is of our opinion that it would be better withdrawn and redone to reflect that.

Madam CHAIR - Is there someone who could send an email to your staff member to have an amendment drafted? I know they are watching.

Mrs HISCUTT - Yes, there is. I have just been discussing how the amendment should be amended with our advisers and I hope that the member for Pembroke might go and see my assistant over here and sort that out as we speak while we postpone this bill.

Madam CHAIR - If there are other members who wish to speak on this question it might be better done while we are still in the clause. If we postpone it, you cannot come back to this clause until every other clause has been done. I know the efficiency of the Office of Parliamentary Counsel. There may be other members who wish to comment on their view as to whether it is preferable to have both components or just one. I know the member for Hobart has a call she wants to take.

Ms O'Connor - Not necessarily.

Mr Edmunds - It has been sent.

Mrs HISCUTT - It has been sent as we speak. I should imagine if I were to talk about something or other, about racing, it may be back in time.

Madam CHAIR - The Leader is still on her feet. I will give someone else a call if she sits down, but I am not going to give someone else a call while she is on her feet.

Mrs HISCUTT - I think we need to postpone the clause and sort it out, because there is a little bit of computer crashing.

Madam CHAIR - I am just saying we will not come back to this until we have dealt with every other clause in the bill.

Mrs HISCUTT - I am happy for that if the member for Pembroke is happy for that.

Madam CHAIR - I know there is another member who wants to take the call.

Mr GAFFNEY - I know that we combine them together; I think there is a strength in not combining them together. We should leave Tasracing to appoint a suitably qualified person as a chief racing integrity officer, then have: '(1)(a) that person has demonstrated an understanding of the racing industry'. To have a suitably qualified person means that they have the knowledge of animal welfare and they have the knowledge of the racing industry, and then you are repeating it, but they must have knowledge of the industry.

There is a strength to not combining them. The amendment would be:

(1)(a) That person has demonstrated an understanding of the racing industry'.

We do not need to combine them. They can both stand alone as part of the clause.

Madam CHAIR - That will be a debate at a later time depending on what the amendment looks like when we get it.

Mr EDMUNDS - I am up to my last one, so I am not sure if I should go.

Madam CHAIR - Is the computer still dead? Great. I think with the technical problems we are having, it might be best to -

Mrs Hiscutt - Postpone the clause.

Madam CHAIR - I have to get the member to seek leave to withdraw his amendment initially.

[8.21 p.m.]

Mr EDMUNDS - Madam Chair, I seek leave to withdraw the amendment with the intention of having the new drafted amendment circulated to members.

Leave granted; amendment withdrawn.

Madam CHAIR - I remind the member for Pembroke he still has two calls on this clause, so he can move another amendment and then have his calls on that.

Mrs HISCUTT - Madam Chair, I propose that clause 67 be postponed.

Clause 67 postponed.

Clause 68 -

Appointment of stewards and other racing officials

Ms RATTRAY - Madam Chair, I move the following amendment -

Page 96, after subclause (1).

Insert the following subclause:

- (1A) Tasracing may only appoint a person as a stipendiary steward under subsection (1)(a) if Tasracing is satisfied that the person has all the reasonable qualifications expected by industry that are necessary to perform the functions of steward.

In my contribution to the second reading speech, I indicated, after a number of conversations with people in the industry, that it was suggested that stewards are not necessarily trained and do not have all the appropriate qualifications to carry out the roles and functions that are so important to the integrity of racing. It is important that they have the confidence of those who participate in the industry, and that has been something that has sadly not necessarily occurred in more recent times.

Tasmania is a small jurisdiction and we understand that. It is a part-time role, I expect, for many people, so to have people with that expertise can be a bit of a challenge. But it was suggested to me that they be appropriately trained. It may well be that they need to have an eight-week course on the mainland. They might need to go to Victoria and do some work over there with their codes to get a higher level of qualifications and experience that is so vitally needed to continue to build confidence in the racing industry and make sure that the integrity of the racing industry is very strong.

Hence the amendment in my name, and I look forward to members providing any input in relation to their thoughts around the amendment to clause 68, which is what I refer to as the belts and braces for this particular area under Tasracing's purview.

Mrs HISCUTT - Madam Chair, the government can support this amendment if the words 'expected by industry' are removed. The result will be that Tasracing - I am speaking slowly here because we are drafting that for you as we speak, member for McIntyre, if you are prepared to take that on - the result will be that Tasracing may only appoint a person as a steward if it is satisfied that the person has all the reasonable qualifications that are necessary to perform the functions of the steward.

The words 'expected by industry' are not needed. The important part is that stewards are qualified to do the job of stewarding. The bill also makes provisions for this in a different way. Clause 68 empowers Tasracing to appoint stewards, but only with the approval of the Racing Integrity Committee. That is clause 68(2).

The Racing Integrity Committee's oversight is designed to ensure that only persons fit to be stewards will be appointed. This oversight is there to ensure that qualifications, attributes and all other relevant matters are considered.

Further, relating to training, clause 53(2)(k) states that the commissioner may set standards for the minimum training required to be completed by persons employed by or engaged in the racing industry. This includes stewards and is designed to ensure future-proofing. Tasracing is obliged by clause 59(2)(d) to implement and monitor compliance with these standards. The commissioner also has a more general function of giving advice and making recommendations to Tasracing about the training and education required for persons in racing. That is clause 9(1)(ii), as well as more general functions relating to giving advice and making recommendations for policy development and review, which is clause 9(1) generally.

Madam CHAIR - The Leader is about to move an amendment to the amendment, is she?

Mrs HISCUTT - I am.

Madam CHAIR - It needs to be circulated. Maybe you can clarify what your intention is. Other members can speak while we sort out more technical problems.

Ms O'Connor - I may have a constructive suggestion.

Mrs HISCUTT - Would you like me to read what the intention would be for the clause? If the clause goes ahead - I will not read the whole lot until I get it all - would be to simply remove 'expected by industry' so it would eventually read:

Tasracing may only appoint a person as a steward under subsection (1)(a) if Tasracing is satisfied that the person has all the reasonable qualifications that are necessary to perform the functions of steward.

The amendment would be that except to remove 'expected by industry'. How are we going?

Madam CHAIR - If the Leader takes her seat, other members can speak in broad terms before we debate the amendment to the amendment.

Ms O'CONNOR - Madam Chair, initially, I am looking at this amendment with the greatest of respect to the member for McIntyre. I could not support it, but I can say that I will not oppose it if it is improved. It is not reasonable to insert a clause that only deals with industry expectations when there are a lot of other expectations around how this integrity framework will operate. Community expectations, the expectations of the RSPCA, the Dogs' Homes of Tasmania, and other animal welfare organisations. Also, define 'industry'.

The clause as it was originally drafted had two tests to satisfy: Tasracing had to be satisfied that the person had all the reasonable qualifications and the industry had to be satisfied as well. I do not think it works. I wonder if the Leader would consider a further tightening of this clause: define 'reasonable' in the context of the kind of skills that you are looking for here. It may be cleaner to simply say:

Tasracing may only appoint a person as a stipendiary steward under subsection (1)(a) if Tasracing is satisfied that the person has all the qualifications necessary to perform the functions of steward.

It is a bit tighter. It is precise. It meets the consensus that is developing on this amendment.

Madam CHAIR - I will ask the Leader to talk about the broader proposal that has not yet materialised.

Mrs HISCUTT - Madam Chair, may I have a short moment with my advisers to discuss that?

Madam CHAIR - Yes. We will just allow the Leader to get herself sorted out.

Mrs HISCUTT - What do you reckon?

[8.39 p.m.]

Madam CHAIR - There is still a lot of toing and froing. What was presented now is not adequate with the drafting. The options are to have the member withdraw and postpone the clause and get it done properly. We have already got one postponed clause. Or we wait and use up time trying to sort this out and we run the risk of making an error with people rushing around.

Ms RATTRAY - Madam Chair, I think in light of the fact that we already have clause 67 postponed, I see no reason not to withdraw the amendment and seek to have it postponed and come back to it when there is time to consider what has been put forward here. I appreciate all input from members. I really feel they are genuinely trying to help.

In light of that, Madam Chair, I seek leave to withdraw the amendment standing in my name.

Leave granted; amendment withdrawn.

Mrs HISCUTT - Madam Chair, I propose to postpone clause 68.

Clause 68 postponed.

Clause 69 agreed to.

Clause 70 agreed to.

Clause 71 -

Tasmanian Racing Appeal Board (TRAB)

Ms RATTRAY - I speak on clause 71(8), where, as part of the TRAB board, a member is to be appointed for a term not exceeding three years and, if eligible, may be reappointed for further terms. It was raised in the briefing that there be a limit on the terms. I thought it would be useful to put those concerns on the record because, as we know, some people do stay on boards too long.

In this particular case, given that it is a specialised area where not everyone would have background knowledge and understanding of the racing industry, I support what has been put forward here but acknowledge that there were some concerns raised in the briefing about the limit of two terms. Does the government agree?

Mrs HISCUTT - We agree that the term exceeding three years and, if eligible, the member may be reappointed for a further term.

Ms Rattray - Terms.

Mrs HISCUTT - Yes.

Ms THOMAS - Madam Chair, I have a question in relation to clause 71(11), which states:

A member of the TRAB must not wager on a Tasmanian race meeting or with a Tasmanian registered bookmaker.

It does not appear that this provision also applies to the racing integrity commissioner or chief integrity officer, or racing integrity committee members. I would have expected there to be an expectation under the legislation of this parliament that people in those positions are not able to wager on Tasmanian racing. I wondered why that provision applies to TRAB members but does not appear to apply to those other positions within the legislation.

Mrs HISCUTT - Talking about the commissioner, there are protections in the bill. Clause 4 of Schedule 1 enables the commissioner to be removed by the Governor, including if the commissioner is unable to perform its duties adequately or competently, has neglected to perform its duties, or is guilty of misconduct of such a nature that the Governor feels the commissioner is unsuitable to hold the office. That is where that would come in.

The chief racing integrity officer will be an employee of Tasracing and subject to an instrument appointment and Tasracing's policies. Relevantly, clause 67 of the bill makes the appointment of the chief racing integrity officer subject to the approval of the racing integrity committee. Further, if the racing integrity committee reasonably believes that the Chief Racing Integrity Officer is not a fit and proper person to remain in that role and to oversee Tasracing's integrity functions, then the Committee may recommend a decision. All that sort of thing would be captured in those clauses.

[8.46 p.m.]

Ms WEBB - That did not seem to answer the member for Elwick's question at all, so I will see if we can get a little bit more clarity. My understanding of the question is that the member for Elwick was specifically wondering why, on the issue of whether they can wager or not, there is a restriction only placed on the members of TRAB and the same restriction not placed on those other key roles?

It does not matter that there are powers to dismiss them in various ways for misconduct. The key question then would be: is wagering going to be regarded as some form of misconduct that could be brought into play for the purposes of dealing with those other roles? Is it regarded as appropriate and okay, as is allowed, for those other roles to wager?

Mrs HISCUTT - The TRAB, I will call it - it sounds like a terrible acronym, T-R-A-B - the TRAB will be making specific determinations in relation to racing. Determinations can impact the outcomes of a race, which may have implications for bets placed. The other officers are subject to protections that ensure that wagering, if done, does not compromise an ability to perform the functions in the bill. The commissioner can also set standards for any matter relating to or incidental to racing.

Ms THOMAS - I am still not clear or convinced as to why there would be any reason why the commissioner for racing would be permitted to wager. It is not clear in the legislation that there is an expectation that they do not wager. They are having an influence or are making decisions in matters related to racing, so therefore they could be compromised if they have the capacity to wager on races. It is the same, and particularly so, for the chief racing integrity officer.

I take it that could be covered under Tasracing's policies, but do Tasracing's policies preclude employees from wagering on Tasmanian racing? I do not know. Is that an expectation of the parliament and should we be setting that, particularly for the chief racing integrity officer? That is my question.

Mrs HISCUTT - The government's expectation is that these persons would not wager. There are general protections in the bill into which this matter would fall, which have been outlined.

Mr GAFFNEY - I am going to speak in favour of the member for Elwick's question here. Anyone further up the tree should have the same rule as the TRAB. If you have it there in writing - I think they have been caught out on this one, and they are saying, 'Well, we are hiding it over here', or, 'It is over here in a policy', or, 'It is not an expectation'. It should just state it there. The chief commissioner should not be allowed to make wagers, like it is for the TRAB.

It questions the integrity of the Integrity Commissioner if it is not there, and you have people underneath them on the TRAB that are expected to not be able to make a wager. I think they should reconsider their position on this one.

Mrs HISCUTT - The commissioner does not oversee the TRAB. The TRAB is a quasi-judicial body. The commissioner sets standards for the conduct of participants in the racing industry. The TRAB assesses the enforcement actions, if any, taken in law against these people, which is why there is a specific position relating to the TRAB.

Ms O'CONNOR - I have a question in relation to the Tasmanian Racing Appeal Board. From what I understand from the briefing and also my knowledge of how the TRAB has operated previously, there will be no change to the way the Board operates its governance structures.

Under this legislation, can the Leader confirm that this is effectively a cut-and-paste from the old act around the Tasmanian Racing Appeal Board? The reason I ask that - and I mean no disrespect to any individual TRAB member - is that it is well understood, amongst animal welfare advocates certainly, that once an industry participant, having been sanctioned, takes an appeal to TRAB, there is a very high rate of appeals being upheld.

Tasracing or the stewards can decide, issue a sanction and then the participant gets into TRAB, and on the evidence - I do not have the data in front of me here but I have seen it; we have prepared it downstairs - it is a fairly safe bet if you are an industry participant.

Ms Rattray - No pun intended.

Ms O'CONNOR - Thank you for picking that up. If you are an industry participant, it is a fairly safe bet that if you take an appeal to the racing appeal board, you will not only get a good hearing, but on the odds you are likely to get a better outcome. This has become really clear through the Ben Yole tragic saga, which led to the Murrihy report.

What the Murrihy report found established a set of facts and findings that confirmed what the whistleblowers and animal welfare advocates had been saying for some time in raising the alarm with the Office of Racing Integrity. It confirmed the substance of the ABC investigative

report, which is where we first saw that image of that race that appeared to demonstrate team driving by the old stable.

When it became very clear that the failure here had been in the Office of Racing Integrity and the minister and the government came under enormous pressure over the old situation, they commissioned Murrihy who found - I will just summarise these, Madam Chair - found that in relation to Race 2 on 7 October 2022 at Burnie, the investigation determined that there had been non-compliance with the Australian harness-racing rules by Ben Yole, Nathan Ford and Mitch Ford in respect to Race 2. Race 9 on 22 January 2023 found that there was insufficient evidence capable of supporting a determination of non-compliance.

Regarding animal welfare, failure to care for a two-year-old gelding, Blings on Fire, the investigation determined that being non-compliance by trainer Ben Yole with the Australian harness racing rule 218. The evidence supports that as the trainer of Blings on Fire during the period 28 August 2022 and 3 September 2022, Ben Yole failed to comply with his responsibilities to properly care for the welfare of the two-year-old.

Another one, mistreatment of horses in the wash bay on race day at Yole's Sydney property. This was the incident where in the wash bay a plastic bag had been wrapped around a whip to give the horses a little scare and a 'revver'. The investigation determined that had been non-compliance with the Australian harness-racing rules.

Race day, administration of medication. The investigation determined there had been non-compliance with the harness-racing rules by Ben Yole -

Madam CHAIR - It is not time for second reading speech. It is heading towards that so if you could just get to your point.

Ms O'CONNOR - Thank you. Are there time limits on clauses?

Madam CHAIR - No, but we need to keep them related to the clause. There is a difference between a second reading speech, a matter of principles and high level -

Ms O'CONNOR - I understand that. Thank you, Madam Chair. I am making this point because someone has to call out the way TRAB has operated in support of industry. A set of findings of fact are made in the Murrihy report and Ben Yole appeals to the TRAB and in his appeal against Tasracing's stop racing orders, one of his arguments was that Tasracing did not have an authority under the act to investigate a breach of the harness-racing rules. The Tasmanian Racing Appeals Board upheld the Ben Yole appeal despite all the evidence and investigation and the testimony of people who presented to Murrihy.

The Tasracing Appeals Board, having not watched the video in question - and it says that in this report - upheld in full the appeals and Ben Yole is racing to this day. That is an important point to make in this House when we are discussing re-establishing an entity which, on the evidence, certainly does not prioritise the welfare of animals in this industry.

My question to the leader of government business is: can she confirm, regarding TRAB, nothing will change?

[9.00 p.m.]

Mrs HISCUTT - The track provisions are substantively the same as in the current act with minor updates. The government has confidence in TRAB because the TRAB consists of six members and at least three are to be Australian legal practitioners of at least five-years standing and one such member is to be appointed as a chairperson, and the other two or more such members are to be appointed as deputy chair. We have confidence that the people appointed there will be good.

Ms RATTRAY - I want to get it really clear in my mind. I believe there is a double standard here. The Leader talked about the commissioner being an example. Why would the commissioner not be able to wager on Tasmanian races as well? It was a really good pick up by the member for Elwick, to alert us to the fact. If a member of the TRAB cannot wager, then why should any of those other key positions be able to wager? Even though there are all the policies, and the Governor can dismiss, nobody might know. How is anyone going to know?

I am not comfortable that it relates to one layer of integrity and not the other very key senior layers of this Racing Regulation and Integrity Bill. I am not sure where to go here. I am looking for guidance from others.

Madam CHAIR - I suggested if there was to be an amendment regarding the commissioner, it would not be in this section, so that is a matter for someone to consider.

Ms RATTRAY - It is a concern. Does the government agree?

Mrs HISCUTT - I will seek some advice on that. The Government believes we have adequate protections within the bill, and it is the government's intention that the commissioner will be entirely fit and proper to perform the commission's functions. That is why clause 2 of Schedule 1 provides that the commissioner will hold office 'on such conditions relating to matters not provided for' by the bill, as are specified in the instruments of appointment.

Ms O'CONNOR - In its submission to this legislation, the RSPCA Tasmania has recommended to the government that the Tasmanian Civil and Administration Tribunal now has an expanded scope to consolidate appeals processes across a range of legislation. The submission recommended to government to demonstrate clear independence from industry:

We are of the view that TRAB should be disbanded and established as a TASCAT stream. Moving appeals to TASCAT would contribute to greater transparency within the industry. In our view, this arm's length distancing would remove, or at least mitigate, current perceptions of the fox being in charge of the hen house. It would also allow for administrative support to be provided by TASCAT rather than a body, ORI or TasRIC, that will often be a party to the appeal. Should that not be the outcome, the appeal process needs to be streamlined and the use of current technology be made available in hearings.

The RSPCA notes in conclusion:

Currently the only avenue of appeal for a TRAB decision is to the Supreme Court of Tasmania. This is very expensive and a time-consuming pathway.

Replacing this with a further right of appeal to TASCAT would simplify the process.

It does not seem that this recommendation from our statutory inspectorate, the RSPCA, has been adopted in any way or shape. I wonder what the argument is for ignoring such a sound recommendation.

Mrs HISCUTT - We are supportive of TRAB as it is and it is all there in the bill. On a lighter note, there are no foxes in Tasmania.

Ms O'Connor - We do not know that for certain.

Mrs HISCUTT - Yes, we do.

Ms O'CONNOR - Thank you, Leader. With respect, that is not an answer. The question is why was the RSPCA's informed recommendation about genuine reform of TRAB completely ignored? Did the government consider bringing it under as a stream of TASCAT and if it was considered, why was it rejected?

Mrs HISCUTT - We do not have specific advice about that consultation, bearing in mind, there was consultation on the bill. I believe there is some more advice coming.

It appears that other jurisdictions have a specified racing tribunal and this is set up as best practice.

Ms WEBB - Madam Chair, there are a couple of things I wanted to add and ask about. First, I have come around to understanding why there would be the wagering restriction just on TRAB. I think it does make sense that TRAB is responsible for determining matters that relate to racing results, so there would be a material conflict of interest and opportunity for corruption if they were also wagering.

Those other roles do not have such powers to determine matters relating to the results, so I can see that it is different. It would be a pretty bad look though, and therefore that 'fit and proper person' aspect comes into play, so there is likely to be some response if it suddenly turned out the commissioner was off madly placing lots of bets. But because wagering is a private activity, I understand we are only constraining it on roles where there is a material opportunity for there to be corruption involved in exercising powers. That is my contribution on that bit.

The question I wanted to ask about TRAB follows on from the member for Hobart's earlier questions about the fact that this is fairly much transplanted from current arrangements in this bill. I appreciate the issues raised by the member in asking questions about that, to get confirmation that if we are transplanting something that seems to have had some distinct issues in delivering outcomes through its roles under its current arrangements, are we just perpetuating that?

The question I have about that is you pointed to the makeup of the TRAB. It is the same on-paper makeup that it has now. Are the people themselves going to be the same? Are we carrying over people appointed now into the new group? Are we expecting there to be a 'spill and fill' for these roles, anticipating we pass this bill and then we will be bringing it into effect?

Will there be any restriction on people who have previously held the roles coming in to the new but the same, but the newly established TRAB under this function under this act?

It disturbs me if there are issues identified with either the powers of the TRAB or the way that those powers were exercised currently in delivering correct outcomes, what is our guarantee then that we have addressed that just by translating it across?

Mrs HISCUTT - Madam Chair, the membership of the TRAB will continue because the TRAB will continue. The bill makes clear what skills and attributes are required of members of the TRAB. Just because people do not agree with determinations of the TRAB does not mean there is an issue with the conduct of the TRAB. It is not appropriate for the government to comment on the determinations of the independent TRAB. If people wish to appeal the determination of the TRAB, that is their legal right. TRAB exercises its powers in accordance with the act that applies to its proceedings.

[9.11 p.m.]

Ms THOMAS - Madam Chair, I thank members for their contributions on the issue I raised. I note Schedule 1 sets out the terms and conditions of the appointment of the Commissioner for Racing. That is an opportunity I will consider for amendment, to potentially insert that the commissioner position not be able to wager on Tasmanian racing.

In terms of the other positions I raised, reviewing through the legislation, the members of the Racing Integrity Committee are to be appointed by the minister on such terms and conditions as determined by the minister under clause 57(5), which we have already passed. I would hope that perhaps one of the things a minister considers in setting those terms and conditions is an expectation that members of the Racing Integrity Committee do not wager on Tasmanian racing, to make it clear that that would be an expectation. I am getting some nods in agreement that that would be the case and that would be expected of Racing Integrity Committee members.

Clause 67(2) deals with the appointment of the Chief Racing Integrity Officer. Again, we have already dealt with that clause. It is too late for an amendment, but that that would be subject to the approval of the Racing Integrity Committee. You would hope and expect that one of the things the Racing Integrity Committee might make clear when appointing a Chief Racing Integrity Officer or overseeing the appointment would be an expectation that the Chief Racing Integrity Officer also did not wager on Tasmanian racing.

Personally, I would think, and I hope members would agree, there would be an expectation that each and all of these roles referred to in this act have no financial interest in or wager on Tasmanian racing.

Clause 71 agreed to.

Clauses 72 to 74 agreed to.

Clause 75 -

Consultation with racing industry

Ms O'CONNOR - Madam Chair, I move the following amendment -

Page 102, after paragraph (d).

Insert the following paragraph:

- (e) a representative of the RSPCA.

The RSPCA itself had recommended that the Racing Appeal Board meet with the Animal Welfare and Integrity Advisory Committee and the RSPCA. I would like to hear the Leader's explanation as to why that recommendation of the RSPCA's was ignored, which I have sought to ameliorate in part.

There is a strong argument for the TRAB to have a sit-down once a year with the Animal Welfare and Integrity Advisory Committee and the RSPCA, because the first sector in this list of consultation requirements placed on the TRAB is the chairpersons of racing industry associations and racing clubs. Yes, it is important that there is the connection and open dialogue between the TRAB and leaders within the racing industry. Equally, and particularly, given some of the decisions that seem to give less weight to animal welfare issues, the TRAB should be required to consult with the RSPCA and the Integrity and Animal Welfare Advisory Committee, but, at the very bare minimum should be consulting the statutory inspectorate which is the RSPCA. Parliament - government - entrusts in the RSPCA this inspectorate role and yet TRAB is only required to consult with industry participants. You could argue that the RSPCA is an industry participant in that they are called out to places like Sidmouth, where Ben Yole's horses were being tortured in dusty paddocks eating their own shit.

Madam Chair, I hope that members can see that there should be an expectation here. If we are talking about a bill that is intended - according to the government - to improve animal welfare outcomes in the industry, then the Racing Appeals Board should be required to engage on an annual basis, at least, with the statutory inspectorate which is the RSPCA.

My question is, why was that recommendation not accepted and is the government open to the amendments that I am putting forward which could potentially improve the operations of the TRAB? It could deepen the understanding TRAB members have of animal welfare laws and issues as they relate to the industry here.

Mrs HISCUTT - Madam Chair, the government cannot support this amendment. It is inappropriate and unnecessary, and I will come to that further in my contribution here.

Clause 75 identifies the persons with whom the chairperson and deputy chairpersons of the TRAB are to consult with on at least two occasions per year.

Ms O'Connor - Four. No, sorry, ignore. It is the committee meeting four times a year. Forgive me.

Mrs HISCUTT - It is at least two occasions per year. They are the chairpersons of racing industry association and racing clubs, the chief racing integrity officer, the commissioner, and a representative of the stewards in respect to each code of racing. The TRAB consults with these persons because they are responsible for the administration and regulation of the racing industry. Some are also responsible for the development and enforcement of those administrative and regulatory arrangements.

As a board of appeal, the TRAB considers the practice and effects of these matters. The RSPCA does not have an equivalent function in the bill. Its activities are not relevant to the TRAB's activities. The bill already recognises and creates a role for the RSPCA in respect to animal welfare. That is in the bill. It makes provision for the commissioner to consult with the RSPCA. The RSPCA has an advisory role to the commissioner. A nominee of the RSPCA will be a legislative member of the commissioner's integrity and animal welfare advisory committee and that is where it is best placed.

Ms WEBB - Madam Chair, I want to clarify that, so I understand the thrust of what is being argued. When I look at the rights of appeal to TRAB and the things that can come under that, that relate to appeals on refusals to grant licences, or to cancel or suspend licences, or conditions imposed on licences, could there be animal welfare issues relating to those sorts of matters? Are you saying that nothing that comes before TRAB - and has to be determined by TRAB - is going to have elements that relate to animal welfare or matters relating to the RSPCA would be useful to consult with?

[9.21 p.m.]

Mrs HISCUTT - Madam Chair, the TRAB is basically occupied with the rules of racing and I have been through it, so I will not go through it again. If there are any animal welfare issues the commissioner or the chief of the racing can refer, the commissioner will raise those issues. But the TRAB is basically concerned with the rules of racing. Animal welfare is dealt with in other areas.

Amendment negatived.

Clause 75 agreed to.

Clauses 76 to 78 agreed to.

Clause 79 -

Procedure on appeals

Mrs HISCUTT - Madam Chair, I have a government amendment here.

I move -

Page 109, subclause (3) after "operation of a"

Insert "decision or a".

In speaking to that amendment, clause 79 describes the procedure to be followed when appealing decisions to the TRAB. Subclause (3) states that applicants must pay prescribed deposits to the secretary of the TRAB before an appeal is heard or before the TRAB gives consideration under section 85 to suspending the operation of a penalty pending an appeal.

The proposed amendment to subclause (3) would refer to the operation of penalties and decisions. This is a consequential amendment related to the proposed amendment at clause 85, which has been distributed. The amendments to clause 85 will clarify that the TRAB may suspend the operation of a penalty or a decision pending an appeal.

Together, the amendments recognise that persons appeal decisions to the TRAB and they will remove any ambiguity about whether appealable decisions are also penalties. For example, clauses 76 and 77 describe decisions as those things that are appealable to the TRAB.

As I said, members, this is a consequential amendment to help that.

Amendment agreed to.

Clause 79, as amended, agreed to.

Clause 80 agreed to.

Clause 81 -

Hearing of appeals

[9.24 p.m.]

Ms RATTRAY - Madam Chair, this was discussed through the briefing and I wrote down here a definition of 'evidence'. Is it possible to have a definition of 'evidence' provided in relation to the hearing of appeals? If not, I am happy to take that on notice. It is something that can be put at a later time. It is important.

It was raised a number of times. It might have been by the member for Nelson. No? Somebody raised it, and I wrote it down. If it is possible, I would like to be able to see it.

Mrs HISCUTT - Madam Chair, at this stage of the day I am going to ask if you mind if we take that on notice and get back to you?

Ms Rattray - That is fine.

Clause 81 agreed to.

Clauses 82 to 83 agreed to.

Clause 84 -

Control of public reporting

Ms O'CONNOR - This clause provides the Racing Appeal Board with basically unlimited capacity to restrict the public reporting of appeal proceedings before the TRAB, or the publishing of any evidence taken or received by the TRAB. In publishing that evidence, the public interest can be trumped by any other consideration including public security, privacy of personal or financial affairs, and the right of any person to a fair trial.

I observe that it will not improve perceptions of transparency within the industry if we give TRAB such a sweeping capacity to determine what may be shared with the people of Tasmania.

Mrs HISCUTT - It is not unlimited. TRAB has to satisfy itself. It is in the public interest to do something one way or the other.

Ms O'CONNOR - That answer was not entirely clear to me as relevant, Leader. What we are talking about here is the control of TRAB over public reporting. A matter can be in the public interest and determined to be in the public interest if it is satisfied that the public interest in the reporting of that proceeding or the publishing of that evidence is outweighed by any other consideration. It has put the public interest clearly at the bottom of that test, because in other acts I have seen where it is prescribed. It is even in this bill somewhere, back where we have been, but if it is determined that the public interest may need to be weighed against other considerations, it is prescribed in other acts I have seen.

I would say, if the public interest is outweighed by public security, privacy of personal or financial affairs, and the right of any person to a fair trial and the protection, for example, from reputational damage - all of which is a pretty low threshold in a way - at least then it would mean that there was not this blanket provision.

I know this is falling on deaf ears, but it would mean there is not a blanket provision for TRAB to decide it is not going to release material because it has applied the 'any other consideration' test.

Mrs HISCUTT - We do seem to be arguing the same lines to a different end, but the *Commissions of Inquiry Act* has the same measure. The measure is to ensure that the proceeding is not prejudiced while it is ongoing. This is particularly important in a world of social media and other technologies that can affect the course of procedural justice.

This clause recognises the right of people to a fair trial, and people have a right to a fair trial.

Ms O'Connor - Sure, there is also the public interest. That often comes last.

Clause 84 agreed to.

Clause 85 -

Suspension of penalties pending appeals

[9.30 p.m.]

Mrs HISCUTT - There are three amendments to clause 85. The first two amendments are related. I will read the first two and then we will deal with the other one after.

Madam Chair, I move -

First Amendment

Page 117, subclause (1), after "operation of a"

Insert "decision or a".

Second amendment

Same page, subclause (2), after "operation of a"

Insert "decision or a".

We are proposing these amendments to clause 85 to clarify whether TRAB may, and when it must not, suspend the operation of decisions or penalties pending appeals.

The proposed amendment to clause 85(1) clarifies that the TRAB may suspend the operation of a decision or a penalty pending an appeal. In the bill as tabled, clause 85(1) currently refers to penalties only. The government has listened to concerns that have been raised and it recognises that referring only to penalties is ambiguous language that has been difficult for appellants and the TRAB to interpret. The government is mindful that Dale Monteith recommended that the equivalent section in the 2004 act should be reviewed to remove the ambiguity, and the proposed amendments better achieve that aim.

By amending clause 85(1) to refer to decisions and penalties, the bill is better aligned to the appealable enforcement actions in Tasmania under both the bill and the rules of racing. For example, clauses 76 and 77 identified decisions as those things that are appealable to the TRAB. By amending clause 85(1) the ambiguity about whether appealable decisions are also penalties is removed.

The second amendment relates to what the TRAB must not suspend. The government is also proposing to amend clause 85(2). The government is mindful that the Tasmanian Jockeys Association and the Thoroughbred Advisory Network have asked for the TRAB to have the power to suspend all penalties and decisions so that jockeys and drivers can fulfil pre-existing racing commitments pending appeals. The government's priority in the integrity of the racing industry and the appropriate restrictions are important protections of that integrity. The government's proposed amendments -

Madam CHAIR - Are you speaking to your third amendment now?

Mrs HISCUTT - I do not think so, still clause 85(2), I am assured. The government's proposed amendments would delete clause 85(2)(a) which in the bill as tabled states that the TRAB must not suspend the operation of a penalty if an appeal is in relation to the penalty only.

Amendments agreed to.

Mrs HISCUTT - I move the following further amendment -

Third amendment

Same page, same subclause, paragraph (a).

Leave out the paragraph.

Insert instead the following paragraph -

- (a) the decision was made, or the penalty imposed, because of a serious risk to -
 - (i) the welfare or health of an animal; or
 - (ii) the safety of any person; or

(iii) the integrity of the Tasmanian racing industry; or

I think I have spoken to that, but in finality, the government's proposed amendments would delete clause 85(2)(a), which in the bill as tabled states that the TRAB must not suspend the operation of a penalty if an appeal is in relation to the penalty only.

As noted, the government has listened to feedback that this language has been difficult for appellants and the TRAB to interpret. The government's proposed amendments clarify that the TRAB must not suspend the operation of a decision or a penalty if the decision was taken or the penalty was imposed because of a serious risk to the welfare or health of an animal, the safety of any person or the integrity of the Tasmanian racing industry.

The amended clause would still prevent suspensions if appeals are to be heard within seven days of lodgement, unless extenuating circumstances require otherwise. This is an important safeguard of the TRAB's resources.

Amendment agreed to.

Clause 85, as amended, agreed to.

[9.36 p.m.]

Ms RATTRAY - A suggestion, Madam Chair, if I might, that we do more than one clause at a time, to help your voice and keep the momentum going.

Madam CHAIR - I would hate to be criticised for going too fast.

Ms RATTRAY - I do not mean 10 at a time, but a couple at least. Thank you.

Clauses 86 and 87 agreed to.

Clause 88 -

Rules of evidence

Mrs HISCUTT - Another amendment, Madam Chair.

I move -

Page 118, clause 88(2).

Leave out the subclause.

In speaking to that, the government moved this amendment to delete clause 88(2) from the bill. It currently allows the TRAB to refuse to receive evidence. The government has listened to concerns raised with this clause in the other place.

It instructed the Department of Natural Resources and Environment to review the decisions made by the TRAB and the basis, including the evidence on which they are made. On the advice of that department and in the interests of ensuring consistency and robust decision-making by the TRAB, the government moves this amendment.

Amendment agreed to.

Clause 88, as amended, agreed to.

Clause 89 -

Notices to witnesses

Mrs HISCUTT - Madam Chair, in clause 89, there are two amendments. I will move them together.

First amendment

Page 120, subclause (8).

Leave out "subsection (1)",

Insert instead "subsection (7)".

Second amendment

Page 121, subclause (9).

Leave out "Subsection (2)".

Insert instead "Subsection (8)".

The government is moving an amendment to clause 89 to correct numbering errors in clause 89(8) and 89(9).

Amendments agreed to.

Clause 89, as amended, agreed to.

Clauses 90 and 91 agreed to.

Clauses 92 and 93 agreed to.

Clauses 94 and 95 agreed to.

Clauses 96 and 97 agreed to.

Clause 98 agreed to.

Clause 99 -

Determination of appeals

Mrs HISCUTT - I will move them together for they have same meaning.

First amendment

Page 129, subclause (5), paragraph (b) after "operation of a".

Insert "decision or a".

Second amendment

Same page, same subclause, paragraph (c) after "operation of a".

Insert "decision or a".

This amendment is a consequential amendment. It is required because of the amendments to clause 85(1).

Amendments agreed to.

Clause 99, as amended, agreed to.

Mr GAFFNEY - Point of clarification, we do not have many more amendments. I do not have any more here. Does anybody else?

Ms Rattray - Clause 191.

Mr GAFFNEY - Clause 191, so that is on the way, is it?

Ms Rattray - Yes.

Mr GAFFNEY - Yes, okay.

Madam CHAIR - We have the postponed ones to go back to. The way we deal with those, particularly for the new members playing this game, we do the postponed clauses before we do the schedules.

Mr Gaffney - So we are on clause 99 now and we have to get to clause 191.

Clauses 100 to 105 agreed to.

Clauses 106 to 110 agreed to.

Clauses 111 to 116 agreed to.

Clauses 117 to 121 agreed to.

Clauses 122 to 129 agreed to.

Clauses 130 to 138 agreed to.

Clauses 139 to 146 agreed to.

Clauses 147 to 152 agreed to.

Clauses 153 to 160 agreed to.

Clauses 161 to 170 agreed to.

Clauses 171 to 175 agreed to.

Clause 176 -

Authorised persons and police officers have right to enter racecourses

[9.44 p.m.]

Ms O'CONNOR - Madam Chair, I have been enjoying the constant upping of the clause catch. It feels like race day.

I have a question in relation to this clause. This is part 11 enforcement and it talks about who may be authorised, including police officers, to enter racecourses. Can I confirm with the Leader that the RSPCA as the statutory inspector will be an authorised person for the purposes of this clause to be able to enter racecourses?

Mrs HISCUTT - Madam Chair, RSPCA officers can be authorised under the *Animal Welfare Act*, which gives them that right - a person who is authorised in writing for the purposes by the commissioner. So the commissioner can authorise the RSPCA.

Ms O'CONNOR - Would it be the government's expectation, given the responsibilities that are vested in the RSPCA, that the RSPCA would be authorised in writing, either by the commissioner or by Tasracing, to be able to enter a racecourse or training venue free of charge at any time and to remain on the racecourse or training venue?

I note that this clause gives Tasmania Police officers the authority to enter a racecourse at any time free of charge and stay for as long as they like. Would it be the government's expectation that the RSPCA would be authorised?

Mrs HISCUTT - The *Animal Welfare Act* is the place for granted powers of entry for the purposes of animal welfare. However, the commissioner is not restricted from granting that authority to enter to a person, which can include an RSPCA authorised officer.

Ms O'CONNOR - To conclude this question, I gleaned that it is not an expectation of government that the RSPCA as an organisation or its inspectors would have broad authority, as we are vesting in Tasmania Police, to be on a racecourse free of charge at any time for as long as they wish, or need to be, in the case of the RSPCA.

Mrs HISCUTT - There is an expectation that the commissioner will appropriately authorise persons as required.

Ms O'Connor - It is not an answer, but thank you for that non-answer.

Mr GAFFNEY - Madam Chair, I would like to clarify - I know how police officers work because they are part of that organisation. With the RSPCA, I am just wondering - maybe the Leader or the member for Hobart could clarify - do they have authorised people, or is that anybody who is a member of the RSPCA?

Ms O'Connor - They are an inspectorate. Authorised officers under the *Animal Welfare Act*.

Mr GAFFNEY - How many would there be with the RSPCA?

Ms O'Connor - Not enough.

Madam CHAIR - The Leader may have that answer.

Mr GAFFNEY - Does that mean two people or 20? Are they allowed to bet when they are there? I do not suppose they would be.

Ms O'Connor - I certainly hope not.

Madam CHAIR - I bet they would not.

Mrs HISCUTT - My advice is that we are not absolutely sure, but we think there are about five or six. Is that an answer?

Mr GAFFNEY - Yes. It should be that the RSPCA provides the commissioner with the names of the people who are authorised, so somebody cannot just show up on the day and say, 'Here is a piece of paper'.

Mrs HISCUTT - I can confirm that is the way it should work.

Clause 176 agreed to.

Clauses 177 to 181 agreed to.

Clauses 182 to 190 agreed to.

Clause 191 -
Exemption from Right to Information Act 2009

Ms O'CONNOR - Madam Chair, the proposed amendment - and I am happy to discuss this with the Leader - my proposed amendment to clause 191 -

I move -

Page 252, after "information relates to an".'

Insert "ongoing".

When you look at the right to information exemptions across governments, they are not all exactly the same. The *Ombudsman Act 1978* is a bit different from the *Integrity Commission Act 2009*.

Is it more precise, or would we want to confine that exemption to an ongoing inquiry, investigation, recommendation or direction made under this or any other act, given that there

are provisions such as the *Personal Information Protection Act 2004*? There are provisions here around the handling of information.

Do we want to provide a blanket RTI exemption to the commissioner or the commission for any inquiry they have ever made or investigation or recommendation or direction under this or any other act? Is that necessary and desirable?

I accept that it would be a shift to make it more precise. I would like to understand, before I decide what to do with this amendment, what the government is thinking about regarding exemption. Is it for everything? Every document, decision and action that the commissioner presumably takes?

Madam CHAIR - To clarify, you are asking a question before you move -

Ms O'CONNOR - I moved the amendment.

Madam CHAIR - You did. Sorry.

Ms O'CONNOR - I moved the amendment, but I am going to listen to the response from government.

Mrs HISCUTT - Madam Chair, we have a fulsome answer as to why we do not think your amendment should be supported. I will read through that and that might help you understand a bit better.

The bill, as amended in the lower House, states that information in possession of the commissioner will be protected from right to information requests. If the information relates to an inquiry or investigation of the commissioner - did the member say she had moved her amendment?

Madam CHAIR - Yes.

Ms O'Connor - Yes.

Madam CHAIR - She did read it in. Did you?

Ms O'Connor - Yes.

Mrs HISCUTT - Obviously, we are not going to support it because of these reasons. Going on, that is a very narrow and very appropriate limitation as to what I have just read a moment ago.

It exists to give confidence to anyone who wishes to report information to the commissioner for investigation or inquiry and to everyone who has reported information for investigation or inquiry, including industry whistleblowers. The protection also exists to ensure that the information can be provided and that the commissioner can act without prejudicing other bodies, investigations or inquiries, inadvertently or otherwise. It also exists to ensure that the commissioner's resources can be dedicated exclusively to its functions under the bill.

The government also consulted with, and was advised by the Victorian Racing Integrity Commission on this matter. The government would also note that this exemption is far narrower than the exemptions that exist for other Tasmanian commissioners.

For example, the *Right to Information Act 2009* protects all information in possession of other commissioners, including the Anti-Discrimination Commissioner, the Commissioner for Children and Young People, the Health Complaints Commissioner and the Integrity Commissioner, unless the information relates to their administration. That means that no information in possession of those commissioners is available on RTI requests unless it is administrative information.

The government deliberately drafted a narrower provision in this bill. This is to have all the provisions about the commissioner in one place and to make sure that they are all appropriate. The government also notes that the commissioner has the discretion to report or disclose information as appropriate.

The commissioner may act at the conclusion of an investigation or as appropriate by disclosing information to appropriate enforcement agencies such as the police, as outlined in clause 20 of the bill. Further, clause 27(8) states that the minister must table the report that the commissioner produces after an inquiry.

Madam CHAIR - I want to clarify that the member for Hobart actually read the amendment?

Ms O'CONNOR - Yes.

Ms Rattray - Yes, she did.

Ms O'CONNOR - It is late.

Madam CHAIR - Right, okay.

[9.56 p.m.]

Ms O'CONNOR - Thank you, Madam Chair. I am going to withdraw this amendment because I hear pretty sound arguments and, as someone who will always want to see there be strong protections for whistleblowers, for want of a better term, I accept that there needs to be this exemption.

We are establishing an entity here that has as much weight and power to investigate and compel the production of evidence as, for example, the Ombudsman. Can the Leader of Government Business confirm that we have created another significant statutory entity here that has very significant powers and will join, if you like, those other statutory entities that parliaments enacted, including the Integrity Commission, the Ombudsman and those other entities that you talked about before?

Madam CHAIR - Member, you will need to seek leave to withdraw your amendment.

Ms O'CONNOR - I seek leave from the House to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause 191 agreed to.

Clauses 192 to 197 agreed to.

Postponed Clause 67 -

Appointment of Chief Racing Integrity Officer

Mr EDMUNDS - Chair, thank you and thank you to my colleagues for your patience and the marvels of information technology that have finally got us here. I have circulated the updated amendment which re-tidies up the tidied-up amendment.

I move -

Page 94 subclause (1), after "a suitably qualified person".

Insert ", who has demonstrated understanding of the racing industry,".

I know we have had a lot of this discussion earlier, but I will also add that we talked about the industry experiences sought by the industry. I make it clear that this is not sought by the participants who play up. It has not been sought by the people who make the bad headlines. This is sought by desperate, honest, hardworking participants who have, like others over the last few years, stuck their neck out at times when it was risky for them to call out poor performance and poor behaviour within their sector because they care about it.

Even just coming here to brief us was a risk for those people. Everyone finds out who would have come in here, so for them to stick their neck out and other statements that have been made, it is really worth acknowledging that those are people who bang the drum about integrity in this field and who want this. It is important to make the point that this has come from our hardworking, honest participants who are as desperate as all of us to see racing in the headlines for the right reason - no matter which approach we come at this issue from.

Mrs HISCUTT - Madam Chair, as indicated before, after watching democracy at work with this particular amendment, we feel that it does get the balance right and, yes, we can support it as it is at the moment.

Amendment agreed to.

Postponed clause 67, as amended, agreed to.

Postponed Clause 68 -

Appointment of stewards and other racing officials

Ms RATTRAY - I would like to acknowledge the House and those people behind the scenes who have facilitated this. Talk about a dynamic workplace, Madam Chair, things were going here, there and everywhere, but this is what we do.

I am going to put my amendment as it has been redrawn. Clause 68 -

Page 96, after subclause (1).

Insert the following subclause:

- (1A) Tasracing may only appoint a person as a stipendiary steward under subsection (1)(a) if the person has the qualifications that are necessary to perform the functions of a steward.

I can almost ditto the words that the member for Pembroke has shared with the Chamber about this. This has come from people who have stuck their neck out in the industry over many years, wanting to have the very best that they can regarding integrity and confidence in the industry. Hence, I put this forward today.

Ms O'Connor - But also many industry participants make these arguments on the basis of there being concerns for animal welfare.

Mrs RATTRAY - Yes, absolutely. I appreciate the fact that the government and the Leader have facilitated the redrawing of this, and their initial support and the suggested changes that were put forward. I do not think there is a lot more to say, except that I encourage members to support the amendment.

Amendment agreed to.

Postponed clause 68, as amended, agreed to.

**Schedule 1 -
TERMS OF APPOINTMENT OF COMMISSIONER**

[10.03 p.m.]

Ms THOMAS - Madam Chair, I move an amendment to schedule 1 -

Page 258, clause 2, after subclause (1)

Insert the following subclause:

- (X) The Commissioner must not -
- (a) wager on a Tasmanian race meeting or with a Tasmanian registered bookmaker or
 - (b) have or obtain a financial or proprietary interest in a greyhound or horse, other than a greyhound or horse that has retired from racing.

I explained the rationale for this previously when I was speaking to clause 71(11). The wording for this clause - and thank you to the Office of Parliamentary Counsel and to the government here for their assistance with drafting this at such late hour and short notice. The wording comes from similar provisions within the act that exists at section 57(3)(e) racing, Committee members must not have a financial interest and at clause 71(11) where TRAB members cannot wager. As I mentioned earlier, it is my belief that these provisions should apply to all the roles specified within the act, the TRAB members, the Racing Integrity

Committee members and the chief racing integrity officer. Whilst I missed the opportunity to insert these amendments in the other relevant sections, it is important that these provisions are applied to the Commissioner for Racing in particular. Thank you for considering.

Mrs HISCUTT - It is lovely to see democracy at work and I could say ditto to the other amendments, but while the government considers that the bill has appropriate protections to ensure that the commissioner is a 'fit and proper person'. The government will support the amendment. It clarifies the standards expected of the commissioner.

Ms RATTRAY - Just to congratulate the member for Elwick on her first amendment. She has only been here for five minutes and we can see she is going to be a great contributor. I absolutely agree with this. As the commissioner is setting the standard for integrity, this is absolutely appropriate and I fully support the amendment.

Ms O'CONNOR - Just briefly, Madam Chair, it is a good amendment and I can support it, but there is an argument also for placing similar restrictions on race-day stewards. For example, and there is a bit of a black hole there where the people who are doing the on-ground integrity work will not have any of these sorts of expectations or restrictions placed on them. I note that because I think it is an integrity gap.

Ms WEBB - Madam Chair, well done to the member for Elwick for bringing her first amendment in this place.

I do not agree with the amendment in principle, because I do not think there is a legislative basis for it. Obviously, I am one vote; I am not going to call a division on it in the end. But I wanted to put on record that we agree with the intent of it. The bill has enough provisions to do that. We have to be, on principle, careful about legislating private behaviour.

That is probably enough said about that. The bill had enough provisions to cover this. There are other, more obvious gaps where this would have been relevant, as the member for Hobart pointed out, where there are roles that tangibly have powers over results in races and things like that; where there is a tangible risk of corruption if there is wagering and/or financial activity in conjunction with having those particular roles.

To me, that is the legal and principled correlation to make between legislating this sort of constraint on private behaviour. I appreciate the intent of it. It is not that I do not agree that we want to see a certain standard of behaviour from the commissioner. It is captured already, and I think this is not legislatively sound. That is just a position I will state but not make a fuss of.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Schedules 2 to 7 agreed to.

Title agreed to.

Bill to be reported with amendments.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

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

Motion agreed to.

RACING REGULATION AND INTEGRITY (CONSEQUENTIAL AMENDMENTS) BILL 2024 (No. 11)

Second Reading

[10.10 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That the bill be now read the second time.

The Racing Regulation and Integrity (Consequential Amendments) Bill 2024 is ancillary to the Racing Regulation and Integrity Bill 2024. It is made for the purpose of amending several acts which facilitates the commencement of the Racing Regulation and Integrity Bill 2024 and the repeal of the *Racing Regulation Acts 2004*. It is in the nature of machinery and administrative legislation.

The government has consulted extensively on the reforms to ensure that integrity and welfare are embedded into the foundations of the racing industry. This legislation is an important part of the Tasmanian government's 2030 Strong Plan for Tasmania's Future in racing.

Mr President, I commend the bill to the House.

Bill read the second time.

RACING REGULATION AND INTEGRITY (CONSEQUENTIAL AMENDMENTS) BILL 2024 (No. 11)

In Committee

Madam CHAIR - Before we proceed, we will go by Parts, but we will call Part 1 clauses 1 and 2, if people have a particular part they want to jump when they are ready.

Clauses 1 and 2 agreed to.

Clauses 3 to 5 agreed to.

Clauses 6 and 7 agreed to.

Clauses 8 and 9 agreed to.

Clauses 10 to 12 agreed to.

Clauses 13 to 19 agreed to.

Clauses 20 and 21 agreed to.

Clauses 22 and 23 agreed to.

Clauses 24 to 27 agreed to.

Clauses 28 and 29 agreed to.

Clause 30 agreed to.

Title agreed to.

Bill reported without amendment.

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I move -

That the third reading of the bill be made an Order of the Day for tomorrow.

Motion agreed to.

ADJOURNMENT

[10.16 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) -
Mr President, I do not even feel like joking about Orders of the Day, so I move -

That at its rising, the Council adjourn until 11 a.m. on Thursday 15 August 2024.

Motion agreed.

Mrs HISCUTT - Members, the Minister for Disability Services will move her disability bill tomorrow. We will not have the industrial hemp briefing at nine o'clock. We will start our Disability Inclusion and Safeguarding Bill 2024 at 9.30 a.m. with some briefings before we move into that bill. Have an extra half-hour sleep in.

Mr President, I move -

That the Council does now adjourn.

The Council adjourned at 10.16 p.m.