



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 11 December 2025

REVISED EDITION

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

QUESTIONS ON NOTICE - ANSWERS

The following answers to questions on notice were given.

[11.07 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I have answers to questions No. 11 and No. 12 from the honourable member for Nelson.

No. 11 - JCP Youth Funding

Ms WEBB question to MINISTER for CHILDREN and YOUTH, Ms PALMER, referred to LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms RATTRAY

In relation to former minister Jaensch's response of 11 June 2025 to questions from the Commission of Inquiry Recommendations Scrutiny Committee, as published on the Committee's webpage, and also in context of services provided to 'Children and Families by JCP Youth under the BEAST Program' being individual programs, components, parts, or extensions of the BEAST program, can the government:

- (1) List these services inclusive of dates of commencement, of completion if not ongoing, and amount and source of funding;
- (2) Advise if any of these services are known to be continuing under the current Funding Agreement;
- (3) List the number and dates of DECYP staff visits to JCP Youth Safe Houses by each of the south, north and north-west regions;
- (4) Provide details of the types, or categorisation, of visit and reasons, beyond purely case management purposes, including, for example, how many relate to children under care and protection orders, how many relate to community justice orders, and any other visits which do not pertain to case management or child safety assessment/investigation?;
- (5) Detail how many quarterly reports from JCP Youth have been received since the Funding Agreement began?
- (6) Clarify the agreed schedule for reports to be sent, for example whether specific months of the year are stipulated or whether some other schedule of release is undertaken?;
- (7) Clarify who is responsible for reviewing the reports?;

- (8) Detail the nature of information provided in the reports?;
- (9) Table a copy of all available reports?;
- (10) In the context of the services provided by JCP Youth, clarify if the Department is aware of any JCP Youth positions or roles where the *Registration to Work with Vulnerable People Act 2013* would not apply?;
- (11) Detail how many times the Secretary, under Section 4.1 (p11) of the JCP Youth Funding Agreement, has provided approval for:
 - (a) Purchase of real estate?
 - (b) Purchase any assets greater than \$50,000 in value?
 - (c) Purchase any asset which is not be used solely for delivery of the Services pursuant to the Funding Agreement?;
- (12) Detail where approval has been sought, regardless of approval or not, please detail the individual approval requests, for example the asset being sought, and rationale provided for either approval or rejection?;
- (13) Clarify what constitutes a 'place' for the purposes of the Funding Agreement which states under Schedule 2, section 2.2, page 39, that 'JCP Youth will use the funding to provide 54 full time places within the existing Youth Beats Program', for example, does a 'full time place' require a minimum time enrolled in a service, or completion of a relevant program such as the BlackOut Campaign program?;
- (14) Regardless of whether purchased assets fall under the definition of, or are approved under the Funding Agreement, does funding for a full time place include the purchase of assets that may have broader application or use (e.g. patrol vehicles)?, and if so, how does the calculation for funding provision of 54 full time places alter for assets being used for other purposes or for the asset value?;
- (15) Confirm that under the Funding Agreement, a range of children and young people from a range of backgrounds including from prevention to legal orders may access the services, and further, given that:
 - (a) Please provide the rationale for classifying the service under AO8.1.99 (Other community services not elsewhere classified) and not alternative classifications (e.g. A02.2 Child protection, A02.4 Out of home care, A06.1 Correctional and rehabilitative supervision); and
 - (b) Clarify whether there are any implications of recording one service classifications but excluding others? For example, where a service is provided to a child or young person by virtue of a care and

protection order (such as supporting a child in care under a care/case plan), but is recorded as other community services?

ANSWER

Mr President, I have spoken with the honourable member and given that they are extensive answers to the number of questions, I seek leave to table the answer and have it incorporated into *Hansard*.

Leave granted; document incorporated.

See Appendix 1 (page 78).

No. 12 - JCP Youth Blackout Challenge

Ms WEBB question to MINISTER for CHILDREN and YOUTH, Ms PALMER, referred to LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms RATTRAY

In relation to the government's arrangement with the organisation JCP Youth and specifically regarding the organisation's BlackOut Challenge program, can the government:

- (1) Confirm whether the Department or Government were aware of the BlackOut Challenge, which is a component of JCP's Beast Program, prior to it being advertised and run earlier this year? And;
 - (a) If the government was aware of the BlackOut Challenge, please detail when it was informed of the program, and any assessment details the government undertook to ensure appropriateness;
 - (b) If the government was not aware prior to the program being advertised and run, when was it made aware, and please detail any assessment of consideration made of its appropriateness;
- (2) Detail whether information has been either sought by the government on the BlackOut Challenge, or been provided by JCP Youth, and when was that information provided?
- (3) Detail how the BlackOut Challenge Program fits within the JCP Youth BEAST Program, and more particularly within the Funding Agreement with JCP Youth?
- (4) Clarify to what extent the funding agreement takes into account extended operations of the BEAST program, and whether all programs under the BEAST programs come under the conditions of the funding agreement, regardless of whether the Government funding agreement directly funds it?
- (5) Clarify whether should the BlackOut Challenge Program not be funded and covered by the funding agreement with JCP Youth, are participants in

the BlackOut program drawn from children who are also part of the funded BEAST Program?

- (6) Detail how participants were selected for the recently run BlackOut Challenge Program?
- (7) Confirm whether the BlackOut Challenge Program included participants under state care and protection, and/or any type of youth justice order, and if so, how was permission sought and provided for their participation?;
- (8) Confirm whether any concerns have been raised with the government in regard to the BlackOut Challenge and if so, when, and what were the nature of those concerns, and how has the Government responded to those concerns?
- (9) In context of schedule 2, section 2.2.4 (Consumer Outcomes) of the Funding Agreement with JCP Youth which states, the Service Provider will ensure that service delivery models employed are consistent with providing positive outcomes for consumers and utilise evidence-based and therapeutic practice, detail:
 - (a) Whether, and if so on what basis, does the government consider the wearing of balaclavas, as per photos depicting JCP workers wearing in recent social media posts following the BlackOut Challenge in October this year, to be an example of utilise evidence-based and therapeutic practice?; and
 - (b) How monitoring of the funding agreement takes into account the success rate of completion versus participation, in light of these recent JCP Youth social media posts indicating only one participant out of 43 was successful in completing the BlackOut Challenge?

ANSWER

Mr President, I have spoken with the honourable member and given that they are extensive answers to the number of questions, I seek leave to table the answer and have it incorporated into *Hansard*.

Leave granted; document incorporated.

See Appendix 2 (page 89).

LEAVE OF ABSENCE

Member for Rosevears - Ms Palmer

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

That the honourable member for Rosevears, Ms Palmer, be granted leave of absence from the service of the Council for this day's sitting.

Motion agreed to.

MINISTERIAL STATEMENT

R. A. Rodda Museum of Pathology - Retained Human Remains

[11.09 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I make this statement on behalf of Bridget Archer, the Minister for Health, Mental Health and Wellbeing.

I rise today to update the House and the Tasmanian people on the government's response to the coroner's record of investigation and findings in relation to human remains retained following coronial autopsies between 1966 and 1991 at the Rodda Museum in Hobart.

I want to start by acknowledging the deep hurt this has caused, especially for the friends and family of loved ones affected by these historical practices. These revelations have been both traumatic and devastating and this has been made very clear to the government both firsthand through meeting with those impacted and through other MPs.

As members are aware, the coroner's report found that specimens taken during post-mortem examinations were retained and exhibited in ways that disregarded the dignity or autonomy and cultural beliefs of individuals and communities. The coroner confirmed that between the 1950s and early 1990s, 177 specimens of human remains were retained without lawful authority or consent.

To the family and friends of those individuals, we offer our deepest and most sincere apology. This abhorrent practice represented a profound breach of trust and a failure to uphold the ethical standards expected of health and research institutions. It is important to state that these actions occurred prior to the *Coroners Act 1995* coming into effect.

There are rigorous processes that have been implemented by the state forensic pathologist to ensure this will never happen again. It is also important to make clear for the record that the Department of Health has advised that the three current forensic pathologists employed by the department were not involved in these historic matters. However, given the horrific and unacceptable nature of these circumstances, it is very clear that more needs to be done to ensure that everyone involved is held accountable.

The Attorney-General has written to both the DPP and Tasmania Police to make them aware of the coroner's report. I can confirm I have also instructed the Department of Health to undertake further work to establish, as far as is possible, the identity of any employees within the department during the period of the 1950s through to the early 1990s who may have been involved in the retention of remains without lawful authority or consent.

While the coroner's report identified one individual, now deceased, as being primarily responsible for the unlawful retention of body parts and did not identify any others who may

have been involved, it is important for the families that we do what we can to investigate further and, if further information is found, to pass those details on to the appropriate authorities.

As the coroner's report said:

It appears at this stage that now dead Forensic Pathologist, Dr Royal Cummings, was the person who provided the large majority of coronial specimens to the museum. However, it also appears that his predecessors and successors also engaged in the practice.

Given these comments in the coroner's report, I have directed the department to review all available historical records and to engage with UTAS to establish any further information relating to the unlawful retention of specimens, which can be provided to the relevant authorities for their consideration and potential action.

I can also confirm that the government will facilitate a formal parliamentary apology, on behalf of the state, to appropriately recognise the immense harm caused.

It is our intention for the formal parliamentary apology to be delivered in the first half of 2026, and I can assure everyone that the families of those affected will be closely consulted in its development. This formal apology is an important step for the parliament to acknowledge and apologise for the pain and trauma associated with these practices. It is important that we take care to coordinate and deliver this apology in a trauma-informed way, allowing families who wish to be present to be here, and to allow members from all sides of parliament to participate.

We will work with members of parliament to coordinate the timing and format of the formal apology, and we thank those members from both Houses who have represented the concerns of the families and assisted families through the coronial process, which we know has been very difficult for many families.

Mr President, the Minister for Health, Mental Health and Wellbeing is very committed to ensuring the highest possible standards from the department. While we cannot change the past, it is vitally important that we learn from what has happened, and ensure that we do all we can to hold those responsible to account, and that's exactly what we are doing.

Mr President, I seek leave to table a copy of the ministerial statement.

Leave granted; document tabled.

MOTION

R. A. Rodda Museum - Retained Human Remains - Ministerial Statement - Consideration and Noting

[11.15 a.m.]

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

That the ministerial statement be taken into consideration and noted forthwith.

Motion agreed to.

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

That the ministerial statement be considered and noted.

[11.16 a.m.]

Ms WEBB (Nelson) - Mr President, I rise to respond to the ministerial statement delivered by the Leader. As mentioned by the Leader for the Government, this statement is in response to the Coronial Project Coroner's Findings Report released on 8 September this year. At the outset, I note that the coroner's report on this matter has not been tabled in this parliament and, given it's very salient to the current debate, I now seek leave to table the Coronial Project Coroner's Findings Report of investigation into deaths without inquest, dated 8 September 2025.

Leave granted; document tabled.

Ms WEBB - I thank honourable members, as ensuring this document remains part of a clear public record is paramount, particularly since, as I recently discovered, the previously available dedicated coronial project webpage on the coroner's website appears to have been taken down. This makes tracking down the findings report rather difficult for those affected or interested in this matter.

Imagine waking up one morning, sitting down to eat your breakfast while reading the local newspaper, turning the page, and then discovering in an advert a loved one's name listed as having had some part of their body retained in a museum collection. Or possibly even worse, sitting down to a Sunday lunch with family to take a phone call from a family friend, who informs you that they have seen your dead sister's name on such a list: a dead sister who died in awful and traumatic circumstances decades ago when you were both young teenagers or 20-year-olds. That nightmare was the waking experience of many Tasmanians following the publication of a full-page advert in the *Saturday Mercury* on 25 January this year, printed on page 5.

For members who may have missed it, that advert detailed the names of 126 deceased persons, their date of birth or age at the time of their death, the date of their death and their last known residential address. It's important to note that the 126 names listed were of a greater total of 177 human specimens which were handed to the University of Tasmania without consent and which the Coroner's Office was then informed of in 2016. The purpose of the advert was to call for anyone related to those individuals to contact the Coroner's Office to assist with that office's enquiries.

That January advert contained distressing details, including the fact that some of the deceased were children and infants. That, and the fact we know that autopsies only tend to be undertaken in the instances of suspicious, sudden or unexplained deaths, makes this abrupt and public notification without any apparent trauma-informed warnings or support provisions all the more distressing and shocking. I'm on the public record raising these concerns, so I will not

belabour them now. However, for the purposes of this ministerial statement update and the promised forthcoming state apology, it's important that we note and acknowledge not just the distressing nature of the information, but also the manner in which that distressing information was communicated.

I'm sure other members in this place have heard from constituents those families' harrowing experiences following the discovery that a loved one has had body parts removed without consent, and which were potentially placed on public display in the RA Rodda Museum of Pathology. Time today prevents me from detailing the many stories that I and my office have heard this year: people trying to cope with the discovery their parent had been treated in this appalling and unacceptable manner; parents discovering their young children, and in at least one case, an infant, had not been buried whole, and being forced to grieve all over again, utterly heartbreaking; and also, the siblings, some of whom had to struggle with deeply personal moral questions regarding whether they should or should not inform their elderly parents or parent.

Members may have heard of the situation of Mr John Santi, who has had the strength to speak publicly about the discovery that his elder brother Anthony, or Tony as he went by, was part of this coronial project. Tony had died in a motorcycle accident when he was 19 years old in 1976. For those not familiar with Mr Santi's recent statements on this matter, it's worth drawing members' attention to the SBS interview given by Mr Santi. I quote him in that interview:

After 50 years I had to rebury his body part. ... We went and laid that to rest with him. That's something we should never have had to do.

One of the hardest parts is having to rebury him ... he's been buried twice.

Despite Santi not being a very common surname in Tasmania, John and his family discovered Tony's name on the published January advert, rather than being sought before that in a more private manner. To say they were outraged and distressed is an understatement, and I do not think John would mind me saying so. For 50 years, John had been going to tend to his brother's grave, to then discover Tony had not been interred completely due to this indignity being inflicted at some stage by someone in authority, someone who should have known better.

It was unlawful at the time, as it is now, for a coroner or anyone else to remove or retain any part of a dead body for any purpose other than investigating the manner and the cause of the death of that person. However, John was one of the few lucky ones. I say that and I use that word advisedly, in that he did succeed in obtaining Tony's remains at the conclusion of the coroner's inquiry so that he could inter those remains into Tony's grave.

Yet, there were still more shocks to come. Despite being told the samples were small in scope, possibly even just a blood sample, when John opened the box delivered to the cemetery to double-check the remains had not been cremated in accordance with the family's objections to cremation, he was shocked and horrified to discover he was holding almost the entire brain of his brother Tony. It's no surprise that this results in more questions and increased sense of betrayal, let alone for those many families who requested the return of their loved one's remains but were denied by the coroner's office. We cannot lose sight of the fact that these 177 'specimens', as the accepted coronial language describes them, were taken and retained without consent.

Then, to add insult to injury, people were subsequently denied consent to reclaim and repatriate, in an appropriate manner, their family member's remains. Is that degree of cruelty the best we can do? Is that the best our formal systems and arms of the state have to offer? In the context of this ministerial statement, it's important to consider the formal coroner's findings report dated 8 September 2025. Paragraph 8 states:

There was no jurisdiction for a coroner to authorise removal or retention of any part of a dead body for any purpose other than investigating the manner and cause of death of that person.

Followed by this, in paragraph 9:

I think it is reasonable to state that the expectation of families is (and would have been) that the body of their loved one is complete. The fact parts had been retained without knowledge or approval would come as a surprise to many, indeed most, members of the community.

Paragraph 10:

Body parts sourced or retained from the *post mortem* examination cannot be used for medical research or education, at least not without the knowledge and consent of relevant family members.

And, finally, I quote:

The retention of human remains without family or coronial approval, or even knowledge, is an historic practice out of keeping with, and offensive to, contemporary standards and values. It is inconceivable to my mind that it would ever happen again although the fact that the practice continued for as long as it did and ended only comparatively recently is also almost equally inconceivable.

Shockingly, the inconceivable did occur and has left real damage in its wake. Further, as I stated in correspondence to the Attorney-General on 12 September this year, that inconceivable action was undertaken by state appointees and employees, presumably within state and public institutions. It is not only a matter of respect for the parliament but also to acknowledge the pain and grief inflicted here is not purely historic.

While recognising the coroner's findings report emphasises these abhorrent practices are historic, having ceased in the 1990s, that does not diminish the fact the hurt, the trauma and anger caused to living family members by recent revelations is very current and deeply felt. For many, the experiences since January this year have added an additional layer of grief and anger that must also be addressed and acknowledged.

There are the further distressing instances where people discovered their family member was involved after the coroner's findings report was released in September this year; further, that their loved one's body part had already been destroyed under the burial warrants issued by the coroner pursuant to the act. It is in that spirit of transparency I need to emphasise my deep disquiet, not only of the unauthorised, and I believe illegal, actions which occurred between

1966 and 1991, but of the systemic failures of how our systems responded to and dealt with affected family members now.

I do not wish to take away from the diligence, empathy and care taken by individuals going about their jobs throughout this process since the 2016 notification. However, the system was flawed, for whatever reason, and must be addressed. Local Tasmanians who should have been identifiable via authorised searches were not. There were grave issues surrounding processes for recognising appropriate next of kin or even recognising that in some unforeseen circumstances such as this, we need more flexibility in order to recognise for example, more than one individual next of kin. There did not appear to be sufficient recognition that some current family members may be very elderly now, particularly if their loved one died in 1966. Expecting them to navigate online and digital ID requirements, forms and communications was extremely problematic.

The protracted nature of the investigation, understandable given the number of illegally retained body parts, but lack of forthcoming information or updates was extremely difficult for affected families. Many found the whole system bewildering and alien. They had no idea what to expect or where to go to get assistance in understanding what was happening and why it had to happen the way it was.

That was largely the extent of my office's involvement in this matter: trying to find out and explain what the administrative processes were, assist in filling out and forwarding the necessary online forms, and ask about options available for families who may wish to reclaim their loved one's body parts. In at least one instance, it was arranged and agreed by the coroner's office, who wished to have only one point of contact for each specimen under investigation, that my office would be that designated contact point for a particular family. Imagine my surprise when I received formal correspondence from the Coroner's Office instructing me to cease advocating for affected people on this matter. This was at a time that we were helping family members argue their case why cremation of their loved one remains went against their religious beliefs and they were seeking alternative options.

Clearly, this was not an aspect of any formal judicial investigation; it concerned the aftermath of such formal proceedings. I have a very healthy respect for the separation of powers and carefully double-checked those potential ramifications before making any public statement or undertaking any inquiry. To be told to stop asking procedural questions on behalf of my constituents was very, very surprising and disturbing. More importantly, it added yet another layer of confusion and betrayal by authorities for the families involved.

Additionally, I have heard of many instances where communication channels have failed, resulting in people thinking they had articulated their wishes to reclaim their loved one's body part, only to find out after it had been cremated the request had been delivered to the wrong person or had not been made through the required channels. These people were in shock and traumatised. Why was it their responsibility to understand how this system worked, convoluted as it was?

Why is it that my office is still fielding calls months after the September findings report from people who are only now discovering that their family member was on that list of illegal specimens and are seeking answers regarding what happened? Where are their loved one's remains now, and are they able to reclaim them to inter them in their loved one's grave? Still questions were being asked to help get answers, particularly in one recent instance where the

individual had been, would you believe it, referred to my office by the coroner's office, despite my office previously being told to desist in advocating on people's behalf.

It's shocking; hence, I raised these examples as it was not just the actions of 1966 through to 1991 which harmed and distressed so many people, but unfortunately, our current systems, whose responsible arms of the state also inflicted additional confusion and despair - which should have been avoidable. Therefore, those very recent, systemic failings and ramifications must also be part of the focus of this ministerial statement and subsequent formal state apology to be delivered in this parliament.

As members go about their business in this place and as I have also done, we question that which doesn't make sense, and we call for accountability. We want to know, as part of our due diligence, where does responsibility lie? Who is responsible for decision-making, for implementation? On what basis are decisions made? Where is the oversight, the accountability? Basically, where does the buck stop should things go wrong?

We ask those questions, virtually on a daily basis, on matters of government policy and we know how frustrating it is when we don't get clear, direct and informative answers to those questions. How frustrated we feel in the face of apparent dissembling, obfuscation and stonewalling. Imagine then what it must be like to face such dissembling, obfuscation and stonewalling when seeking to comprehend the awful discovery that a part of your child, sibling, spouse, parent had not been buried along with the rest of them, but instead had been retained and kept illegally, and in some cases placed on public display at the Rodda Museum. To be honest, I really cannot imagine the full breadth of how that feels.

I believe the harsh reality is, it is a uniquely devastating and lonely path to travel for those who woke up one morning to discover it's stretching out from beneath their feet. Quiet devastation remains devastation nonetheless, and in this shocking saga, that devastation has been wrecked by the state in one form or another. It's right and proper for the state to accept responsibility for this devastating period during which position was abused spanning decades, and which will ultimately take the form of a formal parliamentary apology sometime during, hopefully, the first half of next year. However, the other crucial responsibility the state must deliver is getting to the absolute bottom of this appalling situation completely, transparently and also accountably.

Crucially, responsibility is not solely about finding out what happened at the time, which as we now know spanned the period of 1966 to 1991: it's also about taking responsibility for what did or did not occur subsequent to that period and what is happening now. Basically, if body samples had been retained from living patients and placed on display without their knowledge and consent, at the very least that would be considered serious malpractice - decades of malpractice undertaken by state employees. It cannot be surprising then that bereaved family members want complete answers.

Where the coroner's findings of 8 September this year remain silent, the government is going to have to step in and fill those gaps, Mr President. Which laws, regulations and employment codes of conduct were broken? Was the Tasmanian government of the time made aware of the 2001 findings of the New South Wales Walker inquiry, which raised concerns regarding retention of organs at autopsy? If so, what did they do about checking Tasmanian practice at the time? Why didn't the relevant Tasmanian minister and department, both of which were made aware of the practice in Tasmania following the New South Wales Walker inquiry,

according to paragraph 16 of the coroner's findings report of September this year take action then?

Was the Australian Health Ministers Advisory Council Subcommittee on Autopsy Practice final report of April 2002 implemented and, if not, why not?

Regarding the identification processes initiated in 2022, how was it that so many living close family members were not identified and contacted in a timely and private and trauma-informed manner?

What was the role and how integrated was the University of Tasmania in the investigation following the 2016 notification by the RA Rodda Museum of Pathology's Curator of the coroner's office of concerns regarding some of the samples retained in its collection?

What planning and care was invested in ensuring an adequately trauma-informed approach was developed and implemented in the interests of looking after bereaved family members during all stages of the coronial inquiry in its aftermath?

Unfortunately for many, the recent investigations undertaken by the coroner's office raised further concerns and questions. These matters may be pursued under the current Tasmania Law Reform Institute's review of the *Coroners Act 1995*, which was referred to the TLRI by the Attorney-General in early May of this year in light of the serious concerns raised by the family of Eden Westbrook. Although the TLRI reference preceded the coroner's findings of this particular matter, it may also provide a useful vehicle by which related concerns can be raised and future reforms identified.

I acknowledge that both the current Health minister and Attorney-General have initiated relevant inquiries within their respective portfolios following the release of the coroner's findings as a result of advocacy by me and others regarding previous and current practices. I state on the record now that I hope any answers derived from these recently instigated inquiries are frank, rigorous and complete at the time they are delivered. Further, that those answers are provided well before the planned formal parliamentary apology.

It may transpire that little further detail could be ascertained; that records were not kept as they should have been. We know that answers may not always tell us what we want to hear, but all those who have contacted my office want to know that the questions have been asked by authorities, that thorough investigations have occurred and, crucially, the answers are honest, frank, do not cut corners and therefore can be trusted.

To reiterate, I recognise the additional inquiries and referrals made by the Health minister and the Attorney-General respectively; however, much is weighing on the degree those inquiries deliver full and satisfactory responses. Crucially, clear answers are needed to the questions: were any laws broken at the time of autopsy body parts being removed? Who was responsible and who had oversight of those responsible? Lastly, what is being done about holding those responsible to account now?

To put it bluntly, I fear that failure in this regard risks undermining any future state apology, rendering it a shallow hand-wringing exercise, rather than signalling genuine responsibility. It is very necessary to ensure affected Tasmanians may be able to transition from their current journey of trauma on to an eventual road to recovery.

I touched briefly on the future apology. We've heard that the government is committed to ensuring proper consultation will occur with those affected prior to the apology's finalisation and delivery. I welcome that commitment and reiterate my offer to assist in any appropriate manner where I can.

I also reiterate those calls, some of which were also raised in the other place last week, that consideration be given to any practical assistance which could be provided for those affected Tasmanians living in the north and north-west, or remotely in other regions, to travel to Parliament House for that apology. I'm also aware of some family members who now live interstate who may need assistance to link in online, for example. Sadly, we know there may also be some for whom this is all too hurtful and overwhelming, and who will be unable to take part in any further commemorations at all.

I also wish to take this opportunity to reiterate my previous calls that there be some formal involvement of the University of Tasmania in the consultation and liaison process surrounding the development and delivery of the formal state apology. If there is shared culpability, then there should also be a shared responsibility.

To conclude, I welcome the delivery of this ministerial statement and the outlined commitment by the government to a subsequent formal parliamentary apology to be delivered within the first half of next year.

Again, for the purposes of clarification, particularly for anyone who may be listening via the broadcast, this debate underway now is not the formal apology. Instead, today's ministerial statement is an explanatory precursor, if you will. As I mentioned earlier, I requested this step of a ministerial statement update this year for the purpose of placing firmly on the public record, for those affected, the government's and this parliament's commitment to formally acknowledge the wrong committed and the hurt and trauma inflicted. People needed to hear that commitment sooner, rather than later. They needed and deserved to know what follow-up steps and inquiries were being made by the authorities.

Given the shocks already inflicted by hearing via newspaper adverts or news reports about these unacceptable practices perpetrated upon their loved ones, people deserved advance warning of something which, although desperately needed, will still be deeply distressing to sit through, as the eventual formal apology will prove to be for many. That was the primary purpose of this ministerial statement.

In light of the areas of silence within the coroner's findings report and the subsequent silence from the authorities in response to that report, this ministerial statement was requested by me for the government to provide a formal update of ongoing efforts to fill those gaps in areas of silence and also a commitment to both those affected and the parliament that a formal apology will be delivered. I was also concerned that the awful anniversary of 25 January did not come around next year without an update being provided to all those affected bereaved Tasmanians.

Clearly, that timeframe provided insufficient time to undertake the necessary community consultation and preparation for a formal apology. Hence, this update before the parliament rises at the end of the year was necessary. I thank the Attorney-General and the Health minister for acting on my request, and, further, that the ministerial statement was provided in both Chambers, which is not a usual or common parliamentary practice, to allow that all members

of this parliament have the opportunity to address this matter on behalf of their constituents should they wish to do so. A systemic failing as grievous as this warrants that degree of gravitas, I believe.

Further, the additional purpose of the ministerial statement was to acknowledge that there is more work to be done between now and the eventual formal parliamentary apology. We know, and the government knows, that those family members affected by this travesty expect that, and there will be no closure without it. As I've outlined, it has in fact been traumatic navigating the administrative process to get to this stage of proceedings for many affected family members, additional to the trauma initially inflicted by the death of their loved ones.

To close, I will reiterate a statement or a plea I made in correspondence to the Attorney-General in September this year, which was:

While recognising the coroner's findings emphasises these abhorrent practices are historic and ceased in the 1990s, that does not diminish the fact that the hurt, trauma and anger caused to living family members by recent revelations is very current and deeply felt.

Although these abhorrent practices may be historic for many, the hurt, grief and trauma remains very real and very current for many affected who lost loved ones in deeply traumatic circumstances. They've now been forced to grieve twice and in some cases even bury their loved ones twice. We cannot undo the past, but we can and we must do our share of heavy lifting to take responsibility and do whatever it takes to alleviate that hurt and anger, to deliver some semblance of peace, closure and healing for the bereaved who have been forced to grieve twice.

Mr President, I note the ministerial statement.

[11.42 a.m.]

Ms O'CONNOR (Hobart) - Mr President, I rise to make a brief statement on the ministerial statement and to acknowledge the suffering, grief, sense of betrayal of affected families, and to say on behalf of the Greens what happened to you was so wrong, it's unthinkable.

We know that over decades, 177 individual samples of human remains were taken by the Rodda Museum at the University of Tasmania. I do want to acknowledge the government and the Minister for Health, Mental Health and Wellbeing for responding to the strong advocacy on behalf of affected families by the honourable member for Nelson. I'm sure a number of honourable members in this place were also contacted by our constituents who are among the affected families. It is hard to convey the sense of grief and betrayal felt by those fellow Tasmanians of ours; because it wasn't accidental behaviour, it wasn't a one-off; it was a systemic practice and it was theft. It was wrong and it was unethical. It's been described by some affected families, on knowing that their loved ones had been treated in this way, as having felt as if their loved ones had been treated as specimens to be put in bottles and ogled at by other people for research or as a curiosity. When you think about it, it's bordering on obscene.

The unlawfulness of this sustained action over decades was clearly noted in coroner Simon Cooper's report when he said:

The belated discovery that human remains were removed at autopsy and not returned to the body has been a source of pain and anger for many families.

...

The retention of human remains without family or coronial approval, or even knowledge, is an historic practice out of keeping with, and offensive to, contemporary standards and values. It is inconceivable to my mind that it would ever happen again although the fact that the practice continued for as long as it did and ended only comparatively recently is almost equally inconceivable.

The coroner's report noted that it was unlawful behaviour. It can't be put down to an accident or an unthinking act on behalf of the then coroner's office and indeed the University of Tasmania. As the report says, the retention of any part of a dead body for any purpose other than for investigating the manner and the cause of death for that person is unlawful. The report notes:

Similarly, any part of a dead body that had been removed and retained for legitimate coronial purposes should have been subject to a burial warrant ... in consultation with the family and replaced in the body prior to burial.

We know these actions were never taken. We look forward to and again thank the minister for foreshadowing a formal apology. I thank the Leader for the Government for delivering that to this place today.

We note the apology has been discussed with affected families, but I note the treatment of affected families, as outlined by the member for Nelson, has not been as trauma-informed or as respectful as it could have been. Let's hope that a corner has been turned. There are still many questions to be answered, and those grieving families deserve answers to know it will never happen to anyone else again.

I also believe the University of Tasmania has a role here to play in acknowledging the wrong it was part of and trust it will be involved, in some way, in that formal apology to those families. People want to have confidence it will never happen again, and that the necessary checks and balances and respect for death and grieving families are in place. This is very important to genuine justice and healing.

I recognise the formal apology will take place in the first part of 2026 and our formal response will be delivered by our leader, Dr Rosalie Woodruff. On behalf of the Greens, I am sorry this devastating illegal thing happened, and it happened to so many Tasmanian families and their loved ones. I express my deep regret to those Tasmanians. We have to make sure there is justice for those families and that this never happens again to any grieving Tasmanian family. I note the ministerial statement.

Motion agreed to.

TAXATION AND RELATED LEGISLATION (FIRST HOME OWNER AND PAYROLL RELIEF) BILL 2025 (No. 43)

Second Reading

Continued from 10 December 2025 (page 44).

[11.48 a.m.]

Ms O'CONNOR (Hobart) - Mr President, I had only just started last night. I note this bill is in two parts, the First Home Owner Grant and then payroll relief. We're thankful for the briefing that took place - it feels like many moons ago - on this legislation. What we're looking at is a relatively simple change to an existing framework. It changes the \$10,000 First Home Owner Grant to a \$30,000 grant. It extends it from July 2025 through to June 2026, noting it's retrospective back to July 2025.

The First Home Owner Grant generally is government policy we support with some trepidation, noting the evidence of its inflationary impact on house prices and also its impact on the budget. But it does, we know, give young people or first home owners who may not be young people an opportunity to buy into the housing market.

The housing market in Tasmania right now is bordering on out of control. For many young people, the dream of owning a home is just that, it's simply a dream. The First Home Owner Grant, we acknowledge, has been of some assistance to people who want to buy into a market that is not designed for low-to-medium income earners. In fact, it shuts them out.

I note the Homes Tasmania update on the housing waitlist now has it at 5380 people or families waiting on the priority list, up from 5336 in September. We have seen over the past 11, coming on 12 years now a continued creeping up of that housing waitlist. Under the Labor-Greens government, with the Greens Minister for Housing - that was me - we had it at its lowest level in a decade. Part of the reason we could do that is that both federal and state governments had not only made a commitment to increase the supply of social and affordable housing, they had put money behind it.

Over the past 11 years we've seen a continuing underfunding of investment in housing. We've seen a neoliberal approach to the delivery of social housing through both Commonwealth and state governments. We now have the Housing Australia Future Fund, a housing affordability fund at a federal level, which has to be bid into by state housing providers who are in partnership with community providers and private developers.

Here, we've made the terrible mistake - in the Greens' view - of taking Housing Tasmania out of the general government sector and creating a standalone entity which, under the current policy settings, is simply being loaded up with debt.

I remember the celebrations when the Commonwealth State Housing Debt was forgiven, but we're entering a period where the scale of the Commonwealth State Housing Debt when it was forgiven is being dwarfed by the level of debt which is being loaded onto Homes Tasmania.

It is all part of a housing system which the member for Murchison outlined yesterday, where the critical issue is supply. At a federal level, we have capital gains tax and negative

gearing lurks, which make it easier for people to buy their fifth or sixth property than for someone to get into the market buying their first property.

We desperately need reform at a federal level to stop creating a system where young people particularly, but low-to-medium income earners, have no hope at all of buying into the market. Should they require government support for housing, increasingly that's not there, either.

I note the member for Murchison has put forward what is a very good amendment, in many ways. It's a fiscally responsible amendment which relates to the fact the government has made a promise to deliver a 5 per cent levy on short-stay, which hasn't happened to date -

Ms Forrest - Despite having two years to do it.

Ms O'CONNOR - Despite having two years to do it. The ballooning of properties that are on the short-stay market, as we know, is largely unchecked, unregulated - and what it's doing in Hobart, where there are hundreds and hundreds of homes that are vacant most of the time because they're short-stay, is that it is shutting people here out of the rental market.

It is fair to question why the government made this commitment during the 2024 election campaign and it's coming up to two years, and they've taken no action. I simply note a number of government ministers own short-stay properties and, therefore, they're conflicted.

It is unacceptable that there's been no action to rein in short-stay accommodation. It is equally unacceptable for the government to make a commitment to raise some revenue, at least, from short-stay and not deliver it. I have had a conversation with our Treasury and Housing spokesperson, the member for Clark, Vica Bayley, about the honourable member for Murchison's amendments. We recognise the validity of taking this approach because it would put the government on notice that if it wants to keep extending the First Home Owner Grant it needs to find a way to pay for it.

Ms Forrest - It's not just extending it; it's increasing it.

Ms O'CONNOR - Yes, well, increasing and perpetually extending, which we do every year. These bills come up every year. However, having considered the amendment, at this stage we don't feel we're in a position to support it, particularly noting that there will be people now who are hoping for this bill to pass in order for them to be able to access the higher First Home Owner Grant, noting that the Housing Industry Association and the Master Builders Association and at least one other contractor has been in touch with us to encourage us to pass this legislation. It doesn't mean the Greens are prepared to give the government a free pass on this, because we're not.

While we won't support this amendment today because we don't want to break the hearts of people who are hoping to access this higher level of grant over the next six months, we expect to see government deliver on its commitment to at least raise some revenue from short-stay. If they're serious about housing access and affordability, they will regulate short-stay and we want to see that action, or an announcement towards that action, happening soon. A 5 per cent levy is actually a modest levy. It's arguable that you could raise that levy if you have a government that's scratching around for money because it wants to pour, during this budget, more than \$600 million into a black hole at Macquarie Point.

We support the bill in its current form, but with trepidation, because of all the pressures in the housing market that are not being addressed by Commonwealth and state governments, and that's in both the private and the public and the community sector housing market. We'd like to see the government give consideration to returning Homes Tasmania into the general government sector so that it becomes a government department where there's a much clearer line of sight to its funding profile, its priorities and its delivery. We do hope the government considers that.

The problem, of course, that government now has is that Homes Tasmania, from memory, in the budget papers already carries nearly half-a-billion dollars' worth of debt on its books. That is an albatross around the neck of Homes Tasmania because the budget papers forecast that that debt expected to be carried by Homes Tasmania within a few short years will be over a billion dollars. That will make it very difficult for Homes Tasmania to achieve what the people of Tasmania expect it would achieve.

I also want to touch just briefly on the government's lack of strategy around housing. We have moves to push out the urban growth boundary to increase suburban sprawl when we need to adjust planning rules, if necessary, to increase the level of medium-density housing in and around major centres. I look forward to the honourable minister for Housing, Mr Vincent, being well and being back in here early next year and our being able to ask some questions about that. We have situations like the sale of the former K&D site in Hobart where it's been sold to a car dealership company. I note public commentary from that company that they want the site to deliver for the City of Hobart; they recognise it's a great site with an enormous potential for mixed use. When we were working with various stakeholders during the sale process of the former K&D site, it became painfully obvious how hamstrung Homes Tasmania is in delivering medium-density and mixed-use housing. There's a manifest shortage of funds and capacity in Homes Tasmania; and that takes nothing away from the good people who are working there. It's a situation that they've been put into by government and indeed by the parliament ultimately, which voted for the establishment of Homes Tasmania.

I will put on the record here, because I was in the other place at the time, that we did not support it in the other place, because we foresaw risks which have now been realised. While I would very much like to support the honourable member for Murchison's amendment, we will be back here next year with a similar bill before us. Should such an amendment be put forward, if the government doesn't come good on its promises, I can indicate in all likelihood we will support it. With those few comments, I indicate we will support the bill unamended.

[12.02 p.m.]

Mr HARRISS (Huon) - Mr President, I rise to give a brief offering on the Taxation and Related Legislation (First Home Owner and Payroll Relief) Bill 2025 which, as we've heard and the member for Murchison has rightly pointed out, increases the First Home Owner Grant from \$10,000 to \$30,000. It's worth noting that's off the back of the 2024 Budget, which decreased that from \$30,000 back to \$10,000. I suspect one of the only reasons we are debating this is that we've had another election. The question is, is it good policy and will it provide the desired and state outcomes? The Leader's second reading contribution mentioned:

The government's drive for new construction across the state will give young Tasmanians and families a greater incentive to build their own home, helping to address housing supply in Tasmania. New construction will also boost Tasmania's building and construction industry, creating more work and jobs.

Ms Rattray - That's accurate.

Mr HARRISS - Thank you, I checked a couple of times, Leader. I think a couple of issues warrant some scrutiny: retrospectivity and effectiveness in boosting supply. The bill has a start date of 1 July 2025, so those who would have been eligible for the \$10,000 will, if passed, now receive an additional \$20,000 to make it to the \$30,000. A question for the Leader would be, why the need for retrospectivity now, rather than introducing the measures next financial year? I ask that because one of the stated aims is to increase new construction and we're already six months into that timeframe, noting that the bill may not even pass parliament now until March 2026.

The bill in its current form, in my opinion, will do little to increase supply. Why is that? Because once you find a builder, it takes around six to eight months after getting the builder to finalise design and drafting. Before you can be presented a contract, you're six to eight months into that build time. So unless you have started that well and truly by now, or are certainly into that now, you won't get into those timeframes for the extenders of the year.

It's hard for me to see how this bill will actually provide the stated outcomes in boosting the building and construction industry and creating more work and jobs.

As to the effectiveness of boosting supply, does a large grant increase supply rather than simply inflate prices? I certainly know firsthand from talking to builders and developers that they do see and notice an increase in enquiries and people wanting to know specifically about First Home Owner Grants when they get advertised. The crucial test for me is: how many extra dwellings does this grant produce that would not normally otherwise be built? Further, what modelling underpins the claim that a one-year tripling of the grant translates into new supply rather than bidding up the price of land or materials or additional stock?

The Leader might be able to provide any details from Treasury, whether they've provided any quantitative modelling of supply and the impacts of that, and any evaluation framework that may be in place.

In closing, helping Tasmanians into their first home is something that should be front of mind. However, good intentions must be matched by evidence, transparency and design choices that genuinely increase the number of homes built. Retrospective legislation should be the exception and not the rule. Where it is used, its benefits must clearly outweigh any administrative complexity and certainly any market distortion.

I will continue to listen to the members and look forward to the Leader's response to some of the questions and points raised through the debate.

[12.07 p.m.]

Ms THOMAS (Elwick) - Mr President, I appreciate listening to the contributions of other members and some of the questions asked by the member for Huon, which I too had in mind for the Leader in considering what is before us today. It is again somewhat of an awful position to be in where the government announces the policy and a lot of people have responded to that policy announcement as though it has been passed through the parliament as a decision of the parliament, and they have signed contracts on houses that are now pending this decision of the parliament. What a difficult position that puts us in, having the potential, as the member for Hobart said, to break people's hearts, and in fact potentially change the decisions of people

or the actual capacity of people to realise the dream of purchasing a first home, if this additional \$20,000 on top of the \$10,000 is having a significant impact on their capacity to purchase a home.

For that reason - and it's not necessarily good governance, I acknowledge that - I am minded to support the bill as it stands today. I really appreciate the amendment proposed by the member for Murchison and certainly have given it significant consideration. We will listen to the Leader's answers to some of the questions that have been asked around what is the impact of this because, as the member for Murchison quite clearly outlined, there is a real lack of evidence to demonstrate that policies like this have the impact that they suggest they do in actually increasing the supply of housing into the market. In fact, they can have an inflationary effect and that is concerning.

What we really need to see from this government, if it is serious about making a real difference to the supply market in housing, are some longer-term, evidence-based policies to actually meaningfully address this issue over the longer term. As the member for Hobart pointed out, having these bills come before us each year to consider presents something of a sugar hit. They might be politically popular, but are they actually addressing the issue in a meaningful way?

Something that concerns me is that through the briefings we heard that - in terms of how the government is going to cover the cost of this policy decision - the government's intention is to reappropriate funding from the Homes Faster! Partnership Residential Land Rebate and the Homes Faster! Medium Density Development Grant to support this initiative. This at a time where what we really need in order to address the housing shortage and supply issues is more medium-density housing and more high-density housing developments. If we're scrapping that initiative, what are we doing instead? A question I have for the Leader is what is the government doing instead to address the need for more medium- and high-density housing? Has there been any review or evaluation of this scheme? If there was low take up, why was that the case? Why didn't it work? What is the government planning to do instead to incentivise this much-needed medium- and higher-density dwelling development that we need if we are to meaningfully address this housing crisis and see people living close to services that they need? I'd appreciate if the Leader could answer these questions.

Some of the feedback I've heard from developers is that one of the issues with this particular initiative was that, to be eligible for this scheme, the dwellings that were being developed had to be below 325 square metres in land size per unit, which is contrary to what the planning scheme provides for in most local government areas. I certainly know there is some inner residential zoning that does provide for that, but clearly it's not necessarily consistent across all local government areas. If that's something that needs to be looked at, is the government looking at that and what is it doing about that? How is that considered in developing these schemes that incentivise medium- and higher-density dwelling development? How is it reconciled against the planning scheme? I'd like to see the government meaningfully addressing this housing crisis rather than these shorter-term initiatives and one-off grants that provide support for a limited few people to enter the housing market.

Yes, that's helpful, and yes, I'm sure that's helpful to those individuals who do benefit from this scheme, but where's the evidence to show it is meaningfully making a difference at a higher level and on a bigger scale?

I also ask questions about the stamp duty rebate, because all these policies need to be considered as a whole in addressing this. When we are considering bills like this, it would be helpful to have alongside that the other policy decisions that the government has made and is implementing to try to address the housing shortage and the housing supply issue. It would be good practice and good governance for us to be considering them as a whole.

I've heard also that the stamp duty rebate can't be claimed on a new build. There's a perception in the industry that the stamp duty rebate policy is an anti-building policy because, for developers, they have to build a new home and then rent it out for a few months to make it an eligible property for buyers to be able to claim the stamp duty exemption because it doesn't apply on new builds. It would be worthwhile, and I hope the government is considering some of these issues at a higher level.

In terms of the bill, that's where I'm at with it and the amendment. I look forward to hearing the Leader's response. Of course, I support the other part of the bill, which is in relation to the payroll tax rebate for apprentices, trainees and youth employees. I certainly don't have a problem with that component of it. I look forward to the Leader's response.

[12.14 p.m.]

Ms WEBB (Nelson) - Mr President, I wasn't necessarily going to make a contribution, but I've appreciated the contributions made by others and will briefly put my thoughts on the record as part of the debate. I've particularly appreciated hearing the questions raised by the members. I particularly appreciated the member for Murchison's very forensic contribution and thoughts on putting forward the amendment she's put forward. It just makes me reflect that here we are yet again considering something in this Chamber that is a result of this government making policy in the interests of political self-interest and expediency connected to elections and we're dealing with it right at the end of the year.

This is not the way we should be leading a state. It's not the way we should be seeking to solve the challenges we face as a state. It's a symptom of elections that have been held too frequently over recent years because the government is limping along, trying anything to hold onto power. What we've seen in so many of our crucial areas of policy in this state, our biggest challenges in this state, like housing, the one we're talking about today, is a government that's desperate to get re-elected at our too frequent elections. It is throwing out promises that are sugar hits designed to tempt voters, not to solve problems. That is to the detriment of our state in terms of actually achieving outcomes. It's to the detriment of our state in terms of responsible use of public resources. It is not something we should be encouraging or supporting in this place.

We need to be calling it out at every opportunity we have. We need to be saying to this government, stop putting your political self-interest, your political expediency and your electoral outcomes first and start putting the state first and, the public interest of our state. With this government it is a pipe dream.

Ms Forrest - Delusional.

Ms WEBB - Call me delusional, it must be a Christmas delusion looming. That's what the Tasmanian community expect of us and retain optimism that they will get it from our political leaders and our parliament. I don't believe we should be disappointing our constituents, our voters, our Tasmanian community members on that. We just shouldn't be.

Ms Forrest - By rewarding the government.

Ms WEBB - Indeed, by rewarding a government that rushes into expedient sugar-hit announcements during elections and then spends the time, when they are supposed to be governing in the best interest of our state, trying to deliver on ill-conceived, irresponsible announcements made and then working back from that. It's shocking.

Quite briefly, housing is one of our biggest challenges in this state. I was speaking with a constituent on the phone just this morning. We were reflecting on the fact if there are two things that we could do to transform our community here, it wouldn't necessarily be a big infrastructure project. It would be two things to make sure people have secure, affordable housing, and lift our literacy rates, genuinely. Those are the two silver bullets -

Ms Forrest - You have to have one to get the other.

Ms WEBB - Exactly right. That's the two silver bullets that would transform this state. It should be the focus of every bit of attention we can give to them, both those areas, and yet we're just distracted time after time by things that are more politically exciting, more politically expedient but less in the overall interest of our community and its outcomes.

Housing is something I am deeply interested in. From the time before I came to this place, I worked in the community services area where we see every day the results of Tasmanians who do not have access to secure affordable housing and what that means. Having secure affordable housing is a social determinant of health, education, employment and participation in our community. It is the building block on which everything else can be done. Therefore, whenever we're talking about any policy in this area of housing, we should be coming at that with the most comprehensive evidence-based short-, medium- and long-term strategic policy approach. We should be able to justify anything put forward in this place on housing policy in those terms as part of a comprehensive evidence-based, strategic, long-term approach. That is not what this bill is. This bill utterly fails on that front.

As the member for Murchison so clearly outlined, and what we all know to be factually true, grants of this sort inflate prices. They just do. And when we make them retrospective, I don't even think they deliver extra supply at inflated prices. They really just cement supply already coming down the pipeline.

That's a shockingly irresponsible way to use public funds, then, when we have emails from people in the industry saying, 'If you don't pass this today, there's certain poor Tasmanian families out there whose contracts can't go forward because they've factored it in.' That's actually quite manipulative to be putting that in front of us, because we are here to think about the wellbeing and the public interest of all Tasmanians.

Of course, I feel deeply sorry for any Tasmanian families who've entered into contracts, who have entered into arrangements that relied on this being passed by parliament, and if we were not to pass it, or take on board the amendments from the member for Murchison, they would no longer be able to go ahead with their contracts.

Of course that's a tragic situation for those families. But for every one of those families that would be directly impacted by the lack of passage of this bill, we could point to

a hundred other Tasmanian families who will suffer because of the price inflation that will occur because of this bill and who will no longer be able to enter the housing market either. But they're not ones we can bring forward and put in front of us right now and put a face and a name to, and a contract to.

It's not fair to manipulate and put people in front of us and say, 'This family is going to miss out on their contract,' when we well know there's a hundred families behind them who will be negatively impacted by this sort of irresponsible policy - a non-evidence-based, irresponsible 'sugar hit' policy designed to be in the interests of the political party that announced it in an election and no-one else. Well, actually, probably someone else - probably the building industry.

Mr President, it's the end of the year. This sort of thing really is a clear demonstration and illustration of an irresponsible government that is really not even bothering now to pretend that it's making decisions in the interests of this state. It's really just trying to either serve its own interests or serve the interests of the people that it likes or agrees with or is mates with - and that's just sad.

On this bill, I do support the member for Murchison's amendments. Overall, that's in the interests of the state and in the interests of all Tasmanians. It's not responsible to support irresponsible policy. Therefore, I will not be doing that in this Chamber today.

[12.22 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I will seek some answers to the members' questions.

I would like to acknowledge members' very well-considered contributions. I expect there's quite a few people making notes around the matters raised, particularly around housing policy and long-term strategies. Also, if there is anything I don't cover in my summing up, then please, members, rise at the appropriate time through the Committee stage and I will endeavour to seek those responses.

First, to the member for Murchison on the question of providing a summary of economic modelling underpinning the First Home Owner Grant, and costing over budget and forward Estimates. Yes, I can confirm the estimated First Home Owner Grant across the budget and forward Estimates is based on an econometrics model being an ordinary least squares regression model. This type of economic modelling is used to describe relationships between variables and is a fixture of undergraduate courses on economics in universities, which I say to assure the Council this type of modelling is widely used across the world for tasks similar to this.

The model Treasury used for the costings was created using data from the commencement of the First Home Owner Grant up until March 2020, when COVID-19 began to impact data. The model estimates First Home Owner Grant (FHOG) expenditure using data that reflects current government policy for the value of the FHOG and Treasury's forecast for relevant economic variables.

For the budget, estimated FHOG expenditure is based on: forecasts of statistically significant variables, such as the monthly FHOG value and a six-month lagged grant value; Treasury's forecast for total employment in Tasmania; Treasury's monthly estimated ratio of

the number of FHOGs for new homes compared to new dwelling approvals; and a dummy variable to account for the FHOG no longer being available for established homes. These variables partly take into account other economic variables, for example: housing stock availability and affordability; wage growth; and average housing loans. In summary, the regression model is based on historical data to establish the underlying long-term relationships between relevant data. These relationships are applied to current and future estimated model input values to determine the budget and forward Estimates of FHOG expenditure.

Ms Thomas, the honourable member for Elwick, asks: has there been a review of this scheme to ensure its effectiveness? The answer is: Treasury conducts frequent reviews of the First Home Owner Grant and the review considers the historical context of the grant, the level of the first home owner assistance provided in other jurisdictions, the impact of the grant in the context of the broader Tasmanian housing market and the current effectiveness of the grant. So the answer is yes.

Ms Thomas - Sorry, through you, Mr President, my question was more about the medium to high density.

Ms RATTRAY - I'm coming to that, so that was one.

For the question asked on the cessation of the Density Incentive Grant Scheme and the Residential Land Rebate, these programs sit in Mr Vincent's portfolio; however, I am advised that the decision to pause the programs was made as they were not as well subscribed as hoped, and these programs will be considered in future budgets.

The member for Huon asks: what modelling is there that the tripling of the grant or the value of the grant increased the supply of housing? Historical Tasmanian data demonstrates a strong correlation between increases in the First Home Owner Grant and higher numbers of first home buyers building or purchasing new homes. This is evident in data published by the State Revenue Office covering the period from 2017-18 to November 2025, which shows - I will have to check if I had finished my sentence - the total when the grant is boosted and uptake of the new home purchases and builds by first home buyers rise.

Again, from the honourable member for Huon: how many extra dwellings will this increase to the grant produce that would not have otherwise been built? Treasury estimates that from 2025-26 to 2026-27, approximately 1124 grants will be paid following the increase of the grant to \$30,000 from 1 July 2025 to 30 June 2026. Of the 1124 grants, 242 are expected to be as a direct result of the increase to the grant at a cost of around \$7.3 million. It is difficult to estimate the number of grants to be paid in a given period. This is due to the lag in payments which reflect applications for eligible transactions undertaken in previous financial years.

The effectiveness of the grant as passed in other places, simply put: historical Tasmanian data demonstrates a strong correlation between increase in the First Home Owner Grant and higher numbers of first home buyers building or purchasing homes. I've already read that.

The impact of the grant on prices: it's estimated that the First Home Owner Grant recipients represented 3.6 per cent of property purchases in the June quarter of 2025, when the level of the grant was at \$10,000. Given the low share of the market that grant recipients occupy, a temporary change in the grant is unlikely to influence the overall price level in the market. There are many other, more impactful, factors that make the impact of the change in

the grant difficult to quantify, given that the overall property price level has been more likely influenced by national factors including the cash rate, immigration, COVID-19 policies and income tax policies, as well as state-based factors such as an increasing population and historically low unemployment.

Again, for the honourable member for Huon, in regard to retrospectivity: shareholder feedback has indicated strong expectations -

Ms Forrest - Shareholder?

Ms RATTRAY - It's stakeholder. Thank you, honourable member. Stakeholder feedback - it's a lot easier when they're typed, but I do acknowledge that at least I have answers, thank you.

Stakeholder feedback has indicated strong expectations among first home buyers and property developers that the commitment will be honoured as promised during the 2025 election. These expectations have already shaped decisions, both those made and those deferred in anticipation of the increase.

In regard to the status of the short-stay levy, a consultation draft of the short-stay levy bill 2025 and an accompanying discussion paper will be released by the government before the Christmas break, and the consultation period will be in the order of 10 weeks. So, that's some information.

Ms Forrest - Just in time to bring it in the next budget then, one would expect?

Ms RATTRAY - I don't have that written down, but I have that the consultation draft will be put out into the community. In regard to the honourable member for Murchison's statement yesterday that the government committed to introduce a short-stay levy to pay for the increase of the First Home Owner Grant, the short-stay levy was linked to the government's Stamping Out Stamp Duty 2024 election policy that benefits first home buyers who purchase established homes, which are houses that have been previously lived in. However, this is not linked to the First Home Owner Grant, which benefits -

Ms Forrest - That's not what we were told in the briefing, Leader.

Ms RATTRAY - I will get some clarification on that then, honourable member. I'm just reading from what's been provided here, but if that's your understanding, I will certainly get some clarification.

The linkage between the short-stay levy and the Stamping Out Stamp Duty policy was made clear in the 2024 election policy on stamping out stamp duty. I quote:

Importantly, we will help pay for this with the new short stay levy, which will be paid overwhelmingly by interstate and overseas travellers. Every cent of that levy will go directly to Tasmanian first home buyers.

Relating to the increase in the First Home Owner Grant, the government has been transparent on the funding source for the increase. This is addressed in the other place by the Treasurer in the debate on this bill. To quote Mr Abetz from *Hansard*:

... the government will be reappropriating the Homes Faster! Partnership residential land rebate, and the Homes Faster! medium high density development grant, both of which weren't taken up to any great extent. Governments do these things with the best intentions, but sometimes they don't have the full -

It is reflected in the 2025-26 state Budget in budget paper No. 1 in the policy and parameters statement. Page 109 lists the cost of the measures at \$18.6 million, which is the sum of the line items Increase First Homeowner Grant to \$30,000 and Extend Payroll Tax Rebate Scheme (Apprentices).

Page 112 lists the impacts of the cessation of the Homes Faster! measures as \$12.3 million under the line item Homes Faster! Partnership Reduction, (FHOG Offset). This reappropriation was also reiterated in information made available to members.

In regard to what is the estimated cost of the payroll tax rebate amendment, which I acknowledge has seen significant support from honourable members, the extended rebate for businesses that employ new apprentices is expected to cost \$2.6 million over the Budget and forward Estimates of 2025-26 to 2028-29.

Another question from the honourable member for Murchison -

Ms Forrest - Can I just clarify that? The information we got said it was \$2.6 million for one year. You've just said it's over the forward Estimates, which doesn't sound right.

Ms RATTRAY - I will clarify that. That's what's written here, but I will clarify that before I resume my seat.

In regard to the honourable member for Murchison, how many employers and employees are expected to benefit from the extension of the payroll tax rebate? The estimated cost provided to members was made by Treasury with reference to historical data held by the State Revenue Office from the rebate through 2023-24. The data shows that the average cost of the rebate per apprentice in 2023-24 was approximately \$2300 per year. Using this estimate against the estimated expenditure, it's expected that an additional 334 apprentices will benefit from the rebate in 2025-26, 556 apprentices, as expected, will benefit in 2026-27 and 223 apprentices will benefit in 2027-28.

The reason for the peak in 2026-27 rather than 2025-26 is that it is assumed that employers will apply through the year. For example, an apprentice commencing in January 2026 will be employed for up to six months in 2025-26, 12 months through 2026-27 and then six months in 2027-28, noting the rebate may be claimed for a period of up to two years. For reference, in 2024-25, 186 employers claimed rebates for all types of employees, noting as annual reporters have up to nine months to submit claims for the payroll tax rebate, the total number of employers claiming under this scheme is not yet known and may increase.

Again, the honourable member for Murchison: what evidence is there that the payroll tax rebate increases the number of apprentices rather than providing windfall gains to those already employing apprentices? The government does not have modelling that can determine how many apprentices who will receive the extended payroll tax rebate will have been employed directly as a result of that rebate.

Again: why are only apprentices included under the payroll tax rebate extension? The government had targeted apprentices as they are multi-year, nationally recognised qualifications in traditional industries like plumbing, electrical, carpentry and automotive that are typical to Tasmania's economic future in preference to a broader extension of the rebate scheme that was previously offered also for trainees and youth employees. Apprenticeships often lead directly to long-term employment in the same company or industry, making them a strong foundation for lifelong career pathways.

That's what I have with regard to answers, but I will get some clarification on that one particular answer before I resume my seat.

To the honourable member for Murchison, yes, it's definitely in budget paper 1, page 109. It's over the forward Estimates. It is on page 109, which you do not have in front of you but which I do have.

Ms Forrest - I was relying on the information we were provided.

Ms RATTRAY - I will go back. To the honourable member, if that information wasn't clear when it was provided, then I can only apologise on behalf of those who provided that information because that's the information. It's clear in the budget paper on the Budget and the forward Estimates on page 109.

Bill read the second time.

TAXATION AND RELATED LEGISLATION (FIRST HOME OWNER AND PAYROLL RELIEF) BILL 2025 (No. 43)

In Committee

Clause 1 - Short Title

Ms FORREST - Madam Deputy Chair, I will make the substantive debate on this point, because if this fails, then the whole thing fails. It's all related to the one point anyway.

Madam Deputy Chair, I move the following amendment:

Page 3, after 'cited as the'.

Leave out 'Taxation and Related Legislation (First Home Owner and Payroll Relief)'.

Insert instead 'Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) (Payroll Relief)'.

In speaking to that, I did seek to prosecute the case for removing the uplift in the First Home Owner Grant, which only applies to new homes. There have been a lot of comments about people buying new homes, first home buyers. We're only talking about new builds in this, to be clear. It's important we keep that in mind when we're talking about this.

I thought I had printed copies of the media statements put out by the government that related to this in 2024 and 2025. I asked a very direct and clear question in the briefing: was it the intention to cover this mechanism of extension of the First Home Owner Grant for new builds from \$10,000 to \$30,000 through the short stay levy? That's what was clearly indicated in the 2024 election commitment and the 2025 election commitment. The answer in that briefing was yes. Now, maybe things have changed since then, but that was what was understood from the Premier's media statements at the time. They have had two years to do it.

I note Airbnb is a donor to the Liberal Party. That is perhaps worth keeping in the back of mind. We're seeing now, after two years, some indication that there will be a draft bill and discussion paper put out. That's still far from being settled and committed to. When you make a commitment that people make decisions on, people who are wanting to build a new home or purchase a new home off the plan, which is a new home, then you should read the fine print. The fine print said the government will introduce a short stay levy to do this. That's what they said. The government has had time to do it.

I note in the contributions of other members that housing, and as I said in my contribution, is a fundamental human right without which, say, access to safe and affordable housing, you cannot engage in education, you cannot access health care, you cannot participate in society in a full and meaningful way. It is a national and state shame that we have got to the state where we are. This won't fix the problem and, in fact, it could make it harder for those trying to buy a new home where the price is being inflated artificially.

I am saying it here, but I'm saying it backed by every economist in the nation, the Grattan Institute, the Productivity Commission and many others: if you want to bring in or expand a policy position that will inflate prices, and you've said you're going to do it through a particular mechanism, do the full deal. I acknowledge and did respond to the gentleman who emailed us this morning that he has clients waiting for this bill to pass.

I would have thought the bank wouldn't have given you secured finance on a promise of the government that's not delivered. I don't know a bank that would do that. Since when do banks make decisions to give people money with significant loans? I don't know any. Well, there might be a few very privileged young people who have the 'bank of mum and dad' at their beck and call who can build a new home or buy a new home off the plan without getting a loan. If I or one of my kids went to the bank with 'The government is going to give me an extra \$20,000 here', on that basis of a promise from a government that doesn't have the mechanism in place and needs the approval of parliament, I don't know a bank manager who would say, 'Yes, sure, it will tip you over the line here. You've got no other room to move, but you're relying on that, so sure. We will give you the loan.' What a nonsense.

If they can't afford to do it with a \$10,000 special sugar hit, as the member for Nelson rightly called it, how will the bank be satisfied they can do it on a promise of another \$20,000? Particularly, as we've just seen the RBA hold interest rates steady; we've seen inflation again rising outside the comfort zone of the RBA. There is a real risk that interest rates may increase in the future. If people are making these decisions with no room to move in their loan, are we actually making things even worse for them?

I want members to seriously consider this amendment for those reasons, but also because, from an economically fiscal position that our government claims they're going to take, claims they're going to help to fix the budget, claims they're serious about - acknowledge the member

for Huon's request to actually put everything on the table - but no, the thing they promised but they haven't done would go some way to addressing this.

They're not, certainly not in any meaningful way, except to suggest that before Christmas they will release a discussion paper and a draft proposal. Great. According to the Leader, they are going to give 10 weeks of consultation. That will take it out, by my calculations, to some time in March. The budget will be delivered in May next year and the argument will be, 'Oh, we haven't had time to finalise the bill and put it in the next budget.' We will be here next year, as the member for Hobart rightly alluded to, and be asked to do the same thing again.

Let's stop the government promising things it can't or shouldn't and actually have a bit of courage here and say, 'No, government, if you want to do this, even though it's poor public policy, and you've committed to putting in place a revenue stream to do it, that is actually increasing revenue we don't have in this state.' It is a new tax or levy or whatever, and all power to them if they bring it in, because that does fall on people from outside Tasmania - that levy, or tax, whatever you want to call it. Talk about the former treasurer Mr Aird, when he talked about a levy and a tax - that taxes are taxes, levies are levies - but I won't go there.

Whatever it is, a levy or tax, it will actually bring some revenue into this state from outside the state and that's a good thing. There will be people who disagree with me on that, and I'm happy to hear the arguments. I have already had an email from Airbnb wanting me to understand the challenge.

Anyway, I ask members to fully consider this in the way it's intended. Helping Tasmanians into homes is absolutely critical. The fact we're being asked to do this retrospectively on a promise of the government that's not completely fulfilled is somewhat unconscionable. If you really want to do that, do it properly as you've committed to.

There've been some changes made and we've pulled back on the Homes Faster! Partnership residential land rebate and the Homes Faster! medium-density development grant, because they weren't taken up to the full extent. Well, that's money we should just put in the bank to help Homes Tasmania, to perhaps reduce their debt, rather than this. If that wasn't being taken up, let's look at why that was the case and put that money into reducing Homes Tasmania's debt so it can actually deliver homes for Tasmanians. There are 5380 people on the list at the minute and we should be focused on them. That's who we should be helping.

I don't know a bank that would have approved a loan, and as the member for Huon rightly pointed out, you'd have to be ready to go. You'd have to have your builder locked in, you'd have to have the plans and everything ready to go, your DA pretty much sorted, to fit into this six-month period if you haven't already. I don't know, maybe the member Huon did work all over Christmas, but I think all builders mostly take a break over Christmas. I know when I've been doing a renovation they certainly did, and rightly so, they have families too.

I've made the case, people are with it or not. However, I'm really disappointed that if we don't do this now we will be back here in 12 months doing the same thing. I'm happy to be proven wrong on that. I'm happy to see the government actually bring in legislation as they promised, rather than something that they have failed to deliver.

[12.55 p.m.]

Mr EDMUNDS - Madam Deputy Chair, we won't be supporting these amendments. I don't disagree with the comments about short-stay, about the regulation of short-stay, about the retrospectivity of what we're dealing with, or indeed the frustration over the waiting list for public housing in this state. I'm sure we can all reflect on our constituents. It is so frustrating to see the dire situation they find themselves in and to be fobbed off as they languish in this state.

I agree with the comments of others about the lack of action and about the tying of the short-stay and the bill together. We've pursued this through the budget replies on other bills and indeed through Estimates. The previous minister said that they were now waiting to see how it went in other jurisdictions, which doesn't really mesh with the election announcement that was made. However, we have commented on that before.

The expectation of people is that this has been counted on. With regards to concessions, each generation has been granted different concessions. Whilst I don't like to reflect too much on my own personal experience, as somebody who doesn't own property, and I think the only member of this entire parliament who doesn't, people are looking for anything to assist them to get into the market. It's not something I will be supporting pulling away, and in doing that I will lean on the advice of, and the deputations made by, the HIA, Master Builders Tasmania, and indeed Mr Lyden in doing that. This can be a catch-all for the entire series of amendments, but I won't be supporting them.

[12.57 p.m.]

Ms RATTRAY - Madam Deputy Chair, I certainly acknowledge the contribution by the honourable member for Murchison and her intent around the amendment. Regrettably, the government won't be supporting that.

Just to restate that the 2024 election commitment was that the short-stay levy would be funding Stamping Out Stamp Duty, and the 2025 commitment to increase the First Home Owner Grant was clear that it was the reappropriation of the two Homes Faster! programs, which the honourable member for Murchison referred to in her contribution.

Ms Forrest - I must have been looking at something else, then.

Ms RATTRAY - Again, if that was something that wasn't clearly enunciated to the honourable member, then I can only apologise on behalf of whoever made that comment, because that's certainly the information that was received.

I want to restate to members that the impact of the cessation of the Homes Faster! measures is \$12.3 million under the line item Homes Faster! Partnership Reduction, and that relates to the First Home Owner Grant offset.

Again, all the information that was provided has been considered, but, in this case, the government won't be supporting the amendment.

[12.59 p.m.]

Ms O'CONNOR - Madam Deputy Chair, can I just check, and I'm not sure if we've had absolute clarity on this: what work is being undertaken on the short-stay levy? How far progressed is it? When are we likely to see any legislative response to that promise which was

made nearly two years ago? It would be useful information for the Council to have absolute clarity on that.

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

QUESTIONS

Project Marinus Contracts

Mr GAFFNEY question to MINISTER for ENERGY and RENEWABLES, Mr DUIGAN

[2.30 p.m.]

With regard to the contract agreements concerning Project Marinus:

- (1) The Tasmanian people do not know what the contract agreement was that you signed binding Tasmanians to Project Marinus during the 2025 caretaker period.
 - (a) Can you please provide the name and title page of the contract that you signed at that time? and
 - (b) Can you please disclose the date and provide the execution page on which you signed the contract agreement?
- (2) Will you also commit to immediately release to the public just the title page and execution page of each contract that was signed concerning all Marinus agreements or, if these contain any confidential information that cannot be disclosed, can you provide the redacted copies of all Project Marinus agreements that at a minimum show the name, the title and signature of the party representing Tasmania in each of these contracts? Will you also commit to release redacted versions of the full Project Marinus contract documents at the earliest opportunity?

ANSWER

Mr President, I thank the member for the question. In my interim response to that question last week, I indicated there were a number of documents executed as part of the Project Marinus final investment decision, including an updated shareholders agreement, and that I would need to seek advice. My department has confirmed in relation to the first part of the member's question that the documents that committed Tasmania to a positive final investment decision on Project Marinus were:

- a super majority written resolution of the shareholders, also signed by the Australian and Victorian governments.
- a deed of amendment and restatement that amended the existing shareholders agreement to cap Tasmania's equity contribution.

Also signed as part of the final investment decision process were a Project Marinus Memorandum of Understanding between the Australian, Victorian and Tasmanian governments, and an update to the existing Environment Federation Funding Agreement (FFA) with the Australian Government to incorporate the Australian Government's commitment to provide \$346 million in grant funding for electricity network cost reduction in Tasmania.

I signed these documents as part of the FID execution on 1 August 2025. Regarding further questions about the release of these documents, I seek leave to table the title pages and execution pages of the Shareholders Resolution, the Deed of Amendment and Restatement, the FFA Schedule and the Project Marinus Memorandum of Understanding.

Leave granted; documents tabled.

Mr DUIGAN - I will also offer these documents to the Joint Select Committee on Energy Matters in full and unredacted on the same conditions of confidentiality requested for the unredacted whole-of-state business case and FID assessment report. The environment federal financing agreement is already public and can be found on the FFA website.

School Bus Crowding

Ms WEBB question to LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms RATTRAY

[2.35 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, on indulgence, I seek to provide two answers to questions that were taken on notice in relation to the 2025-26 Budget and have the answers incorporated into *Hansard*. The questions were from the honourable member for Nelson.

The first one was: how many times over the last three years has a student been refused/left behind due to overcrowding exceeding capacity? This relates to school buses.

The answer: State Growth indicates in the past three years, operators either operated a second trip or made an alternative arrangement to transport a student or students on eight occasions. Alternative arrangements noted in the data include: students move to other services to accommodate capacity; alternative buses made available for students; and services re-routed/extended on an ad hoc basis to carry overflow.

Second question: how many times have spot checks about overcrowding on school buses occurred? The answer is: over the past two years, State Growth has conducted eight checks of school bus services to verify passenger numbers against the service's operating capacity. The focus of these checks is to identify if there is overcrowding and the increased capacity need. Operators are required to notify State Growth if a bus reaches 90 per cent of its operational capacity or 100 per cent of its seating capacity for three consecutive trips. State Growth then works with the operator on options to address capacity issues, which is often through a larger bus or an additional service or services.

Examples of this include extra Hobart College services during the Bridgewater Bridge construction due to Metro delays between February and November 2024 and February and July

2025; new bus service between Perth and Longford to relieve demand on existing services from February 2024, and that's ongoing; and extra Metro and Kinetic services to relieve demand on existing services between Shoreline and MacKillop Catholic College in February 2025, and they are ongoing.

MDT Dust Assessment at Huonville High School - Update

Ms O'CONNOR question to MINISTER for EDUCATION, Ms PALMER, referred to LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms RATTRAY

[2.37 p.m.]

I asked a question of the Minister for Education earlier this week and I will restate the question, if you're happy with that. My question relates to the MDT dust assessment conducted at Huonville High School in August this year. The report of that assessment revealed unsafe levels of exposure to hazardous airborne contaminants in both the woodwork and metalwork areas. Critical risks were identified from the wood dust, the welding fumes, and poor ventilation and extraction. There was a warning about secondary exposure through settled dust in the area.

The department has obligations under the *Work Health and Safety Act 2012* and its regulations of 2022, as you'd be aware, minister. It's obliged not to allow any person to be exposed to airborne contaminants above legal limits, to eliminate risks or minimise them as far as possible, and have ventilation and PPE effective in place.

What is your response to this report? What steps have you taken to keep both staff at Huonville High School and students working in metalwork and design-tech safe?

ANSWER

Mr President, I'm obviously answering on behalf of the Minister for Education. The answer is there is nothing more important than the safety of our children and young people, and our workers. The minister would like to acknowledge the work undertaken by Huonville High School to understand and address potential safety issues in its materials design and technology (MDT) workshop. The minister understands that the school engaged a consultant to undertake a dust assessment of its MDT workshop and that the school received the consultant's report in mid-September and is advised a copy of the report was provided to the Department for Education, Children and Young People's work health and safety (WHS) team in mid-October. Then the WHS team responded to the school and engaged with the facility services team the day after its receipt.

It's noted the report included recommendations to change or enhance work practices at the school to reduce the amount of dust generated or mitigate risks. The report also included recommendations to investigate options to further improve dust extraction through improved dust extraction infrastructure.

The minister takes safety issues such as this seriously, and has previously mentioned in this place that her office has been engaging with the department to ensure appropriate follow-up actions are being implemented, and is further advised that the departmental WHS consultants have visited the school to provide advice and support on addressing the work-practice-related recommendations in the report.

It's also understood a follow-up visit is scheduled for next week to discuss work practices and ensure changes are being implemented successfully on the ground. The minister would like to acknowledge the responsiveness of the staff at Huonville High School in this space.

In relation to the infrastructure-related recommendations, it's also understood the school will be engaging a mechanical engineer to provide further advice. Ms Palmer will be following up on the outcome of the mechanical engineer's report and will ensure appropriate action is taken.

TAXATION AND RELATED LEGISLATION (FIRST HOME OWNER AND PAYROLL RELIEF) BILL 2025 (No. 43)

In Committee

Resumed from above (page 31).

[2.43 p.m.]

Ms RATTRAY - Madam Deputy Chair, in response to the question that was posed just before the lunch break, I can indicate that the short-stay levy bill, following the consultation and then the discussion paper and the consultation period and then the actual bill being put together, will commence on 1 July 2026 subject to the passage of the bill by both Houses of the parliament.

Ms Forrest - In 2026, did you say?

Ms RATTRAY - On 1 July 2026, but obviously subject to the passage of the bill through both Houses.

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

The Council divided -

AYES 1

Ms Forrest (Teller)

Pair: Mr Harriss
Ms Webb

NOES 8

Ms Armitage
Mr Duigan
Mr Edmunds
Mr Gaffney (Teller)
Mr Hiscutt
Ms Lovell
Ms O'Connor
Ms Rattray

Pair: Mr Vincent
Ms Palmer

Amendment negatived.

Clause 1 agreed to.

Clauses 2 to 6 agreed to.

Clause 7 -
Principal Act

[2.53 p.m.]

Ms RATTRAY - Madam Chair, I want to make a clarification with regard to the payroll tax rebate. Perhaps some of the confusion over the cost may have arisen from the statement of \$2.6 million to extending the payroll tax rebate for apprentices for one year. The cost of the one-year extension is \$2.6 million, but because the rebate applies for two years, the \$2.6 million is spread over 2025-26 at \$800,000; 2026-27 at \$1.3 million; and 2027-28 at \$500,000. I hope that clarifies what I may have said at an earlier time.

Clause 7 agreed to.

Clauses 8 and 9 agreed to.

Title agreed to.

Bill reported without amendment.

MOTION

Suspension of Standing Orders - Third Reading Forthwith

[2.55 p.m.]

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

That so much of Standing Orders be suspended in respect of this bill in order that the bill may be now read a third time.

[2.56 p.m.]

Ms FORREST (Murchison) - Mr President, here we are again, at the end of the year, the usual fiasco. The government determines what bills are brought on when. It's not a choice that we make. We deal with them as they come to us. The other reason why this is inappropriate and unnecessary is that this bill will apply retrospectively regardless. It does not need to be dealt with now. It should follow proper process unless there is urgent imperative, which there isn't because it will apply back to 1 July 2025 regardless. My answer is no; we don't proceed with the third reading.

Mr PRESIDENT - The question is that the standing orders be suspended.

The Council divided -

AYES 7

Ms Armitage
Mr Duigan

NOES 3

Ms Forrest (Teller)
Mr Harriss

Mr Edmunds (Teller)
Mr Hiscutt
Ms Lovell
Ms O'Connor
Ms Rattray

Ms Webb

Pair: Ms Palmer

Pair: Mr Gaffney

Motion agreed to.

**TAXATION AND RELATED LEGISLATION (FIRST HOME OWNER AND
PAYROLL RELIEF) BILL 2025 (No. 43)**

Third Reading

Bill read the third time.

JUSTICE MISCELLANEOUS (EXPLOSIVES OFFENCES) BILL 2025 (No. 47)

Second Reading

[3.07 p.m.]

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

That the bill now be read the second time.

This bill amends the Criminal Code 1924 and the *Police Offences Act 1935* to create new criminal offences and police powers relating to explosive devices, substances and related material.

Whilst the new provisions capture explosives in all contexts, including commercial ones, the bill is specifically intended to fill legislative gaps regarding homemade or improvised explosive devices and substances.

Homemade or improvised explosives are often unstable and pose significant danger to the community. Use, possession, supply or manufacture of these devices and substances, whether for the purpose of experimentation, causing harm or as a form of intimidation, poses a high risk of danger to the person themselves as well as to other members of the community and property.

These devices and substances also pose a high risk to police, who have reported locating such items when undertaking duties such as responding to reports of dangerous situations or when executing search warrants relating to controlled drugs and firearms. In several cases, these materials have been found at the residences of people associated with organised crime.

Despite these risks, gaps in the current legislative framework mean that, depending on the circumstances, there may not be suitable offences to respond to this conduct.

For example, the *Police Offences Act 1935* does not contain any provisions specific to explosive devices or substances. Some existing offences which could potentially apply, such as those found in sections 170 and 181 of the Criminal Code, require a specific intent, which can be difficult to prove in the absence of clear evidence as to what the person was intending to do with the device or substance.

Other potentially applicable offences, such as section 141 of the Criminal Code, require an impact on members of the public, which limits the circumstances in which they may be used.

Relevant provisions in other legislation, such as the *Explosives Act 2012*, *Security-sensitive Dangerous Substances Act 2005* and the *Work Health and Safety Act 2012*, are problematic as they are more closely related to commercial and/or industrial explosives, are regulatory in nature and in some instances are investigated by WorkSafe Tasmania inspectors, not police. Further, many of these offences are punishable by a pecuniary penalty only, which may be inadequate in some circumstances.

The bill addresses these gaps by introducing new offences, ensuring that Tasmania Police have statutory provisions available to it to investigate and, where appropriate, charge people for offences relating to homemade explosives. It also provides the powers necessary to search for, seize, deconstruct and dispose of explosive devices, substances and materials.

For the most part, the bill will not impact existing laws and frameworks that have provisions that relate to or could relate to explosives. There are several pieces of legislation in Tasmania that have provisions providing some form of authority for explosives to be used or regulated in a particular way, such as the *Explosives Act 2012* or the *Security-sensitive Dangerous Substances Act 2005*. A person whose conduct is authorised by legislation will not be captured.

Similarly, the bill will not impact on existing laws concerning terrorism-related offending. There are already comprehensive laws which would be used in the case of terrorism-related offending involving explosives and, as such, this bill is not targeted towards that type of offending.

This bill is at least in part modelled on similar legislation passed in South Australia, which is considered by Tasmania Police to reflect best practice. Like South Australia's legislation, the bill creates a distinction between explosive devices and explosive substances.

I will now address the particular provisions in the bill. By way of overview, the bill inserts several minor offences into both the *Police Offences Act 1935* and the Criminal Code. Inserting the offences into both pieces of legislation ensures there is an avenue for more serious examples of the offence to be dealt with in the Supreme Court, while less serious examples can be dealt with in the Magistrates Court.

Each of the summary offences will be punishable by a fine not exceeding 50 penalty units and imprisonment for a period not exceeding two years. The indictable offences will be reserved for more serious examples of the offences that will be subject to the default maximum penalty of 21 years imprisonment.

The bill contains a definition of 'explosive device' which is based on the South Australian legislation with some adjustments to fit the Tasmanian context.

In summary, the bill defines an 'explosive device' as being an apparatus or similar item that is capable of causing or aiding in causing an explosion, as well as an apparatus or item that is adopted to cause or aid in causing an explosion. However, any part of one of those items, whether the complete or incomplete, is also covered, as is a device that is missing something from it or otherwise is defective.

The definition also enables certain devices to be either included or excluded from the definition by regulations, should that be necessary in the future.

The offence provisions relating to explosive devices are proposed new sections 181A of the Criminal Code and 43H in the *Police Offences Act*. Each of those new sections contains three discrete offences relating to explosive devices.

The first offence applies where a person uses, possesses or supplies an explosive device without lawful and reasonable excuse.

The second offence applies where a person performs one or more of the specified actions for the purpose of manufacturing an explosive device without lawful and reasonable excuse. Those actions include things such as acquiring equipment, substances or material, or transporting those items.

The third offence concerns the possession or supply of information as to how to manufacture an explosive device. Once again, that needs to be without lawful and reasonable excuse to constitute the offence.

The element of 'without lawful and reasonable excuse' is a very important one, both in respect of the explosive device offences but also in respect of the other offences in the bill I will speak about shortly.

In this context, 'lawful' means not forbidden by law. This element recognises that there are very legitimate and lawful uses for explosive devices, substances and information relating to their manufacture. Explosive products are lawfully able to be used in a variety of circumstances, such as in mining and forestry activities or during cracker night. This element is intended to preserve lawful excuse of these items.

However, recognising that 'not forbidden by law' covers quite a broad range of conduct, the excuse must also be 'reasonable'. This element means a court would be empowered to look not only at the legality of the excuse, but also at the circumstances of the particular case and the purpose for the provision. The requirement for the excuse to be reasonable would be unlikely to impact cases where someone's conduct is positively authorised by law, such as where they have a permit authorising their conduct.

The bill contains a definition of 'explosive substance' which, again, is based on the South Australian legislation, with some adjustment, as necessary.

In summary, the bill defines an 'explosive substance' as being a substance that produces, is capable of producing, or is manufactured to produce a practical effect by explosion or an

incendiary effect. It also extends to substances that would be an explosive substance if it did not have something missing from it or a defect.

As with the 'explosive devices' definition, the definition of 'explosive substances' also enables certain substances to be either included or excluded by regulations, should that be necessary in the future.

The offence provisions relating to explosive substances are proposed new section 181B in the Criminal Code and 43I in the *Police Offences Act*.

The first offence applies where a person uses, possesses or supplies an explosive substance in dangerous or suspicious circumstances without lawful and reasonable excuse. This contains an additional element compared with the equivalent offence for explosive devices. The 'dangerous or suspicious circumstances' element is necessary given many common everyday substances could fall within the definition of 'explosive substance'.

The equivalent offence in the South Australian legislation also contains this extra element, however, only referring to suspicious circumstances accompanied by a different definition, as such.

The second new offence relating to explosive substances concerns possessing or supplying equipment or information as to how to manufacture an explosive substance. Again, this has to be in dangerous or suspicious circumstances and without lawful and reasonable excuse.

The bill includes an offence concerning bomb hoaxes, which is contained in proposed new section 181C of the Criminal Code and 43J of the *Police Offences Act*.

In short, this offence applies where a person places or sends an article or substance somewhere with the intention of inducing another person to falsely believe that the article or substance is likely to explode, ignite or discharge a dangerous or deleterious matter. This differs from a similar existing offence in section 276AA of the Criminal Code because it specifically involves placing or sending an article somewhere. In contrast, the offence of making false threats of danger in section 276AA of the Criminal Code concerns the making of a statement or conveying of information.

In respect of police powers, broadly speaking, the bill introduces three new police powers into the *Police Offences Act*. These powers are more specifically targeted to explosives-related offending than existing powers. The new powers relate to the search of persons or vehicles for explosives proposed in new section 43K; rendering safe or inert, destructing or disposing of explosives generally - proposed new section 43L; and rendering safe or inert, destructing or disposing of evidentiary material that cannot be practicably or safely held - proposed new section 43M.

The bill contains a power for the forfeiture and disposal of explosive devices, substances or related material after a person has been convicted of a relevant offence contained in proposed new section 43N of the *Police Offences Act*.

Proposed new section 43O of the *Police Offences Act* will allow a court, upon application by the Crown, to make an order that the defendant pay the reasonable cost and expenses

associated with any testing, analysing, storing or disposing of any explosive device or substance. This is similar to the existing power in section 36B of the *Misuse of Drugs Act 2001* relating to the analysis or examination of controlled substances and plants. In both cases, such an order is not automatic. The court has the discretion whether to make the order.

In concluding, I emphasise that this bill is not intended to impact use of explosive devices or substances that is in accordance with any law, permit or other authorisation. Similarly, it is not intended to capture people who might have everyday items such as pressure cookers, pipes or even petrol, if those people are using those items for their lawful and intended purpose. The purpose of this bill is to protect the community from the risks posed by the unlawful or unreasonable use and possession of explosive devices and substances that may cause harm to individuals or damage to property. This is but one example of the action the government is taking to support our police force and ensure that the legislation in this state enables police to do their job in keeping Tasmanians safe.

I commend the bill to the House.

[3.23 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the honourable member for bringing forward this bill. This bill intends to create new offences for the *Police Offences Act*, which is summary in nature, dealt with in the Magistrates Court. These are mirrored in the Criminal Code, are indictable in nature and are essentially reserved for more serious examples of these offences.

We live in an age where it's never been easier to obtain esoteric items and substances pretty much at the click of a finger. We can purchase things online that can be on our doorsteps within days and that might have come from across the globe. Although our customs system is very robust, it might not necessarily catch everything, particularly when we're dealing with disassembled parts or substances that, on their own, are very benign.

People are very clever and, as I understand it, it's not always that hard to make a destructive device from household items. It's perhaps never been easier for someone with an intent to create explosives that are designed to hurt, damage, maim, threaten, or even kill. Explosive devices and substances are inherently hazardous, and it's important to appropriately regulate them and deter their intentional creation and use.

To this end, this bill addresses three things. It inserts provisions into the *Police Offences Act* regarding explosive devices, explosive substances and bomb hoaxes. I will briefly address these in turn.

Explosive devices are defined in the bill as being an apparatus or similar item that's capable of causing or aiding in causing an explosion, as well as an apparatus or item that's adapted to cause or aid in causing an explosion. It also covers items complete or incomplete or which might otherwise be defective.

The first offence this bill seeks to create is regarding a person using, possessing, or supplying an explosive device without reasonable or lawful excuse. The second offence this bill seeks to create relates to a person performing one or more specified actions for the purpose of manufacturing an explosive device, such as acquiring equipment, substances or material, or

transporting those items. Third, the bill creates an offence relating to the possession or supply of instructions, or other such documentation as to how to make an explosive device.

I believe it's necessary for the *Police Offences Act* to be able to address these sorts of circumstances and offences and know that these have been informed by South Australian legislation to fit the Tasmanian context. Each of these offences are subject to an additional element 'without lawful and reasonable excuse'. I wonder if the honourable Leader could provide some additional context on this provision. Does this mean that the onus falls on the accused person to establish that they had a reasonable or lawful excuse? Some idea about the practical application of these offences will be of assistance.

The bill also creates offences regarding explosive substances. An 'explosive substance' is defined as a substance that produces, is capable of producing or is manufactured to produce a practical effect by explosion or an incendiary effect. There's also the additional element of such substances being used, possessed or supplied in 'dangerous or suspicious circumstances'. This is quite significant, and if the honourable Leader could please give some advice on what might constitute a dangerous or suspicious circumstance, that would also be instructive for the purposes of interpreting this part of the bill. Again, I note that these offences are also accompanied by the additional element of being done 'without lawful or reasonable excuse', and my earlier question regarding the onus of proof also applies here. If the honourable Leader could please provide some more information.

Finally, this bill includes an offence concerning bomb hoaxes. This applies for a person who places or sends an article or substance somewhere with the intention of inducing another person to falsely believe that the article or substance is likely to explode, ignite or discharge a dangerous or deleterious matter. This, I understand, differs from existing provisions in the Criminal Code, so, again, I see the necessity for the creation of this offence for the *Police Offences Act*.

I believe this is a necessary bill and I support it. Some additional context or even examples from the honourable Leader about how lawful and reasonable excuses work with the proposed offences would be instructive. However, based on the information we have received so far, I believe that this is an appropriate and proportionate piece of legislation, which I know has been designed with the safety of the community in mind.

[3.29 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I rise to speak on the Justice Miscellaneous (Explosives Offences) Bill 2025 in my capacity as the Greens spokesperson for Justice and Attorney-General, and to indicate that we won't be opposing this bill.

As we mentioned in the other place, there are some questions. We always need to be mindful when we're enacting legislation that expands the power of law enforcement because, as we know, at a Commonwealth and state level, it's a reflexive response of law enforcement agencies to seek to widen their power. On a human level I understand that, because there's kind of a cultural desire in law enforcement and an expectation that they will keep the community safe to the greatest extent possible. However, it's always something that we need to treat carefully because there's the weighing of people's rights. As I said, we won't be opposing this bill. We did seek to amend it in the other place, unsuccessfully, and I will raise some of those issues on the way through.

The bill, as we know, creates offences for the unlawful use, supply or possession of an explosive device or explosive substance, for taking steps to acquire materials for the manufacturing of an explosive device or explosive substance, for the possession or supply of information on how to manufacture an explosive device, and for bomb hoaxes. These offences are inserted into both the *Criminal Code Act 1924* and the *Police Offences Act 1935*. Obviously, the criminal code offences are to be used for more serious offending.

The bill also provides powers to police to search a person or vehicle and to seize materials if they form a reasonable suspicion that the person has explosives without lawful excuse or has committed one of the above offences.

There was a range of stakeholder feedback to the draft bill. I note that the Department of Justice has provided a response to matters that were raised in those submissions by the Tasmania Law Reform Institute, the Aboriginal Legal Service, and Community Legal Centres, all of which criticised the threshold of 'reasonable suspicion' and have called for 'reasonable belief' to be applied instead, remembering that 'reasonable belief' has been the threshold previously. We've seen a number of bills come through this place where that threshold has changed and, as far as we're concerned, no sound argument has been made to why you would change that threshold.

The bill also includes provisions for the destruction, disposal or forfeiture of explosives and to allow the court to order a convicted person to pay costs associated with testing, transporting, storing, analysing, destroying or disposing of explosives.

The definition of 'dangerous or suspicious circumstances' in this bill is potentially quite broad. In particular, the 'dangerous circumstances' element is arguably so broad as to capture pretty much anything, depending on whether or not police have a reasonable suspicion that there is a problem. The dangerous circumstances element applies to a person's use, possession or supply of an explosive substance that poses or is capable of posing a significant risk of injury to a person or property.

I would like to have the Leader for the Government lay on the record the genesis for this legislation; why it's been regarded as necessary. I know that some of it has been detailed in the department's responses to submissions, but to have a really clear understanding of why it has been necessary or thought necessary to expand police powers in this way.

If we just go to the test of 'reasonable suspicion' versus 'reasonable belief', this was a core point in the feedback from stakeholders, Community Legal Centres Tasmania, the Aboriginal Legal Service, and the Tasmania Law Reform Institute. The difference between 'reasonable suspicion' and 'belief' kind of falls into this category. A reasonable suspicion is a state of mind that falls short of a full belief. It requires some substance or facts to support the suspicion, but it does not require absolute certainty. A reasonable belief is a stronger state of mind than suspicion. It requires a greater certainty that an act has occurred or is occurring.

Before the passage of recent legislation, there were vanishingly few references to 'reasonable suspicion' in the *Police Offences Act 1935*. The standard in the vast majority of cases is 'reasonable belief'.

While we don't have specific statistics on the differences between 'reasonable suspicion' and 'reasonable belief' threshold success rates on recent legislation, the wandering trial prior to

knife crime reforms provided some data. This trial took place before the 'reasonable belief' threshold in section 15C of the *Police Offences Act* was replaced with a 'reasonable suspicion' threshold. Of 213 searches conducted, 54 weapons were discovered. This means that of 213 searches where the officer 'believed' that a person did have a dangerous article, as opposed to 'suspecting' that they may, this belief was only accurate a quarter of the time. This rate was even lower in the Western District specifically, where only four of 31 searches, or 12 per cent, resulted in a weapon being found.

Again, these searches were legally required to only be conducted on the basis that the officer truly believed, not merely suspected, that the person did have a dangerous article on their person - a belief that panned out as low as 12 per cent of the time in the Western District, and, at best, 30 per cent of time in Launceston.

This is the higher evidentiary threshold that is routinely being put aside in favour of the lower 'reasonable suspicion' threshold, including through this bill.

We did seek in the other place, as we have in here before, to amend the legislation to make sure that it applied that higher evidentiary threshold. While I attempted to amend it up here, the view of the House was pretty clear about our amendment, and I have forgone that opportunity by choice.

This raises the question of how inaccurate this suspicion will be not only for searches, but also for a suspicion that a person intends to, for example, use a canister of petrol in their possession to cause injury to a person or damage to a property - not only for the purposes of a search, but for the actual element of the offence under the proposed bill.

Again, it would be helpful, I believe, to have the Leader for the Government try at least to explain why the Council should adopt the threshold of 'reasonable suspicion' over 'reasonable belief'.

A question that we did ask in the other place, but for the benefit of Council members, I ask it again in here: does the government have any examples of circumstances where police were unable to meet a 'reasonable belief' threshold to conduct a search, and then that individual went on to commit a serious offence? We've asked this question before in the other place and in this place. We've asked it of the Police minister and, to date, we still have not heard a single example of why it would be necessary to change that threshold.

A further issue is that the definition of 'dangerous or suspicious circumstances' is quite broad. The 'dangerous circumstances' element applies to a person's use, possession or supply of an explosive substance that poses or is capable of posing a significant risk of injury to a person or property. Arguably, possession or supply of the explosive substance in any circumstance is capable of posing a significant risk of injury to a person or property.

The Tasmania Law Reform Institute flagged further refining of some terms in this bill, and I quote from their submission:

A final point can be made here about the apparent ambiguity of some of the terms used ... For example, it is not clear what behaviour is covered by 'use' and 'supply'. This can be contrasted to the approach taken in the *Misuse of*

Drugs Act 2001 ... where key terms are clearly defined, such as 'prepare', 'possess', 'traffic', and 'supply'.

The Tasmanian Aboriginal Legal Service also raised some concerns about the lowered evidentiary threshold. They say:

Police officers can only infringe on individual liberty when it is deemed objectively reasonable to do so. However the ambiguity in defining what is reasonable, subjective judgements on standards and the many factors that must be considered to arrive at determining 'reasonable suspicion' creates a 'mess' for decision makers. Simplifying this complex series of assessment, and increasing the threshold that enables police power, can remove any bias or subjectivity, aid police in making sound decisions and instill more public confidence in police exercising power.

It's of a concern when we know that the incarceration of First Nations Tasmanians is higher than it is for non-Aboriginal people, and that we must always be mindful of the need to prevent bias or racial profiling in our approach to the administration of justice.

The Leader spoke of the South Australian example as part of the genesis in developing this bill which expands police powers, but the South Australian offence doesn't refer to dangerous circumstances and doesn't provide legislative definition for its content on suspicious circumstances. The Tasmania Law Reform Institute's submission on this bill notes:

... there is no requirement for the assessment of suspicious or dangerous circumstances to be made on an objective basis, such as would be required by a requirement of reasonableness.

They go on:

In South Australia there are qualifications or limitations placed on 'suspicion':
(1) there is a clear requirement of reasonableness in relation to the suspicion;
(2) the suspicion is directed to the intention of the person (that is an intention to cause harm to person or property).

I note the Leader's comment about the bill providing for lawful and reasonable excuses for possessing an explosive device or an explosive substance. My initial thought before I got too deep into the bill was, well, how does that apply, for example, to firecrackers, which are unarguably an explosive substance, but presumably - I've listened to the Leader's speech - that would be covered by the lawful and reasonable excuse provisions. Is the Leader able to explain those differences between the South Australian model and what we have before us, and also to set out why decisions were made in the drafting of this to step further than they have in South Australia?

As I said, we're not going to oppose this bill, but we do have some concerns. We are always mindful of seeking to have parliament balance rights. Here we are talking about providing police with the tools to protect community safety and it's very important that they do. We might feel shielded in Tasmania, but it's a dangerous world. But, also, we have to balance rights - the rights of people to go about their lives and activities without being subject to an unnecessary search, for example, or being targeted because of the way they look or the

way they're behaving by law enforcement agencies. I hope this bill strikes that balance and gets it right. We should all seek a really thorough explanation from law enforcement should they seek to have their powers widened.

I note here the draft legislation went out for consultation and a number of very respected community stakeholders and the Tasmania Law Reform Institute have fed into the development of this bill. I'm not sure I can see any element of the bill as it's before us now that responds to the matters that were raised by those key stakeholders. I note the table we've been presented, which is the Department of Justice's summary. Perhaps the Leader could also explain how government came to the final decision in the wording of this bill and how it largely did not respond to the matters raised by stakeholders who fed into the consultation. With those few words, again, I indicate we won't be voting against this bill.

[3.45 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I thank the members who have made a contribution to the bill and raised a number of questions. I also thank the member for Hobart for acknowledging the information provided to members that did provide some level of responses, but I certainly appreciate that there were some more.

Ms O'Connor - It was a pretty good effort.

Ms RATTRAY - I actually thought it was a pretty good effort myself, Mr President. Thank you for acknowledging that.

The member for Launceston asked, what does 'lawful and reasonable excuse' cover? Case law confirms that it is not possible to provide an exhaustive definition of what may constitute a reasonable or lawful excuse. A review of case law provides some guidance and examples of what may amount to a reasonable or lawful excuse. However, it is clear that every case will turn on its particular facts.

There is a distinction to be made between a 'reasonable' excuse and a 'lawful' excuse. In terms of 'reasonable excuse' in *Mark v Henshaw*, Federal Court, and I quote:

The critical issue in determining whether a person has a reasonable excuse for trespassing is not the person's belief or state of mind. It is determined by an objective assessment of the particular facts of each case and the application of community standards.

While that case concerns trespass, similar principles would apply here.

There's another example in *Taikato v The Queen* - [1996] 186 CLR 454. The majority of the High Court noted:

What is a reasonable excuse depends not only on the circumstances of the individual case but also on the purpose of the provision to which the defense of 'reasonable excuse' is an exception.

That's fairly high level, I believe, Mr President, but, obviously, it's now on the public record and if somebody needs to check that then they have that information available.

The member for Launceston also asked about where does the burden of proof lie for the element of lawful and reasonable excuse. Applying section 142A of the *Evidence Act*: if a defendant or accused seeks to rely on a lawful and reasonable excuse, the onus of providing that excuse lies with them on the balance of probabilities. If the police are not satisfied with the excuse, it remains a matter for the Court to accept the reasonableness of the excuse.

Furthermore, the member for Launceston asked: what does the definition of dangerous or suspicious circumstances cover? The bill specifically provides that dangerous or suspicious circumstances can be established in the following ways where the circumstances are such that the person's use, possession or supply of the explosive substance or equipment or manufacturing information poses, or is capable of posing, a significant risk of injury to a person or damage to property, and where the circumstances are such as to give rise to a reasonable suspicion of a police officer that the person intends to, or is preparing to, cause injury to a person or damage to property.

The second limb is somewhat similar to the definition of 'suspicious circumstances' in operation in the South Australian legislation. It does not require proof that the defendant intends to, or is preparing to, cause injury to a person or damage to property. Instead, it requires proof of circumstances that gave rise to a reasonable suspicion on the part of a police officer that the person was intending to, or preparing to, cause injury to a person or damage to property.

It's important to keep in mind that in such a scenario, the person can still rely on a lawful and reasonable excuse if they had such a lawful and reasonable excuse for their conduct, and the onus would be on the prosecution to establish there were dangerous or suspicious circumstances as it is an element of the offence.

I believe that there are still some further answers in regard to the member for Hobart. I will just grab those. It looks like the answers are longer than the second reading speech, but anyway, we will make a start.

The member for Hobart asked about search powers in regard to clause 43K and why is the new search power needed. There is currently no law which clearly and unambiguously gives the police power to search for homemade explosives. This means that often homemade explosives are only found incidentally when police are undertaking their duties - for example, as part of responding to reports of dangerous situations, or when executing search warrants relating to controlled drugs or firearms. There is therefore quite clearly a legislative gap which needs to be rectified.

For example, if information was provided to police that a person was carrying in their vehicle some pipes, fireworks and smokeless powders, being a substance used in making ammunition for firearms, those items would be unlikely to be considered dangerous articles, because in the separate state they're in, they are not dangerous and are not weapons. It is only when combined they would be highly dangerous. The situation would be similar for precursor chemicals. Nevertheless, it's critically important for police to have a power to search in this sort of situation.

In summary, the new power is intended to be similar to the power in section 15C except more clearly applying to explosives. It's essential that police have the power to search for explosive devices and substances if they reasonably suspect a person has possession of them

without a lawful and reasonable excuse; without this power, police officers will not have the certainty they need about what their powers enable them to do.

The member for Hobart asked the question, 'what's the purpose of the bill?'

Ms O'Connor - The genesis, where or how did it begin.

Ms RATTRAY - Yes - the development, what was behind it.

The bill arose from a request from the Department of Police, Fire and Emergency Management. Tasmania Police has encountered issues, as outlined in the second reading speech, with people possessing and using dangerous explosive devices and substances, and there often being no suitable offence on the statute books to capture that conduct. The purpose of the bill is to fill this gap and ensure that police have the tools needed to charge people where they have something that is posing a danger to people or property.

Police have provided us with a number of examples of concerning behaviour relating to explosives. In one example, in 2018, investigators and bomb response group members attended an address in southern Tasmania where a person showed officers chemicals they were making. Officers seized a total of 72 explosives-related items including pipe bombs, a bucket bomb, homemade napalm and other chemicals. In that case, police were unable to demonstrate the suspect was intending to use the devices to commit, or enable the commission of, another crime as required by section 181 of the Criminal Code. Accordingly, there were no charges laid and, in addition, police had to persuade the suspect to agree to dispose of the items because, in the absence of a conviction, there was no authority for forfeiture of the items. Of course, it would have been an extremely undesirable situation if the police had been required to return the bombs, the napalm - never heard of it - and other chemicals to the suspect. This is just one of the examples that Tasmania Police have provided; there are other examples, if the honourable member wishes me to share them on the Floor.

In addition to cases where the responsible person is actually identified, there have been many more occasions where police have located explosives-related materials in public places or abandoned cars, which further supports that these items are being used, possessed, transported and manufactured in our community.

The member for Hobart asked about 'reasonable suspicion', and at law there is a clear distinction between suspicion and belief, with the High Court having stated that:

... suspicion and belief are different states of mind ...

Suspicion, ... "in its ordinary meaning is a state of conjecture or surmise where proof is lacking; 'I suspect, but I cannot prove.'"

...

Belief, [on the other hand], is an inclination of the mind towards assenting to, rather than rejecting, a proposition ...

Reasonable belief is therefore the more demanding or higher threshold of the two standards.

The facts which can reasonably ground a suspicion may be quite insufficient reasonably to ground a belief, yet some factual basis for the suspicion must be shown.

For example, while suspicion is a lower standard than belief, mere curiosity on the part of a police officer as to whether someone is in possession of an explosive device would not be sufficient to constitute reasonable suspicion.

Why is suspicion preferable to belief in these circumstances? There are a number of reasons why the threshold of 'reasonable suspicion' is more appropriate than 'reasonable belief' for proposed new section 43K. Firstly, the main purpose of section 43K is to protect and maintain public safety. Homemade explosives inherently pose a higher risk of serious harm in public settings due to the way in which they give off explosive energy, can spread shrapnel, and can hit and kill or seriously injure multiple victims at once. Further, the volatile nature of explosives means that even if not intended to be set off, they may be inadvertently triggered and cause harm. The high risk of serious harm and this volatile nature contributes to a need for urgency when responding to such risk and for enabling authority, for the police, to mitigate that risk, particularly in a public area where multiple people could be seriously harmed.

For example, applying the highest standard of 'reasonable belief', police may not be able to search a person or vehicle for explosives in a public place, even if they have intelligence that that person has explosives in their backpack or the driver has explosives in the vehicle, unless officers can actually see evidence of explosives. In contrast, depending on the nature of the intelligence or the observations of police, this may be enough for a reasonable suspicion.

Reasonable suspicion is also the correct level of threshold belief when police may receive information about an explosive-related threat in a place, yet that information is not so specific as to identify a specific person. One might imagine police receiving information about a threat to persons gathering lawfully. It might be a fun run or even a protest. If police received a description of a suspect and then find in the relevant area more than one person matching the description, they cannot form a 'reasonable belief' about both suspects. A threshold of 'reasonable suspicion' allows for the exercise of authority under 43K in relation to both suspects, with the innocent party quickly excluded from further inquiry.

Another reason why 'reasonable suspicion' is more appropriate than 'reasonable belief' for this provision is to maintain consistency with the recent changes to the search powers regarding dangerous articles in section 15C of the *Police Offences Act* which now applies the threshold of reasonable suspicion.

Parliament has, therefore, endorsed this threshold as appropriate, and the same threshold is appropriate for searches for explosives to occur. In fact, having a higher threshold of belief would undermine community safety and the ability of police to properly investigate and respond to the offences.

Furthermore, the honourable member for Hobart asked for examples where reasonable belief was not met for a search, but persons went on to commit a serious offence. I have a little bit of information. There is currently a gap in the law for which this bill creates new offences. This means that we do not have examples of the commission of these offences yet. By extension, this also means we do not have examples of search powers used in relation to these

offences. Further, police do not make a record of, or record statistics about, searches that they do not undertake.

At the moment, with regard to a search, if a police officer had a 'reasonable suspicion' but not a 'reasonable belief', as required by legislation, no search could be conducted and nothing further would happen. Police routinely record the activities they undertake, including recording of all searches authorised by law, and we need to be conscious of creating an unreasonable expectation that police can collect data about what they do not do.

The government, however, has clear advice from police that this is largely a matter of luck that they haven't to date had a major incident arising from the use of homemade or other explosives possessed in dangerous or suspicious circumstances. The new offences and the search power threshold based on the recent amendments to section 15C address that issue.

I do trust that that extensive response to the honourable member's question is satisfactory but, as I said, if any further clarification is required, I'm happy to provide that through the Committee stage.

Bill read the second time.

JUSTICE MISCELLANEOUS (EXPLOSIVES OFFENCES) BILL 2025 (No. 47)

In Committee

[4.03 p.m.]

Madam CHAIR - For the members' information before we start, I will get the Deputy Clerk to call clause 8 by subclauses, because that's where a lot of the content is, so members can have the opportunity to ask questions on each of the subclauses.

Clauses 1 and 2 agreed to.

Clauses 3 and 4 agreed to.

Clauses 5 and 6 agreed to.

Clause 7 agreed to.

Clause 8 -
Part VB inserted

Subclauses 43G and 43H agreed to.

Subclauses 43I and 43J agreed to.

Subclauses 43K and 43L agreed to.

Subclauses 43M, 43N and 43O agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Title agreed to.

Bill reported without amendment.

MOTION

Suspension of Standing Orders - Third Reading Forthwith

[4.08 p.m.]

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

That so much of Standing Orders be suspended in respect of this bill in order that the bill may be read the third time.

[4.08 p.m.]

Ms FORREST (Murchison) - Mr President, I won't reiterate everything I said last time. This bill doesn't necessarily have the same effect of retrospectivity. Here we are again, on the last day of the sitting year, being asked to suspend Standing Orders. I'd like the Leader to give some clear indication of the urgency of the passage of this bill. In the absence of a clear and really convincing argument for suspension of Standing Orders, then I won't. Once we start doing this, the precedent is set and then there will be another really good excuse as to why we should do it next time. Why have any process at all? Other members may wish to comment, but, I won't be supporting this suspension of Standing Orders unless there's a very clear and convincing argument to do so.

[4.09 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I will be supporting this move to have the third reading brought forward. Notwithstanding my respect for the honourable member for Murchison's desire to see good process followed, the fact is that if we don't bring on the third reading today, this bill will sit around for another three months until it can go back to the Assembly - or not, because it's not amended, but before it can be finally passed.

I know I must sound like a broken record sometimes, but in the other place, the third reading of the bill happens very quickly, and part of the reason for that is so that the House can send it to the Council without delay. It's based on a presumption that all the scrutiny of the bill and the understanding of the bill has been completed by the time you get through the second reading and the Committee stage of the bill.

Of course it's really important that we have good processes in this place and that the Standing Orders are, to the best extent possible, complied with. However, I think on the last day of the year when we've got a number of bills coming to us, the alternative is that they sit around gathering dust for three months simply because of a process adherence. So, I'm quite comfortable, having sat through the scrutiny on this bill and the debate and hearing the answers to the questions put by the Leader for the Government - very comfortable having the third reading on this bill today.

[4.11 p.m.]

Ms LOVELL (Rumney) - Mr President, I sit somewhere in between the two contributions that we've heard already.

I absolutely understand and don't disagree with the member for Murchison on the requirement for process, and the fact that if we start doing this, do we do it every time. I also hear what the member for Hobart is saying, particularly around if we don't do it today, it sits there until March. I don't think that's good practice either; but this does happen every year. Every year in this final week, we have this conversation, and we have it more than once.

I tend to treat it on a case-by-case basis. In this instance, this bill wasn't amended, it wasn't particularly concerning for anyone or there weren't a lot of - well, the member for Hobart was the one who had the most questions, and she's happy for it to proceed - but if those circumstances were different, I would feel differently about this.

Perhaps the government could consider not scheduling their week so that on our final day we're doing third reading, so we're not having to do this. If we'd passed these bills earlier in this week, we wouldn't be having this debate, and we do it every year.

If the government was able to structure its business so that we could get our second readings done and Committee stages done and only be dealing with third readings on the final day, then it wouldn't be an issue. Perhaps that is something that the government could consider before we get to this stage again in 12 months and have the same argument again.

Mr PRESIDENT - Maybe a quorum call - for the House of Assembly, I meant.

Ms LOVELL - We will have a reverse quorum call. We will have it on next Tuesday and come in and do all our third readings - whatever. There are ways to do it that don't mean we have to have this debate over and over again every year. Clearly the government hasn't listened every year that we've had this, but maybe this year they might like to.

[4.13 p.m.]

Ms WEBB (Nelson) - Mr President, I have absolutely no faith at all that the government will listen. So, on the basis of that, I'm supporting and have the same view as the member for Murchison on this. There should be an absolutely positive reason to set aside Standing Orders. Standing Orders are important in this place. It might not seem important in every instance that we bring them into play, but there will be times when they are. The more we have set them aside without a positive purpose to do so, the more likely that we will set them aside too lightly at a time that it will make an important difference. I'm not prepared to do that.

I haven't heard a convincing reason other than that this bill will sit around and apparently gather dust for three months. That's not a convincing reason to do it. Things sit around gathering dust in this place a lot. That's because the government doesn't bring them on for months and months and months at a time. Quite frankly, there isn't urgency on this bill. It can sit until we resume and then be completed at that point.

I think that members need to remember we don't do things for convenience here. We are not like the other place either. We are a house of review, and third reading is another opportunity for review. It's an important other opportunity, and there's a reason we leave it 24 hours after we have done what we've just done now, the second reading and Committee

stage. We do that because members here then have the opportunity to turn their mind, for a final period of time, to their view on the bill and whether they want to exercise their final opportunity for review of it on the third reading.

That's a really important principle here in the house of review for members to remember. It might be that there are members here who will never exercise that opportunity or feel the need to. That's fine. There will be others who do. There are many of us here who have.

Mr President, I am very firm on this and encourage members to think of this as a matter of principle. It's a clear matter of principle there should be a positive reason to set aside Standing Orders, so I do not support the third reading being done today.

[4.15 p.m.]

Ms THOMAS (Elwick) - Mr President, I appreciate the contributions and the perspectives of other members here. I agree with the member for Rumney on considering these requests on a case-by-case basis. Whilst I agree with the concerns around this happening each year and that it's not best practice, good process, it's not in line with our Standing Orders, which is what we're being asked to suspend here. I do hope the government listens, but like the member for Nelson, I don't think they will. There's not one government member in this Chamber right now, so I do hope the Leader will pass on that message. I'm sure she will pass on that message, and I acknowledge and respect that it is out of the Leader's control.

On a case-by-case basis, I see this bill as a matter of community safety, as a matter of public safety and the aim of it is to improve public safety and mitigate or address risk that exists through the provisions that are within the bill.

Given that, I will support the request to suspend Standing Orders because I believe if we can improve public safety now, that's a greater benefit than sticking to the principles of not suspending Standing Orders.

[4.17 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I feel like I'm at the Australian Open. I appreciate what the member for Murchison said. I thought, yes, I agree with that. Then the member for Hobart spoke and I thought that was pretty good, I agree. I thought, well, that was a good volley back. Now, I am really convinced by the member for Nelson; that was sound. Then the member for Elwick.

I am thinking, of those plays, the one here where it does give us the chance to think about something then come back in case we need to, is that third option to be able to put on the record if there is new information that's come up that I need to speak about. In light of that, I'm not going to support the suspension of Standing Orders. There's no urgency; it's not necessary because in other places they may not adhere to processes. I believe in this place we need to do that and we need to get back to that understanding of our role in parliament.

Ms Forrest - Unless it's truly urgent.

Mr GAFFNEY - Yes, unless it's urgent.

Mr PRESIDENT - Love all.

[4.18 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, it is my turn to get into the volley, apparently.

I acknowledge the member for Murchison, the member for Nelson and the member for Mersey, who have been around this place a while now for a couple of members and a little bit less for the member for Nelson, and they are absolutely dead set on process, Mr President. I understand the message that's been received. I will make sure that the appropriate persons get the message. But as long as I've been here, Mr President, this pretty much does happen, that a lot of things get left to the very last. Because we deal with legislation, that's what we're here today dealing with.

I certainly appreciate that the second reading contributions raised some really good questions in this bill, but the bill does really fill some critical gaps in Tasmania's criminal law by ensuring that our police have clear, modern and effective tools to respond to the unlawful manufacture, possession and use of explosive devices and substances. These gaps have been well identified by Tasmania Police. I made that point in my summing-up contribution, including situations in which homemade or improvised explosives have been located in high-risk settings, often unstable, dangerous and sometimes associated with organised crime. To me, they're pretty good reasons.

The second reading debate was comprehensive, and it pretty much canvassed the policy and the operational rationale of these reforms. I again thank honourable members for their engagement.

Ordinarily, the Legislative Council would allow the bill to stand over until the next sitting day for the third reading, but we well know that this is our last sitting day until March of next year. The passing of the third reading today ensures that royal assent can progress so that these powers are available over the busy period when Tasmanians experience an increase in major events, gatherings and seasonal activity. I respectfully ask for the Council's support to proceed with the third reading on this particular bill. I absolutely support the fact that a number of members would always do this on a case-by-case basis. That's my plea, but absolutely at the will of this House.

Mr PRESIDENT - The question is that the Standing Orders be suspended.

The Council divided -

AYES 7

Ms Armitage
Mr Duigan
Mr Edmunds
Ms Lovell (Teller)
Ms O'Connor
Ms Rattray
Ms Thomas

Pair: Ms Palmer
Mr Vincent

NOES 3

Ms Forrest
Mr Gaffney (Teller)
Ms Webb

Pair: Mr Harriss
Mr Hiscutt

Motion agreed to.

JUSTICE MISCELLANEOUS (EXPLOSIVES OFFENCES) BILL 2025 (No. 47)

Third Reading

Bill read the third time.

**SENTENCING AMENDMENT (AGGRAVATING FACTORS) BILL 2025
(No. 41)**

Second Reading

Continued from 25 September (page 61).

[4.29 p.m.]

Ms ARMITAGE (Launceston) - Have I read my speech?

Mr PRESIDENT - I will have a look back.

Ms ARMITAGE - I can read it again.

Mr PRESIDENT - No, we don't need that, thank you.

Ms ARMITAGE - It does say that I had spoken and the Leader had spoken. I have the speech in front of me, but it doesn't have a tick to say whether I have read it or not.

Mr PRESIDENT - Order, I do have in September when it was read. It was moved by the Leader and you were the first speaker, so I am not sure where you were through your contribution. I wouldn't suggest you read the whole lot again if you have read it.

Ms ARMITAGE - I would suggest that I wouldn't have been stopped, I wouldn't have thought, at the beginning. I spoke for seven minutes, so I have read my speech, thank you.

[4.30 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I rise on behalf of the Greens to strongly support the Sentencing Amendment (Aggravating Factors) Bill of 2025. It is a long-awaited reform and potentially quite a nation-leading reform. I want to acknowledge the presence in our Chamber today of two great Tasmanians, Aimen Jafri and Rodney Croome, who have been part of this campaign to make sure that our sentencing laws reflect the fact that - first of all, we should acknowledge that one of our great strengths as Tasmanians and as Australians is our diversity; it's the fact that we're a nation made of people who've come from all places of all colours, of all religious beliefs, genders and all levels of ability. Our diversity is our strength, and it is something absolutely that the Tasmanian parliament should celebrate and strengthen the protection of wherever it can.

It is a fact that there are people in our community who are singled out for violence and abuse on the basis of a perceived difference. There are also people who hold deep prejudice

inside them and who target our fellow Tasmanians. They are the perpetrators of hate crimes potentially, and that is targeted hostility that causes profound harm to people on the basis of a perceived difference - and often difference is just a matter of perception. We're all human beings; we all have hearts and brains and lungs; we are all part of the one species of multicoloured, multiracial, multi-belief humanity.

The law has to be strong in dealing with hate crimes and to mete out appropriate punishments to those who perpetrate them. The law has to send a signal that hate crime is wrong and that the law will protect people regardless of any attribute. We have to ensure that the law recognises no matter where we came from, what we believe, whom we love, how we identify ourselves, our level of ability, whether we're First Nations or not; the law will protect us, and we all must be treated equally under the law.

The bill amends the *Sentencing Act 1997* in response to recommendations made by the Sentencing Advisory Council's 2024 report: *Prejudice and Discrimination as Aggravating Factors* in sentencing. It inserts a new section based on SAC recommendations; expands the matters that a court can examine beyond race, which is where it's at the moment; and it allows for the court to take these matters as an aggravating circumstance.

The bill expands the scope of section 11B and adds to the ways that hatred or prejudice can be proved, consistent with the recommendations of the Sentencing Advisory Council.

The bill also inserts a new section based on SAC recommendation 4, capturing discriminatory targeting. This section aims to address opportunistic offending against vulnerable members of the community or those whom the offender perceives as vulnerable. Of course, it is the nature of bullies to target the vulnerable; that is a sad fact of human psychology.

The bill also provides for a review provision requiring a review of the new and amended provisions after five years.

We believe the really significant change here to the sentencing law is the new section 11B, which allows for a new and broader examination of the scope of the aggravating factor to other relevant attributes in addition to race. It includes an illustrative and non-exhaustive list of attributes and provides a power for additional attributes to be prescribed.

I would like to acknowledge the relentless advocacy of many people for this reform. Honourable members will have received or seen a number of submissions that were made to the draft of this bill, and I want to acknowledge the strong work of a number of Tasmanians who have helped to bring us to this point where we are about to make a very significant reform to our *Sentencing Act 1997*.

I acknowledge the work of Prof Nicole Asquith, who was, until recently, at the University of Tasmania. She was the co-convener of the Tasmanian Prejudice Related Violence Working Group; also, Scott Davis, the co-convener; Associate Prof Angela Dwyer from UTAS; the wonderful Dr Robin Banks from the UTAS School of Law; Rodney Croome from Equality Tasmania, whom we all know and love; Terry Sussmilch from the Faith Network of Tasmania, another beautiful, gentle, relentless force for good; my friend and someone I admire very much, Aimen Jafri, who is the former chair of the Multicultural Council of Tasmania and a very strong community advocate, and someone who is always great to see out and about; Lee Wilson from the Multicultural Council of Tasmania; the Tasmanian Chinese Buddhist

Academy and Master Wang who contributed towards this submission; Vaughn Bennison from Disability Voices Tasmania; also my friend Tammy Milne from Disability Voices Tasmania; Alexis Martin from COTA, the Council on the Ageing; Dr Louise Richardson from UTAS; Liv Hogarth from Working it Out Incorporated; Zelinda Sherlock, who contributed towards the submission on the draft bill through Sherlock & Dutta Consulting, but as we know, is our terrific Deputy Lord Mayor in Hobart; also Kazi Sabbir, another great Tasmanian who leads up the Tasmanian Muslim Association.

Of course, we support this bill. I would like to thank the departmental officers who - it seems like a lifetime ago - briefed us on this legislation and talked us through all of its provisions.

There was a question that was raised during the briefings about the new proposed section 11B(2). This is the section on certain aggravating circumstances to be taken into account when sentencing offenders. Subclause (2) says:

For the purposes of this section, a person is taken to be motivated to commit an offence as a result of hatred for, or prejudice against, a person or group due to a relevant attribute if, at the time of committing the offence or immediately before or immediately after committing the offence, the person demonstrated, or expressed, hostility, malice or ill-will in respect of that attribute.

The concern was raised about whether or not that restricted the court's capacity to examine those aggravating factors in a quite compressed timeframe. There was some talk of amending this provision to remove the word 'immediately'.

I had circulated to members a proposed amendment which was a doubts removal clause which said:

For the avoidance of doubt, nothing in this section prevents a Court from taking into account any other matter or circumstance when determining, for the purposes of subsection (1), whether an offender was motivated to commit an offence as a result of hatred for, or prejudice against, a person or group due to a relevant attribute.

Because I know, to the frustration of many, clearly, that this is the last sitting day and this really important reform has been jammed into the last part of the last day, but I do know that if I put this amendment and it's passed, then we will definitely have to wait another three months before the amended bill can go to the House of Assembly.

I don't want to pre-empt any discussion on whether this bill goes through its third reading today, but the Greens in this place don't want to be responsible in any way for holding it up, so we have worked with the Attorney-General's office and sought some assurances from the Department of Justice. I will talk through some of that now, but for the Leader, what we need is some real clarity about that subsection. We need to be absolutely sure it doesn't curtail a court's capacity to examine past conduct or conduct post the alleged offence.

There were two separate recommendations for amendments to this subsection (2). Stakeholder feedback from the Law Society advocated for its removal altogether and the

Tasmanian Prejudice Related Violence Working Group has advocated for the removal of the word 'immediately', and we've considered both of these arguments very seriously. The Law Society argues:

The difficulty with the sub-section is that it is likely to apply in circumstances where the offence was in no way motivated by a specific attribute such as those mentioned in sub-section (3).

By way of example, two people may have a vehement disagreement about sport. Their argument about the topic has nothing to do with any attribute to which the amendments might apply. They start fighting. One of the participants is a recent immigrant from Iran. During the fight the accused tells that person that they should go home or some other racist comment.

The above example would be caught by sub-section (2), even though the assault was not motivated at all by racism. Even assuming the comment was racist, it did not by itself reveal a racist motivation for any assault.

...

The Society is of the view that sub-section (2) should be removed. We ask that consideration be given to this. Making it 'easier for the prosecution to argue the applicability of this section' is not a sufficient reason to keep the sub-section as the unintended consequences of it outweigh any benefits to prosecutors.

We found this a reasonably persuasive argument. However, it became clear from reading the Sentencing Advisory Council report that this subsection was recommended to capture the abovementioned conduct by design rather than it being a loophole or unintended consequence. The Sentencing Advisory Council report actively considered a subjective animus model where proof is required of motivation, as well as an objective animus model where proof of hostility or demonstrated prejudice is required, rather than proof of subjective motivation. The report specifically recommended a joint subjective and objective model. Subsection (2) reflects the objective animus component of this recommendation.

In explanation of the value of the objective animus model, the report argues that expressions of prejudice and hate, regardless of what a private motivation may be, causes comparable harm relative to privately motivated prejudice or hate. To use the Law Society's example of the football dispute, we're persuaded by the view that the offending as outlined is more harmful if it involves racist comments compared to if it did not involve the racist comments, regardless of whether or not the racism was a privately and predominantly motivating factor. As such, we consider this being considered an aggravating factor is appropriate, regardless of personal motivation. We're also mindful that judicial discretion is retained to allow for these precise circumstances and nature of the harm to be considered in determining sentencing. There is no arbitrary allocation of specific increase in sentencing.

On the opposite side, the Tasmanian Prejudice Related Violence Working Group recommended the removal of the word 'immediately' and certainly that was something that we considered long and hard. As the subsection currently stands, demonstrated prejudice during the offence or immediately before or after the offence means the offender is taken to be

motivated by prejudice. It's important to note that subsection (2) does not operate to limit the scope of matters that can be considered by a court in determining if offending is prejudicial. It only operates to outline the circumstances where the offending is taken to be prejudicial.

A hateful remark given immediately before, after or during the commission of a hate crime offence is intrinsically connected to the offence. A Facebook post from a year ago, or 10 years ago for that matter, is potentially a very different matter. Under the current drafting, historic conduct, not just immediate conduct, is still relevant. A pattern of behaviour or specific historic comments with a tangible connection to the offending, such as threatening comments, could be considered in determining whether the aggravating factors apply. It just isn't automatically taken to be a motivating factor.

That proposal to remove the word 'immediately' would mean that any expression of hostility, malice or ill will in respect of an attribute at any point in a person's life before or after the commission of an offence would automatically mean the aggravating circumstances would apply, even if there was no compelling case that they were in any way connected.

This, in our view, having considered this amendment, does provide for too broad a scope, and we don't think that it is the intent behind the proposal to omit the word 'immediately'. So, we've sought further advice from the government regarding this section's interpretation and have been advised that the broad scope of section 11B(1) is not limited by subsection (2).

We are advised that any relevant pattern of conduct or historic hostility can be considered by the courts under subsection (1), and that the Director of Public Prosecutions has confirmed that the Crown can rely on subsection (1) when there is sufficient evidence of a repeated history, a pattern of behaviour of hatred or prejudice, to enable a positive finding in relation to the offender's hostile motivation.

I ask that the Leader for the Government elaborate on this advice, for the benefit of Council members who have read or are apprised of the recommendations by the consultation group who have provided a submission to government on this draft bill.

With those relatively few words, I'm very pleased that after the kind of time that this place has been through in recent weeks, we're able to debate and hopefully pass legislation that certainly has the potential to make people from diverse backgrounds in our community feel that the law - I mean, it's not necessarily a protective component, because the damage is done by the time the sentencing is considered - accepts that hateful conduct before, during or following the commission of a crime should be considered by courts in applying sentencing.

It is an excellent reform. I want to acknowledge the work of the Sentencing Advisory Council, acknowledge the government's commitment to bringing in these reforms, because at one level, they make Tasmania a safer and kinder place, and that is something I'm sure we can all agree on.

I strongly support the Sentencing Amendment (Aggravating Factors) Bill 2025.

[4.48 p.m.]

Ms FORREST (Murchison) - Mr President, I support this legislation. I thank the member for Hobart for the comments she made and particularly for going through the bill quite

extensively. I might have some more to add on the matter of the court's consideration of behaviours immediately before and immediately after committing an offence.

We know that these things rarely happen in isolation. They usually fall on the back of, as the member for Hobart pointed out, a pattern of behaviour, not just necessarily toward one individual - it can be toward a group of individuals or people of a certain race, gender, sexual identity, whatever. It's very harmful and damaging.

The member for Hobart did allude to the recent debate we've had in this place and how it did bring out some of the worst of people. It did bring out some of the best of people too, I might add. I've had some of the most beautiful messages, emails and phone calls, and all sorts of stuff from people who don't agree with my position but respected how I got there. I'm lucky to have had that, but so many people don't have those supports or the protections in place. They're vulnerable, they're isolated, they're culturally different from the majority of us, perhaps, and they, sadly, have suffered far too much vilification, inappropriate behaviour and hatred toward them.

On a slightly different area, it will be interesting to see what difference the social media ban for under 16-year-olds has for young people from various minority groups with certain attributes that may make them more subject to these terrible behaviours: behaviours which can have lifelong impacts. I am pleased too, to see the government bring forward this legislation. It's really positive and it's needed, sadly, and too many people have been harmed along the way.

I want to pick up on the point the member for Hobart made that by the time we get to the sentencing, the crimes have been committed; the harm has been done; the harm is lasting, sometimes physically and/or psychologically, but it's harm nonetheless. The harm can be lifelong and recovery very slow, particularly if during the course of the trial it becomes evident what else this person had done that probably should have been stopped before it got to this particular case.

We need to focus much more on prevention and that comes down to respectful behaviours. We need to be modelling that as leaders in our community, but also promoting gender equality, promoting equality for all - all the things we know that make a difference to people and will reduce the risk of these sorts of inappropriate and unacceptable behaviours.

I don't think we're seeing it quite as much in Tasmania at this stage and hopefully we won't, but sadly we see the rise of neo-Nazis in Victoria and New South Wales, and it is truly horrible. I know that the governments in Victoria, New South Wales and Queensland, and all of them really, but ours as well, will need to be very alert to this. It's insidious; it's frightening; it's misogynistic; it's racist; it's xenophobic; it's sexist; it's ableist; it's homophobic; and any other thing I can think of; it's disgusting and it's building a life of its own.

Every time we walk past any of that behaviour, we risk condoning it while acknowledging that it can be very hard to actually take effective bystander action when you are confronted with such aggression and toxic power that emanates from these people. They've become so emboldened now that they're uncovering their faces: how brave of them. It is a real threat, not just to some of the marginalised groups, but to all of us - in fact, all of us who aren't alpha white males, to be fair, and that's straight white males, I might say.

Ms O'Connor - Through you, Mr President, did you say alpha? Because quite a few of these men are very beta.

Ms FORREST - Are what, sorry?

Ms O'Connor - Did you say alpha white males?

Ms FORREST - Yes.

Ms O'Connor - I think quite a few of them are very beta.

Ms FORREST - Oh, well, maybe they are, too; but that's to say that that's the cohort. You now see these so-called 'traditional wives' who are hanging around and becoming influencers because of the tradwife role they're taking on. It's really disturbing, from the progress we thought we'd made, to see some of this being eroded. That's for all of us, but even more so for the people who are being victimised for various other attributes, vilified, abused, and having prejudice and hatred directed at them.

I hope this legislation has the effect it's intending, but really what we do need to be focusing on is prevention and being willing to call out the behaviours when we see them, where it's safe to do so - acknowledging it's not always safe - and doing our best and our bit to be part of the solution. I do support the legislation.

I also hope the Leader has some more information about this, I come back to this point - maybe whether I speak on the suspension of Standing Orders again or not - why we are dealing with this on the last day of parliament. The member for Launceston had to question whether she actually spoke in September, that's how long - so why are we here on the last day with something as important as this, having to consider suspension of Standing Orders to see if law for Christmas potentially? It's inexcusable by the government to do this. They make the decisions about what comes on when. I will have to have a little rant again. I suspect I will lose that one - I mean, I will - but it's a matter of process. Unless we keep standing up to the government and saying this is not the way you should do it, another solution is having a quorum call tomorrow.

[4.55 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak very briefly on the bill because I appreciate the contributions made by other members already. I particularly thank you, member for Hobart, for going into such a lot of detail about it and addressing some of the matters that had been raised for discussion on the bill. I also acknowledge that this is such a good bill for us to be dealing with. It's such a pleasure for us to complete the bill to some extent today; again, we will have that conversation later, no doubt, and it is partly because I see this bill as a good example of how good policy should get translated into legislation and then out into implementation.

We've seen the Sentencing Advisory Council come with recommendations and lay the groundwork for this. We've then seen a working group of people being put together who have relevant lived experience and insights into this contribute to shaping and forming the specifics of it. The consultation occurred that further shaped things and improved the bill. We have before us now a worthwhile bill to consider and that's incredibly positive. I congratulate those who've been involved along each step of the way. I particularly congratulate the community

advocates who have tirelessly worked for this and ensured that it stayed on the agenda and was progressed, although it did have some delays along the way. I also acknowledge in the Chamber with us Aimen Jaffri and Rodney Croome as two people who fit into that category of people who've been tirelessly working to see this come about.

As has been noted to us, this bill won't necessarily prevent hate, but it will hold it to account more effectively. That's the potential it has. I think that it also represents a statement from us as a community and from us as a parliament about what we accept and what we don't accept, and what we condone and what we don't condone. That is important over time, working towards prevention. That does help shape culture. It might not specifically prevent instances of hate crimes because this deals with when that's already occurred, but as a cultural statement, it's an important contribution towards prevention as well.

I won't go into detail that has already been covered by others, but I am also interested in the implementation end of this. We know that that will be important when it comes to being successful in achieving the outcomes we want it to achieve. We know, and heard through briefings, that how this is brought forward by our police force and the training that's there around that, what we will learn about the use of this new sentencing provision, and what we will learn about it through the collection of data, will be important. The bill has a review clause for potentially five years' time, I believe it is.

It will be important too, to know whether we got it right with the way things have been framed up in this bill. The intention is good. The evidence base was good. The contribution from relevant lived-experience advocates has been good. However, we won't necessarily know that it's working well until we do that review, and we won't be able to do that review well unless we've had solid implementation planning, training planning and data collection through the implementation of this. I'm interested to hear a bit about that on the record from the government to help us have confidence in that.

Other than that, I'm very pleased to be supporting the bill today. If we do come to have the discussion later about completing the bill today with a third reading, that will be a conversation for then, but I will be consistent in the view I've expressed all day.

Mr President, I support the bill.

[5.00 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I acknowledge the contributions by honourable members. Obviously, I feel the support for this bill as well, so thank you.

I endorse the words of the member for Nelson that 'this is a statement'. This is a statement to our community from the parliament, and I expect on behalf of all of Tasmania, saying that this is what we expect, this is the standard. Thank you.

The member for Launceston - and had I found the response to your question earlier, it might have saved everyone looking to see whether you had delivered your contribution or not. The member asked if there is scope for the prosecution to establish a systematic type of hostility, malice or ill will that isn't temporally close to the offending but which might still show a causation. The answer to that question is yes. That is why there are two alternative pathways the prosecution can pursue under the proposed new section 11B. While the new

deeming provision in the proposed section 11B(2) requires a close temporal link between the offence committed and the expression of hostility, malice or ill will that is relied upon, there is no temporal restriction when the prosecution uses the provisions in section 11B(1) to prove a motivation of hatred or prejudice.

Any act, statement or behaviour that is relevant to the offender's motivation can be considered by the court under section 11B(1), no matter when it occurred. The prosecution can rely on evidence of systemic hostility, malice or ill will over any period of time, even decades before the commission of the offence, to establish the necessary motivation giving rise to the aggravating factor.

A response to the member for Hobart's request to elaborate - I wish to provide some advice about the operation of the proposed sections 11B(1) and (2), noting matters raised by some members following the passage of the bill through the other place.

The government undertook further consultation with key justice stakeholders to ensure that the bill was drafted appropriately to capture instances of hateful and prejudicial offending.

I also note that some members raised concerns over the temporal restrictions contained in the proposed section 11B(2). The Director of Public Prosecutions has noted that the broad legislative intention behind the new section 11B(2) is to ease the difficulty the Crown may face where there is not a well-documented history of hatred or prejudice.

However, his office confirmed that while subsection (2) succeeds in bridging that gap, it is not intended to replace the utility of subsection (1), which the Crown can rely on when there is sufficient evidence of a repeated history of hatred or prejudice, to enable a positive finding in relation to the offender's hostile motivation.

Proposed section 11B(1) provides that hatred or prejudice based on a relevant attribute is to be taken into account in sentencing. It does not limit the evidence that may be led by the prosecution by setting parameters around the timing of the circumstance or of any statement or action by the offender. It does not limit the operation of the provision by prescribing that the circumstance must be of any particular severity or of any specified nature. Subsection (1) is completely open and unlimited in relation to the matters and circumstances that the prosecution may lead as evidence, provided that they are relevant to the offender's motivation.

Evidence that is not relevant to proceedings does not inform the court's decision in sentencing. Where the court is satisfied that evidence is relevant, it must then consider that evidence and decide how much weight it is to be given.

As drafted, the proposed section 11B(1) also improves on the operation of the current section 11B in the *Sentencing Act 1997* by expanding its scope in two important ways. It extends its operation to capture prejudice and hatred based on a relevant attribute, rather than being restricted to racial grounds. It also encompasses circumstances not only where a victim, person or group of persons actually possesses a relevant attribute, but where the offender believes the victim possesses that attribute or was associated with a person or group of persons with that attribute.

The expansion of the aggravating circumstances provision in section 11B(1) was drafted after careful consideration of the Sentencing Advisory Council's report so as to give effect to

the report's recommendations. This illustrates the purposeful difference between how the proposed new sections 11B(1) and 11B(2) are intended to be applied.

Subsection (1) requires the prosecution to prove the offender was motivated by hatred or prejudice but does not place any limits on the evidence that may be led to establish that motivation.

As an alternative, subsection (2) operates as a deeming provision that does not require proof of the offender's subjective state of mind, but does require evidence of hostility, malice or ill will being expressed, with a close temporal connection to the time of committing the offence. As an example, where an offender has committed an offence against a person of a particular sexual orientation, there is nothing in section 11B(1) that would prevent the court from considering evidence that the offender had made a single statement of hostility towards people with that sexual orientation, even if that one statement was made 30 years prior to the commission of the offence and only communicated in private, of course. That particular piece of evidence would need to be weighed up by the court, together with any additional evidence of the offender's motivation.

Tasmania has a large common law sentencing practice with very few legislative provisions that direct or constrain sentencing considerations. Judges and magistrates are highly skilled at looking at all the evidence presented and identifying what matters are relevant to their determination.

With regard to the implementation of the broader policy and how Tasmania Police will educate its personnel on the new provisions, Tasmania Police will educate its members as per the normal processes that are used when criminal legislation is updated. The Tasmania Police Manual will be updated to ensure that police officers are aware of the need to consider whether there was evidence relating to hateful, prejudicial or targeted offending. A training item or communicate will be provided to police as to the new provisions and matters that are to be considered. This will direct police officers to ask certain questions of the victim to prompt them to respond with relevant details that could substantiate the aggravating factors. Guidance on the charges will also be provided to police prosecutors.

On the measures that will be taken in relation to maintaining data on hateful or prejudicial offending, it's noted that the development of appropriate data collection systems will fall within the responsibility of the Department of Police, Fire and Emergency Management and the Standing Council of Attorneys-General will decide to implement a national hate crimes and incidents database. The manner in which Tasmanian offences involving hatred or prejudice are recorded will be developed so as to be compatible with any national system.

In regard to the delay in the bill's debate resuming, it is noted that the following debate on this bill commenced in September and the member for Hobart flagged possible amendments, which she spoke to in her contribution. As a result of that, advice and comments were sought from some key legal stakeholders on the possible effect of those amendments. As members may appreciate, it's not always possible to set a specific timeframe for the Chief Justice, the Chief Magistrate and others to respond. Some of those stakeholders' comments were, in fact, only received in the last few days. That's some basis behind that, although I think members are pretty aware that there's been a heavy workload.

I trust those responses are sufficient, but the Committee stage is another opportunity for members to raise any matters or make sure they ask questions if there's something they believe is outstanding. Again, I acknowledge the contributions and endorse the words of the member for Nelson.

Bill read the second time.

SENTENCING AMENDMENT (AGGRAVATING FACTORS) BILL 2025 (No. 41)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 11B substituted

Ms THOMAS - I have a question about the prescribed attributes in the bill and whether the Leader can inform us how the list was determined, and why it's not concurrent with the prescribed attributes in the *Anti-Discrimination Act 1998*, where there are 22 attributes prescribed. That's my first question.

Ms RATTRAY - The list of attributes that has been included - the relevant attributes included in the list in sections 11B and 11BA - are based on the suggested attributes contained in the recommendation of the Sentencing Advisory Council report. In response to feedback in the public and targeted stakeholder consultation process, the same attributes have been included in both sections 11B and 11BA in the bill. The only exception to this is the relationship between the victim and the offender, which is only relevant to section 11BA.

Nationality was included on the advice of Australia's Special Envoy to Combat Antisemitism, as they provided feedback that inclusion of this attribute could avoid technical difficulties in matters where there is distinction between race and nationality. Several attributes were amended to make the language of the attribute more consistent with the terms found in the *Anti-Discrimination Act 1998*.

Furthermore, I note the government received a recommendation from the Tasmanian Prejudice Related Violence Working Group to define attributes in the bill that also appear in the *Anti-Discrimination Act 1998* by referring to the definitions in that act. The *Sentencing Act 1997* deals with criminal matters, while the *Anti-Discrimination Act* deals with civil matters. It is important these two areas remain separate and the application of criminal law is not affected by changes to legislation providing criminal recourse.

Definitions have not been included for the terms more generally, as the list containing the attributes are illustrative and non-exhaustive. The attributes direct the court to the types of things that are to be considered without limiting the court to these attributes. Including definitions would then be liable to restrict the non-exhaustive list and suggest a hard and fast way in which to interpret the attribute, which is not the intent of this bill. Rather, the government seeks to ensure the courts can interpret these aggravating factors in a broad manner as called for by the facts of a particular case.

Ms THOMAS - Thank you, Leader, for that very comprehensive answer. It's very nice to have some very comprehensive answers. I commend your officers at the Table for being so prepared today and thank them for that.

My second question, which may have been answered, is in relation to proposed section 11B(3)(i), which is any other prescribed attribute, or prescribed characteristic, of the person or one or more group members. We heard a bit in the member for Murchison's contribution around concerns on particular political beliefs or affiliations and people being targeted in relation to those sorts of matters.

I'm wondering, if that is intended to be a catch-all for other potential attributes. In the *Anti-Discrimination Act*, political belief or affiliation is a prescribed attribute, as is political activity. Would that and some of these other attributes in the *Anti-Discrimination Act* be captured by (3)(i)?

Ms RATTRAY - This power is included in both sections of the bill that deal with aggravating factors to ensure that the government has flexibility in ensuring that these sections remain up to date and capable of addressing hateful, prejudicial or targeted offending. This acts as a further guarantee to the illustrative, non-exhaustive framing of the list of attributes to ensure that the sections will capture offending against attributes that should be read into this section. It's also important to note that the inclusion of this power is not intended to be used in a way to extend the operation of these sections to apply to groups that could not reasonably be seen as belonging in the same category as those listed.

Furthermore, the court has discretion in applying this aggravating factor to groups not listed in these sections, but which are similar in nature, and there is not currently evidence of widespread hate - or prejudice - based offending related to political affiliations. However, such an attribute could be prescribed in the future in response to changes.

Ms THOMAS - I move now to proposed section 11BA(2), which talks about:

If, in determining a sentence for an offence, a court is satisfied that the offender selected a victim due to the vulnerability or personal circumstances of the victim, whether actual or as perceived by the offender, a court is to consider that selection as an aggravating circumstance in relation to the offence.

Can you provide some guidance on what this means or results in, in terms of the penalty? What penalties could an offender and a victim or the community reasonably expect that a court might issue if they do find that there is an aggravating circumstance in relation to the offence as provided for by the act?

Ms RATTRAY - Taking some advice, Madam Chair.

The penalties are at the discretion of the court and they will be guided by all the evidence, whether it's aggravating or mitigating, and a holistic sentence will be determined. It's not possible to identify a typical penalty for these aggravating circumstances because the sentence will not be itemised against every mitigating factor that is aggravating or mitigating. I hope that answers the honourable member's question.

Clause 4 agreed to.

Clause 5 -

Section 104AE inserted

Ms THOMAS - This clause provides for the review of the principal act and perhaps I should have asked this at clause 3, but I believe it applies equally here as well or it is relevant here.

I want the Leader to confirm that the provisions in this apply to any offence under any law but does not apply to youth under the age of 18, as per section 5(a) of the *Sentencing Act 1997*. If this is the case, were any concerns raised by any stakeholders during the consultation about the provisions in this bill not applying to youth?

Ms RATTRAY - There were no concerns raised during the consultation process with regard to the matter that you've raised.

Ms THOMAS - There was a second part to my question.

Madam CHAIR - You can ask the question, honourable member for Elwick.

Ms THOMAS - The first part of my question was, can you confirm it applies to any offence under any law but does not apply to youth under the age of 18, as per section 5(a) of the *Sentencing Act 1997*? Clearly, there have been recent examples of offences of this nature that could be perceived to have been racially motivated that have been perpetrated by youth and, clearly, these provisions won't address those concerns if in fact these provisions in this bill don't apply to youth, and my understanding is they don't.

Ms RATTRAY - I trust I have it all this time for the honourable member.

These provisions will be part of the *Sentencing Act 1997* and still be subject to section 5(a), and where a youth offends, the provisions of the *Youth Justice Act 1997* will apply to how an offence is dealt with.

Ms THOMAS - So my understanding still, and please correct me if I'm wrong, is that the provisions in this act - although they send a strong message that these sorts of crimes that are motivated by these prescribed attributes are not acceptable - the *Sentencing Act* under section 5(a) means that youth are sentenced under the *Youth Justice Act*. Because this act applies to the *Sentencing Act*, realistically it means that the provisions in it won't apply to youths under the current *Youth Justice Act*.

If that's the case, we want to be sending a message to everyone in the community that this type of behaviour, these types of motivations for offending, are not acceptable no matter what your age is. If that's the case, will the government consider this as part of the review that is undertaken as per clause 5 of this act, and/or is it something that's been considered by the government in its review of the *Youth Justice Act* that I believe is currently afoot?

Ms RATTRAY - Madam Chair, yes, the honourable member is correct. They don't apply to youth, but I note that the *Youth Justice Act* is under review and these matters could be considered. I give an undertaking that they are raised.

Mr HISCUTT - Just a quick one, and having not seen as much legislation as others yet, I am wondering about the justification for a five-year period; how is that decision determined?

Ms RATTRAY - The five-year review period is necessary in order to provide sufficient evidence of how the sections inserted by this bill have been applied by the court. A review after 12 months could lead to a lack of finalised cases to be used as examples informing how these sections have been applied, and I note that no cases have applied the current section 11B of the *Sentencing Act 1997* since it commenced in 2017. While this bill addresses this by ensuring the new sections are capable of being applied more easily, additional time before a review is still necessary and consistent with provisions of other legislative reviews.

Clause 5 agreed to.

Clause 6 agreed to.

Title agreed to.

Bill reported without amendment.

MOTION

Suspension of Standing Orders - Third Reading Forthwith

[5.35 p.m.]

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

That so much of Standing Orders be suspended in respect of this bill in order that the bill be now read the third time.

[5.35 p.m.]

Ms FORREST (Murchison) - Mr President, I make the point that we started this debate in September. It is critically important legislation. The member for Hobart chose not to progress the amendment to try to avoid a delay, but that -

Ms O'Connor - Through you, Mr President - also, I was satisfied. I was satisfied with the response -

Ms FORREST - Yes, I'm speaking. The evidence you gave was helpful in trying to understand why you hadn't proceeded, but also, the comment was made that you didn't want to be responsible for holding it up.

I will say it again: the government manages the order in which bills appear before this House for debate. We started this in September, and I know there needed to be some further advice taken, and it is a matter of process. I'm disappointed that this has taken to the very last thing on the very last day for the government to put it as a priority - or not as a priority, in this case - until this point. So, it is a matter of proper process, and I'm disappointed to say I won't be supporting this.

I will make the point, just to correct the record of what I did say in my second reading contribution: we don't do third readings at quorum calls. I was corrected by the very well-versed-in-everything-that-matters Clerks on that. So, I'm just falling on my sword; that was incorrect. It is disappointing. We can make a regular sitting day tomorrow; that will fix it. I'm not suggesting that. I'm just suggesting that the government get their house in order and bring forward legislation that is critical and that matters, rather than do this every year. It is a matter of principle. I know others will disagree and it will probably go the same way, but it is a matter of principle. I urge the Leader to get that message back to the people who direct her.

[5.37 p.m.]

Ms WEBB (Nelson) - Mr President, just to put it on the record, although I mentioned it in my second reading speech on the bill, also as a matter of principle and consistency, there is not a demonstrated urgency to do this at this time. I say that sadly, because I do believe the bill is incredibly important and we should have passed it this year. However, I agree with the member for Murchison and I won't be supporting suspending Standing Orders in order to do the third reading. It is incredibly disappointing. Sadly, I don't hold out much hope that the government will be listening to it, but if we find ourselves here again in the same situation next year, the way we have probably for the last six years I've been in here, then we will probably have the same conversation, but I don't believe that that warrants suspension of Standing Orders.

[5.38 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I'm not going to speak very long, but we have orders in this place to guide us in our deliberations, and they've been there for a long time to help parliament get through, because of the issues that could come out and the complications that might arise. These are our guide. Yes, it is a proper process. We can request this, but I'm saying that if there's an issue with the Standing Orders, then go back and change the Standing Orders. If we're not going to agree to accept what is the right and proper process, then go back to there.

If every time we make an excuse for why we do this, what are we doing? We're changing the rules in this place that have been there for a long time. People are wise, and that's why they do that. We may not understand them or appreciate them, but if we're going to go back to the rule and change it there - every time just because it's the last day of the year and now we want to change a standing order or suspend it. This is not good process, and I urge and encourage people to think about the bigger picture here.

[5.39 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I think it's appropriate that I acknowledge the comments that have been absolutely consistent. I certainly take that on board. It's been mentioned that nobody's listening. I'm certainly listening. Obviously, we've been fortunate that the House has supported the suspension of two other pieces of legislation and this piece of legislation is equally of importance, perhaps even more so.

I acknowledge the presence of the representatives from the Multicultural Council of Tasmania, Equality Tasmania and the Tasmanian Prejudice Related Violence Working Group here in the Chamber today who have come in to see this. I respectfully ask members that this suspension be supported at this time. I absolutely give a commitment that I will send the message. I will take the message. I will also take on board the member for Mersey's comments

that if what we have in place doesn't work for the parliament and this House, then we need to look at that.

Again, I thank members for their support for the bill and respectfully ask that we do suspend Standing Orders.

Mr PRESIDENT - The question is that Standing Orders be suspended.

The Council divided -

AYES 7

Ms Armitage (Teller)
Mr Duigan
Mr Edmunds
Ms Lovell
Ms O'Connor
Ms Rattray
Ms Thomas

Pair: Ms Palmer
Mr Vincent

NOES 3

Ms Forrest
Mr Gaffney (Teller)
Ms Webb

Pair: Mr Harriss
Mr Hiscutt

Motion agreed to.

SENTENCING AMENDMENT (AGGRAVATING FACTORS) BILL 2025 (No. 41)

Third Reading

Bill read the third time.

CONDOLENCE MOTION

Mr Stephen Wilson - Former Member of the Legislative Council

[5.46 p.m.]

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

That the Legislative Council expresses its deep regret at the passing on 1 October 2025 of Stephen Wilson, Member of the Legislative Council from 1981 to 1999, and places on record its appreciation of his service to this State, and further, that this House respectfully tenders to his family its sincere sympathy in their bereavement.

Mr President, I rise today to pay tribute to the life and service of Mr Stephen Wilson, a former member of this Chamber, a farmer, a public servant, a sportsman and, above all, a proud Tasmanian whose life reflected a deep commitment to his community and his state.

Stephen Wilson was born in Hobart on 27 April 1948. Before entering public life, his early years were spent as a farm contractor and seed producer in the Midlands. Later he served for 11 years with the Department of Agriculture, the Forestry Commission and the Lands Department, bringing his hands-on knowledge into public administration. It was during these years that he deepened his understanding of the issues faced by regional Tasmanians.

Stephen Wilson entered the Legislative Council on 23 May 1981, elected as the Independent member for Monmouth. From his inaugural speech in this Chamber on 16 September 1981, he spoke as someone who understood the realities of Tasmanian life, particularly in rural and regional areas. He brought to this place a practical, no-nonsense approach underpinned by a genuine desire to achieve outcomes that would benefit Tasmanians.

During his years here, Stephen earned the respect of his colleagues across all sides. He was known for his fair-mindedness, his attention to detail and his effective debating skills. Stephen's time in this Council was not short. He served until 28 August 1999, representing his community for 18 years.

Throughout that period, he was a strong advocate for Tasmanian values, for hard work, family and fairness. He believed passionately in the need to maintain and enhance Tasmania's great lifestyle. He consistently sought to balance progress with the preservation of what made our state special. He was deeply interested in the wellbeing of communities, in roads, small business, job creation, aged care and youth opportunities. He saw the importance of government getting the fundamentals right, ensuring safety, supporting economic development and providing opportunities for all Tasmanians to succeed.

During his time here, he served on several committees and held important positions, including as Deputy President and Chair of Committees on two occasions. These were roles that suited his temperament and experience. He approached them with fairness, diligence and respect for process. His steady guidance from the Chair reflected his experience and deep regard for the traditions and responsibilities of this Council.

When the Monmouth seat was merged into the new division of Rumney in 1999, Stephen contested the new electorate but was ultimately defeated.

Yet even in leaving this Chamber, he did so with dignity and gratitude for the opportunity to serve. Like so many former members, he continued to take a strong interest in Tasmanian public life, maintaining friendships across political lines and contributing to his community long after leaving formal office.

Stephen's sense of community service began long before he entered parliament. As a young man he was active in youth organisations, serving as State Vice President of Rural Youth and State Vice President of the Youth Council of Tasmania, as well as President of Rural Youth for Oatlands and Evandale.

Outside politics, Stephen was an enthusiastic sportsman, both as a player and a coach. He played and coached Australian Rules football with Parattah, Tunnack, Perth, Colebrook and

Lauderdale, bringing to the field the leadership he displayed in this Chamber. He was also a keen lawn bowls player.

Those who knew him well often spoke of his good humour, his quick wit and his ability to put people at ease. He had that rare quality of being able to engage with anyone, whether it was a farmer, small-business owner, a young person looking for opportunity or a colleague across the Chamber. He took his work seriously, but never himself. His sense of humour lightened even the most serious debates, and his warmth made him a valued champion both inside and outside this Chamber.

He shared his life with his wife, Deanna, who supported him through the many demands of public service. It is often said that behind every dedicated public figure stands a family who sacrifices in silence, and so today we acknowledge and thank Deanna and the Wilson family for the support they gave him and for sharing him with the people of Tasmania for so many years.

When we reflect on the life of Stephen Wilson, we're reminded of what makes this Council, and indeed our state, strong: people who serve not for personal gain or recognition, but because they believe in something larger than themselves. Stephen's life was one of service, guided by the conviction that good government is built on listening, reason and respect. He leaves behind a legacy of integrity and a model of public life, one grounded in community, driven by values, and shaped by the belief that Tasmania's best future lies in the strength and decency of its people.

As we extend our condolences to his wife Deanna, his children, his family, his friends and the communities he served, we also express our gratitude for his many years of service and for the example he set. Tasmania is richer for the contribution of individuals like Stephen Wilson - individuals who serve with honesty, humility and humour.

From my own personal experience in meeting Stephen - Mr Wilson - when I first arrived in this place, in the past, former members would get together and have a dinner in the dining room and newer members were invited to come along. Stephen often took the opportunity to have a conversation with me and remind me of the days that he spent in this place with the former member for South Esk and former member for Apsley, my dad, Colin Rattray. We would have a chat, one farmer to another, about what was happening up in the north-east and he would share what was happening.

Continuing with that, he would call from time to time if there was something that he felt strongly about and that he felt that I should know about. Even though he was never a member of my electorate, he certainly didn't mind picking up the phone to make his views known. He took a strong interest well after he left this place in regard to what was happening in the Tasmanian community. When you get a call from a former member, one of 18 years, you answer the phone and you listen to what they have to say because you know that they have a strong understanding of their communities and certainly of what is in the best interests of Tasmania.

I acknowledge that and extend my personal sympathies to his family, and on behalf of my family, my mum, who would from time to time come to Hobart and knew Stephen Wilson very well. In saying those few words, I commend this condolence motion to the Council.

Mr PRESIDENT - As the honourable member returns to her seat, I note that I did attend the funeral on behalf of the Legislative Council. A very detailed and entertaining eulogy was delivered by Mr Wilson's brother-in-law, the former member for Windermere, Ivan Dean. It was quite a good send-off for Stephen Wilson.

Motion agreed to *nemine contradicente*.

[5.56 p.m.]

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

That the resolution of the Council be forwarded to the family of the late Stephen Wilson.

Motion agreed to.

ADJOURNMENT

[5.57 p.m.]

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

That the Council at its arising adjourn until 9.30 a.m. on Friday 6 March 2026.

Motion agreed to.

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

That the Council do now adjourn.

Greyhound Racing Legislation - Social Media Commentary

[5.57 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I will be very brief. I wanted to draw members' attention to some commentary that happened on social media overnight following our debate on the motion to defer deliberation on the greyhound transition bill in here yesterday. I think it's commentary that members should be aware of.

The Hobart Greyhound Racing Club is celebrating. It has party hats and the opening comment: 'We have been referred back to committee'. While one of the posters, Mr Ray Brittain, has said, 'Start breeding and don't stop. Breed whatever you can afford to. It's great news.' Jeff Crawford says, 'A great step in the right direction ... the fight will continue'.

We have collectively been accused of caring more about our pensions, which don't exist and haven't since 1998, by Mr John Sirola, who says, 'This discussion is not about greyhounds.'

They don't care. It's about the pension and how they can get votes.' Obviously, we could probably all refute that.

Justin Jury asked, 'What [does] this mean?' The Hobart Greyhound Racing Club says, 'It means the bill will not be law this year.' And Justin Jury asks, 'So people can breed and those dodgy rules won't apply yet?' The Hobart Greyhound Racing Club replies, 'It means that the legislation doesn't come into effect on 1 January, so yes.'

Then on Mr Dean Winter's Facebook page he had a quite misleading, unfortunately, post which said, 'Big win for Labor today. We stopped the Liberals and Greens shutting down greyhound racing.' Quite a few sensible people have got on there and reminded him that that is completely untrue. I encourage Mr Winter to have a slightly better grip on reality in relation to this subject.

Because of the concerns that were raised with us by the Racing Integrity Commissioner during the briefings, the matters that were discussed in here yesterday, on behalf of the Greens, I have written to the Racing Integrity Commissioner and asked him how he will use his powers to ensure the welfare of greyhounds in the industry over the next few months, and also to uphold the integrity to the greatest extent possible of the greyhound racing industry during the period while the joint select committee undertakes its further inquiry, as it has been charged with doing by this House.

I note that the Hobart 1000 is on tonight. I'm sure Mr Winter will be there and that there will be greyhound participants who are celebrating the deferral of the vote. I trust that, next year, we can provide those participants with some certainty about their future. I certainly hope that we will ultimately, once the committee has reported, be the upholders of the freedom and the rights of animals, dogs and greyhounds in this case.

Before I go, I wish everyone a safe and happy Christmas, peace in their homes, for everyone to just laugh as much as possible, drink in moderation, and to have a really happy summer. I look forward to seeing everyone back in here in March.

Christmas Greetings

[6.01 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, with this as my first Christmas greeting as Leader, I would like to follow with the Leader's tradition and acknowledge the support of all Legislative Council staff, Hansard, the Office of Parliamentary Counsel, our Parliamentary Library and Research staff, IT who, in my case, see me regularly, and our wonderful Utility officers whose smiles greet us around this place. To Jo and her team at the Bistro, a huge thank you, and for knowing when to add a little treat with your coffee; and to John and Jacqui and all the staff in the dining room, you always manage to bring us delicious food and take care of us, so thank you.

Mr President, as members of parliament, we rely on our staff to assist us in carrying out our duties to the best of our ability. In particular, I sincerely thank Mandy Jenkins, Sean Hollick and Jake Stebbings from the Leader's office for their unwavering support in my role as Leader. Sean, in particular, had no idea that I wouldn't just be reading the scripts as presented, so that's

been a bit of a challenge. To Jake, thank you for stepping up and your work sourcing answers to members' important questions.

Members and staff may also be interested to know that Mandy Jenkins, my wonderful go-to person and the go-to person for so many who have held this position, will be leaving the Leg Co this week. We all wish her well as she addresses her knee issues. The reason I'm still smiling is because Mandy will return in the New Year to continue her current role in the Leader's office under new staffing arrangements, so it's all fine.

Thank you to our Table staff: our Clerk, Catherine; Deputy Clerk, Tim; Usher of the Black Rod, Craig; and Deputy Usher of the Black Rod, Kimbra. The Clerks' support and advice is not only appreciated but integral to the functioning of our House. To Mandy and Karen, your care and assistance to all members, it goes without saying, is very, very much appreciated.

Mr President and honourable members, it has been a privilege to work with you all as Leader since we farewelled the former leader and the former member for Montgomery.

It is clear from the events of the past few weeks that regardless of different points of view in our Chamber, the respect and care for each other is what makes this House of the Tasmanian parliament unique.

I also acknowledge the many, many support people from departments who come in and assist as we move through our legislation. The answers that are provided, the work that they do and the engagement with honourable members, I know, is very much appreciated by all honourable members.

In closing, Mr President, my warmest wishes to you all for the festive season. I sincerely hope you all have a safe and happy Christmas and enjoy a well-earned break ready for the new year. I will definitely see you all in 2026. Thank you.

Christmas Greetings

[6.05 p.m.]

Ms FORREST (Murchison) - Mr President, I echo the sentiments from the Leader regarding staff and support. I want to make a couple of particular thank yous, but I do want to start with the Clerks.

The Clerks are the fortress of knowledge in all matters procedural and every other possible thing we could throw at them. This year has been a particularly challenging year. We've offered up all manner of challenges. I personally want to thank the Clerks for working through the matter to do with the order for the stadium. That was a unique process, and it took a lot of effort and work. I commend them for working so hard on that at pretty short notice in many respects. I think we sometimes may overlook, because they are invisible in the Chamber, the work they actually do. It's quite a remarkable resource that we have; they are always there, always willing to assist us and provide that frank and fearless advice, no matter how annoying we may be.

They've also had to work really hard on the workplace culture improvements that fell out of the workplace culture review. They've basically done that by and large, a lot of, it off the

side of their desks. There are a few more resources in place now, but that is a massive piece. I want to acknowledge that and thank them for that. I know there's still things to do and work to be done, but they have made enormous inroads into that area, and I thank them for that. On behalf of all of us, I thank the staff and the members, because it's incredibly important work. The improvement in governance they've been working on, which is also critical for the running and operation of this place, is not seen. It's these things that happen in the background. I acknowledge and thank them for that.

My particular role here really is to thank our amazingly hardworking and incredible committee staff. They have had an enormous workload on, and whilst they say they're not sure how I keep my head around all the different things I'm involved in, I don't know how Allison Scott manages to turn up to the right meeting with the right papers at the right time, because she supports all our committees. All power to Ali; she does an amazing job to keep up.

I will go next to Simon Scott, our Public Accounts Committee secretary who backs up other committees. I don't think the PAC's ever been as busy as we are now. He's been a power of strength and just gets on and does so much work to support us. I thank and acknowledge him for that work.

Then we have Jenny Mannering, James Reynolds and Julie Thompson, who all provide a remarkable and dedicated service to our committees. They're all very rigorous in their work. You can't fault them. They're just incredible, and I thank them for their work. They will probably be glad to see the back of us for a while, too, I might suggest. I'm sure they're looking forward to a break.

I do know the Leader mentioned and thanked those who support us in the Chamber. Their support is valuable and really important, and it just happens - there's a risk of taking it for granted. Those thanks are acknowledged.

I also want to particularly mention Hansard. Hansard has worked extraordinarily hard in this last six months since we returned after the election. They've had back-to-back-to-back-to-back weeks. They've had an enormous amount of work, and the speed in which they've got transcripts out is just phenomenal. We have prioritised some of those, and that's been working with them to do it, but it's been an extraordinary workload they've had. I thank them for their dedication and their hard work in getting the *Hansard* to us as quickly as they can, because we rely on that. I really thank them.

And the men behind the screens and behind the cameras, who often appear in the committee room to sort out our problems in the committee rooms and with our computers. They stay late, too. If we're sitting, they're here - or some of them are here. We don't see them, but we know they're there. We rely on the broadcast and other members of our community rely on that. I want to acknowledge that. I know we're not easy to deal with sometimes, because we're not always that IT-literate in some of the challenges that we could be having, speaking for myself included, you just forget some little things. I thank them for that.

Having said that, the other people, and I know that I speak for all of us, I'm sure, our electorate officers who have not seen some of us for six weeks; it's a little bit easier for the ones in Hobart, they can come in and see your members here. I did catch up with my EO for about half an hour when they had their get-together down here what seems like months ago, but it's only a couple of weeks ago now. For six weeks, that's the only time I've seen her. I thank

Yvonne for holding the fort together. I'm sure every other member has had a very similar experience. Their EOs are working away, dealing with all the really challenging matters, the sometimes not pleasant matters that are coming into our office, bearing the brunt of some of the disquiet in the community about some of the things we've been dealing with, and they do it smiling. I sincerely acknowledge all of them and thank them. It's incredibly difficult to be working on your own for so many hours and so long.

I look forward to spending some time in my electorate office over the next couple of weeks before Yvonne and I have a break away from the office, away from parliament as such.

Having said that, I thank all my colleagues here and wish you all a safe and happy break, time with family, friends, and doing whatever you love. It has been a tiring and challenging year. I hope we can all come back rested and still smiling.

Christmas Greetings

[6.11 p.m.]

Mr PRESIDENT - Honourable members, before I move the Adjournment, it's been a long day, so I'm going to be very, very brief. I know people say that, but I mean it.

I, too, would like to thank the Clerk, Catherine Vickers, and Tim Mills and Craig Muir for the work that they've done to support us all. I'd also like to thank Mandy Lowrie, Karen Shirley and Kimbra McCormack for looking after us in the Chamber, making sure that we're well watered to get through the day. I'd also like to thank the wonderful Sandy Phillips from the office, who is a shared resource between myself and the Clerk. I think she works for all members with what she does in the afternoons. She's just one of those good people that you can rely on to do the job and stay calm.

I also acknowledge the Speaker, Jacquie Petrusma, and Laura Ross, the Clerk of the House of Assembly. In recent times we've been trying to work closer together as a parliament rather than two separate Houses. They both have been very good to work with and particularly as we work through restructuring our shared services, which is a very important area.

I also thank the Executive Director, Todd Crawford, and Nicole Muller, who have been working through this change. I appreciate that some of the changes that we've done with the structure resulting from the Bolt report and other reports have been a challenge for some staff. I thank them all for working with us to try to make this workplace as modern and efficient as we possibly can.

Our Legislature-General team has already been mentioned: the wonderful people in Hansard who keep our words straight and on file, and our IT people who are very tolerant with most of us and never - very rarely - mutter under their breath that it's operator error, even though most of the time they know it is.

I thank the Leader's office, the Chair of Committees and the Deputy Chairs for their role in managing the business in the Chamber.

I farewell the staff who have left us through this year; some have retired and some of the restructuring has meant there've been some changes. I welcome the new staff we've had this year.

I'd also like to pay tribute to Mandy Jenkins. I worked with her in the Leader's office some many, many years ago when there was a different government. She's given 41 years' service to the Legislative Council. Through the restructure she will still be part of the system, but working strictly for the Leader's office.

I also thank all members. It's been a really challenging year and we've had times where our passion and our desire to do things have been testing for us all, but that's how parliament works.

I think even with the pressures of parliament, we still maintain a good friendship with each other and try to understand each other's modes and moods and way of dealing with business. As long as we keep as respectful as we can, I think next year, whatever challenges arise, we will tackle those.

I do thank members for all the work they do for the welfare, peace and good governance of this state and also acknowledge the work of our electorate officers. While we're in here, they're at the coalface and they're doing a tremendous job. I thank them all.

I wish everyone a very merry Christmas and happy New Year. Spend some time in the world and get back to reality over the break.

The Council adjourned at 6.16 p.m.

Appendix 1

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QUESTION ON NOTICE

Question No. 11 of Year 2025

Legislative Council

#9.
T. Kattray

Tabled and incorporated
into Hansard
T. Kattray
Leader for Government
Business
11 Dec 2025

ASKED BY: Hon Meg Webb MLC Member for Nelson

ANSWERED BY: Minister Palmer

QUESTION:

My question is to the Honourable Leader of the Government;

In relation to former Minister Jaensch's response of 11 June 2025 to questions from the Commission of Inquiry Recommendations Scrutiny Committee, as published on the Committee's webpage, and also in context of services provided to 'Children and Families by JCP youth under the BEAST Program' being individual programs, components, parts, or extensions of the BEAST program, can the government:

- (1) List these services inclusive of dates of commencement, of completion if not ongoing, and amount and source of funding;
- (2) Advise if any of these services are known to be continuing under the current Funding Agreement;
- (3) List the number and dates of DECYP staff visits to JCP Youth Safe Houses by each of the South, North and North-West regions;
- (4) Provide details of the types, or categorisation, of visit and reasons, beyond purely case management purposes, including, for example, how many relate to children under care and protection orders, how many relate to community justice orders, and any other visits which do not pertain to case management or child safety assessment/investigation?;
- (5) Detail how many quarterly reports from JCP Youth have been received since the Funding Agreement began?
- (6) Clarify the agreed schedule for reports to be sent, for example whether specific months of the year are stipulated or whether some other schedule of release is undertaken?;
- (7) Clarify who is responsible for reviewing the reports?;
- (8) Detail the nature of information provided in the reports?;
- (9) Table a copy of all available reports?;
- (10) In the context of the services provided by JCP Youth, clarify if the Department is aware of any JCP Youth positions or roles where the Registration to Work with Vulnerable People Act 2013 would not apply?;
- (11) Detail how many times the Secretary, under Section 4.1 (p11) of the JCP Youth Funding Agreement, has provided approval for:
 - a) Purchase of real estate?
 - b) Purchase any assets greater than \$50,000 in value?

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- c) Purchase any asset which is not be used solely for delivery of the Services pursuant to the Funding Agreement?;
- (12) Detail where approval has been sought, regardless of approval or not, please detail the individual approval requests, for example the asset being sought, and rationale provided for either approval or rejection?;
- (13) Clarify what constitutes a 'place' for the purposes of the Funding Agreement which states under Schedule 2, section 2.2, page 39, that 'JCP Youth will use the funding to provide 54 full time places within the existing Youth Beats Program', for example, does a 'full time place' require a minimum time enrolled in a service, or completion of a relevant program such as the BlackOut Campaign program?;
- (14) Regardless of whether purchased assets fall under the definition of, or are approved under the Funding Agreement, does funding for a full time place include the purchase of assets that may have broader application or use (e.g. patrol vehicles)?, and if so, how does the calculation for funding provision of 54 full time places alter for assets being used for other purposes or for the asset value?;
- (15) Confirm that under the Funding Agreement, a range of children and young people from a range of backgrounds including from prevention to legal orders may access the services, and further, given that:
- Please provide the rationale for classifying the service under AO8.1.99 (Other community services not elsewhere classified) and not alternative classifications (e.g. A02.2 Child protection, A02.4 Out of home care, A06.1 Correctional and rehabilitative supervision); and
 - Clarify whether there are any implications of recording one service classifications but excluding others? For example, where a service is provided to a child or young person by virtue of a care and protection order (such as supporting a child in care under a care/case plan), but is recorded as other community services?

1. List these services inclusive of dates of commencement, of completion if not ongoing, and amount and source of funding;

- JCP Youth delivers these services under a three-year funding agreement with the Department for Education, Children and Young People (DECYP) which commenced in February 2025.
- The amount of funding is \$3.7 million over the three years of the agreement. The funding was committed at the 2024 election and provided in the 2024-25 State Budget.
- The agreement between JCP Youth and DECYP funds 54 JCP Youth BEAST program places for

young males aged 11-17 years referred by the DECYP, over the life of the agreement.

- I am advised the JCP Youth BEAST Program is a flexible and individualised service tailored to each young person.
- The program offers:
 - access to membership
 - outdoor recreation programs and development camps
 - community-based support
 - outreach 24/7
 - emergency and respite accommodation
 - programming that supports prosocial behaviour.

2. Advise if any of these services are known to be continuing under the current Funding Agreement;

- I am advised prior to the current funding agreement, there had been services provided to the department by JCP Youth under the BEAST program.
- From February 2025, all department referrals to the JCP Youth BEAST program occur according to the funding agreement.
- The services listed as part of the answer to question 1 are part of this ongoing agreement.

3. List the number and dates of DECYP staff visits to JCP Youth Safe Houses by each of the South, North and North-West regions;

- I am advised there are no properties operated by JCP Youth in North-West Tasmania.
- I am further advised in the North and Southern Tasmania, visits by the department are conducted at a minimum of once per quarter, as required by the funding agreement.

- The department last visited JCP Youth's Northern premises on the 17 and 18 November 2025 and the Southern premises on 12 November 2025.
4. Provide details of the types, or categorisation, of visit and reasons, beyond purely case management purposes, including, for example, how many relate to children under care and protection orders, how many relate to community justice orders, and any other visits which do not pertain to case management or child safety assessment/investigation?;
- I cannot comment on individual cases for confidentiality reasons.
 - I am advised all visits by the department outside of the quarterly schedule outlined in the funding agreement, are related to case management of individual young people.
 - These visits may involve young people under care and protection orders, youth justice orders, or may be visited in relation to other departmental oversight responsibilities.
 - The department may visit JCP Youth premises with 24 hours' notice, as permitted under the funding agreement.
5. Detail how many quarterly reports from JCP Youth have been received since the Funding Agreement began?
- I am advised one Quarterly Service Delivery Report has been received by the department for the 2025–26 period. The next report is due.
 - The first quarterly report was delivered following the commencement of participant referrals made by the department, which began in mid-April 2025.

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6. Clarify the agreed schedule for reports to be sent, for example whether specific months of the year are stipulated or whether some other schedule of release is undertaken?;

- I am advised standardised reporting requirements were established in August 2025.
- The delivery of the first quarterly report in August 2025 has allowed JCP Youth to report accurately on participant engagement, due to participant referrals to JCP Youth by the department occurring in April 2025.
- It is my expectation that the Department and JCP Youth ensure strict adherence to the quarterly reporting schedule in future in accordance with the funding agreement and I will be seeking regular updates.

7. Clarify who is responsible for reviewing the reports?;

- I am advised JCP Youth and the department meet monthly through a dedicated operational governance group to discuss operational matters and risks relating to department referred participants. The operational governance group also includes the JCP Youth CEO.
- The department Director Strategic Commissioning and Partnerships role holds responsibility for reviewing the reports and monitoring compliance according to the funding agreement.
- The quarterly performance reports provided by JCP Youth under the funding agreement are additionally reviewed by the JCP operational governance group, which includes the following roles within the Department for Education, Children and Young People:

Page 5 of 11

OFFICIAL

- Executive Director Services for Children and Youth Director Youth Services
- Director, Commissioning and Partnerships
- Director, Service Transformation and Change
- Director, Business Improvement and Planning
Statewide Youth Practice Manager
- I am advised the JCP Youth quarterly reports are also provided to the department's Deputy Secretary, Child Safety and Youth Justice Operations, and the Secretary, Department for Education, Children and Young People.

8. Detail the nature of information provided in the reports?;

- The Service Delivery Reports template is standardised and provided by the department to JCP Youth for completion according to the funding agreement requirements.
- I am advised the Service Delivery Report template includes a requirement for JCP Youth to provide the following:
 - Number of full participants
 - Service delivery activities
 - Engagement and attendance
 - Offending metrics
 - Risk factor assessment
 - Personal outcomes
 - Risks and issues
 - Recommendations and future planning

9. Table a copy of all available reports?;

- I am advised the JCP Youth quarterly reporting is prepared by JCP Youth and provided to the department as part of the funding agreement requirements.
- I am advised the release of the JCP Youth reports requires consent from JCP Youth and I have asked the department to provide further advice on this matter.

10. In the context of the services provided by JCP Youth, clarify if the Department is aware of any JCP Youth positions or roles where the Registration to Work with Vulnerable People Act 2013 would not apply?;

- Under the funding agreement, I am advised all JCP Youth staff and volunteers are required to hold valid registration under the *Registration to Work with Vulnerable People Act 2013* before working with children and young people.

11. Detail how many times the Secretary, under Section 4.1 (p11) of the JCP Youth Funding Agreement, has provided approval for:

- d) Purchase of real estate?
 - e) Purchase any assets greater than \$50,000 in value?
 - f) Purchase any asset which is not be used solely for delivery of the Services pursuant to the Funding Agreement?;
- I am advised there have been no approvals provided by the department to purchase real estate, assets over the value of \$50,000, or assets not used solely for service delivery according to the JCP Youth funding agreement.

12. Detail where approval has been sought, regardless of approval or not, please detail the individual approval requests, for example the asset being sought, and rationale provided for either approval or rejection?

- I am advised there have been no approvals sought by JCP Youth from the department for the purchase real estate, assets over the value of \$50,000, or assets not used solely for service delivery according to the JCP Youth funding agreement.

13. Clarify what constitutes a 'place' for the purposes of the Funding Agreement which states under Schedule 2, section 2.2, page 39, that 'JCP Youth will use the funding to provide 54 full time places within the existing Youth Beats Program', for example, does a 'full time place' require a minimum time enrolled in a service, or completion of a relevant program such as the BlackOut Campaign program?;

- I am advised a 'full-time place' refers to a 12-month engagement by a department referred participant in the BEAST Program.
- These BEAST Program participants may opt in - or out - of any or all elements and activities of the BEAST program.
- I am advised there are no requirements for referred young people to complete specific components or activities of the JCP Youth BEAST program.
- JCP Youth varies the BEAST program activity inclusions to meet the needs of each individual participant. Individual programs are designed in collaboration young people to meet their pre-identified outcomes.

14. Regardless of whether purchased assets fall under the definition of, or are approved under the Funding Agreement, does funding for a full time place include the purchase of assets that may have broader application or use (e.g. patrol vehicles)?, and if so, how does the calculation for funding provision of 54 full time places alter for assets being used for other purposes or for the asset value?;

- The funding supports the cost of placements for children.
- An audited acquittal has been received by the Department for Education, Children and Young People from JCP Youth for the 2024-25 financial year.
- I am advised the expenses acquitted for that year relate to salary and wages and on-costs.
- There were no assets purchased with the funding in 2024-25.
- In relation to the purchase and use of assets, I'm advised the component of cost relating to use of an asset could be attributed to the funding for the period it is used in the program.

15. Confirm that under the Funding Agreement, a range of children and young people from a range of backgrounds including from prevention to legal orders may access the services, and further, given that:

- a) Please provide the rationale for classifying the service under AO8.1.99 (Other community services not elsewhere classified) and not alternative classifications (e.g. A02.2 Child protection, A02.4 Out of home care, A06.1 Correctional and rehabilitative supervision); and
 - b) Clarify whether there are any implications of recording one service classifications but excluding others? For example, where a service is provided to a child or young person by virtue of a care and protection order (such as supporting a child in care under a care/case plan), but is recorded as other community services?
- The classifications were determined by the department as the most appropriate for Australian Institute of Health and Welfare (AIHW) reporting purposes.

- I am advised the AIHW classifications reflect the broad and flexible nature of the JCP Youth BEAST Program.
- While services may overlap with other categories, the classification does not limit the operational scope of support provided to department-referred JCP Youth BEAST program participants.
- I am advised the funding provided to JCP Youth supports diversionary and mentoring services for at-risk young people referred by the department to JCP Youth, which may include those under care and protection or youth justice orders.
- Under the funding agreement, referrals of young people to JCP Youth occurs according to the following criteria:
 - Young people involved in court/repeat offending behaviours who may be disengaged from formal education and/or relevant support services.
 - Young people exiting custodial sentencing with an identified recidivism risk.
 - Young people in contact with the youth justice system with a remanded status.
 - Young people demonstrating impulsive and risk-taking, offending-related behaviours, and/or
 - Any identified young person who is likely to benefit from a diversionary program, at the Department's discretion.

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APPROVED/NOT APPROVED



Hon Jo Palmer
Minister for Children and Youth

Date: 10/12/25

Page 11 of 11

OFFICIAL

Appendix 2

OFFICIAL: Sensitive

QUESTION ON NOTICE

Question No. 12 of Year 2025

Legislative Council

#1
Vaiini Rattay
Tabbed and incorporated
into Hansard
T. Rattay
Leader for Government
Business
11 DEC 2025

ASKED BY: Hon Meg Webb MLC Member for Nelson

ANSWERED BY: The Hon Jo Palmer MLC

QUESTION:

My question is to the Honourable Leader of the Government;

In relation to the government's arrangement with the organisation JCP Youth and specifically regarding the organisation's BlackOut Challenge program, can the government:

- 1 Confirm whether the Department or Government were aware of the BlackOut Challenge, which is a component of JCP's Beast Program, prior to it being advertised and run earlier this year?
And;
 - a - If the government was aware of the BlackOut Challenge, please detail when it was informed of the program, and any assessment details the government undertook to ensure appropriateness;
 - b - If the government was not aware prior to the program being advertised and run, when was it made aware, and please detail any assessment of consideration made of its appropriateness;
- 2 Detail whether information has been either sought by the government on the BlackOut Challenge, or been provided by JCP Youth, and when was that information provided?
- 3 Detail how the BlackOut Challenge Program fits within the JCP Youth Beast Program, and more particularly within the [Funding Agreement](#) with JCP Youth?
- 4 Clarify to what extent the funding agreement takes into account extended operations of the Beast program, and whether all programs under the Beast programs come under the conditions of the funding agreement, regardless of whether the Government funding agreement directly funds it?

CA

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- 5 Clarify whether should the BlackOut Challenge Program not be funded and covered by the funding agreement with JCP Youth, are participants in the Blackout program drawn from children who are also part of the funded Beast Program?
- 6 Detail how participants were selected for the recently run BlackOut Challenge Program?
- 7 Confirm whether the BlackOut Challenge Program included participants under state care and protection, and/or any type of youth justice order, and if so, how was permission sought and provided for their participation?;
- 8 Confirm whether any concerns have been raised with the government in regard to the Blackout Challenge and if so, when, and what were the nature of those concerns, and how has the Government responded to those concerns?
- 9 In context of schedule 2, section 2.2.4 (Consumer Outcomes) of the Funding Agreement with JCP Youth which states, the Service Provider will ensure that service delivery models employed are consistent with providing positive outcomes for consumers and utilise evidence-based and therapeutic practice, detail:
 - a - Whether, and if so on what basis, does the government consider the wearing of balaclavas, as per photos depicting JCP workers wearing in recent social media posts following the Blackout Challenge in October this year, to be an example of utilise evidence-based and therapeutic practice?; and
 - b - How monitoring of the funding agreement takes into account the success rate of completion versus participation, in light of these recent JCP Youth social media posts indicating only one participant out of 43 was successful in completing the Blackout Challenge?

Tania Rattiny

ANSWER:

1. Confirm whether the Department or Government were aware of the BlackOut Challenge, which is a component of JCP's Beast Program, prior to it being advertised and run earlier this year? And;

a - If the government was aware of the BlackOut Challenge, please detail when it was informed of the program, and any assessment details the government undertook to ensure appropriateness;

b - If the government was not aware prior to the program being advertised and run, when was it made aware, and please detail any assessment of consideration made of its appropriateness;

- (a) The JCP Youth BEAST Program is a flexible and individualised service tailored to each young person.

I am advised the Blackout challenge is an optional, voluntary activity offered to the department-referred JCP Youth BEAST program participants.

I am advised JCP Youth informed the Department for Education, Children and Young People (the department) approximately three weeks prior to the Blackout challenge commencement.

I am advised no concerns were identified by the department regarding the safety of the department-referred participants.

I have requested that the department undertake an assessment of the appropriateness of the Blackout challenge for department referred BEAST participants.

- (b) Part b to this question is not applicable.

2. Detail whether information has been either sought by the government on the BlackOut Challenge, or been provided by JCP Youth, and when was that information provided?

- I am advised DECYP has sought and received information about the Blackout challenge, including how it fits within the broader BEAST program, how program participants are engaged to participate, when and how

consents and permissions are obtained, travel arrangements and how JCP Youth offers and prepares participants to participate in the Blackout challenge.

- JCP Youth provided information to the Statewide Youth Practice Manager in September 2025, as part of its broader JCP Youth Operational practice discussions.
- These discussions occurred with operational staff in the time leading up to the Blackout challenge as part of planning for individual participants.
- The Blackout challenge fits more broadly within the BEAST program as a facilitated activity for BEAST participants. The Blackout challenge is one of many programs facilitated throughout the year that BEAST participants can engage in.
- JCP Youth facilitators and team leaders obtain consent from both the young people and their guardians or carers during their regular engagement in the BEAST program.
- Transport to and from the Blackout challenge was provided by JCP Youth and participants travelled in JCP Youth registered vehicles to a destination where the Blackout challenge was held.
- As the Blackout challenge is an 'opt-in' 'opt-out' program, JCP Youth always has staff on hand to transport a young person home if a participant decides they do not wish to continue participating in the Blackout challenge. This is a consistent practice for any JCP Youth program.
- As with any program offered by JCP Youth, participants are provided an overview of what the program will entail, where they will be going, what they can do if they do not wish to participate further. Young people also can ask questions regarding any worries or concerns they may have.
- JCP Youth follow-up with participants regularly including when their time in the BEAST program has ended to check in with the young person to ensure their wellbeing. The first check-in occurs 2-4 hours after being transported back by JCP Youth.

3. Detail how the BlackOut Challenge Program fits within the JCP Youth Beast Program, and more particularly within the Funding Agreement with JCP Youth?

- The Blackout challenge is not specifically named within the JCP Youth funding agreement; however, outdoor recreation programs and development camps are listed as program options for department-referred BEAST participants.
- Department-referred participants in JCP Youth's BEAST program may voluntarily choose to participate in the Blackout challenge.
- I am advised the young people who are not referred by the department to the JCP Youth BEAST program may also participate in the Blackout challenge and are therefore, outside of the funding agreement.
- The participants not referred to JCP Youth by the department are not monitored by the department and therefore not included in JCP Youth reporting requirements under the funding agreement.

4. Clarify to what extent the funding agreement takes into account extended operations of the Beast program, and whether all programs under the Beast programs come under the conditions of the funding agreement, regardless of whether the Government funding agreement directly funds it?

- I am advised by the department that the JCP Youth BEAST Program is a flexible and individualised program tailored to each young person based on outcomes identified with the participant.
- I am further advised that any component or activity of the JCP Youth BEAST program for a department-referred participant is covered under the JCP Youth funding agreement.

5. Clarify whether should the BlackOut Challenge Program not be funded and covered by the funding agreement with JCP Youth, are participants in the Blackout program drawn from children who are also part of the funded Beast Program?

- I am advised the Blackout challenge is not specifically named within the funding agreement between the department and JCP Youth.
- However, outdoor recreation programs and development camps are listed as a program options for department referred BEAST participants and therefore covered as part of the funding agreement.

6. Detail how participants were selected for the recently run BlackOut Challenge Program?

- I am advised participation in JCP Youth BEAST program activities offered to department referred participants is voluntary and this includes the Blackout challenge.
- I am advised any department referred BEAST program participant may be offered a placement on the Blackout challenge by JCP Youth and may opt-out at any time.
- Suitability for the Blackout challenge is determined by the individual and JCP Youth according to individually identified outcomes.
- Department referred JCP Youth BEAST program participants discuss their involvement in the Blackout challenge with the young person's lead JCP Youth worker. This discussion includes what the Blackout challenge is, what to expect and the participant's ability to opt out at any time.
- Based on these discussions and in collaboration with the young person, JCP Youth staff establish suitability of the participant to engage in the Blackout challenge as part of their overall BEAST program activities schedule.

7. Confirm whether the BlackOut Challenge Program included participants under state care and protection, and/or any type of youth justice order, and if so, how was permission sought and provided for their participation?;

- I cannot make comment on individual participant circumstances due to confidentiality reasons.
- I am advised under the funding agreement department referrals of young people to JCP Youth occurs according to the following criteria:
 - Young people involved in court/repeat offending behaviours who may be disengaged from formal education and/or relevant support services.
 - Young people exiting custodial sentencing with an identified recidivism risk.
 - Young people in contact with the youth justice system with a remanded status.
 - Young people demonstrating impulsive and risk-taking, offending-related behaviours, and/or
 - Any identified young person who is likely to benefit from a diversionary program, at the Department's discretion.
- Under the funding agreement, JCP Youth must obtain written consent from both the referred participant and the participant's parent or guardian before the participant commences in the BEAST program and any of its components or activities.

8. Confirm whether any concerns have been raised with the government in regard to the Blackout Challenge and if so, when, and what were the nature of those concerns, and how has the Government responded to those concerns?

- My office was contacted by a constituent on 17 October 2025 raising concerns about a JCP Youth social media post in relation to its Blackout challenge.
- My office subsequently requested information from the department about the Blackout challenge and I requested the department to undertake a deeper

assessment of the appropriateness of the Blackout challenge for DECYP referred BEAST participants.

- I have requested the department provide me with an update as soon as this information is available.
- I am advised the department acts according to all legislative requirements when responding to any child safeguarding concern.

9. In context of schedule 2, section 2.2.4 (Consumer Outcomes) of the Funding Agreement with JCP Youth which states, the Service Provider will ensure that service delivery models employed are consistent with providing positive outcomes for consumers and utilise evidence-based and therapeutic practice, detail:

a - Whether, and if so on what basis, does the government consider the wearing of balaclavas, as per photos depicting JCP workers wearing in recent social media posts following the Blackout Challenge in October this year, to be an example of utilise evidence-based and therapeutic practice?; and

b - How monitoring of the funding agreement takes into account the success rate of completion versus participation, in light of these recent JCP Youth social media posts indicating only one participant out of 43 was successful in completing the Blackout Challenge?

(a) I am advised the face coverings worn by young people participating in the program was done to support privacy and inclusion of the participants who provided consent to have their photo shared to social media but chose not include their faces, which was actioned in agreement with the wishes of young people and their families.

Where face coverings are worn by staff, this is done briefly and by people well known to all participants.

All required consents were obtained for publishing photos of the participants on social media and approval obtained prior to posting.

I am advised the attire consisted of standard cold-weather apparel such as jackets, cargo pants, gloves, and face coverings used for warmth and safety; noting the clothing worn also included items such as neck gaiters or thermal hoods, which can be referred to as balaclavas. I am

advised JCP Youth has acknowledged that the use of face coverings may be perceived differently by those viewing images without context.

I am advised JCP Youth operates within the legal framework *Child and Youth Safe Organisations Act 2023* and that the practices and approach applied by JCP Youth is consistent with child-safe and trauma-informed principles.

JCP Youth ensures consent obtained from young people is meaningful, ongoing, and reflective of the participant's maturity and comprehension of what participation involves, which ensures the participant's needs are placed at the centre of JCP Youth practices.

- (b) The funding agreement between JCP Youth and the department includes Key Performance Indicators (KPIs) to measure how many young people have been supported through the BEAST program, how well the services were delivered by JCP Youth, and how the enrolled participants benefited from their time in the BEAST program.

I am advised JCP Youth considers that participant success is not defined by completion of the 12-month BEAST program or any of the individual activities such as the Blackout challenge. For many young people referred by the department to the JCP Youth BEAST program, participating any part of the program can be a significant achievement for the participant.

JCP Youth varies the BEAST program activity inclusions to meet the needs of each individual participant, which may include participation in the Blackout challenge.

I am further advised there is no requirement on any young person to participate in specific JCP Youth BEAST program activities if offered by JCP Youth, including the Blackout challenge. Individual programs are designed with young people to meet their pre-identified outcomes.

I am advised under the funding agreement, JCP Youth monitors and reports on multiple success measures including individual outcomes developed between JCP Youth and each young person.

APPROVED/NOT APPROVED

A handwritten signature in blue ink, appearing to read 'Jo Palmer'.

Hon. Minister Jo Palmer
Minister for Children and Youth
Minister for Education

Date: 10.12.25.