



**PARLIAMENT OF TASMANIA**

**LEGISLATIVE COUNCIL**

**REPORT OF DEBATES**

**Thursday 10 April 2025**

**REVISED EDITION**



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**Thursday 10 April 2025**

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

## **PETITION**

### **Greyhound Racing**

[11.01 a.m.]

**Ms O'CONNOR** (Hobart) - Mr President, I have the honour to present an e-petition from 4997 citizens of Tasmania who request the Legislative Council to call on the Rockliff government to do what is right and demonstrate the same humane leadership as that shown by Aotearoa/New Zealand and move to end greyhound racing, with a just transition period and support for industry participants, as well as funding for not-for-profit local animal welfare organisations to rehome ex-racing dogs.

I move -

That the petition be received.

**Petition received.**

## **RECOGNITION OF VISITORS**

**Mr PRESIDENT** - Before calling Orders of the Day, I welcome to our Chamber this morning participants in the 2025 Tasmanian Leaders Program. I will not mention everyone by name because that would take quite a while, but you are all very welcome here today. The leaders are having a reception this evening for members of parliament and I would encourage everyone to get along and have a chat to them.

We are currently going through our order of business. We have a formalised section that we go through before we move on to Orders of the Day. Today, shortly, we will be working our way through the second reading debate of the Police Offences Amendment Bill. That will take us through to the end of the second reading, then we will go into the Committee stage, where members of this Council go through the bill clause by clause. Sometimes a bill goes through without amendment, sometimes it is amended, and then it will have the third reading and then have royal assent. We are at the early part of that process. Members have had a chance to debate. We have had four speakers. We are currently up to our fourth speaker and then other members will get the opportunity to talk about the bill.

We hope that you enjoy your time in parliament. I am sure honourable members here are very pleased to see you in our Chamber today and look forward to talking to you this evening.

**Members** - Hear, hear.

**POLICE OFFENCES AMENDMENT (KNIVES AND  
OTHER WEAPONS) BILL 2025 (No. 3)**

**Second Reading**

**Continued from 9 April 2025 (page 37).**

[11.12 a.m.]

**Ms O'CONNOR** (Hobart) - Mr President, I have completed my substantive contribution on this legislation yesterday. I look forward to hearing other honourable members' contributions. I wanted to make just one final pitch for the Greens' amendment to remove schools from places that Tasmania Police officers can enter in order to wand children for dangerous weapons.

Members, I hope, have read some of the submissions that were made on the draft bill, which cautioned against including schools in places where these searches could be carried out, noting that children should be able to enjoy a school environment without having police officers come in and wand potentially large groups of children. The fact that we have a bill here that seeks to make our schools prescribed areas where police officers can enter - even though we have heard from Tasmania Police themselves they will not abuse this power - is still an extraordinary power that we are giving to Tasmania Police through these amendments to potentially target schoolchildren in a place of learning and, potentially, because of the provisions in this act that allow for them to operate on a reasonable suspicion, to be profiling children under these changes.

I note again that while other jurisdictions have, and rightly so, improved police search powers in public places, including shopping centres, sporting grounds and those sorts of places, no other jurisdiction in the country has given its police service the authority to enter schools and places of education. That is why we will be moving the amendment to remove schools from prescribed areas where Tasmania Police may conduct wand searches.

We do this primarily in the interests of the child, on the basis of upholding the rights of the child and on the basis of the evidence that we heard yesterday about the potentially criminogenic effect of young people and children having interactions with police that may make them fearful and less trusting of law enforcement, when what we need to be doing is cultivating positive and trusting relationships between young people and Tasmania Police because that is ultimately what will deliver greater community safety.

The problem we have with this government is that - we were just noting in our morning meeting this morning - we have seen a lot of police-type law enforcement, tough-on-crime bills and amendments, coming through this place in recent times. It is deeply concerning that this is happening at the same time that as a state we have committed to implementing the recommendations of the commission of inquiry. We have committed to a youth justice model which is about therapeutic care. We have established a parliamentary committee to oversee the commission of inquiry's recommendations. We have heard harrowing evidence that the way, under the minister, Mr Ellis, Tasmania Police is responding to young people is counter to the principles of the commission of inquiry.

We have had Taskforce Raven in the north where young people were picked up for drinking in a public place. I will tell you what, just about everyone here, when we were young, has committed that offence.

**A member** - Have they?

**Ms O'CONNOR** - You never had a drink in a public place? Gosh.

We seem to be applying a set of standards and rules here to young people that were not applied to us when we were young. We did not have to worry about police officers coming into our schools and wandering us. We did not have to worry about things like Taskforce Raven, which was designed specifically to target young people in and around the Launceston area. That is why the population of Ashley Youth Detention Centre, that hellhole for a century, is increasing. That is why, over the past year, there have been 400 children and young people put into adult remand centres.

I really hope that honourable members recognise there should be one place in a kid's life that is safe from an unnecessary interaction, an unfettered interaction with law enforcement and that is their school; that is the classroom. I hope colleagues support our amendment.

[11.18 a.m.]

**Ms FORREST** (Murchison) - Mr President, before I start on this, I welcome to the Chamber the soon-to-be members of a great cohort, Tasmanian Leaders. I did the program in 2011. I have to check with the leader over there to make sure it was the right year. It is a highly valuable program. I wish you all the very best and look forward to catching up with you this evening. It really is a wonderful experience. It certainly benefited me.

I also acknowledge in the Chamber, Laraine Ludwig, whom I have known for a very long time. Laraine lived in the north-west. I acknowledge how hard it must continue to be for her to keep reliving the very tragic death of her son, Reid. To be able to come and talk to us yesterday, as she did, takes enormous courage. It must make it a raw wound that continues to be exposed. I thank her for that. I see the change this has had on Laraine's life from the woman I knew up in the north-west. It is a very real and harrowing experience that only someone who has been through it can truly appreciate.

I thank you, Laraine, for your work on this. It must be extremely difficult to sit and listen to some of this, particularly, as I will, when we talk about the vulnerability of some of the people who may be targeted under this. It is not a reflection on the impact that has had on you. I want to make that clear that I absolutely respect and understand - I do not understand - I try to appreciate the impact this must have had on you personally and for your family. I think it is important that we remember what brings us here and the sensitivity of the topic we are talking about. For those in the room who may not know, we are talking about legislation to enable police to wand individuals in public places, where they have a reasonable suspicion that they may be carrying a knife or some similar weapon or dangerous item like that, in a way that is not invasive. This has been shown to perhaps see vulnerable youth and disadvantaged people more targeted in this. I will get to that in my contribution.

Laraine's son was tragically murdered in a knife attack. She has lived with the trauma and the impact on her family.

With any legislation I ask, what is the problem that we need to fix? It is already illegal to carry such a dangerous item in a public place. It seems that the fact that it is illegal has not been an adequate deterrent. We have seen from the police, in the trial they did under the current legislative provisions, where there were 213 searches with wands conducted. There were 54 seizures from 213 searches, where 42 of those were knives.

It is not just deaths that occur from knives, it is terrible woundings. When I was doorknocking in my electorate in 2023, I knocked on one door in Burnie and one in Somerset, I did knock on more than two, and two of the people that I doorknocked were people who had been working in the emergency department the day the doctor was stabbed there. One was heading to work soon after the event. She downloaded a little bit. I then said to her, 'Are you okay to go to work now?' She said she would after putting herself together. The impact is not just on the victim. It is on all the people who are witnesses to this. That is in a health facility, where you should be fairly safe, because you go there when you are injured. This individual, as I understand it, had longstanding mental health issues and was not getting the care and support that they needed.

Where are we failing? We are failing to support some of these people who, for whatever reason, choose to carry some sort of weapon like that, that can cause that sort of harm. That doctor is incredibly lucky he is still alive; he was lucky he was in the emergency department where they have all the bells and whistles to respond. That is not the case out in the community. It is not the case in a shop, petrol station or in all the other places.

What is the problem we are trying to solve here? Knives, sharp instruments and dangerous items can be fairly easy to conceal. Do we need an additional tool to enable police to detect them? They have powers to wand now, on a reasonable belief.

The difference we are seeing here appears quite small. If you are looking just at the words alone, on what basis do police form a reasonable belief to reasonable suspicion? On what basis would they reach a reasonable suspicion?

I appreciate the lengthy briefings we had yesterday because these matters were really well canvassed. We have the benefit of having heard all this information and making a determination about where we sit on this legislation based on all that, but it is not on the record. I am going to bring a bit of that to this debate, so people understand how I reached my decision.

We heard from legal representatives, a victim-survivor, police, and TasCOSS, who deal with a lot of vulnerable people who, I suggest, are more likely to find themselves being wanded regardless of whether this legislation changes or not, frankly.

The recent trial undertaken by police that I mentioned, under the current arrangements of a reasonable belief, was very concerning. There are a lot of knives being carried around in public despite the illegality of that provision or that action, and we are all aware that such weapons can cause, and have caused, very real harm. Sadly, we have seen a greater increase in young people carrying these items than in the adult population. Surely this must give us pause to wonder why. Why do young people feel that it is okay to carry a knife in public? We heard that some of them claim to do it for their safety. How are we failing to make a society where young people feel safe to go out without a knife? What are the underlying factors here? Why do young people feel this is an okay thing to do?

The world has changed from when I was a kid in many ways. When I was a kid, there was no social media, or computers even. If you wanted to make a phone call to harass someone, you had to wait your turn at home. Then there were certain restrictions about how long you could be on it, and you were in a public place, like in a lounge room. If you wanted to get away from people who were harassing you or bullying you - and I had my fair share of that - you could just go home. If someone answered the phone and you thought you were going to be pursued by phone, you could just not answer the phone. Now, with social media and all the challenges we see there, it is pervasive. You cannot get away from it. What are we as a society doing and failing to meet the safety needs of so many young people that they feel they need to do that? What preventive measures are we actually taking to address these very real concerns?

I am interested if members of the Chamber have watched the Netflix four-part series *Adolescence*. Some of you watched it. Compulsory viewing for everyone. If you have not watched it, you must watch it. It is an incredibly produced piece and I am going to do a spoiler alert for those who have not watched it. It is a four-part story of a 13-year-old boy; normal kid, normal family - whatever normal is. He has two parents and a slightly older sister. He goes to school - he appears to be in a relatively normal sort of existence.

The first episode opens with the police organising a raid. You do not know what is going on at this point, and they are in full - I cannot think what you call it - all the gear. The police are suited up, massive guns, helmets, the whole lot, and they storm into a suburban house. The family are - well, the boy is not out of bed; the girl, the daughter, is in the bathroom, and the parents are there in the house. Suddenly, the police burst in, in the full kit and the noise - I have never experienced it, but it was pretty interesting to watch in this circumstance. The parents are on the floor, the daughter is in the bathroom on the floor, they go into the boy's bedroom and arrest him on the suspicion of murder. This kid is 13 years old and fairly stressed, and he wets himself, so they give him a chance to change his trousers. He is dragged out of bed. The police are kind to him; it is not like they are brutal with him. They take him in the police car to the station and he is charged with murder.

The police are very kind because they tell him about what his rights are in a way that he can understand; he is 13. He has the right to ask for a lawyer. 'Make sure you ask for a lawyer. You are entitled to a ...' I cannot remember the term they used - 'a responsible adult, you can choose one of your parents, but right now we have this man who is the person who is allocated to that until you decide.' They were helpful with this young kid and he tells his father, who he chose to be his responsible adult, that he did not do it. A young girl at school has been stabbed to death. I cannot remember exactly - I think it was six or seven times.

It is not about whether or not he did it. They have very clear evidence he did. There is video evidence of him stabbing this girl. When they are shown that, obviously it is pretty hard on his father and on him. What the story is about, however, is why he did it. It goes to issues of what is healthy masculinity - how children are abusing each other. The emojis used on social media, on Instagram in this case, that basically made this kid feel so threatened and bullied by the girl that he took that action. The role models of men in his life - his father, his grandfather and all that. It is terribly confronting. The minister has watched it. It is very sensibly done. It is so sad to think that we continue to fail these children who are vulnerable to think this is an option - and look, his mates duck for cover, everyone is upset and angry, the school is a mess.

One of the main police characters is a detective. His son goes to the same school and he is the one who informs his father about what the emojis mean so that the police have some

understanding of what is going on here. If you do not know what they mean, look them up. If you see them on your kids' or grandkids' pages, you know what they mean. Just google it, it is there. It tells you what different coloured hearts mean, what symbols mean, what different coloured pills mean, all of that. You will learn a bit about it as you go through, but it is a terribly confronting thing. When you look at that, which is so relevant now in dealing with this bill, then look at - and I did challenge the minister on this in the briefing - his tough-on-youth and tough-on-crime approach is completely contrary to the way we should be behaving in response to the commission of inquiry.

To weaponise this, no pun there, in any way from what comes out of this - any criticism that the minister should level at any of us for however we vote on this, including with the member for Hobart's proposed amendment, which we will obviously speak about later, would be so contrary to the work we are trying to do through the commission of inquiry that it would be appalling. If he does it, I will call him out. I will not accept that we can behave that way and still deliver on our commitment under the commission of inquiry. If anyone was watching the commission of inquiry committee hearing when we had Legal Aid in front of us - the *Hansard* is not published yet but when it is out, by all means go and have a look.

Legal Aid made it very clear that this constant tough on crime and bringing youth in through the Taskforce Raven, for example, things like that and the very public attack on youth, youth crime, bad young people - is absolutely contrary to what we should be doing.

I raise that because my concern is that young people will be targeted with this legislation. I am not saying we do not need it, we should not have it. I am just saying we need to be very aware of that. I will be watching very carefully if this is likely to be successful. The reason I say this again is that, as I mentioned in the briefing, when I was in Western Australia last week, in Perth, that they have legislation that enables wandering on a reasonable suspicion. I was just walking around the streets. I was in the city, sort of near the waterfront and around the mall. I caught the train out to the football, which meant walking through town. I saw the police there, quite a visible presence. They have plenty of money in Western Australia, they can afford probably a lot more police, but I saw them wandering a number of people, a lot of people, but the only people I saw - and I am sure they wanded other people that I did not see, but the only people I saw were people who, by all appearances, were homeless. They had all their belongings in a shopping trolley; that tells me they are homeless, and those were mostly older women. They were the ones who they were wanded. I do not know what they based their reasonable suspicion on that they need to do it. But anyway, they must have had some reason. And then in the mall, it was young people. I did not see them detect anything because it all seemed to go very smoothly and no-one seemed to get upset overly. One of the homeless people was not so impressed by it, but they complied. I do fear that without proper checks and scrutiny on this, an oversight of it, we could see these marginalised groups targeted.

I say that knowing that our police have the highest regard in the nation as per the review that was done by the Productivity Commission. I commend them on their work. It is not a personal attack on any of the police officers. It is just that this is the reality, that this is what happens with these sorts of provisions often, that the most vulnerable in our community are the ones who are out in public. They do not have anywhere else to be. They do not have a home to go to and so they are in the vision of the police.

I have a home to go to. I walk directly home and I do not imagine I will probably be wanded, depending on how I behave when I am in public. Perhaps, they may have a reasonable suspicion if I start doing something quite stupid.

I think this tough-on-crime approach is a populist thing. We need to avoid focusing on youth because we only turn them into - in their own minds or they expect them to be - a criminal so - they may as well. We must work to support these young people and address the underlying challenges that see them there: intergenerational disadvantage, intergenerational poor educational outcomes and attainment, intergenerational poor literacy, numeracy, financial literacy, digital literacy - all of those things feed into this.

We have an obligation as a civil society to ensure that our young people do not find themselves in these situations. It is a whole-of-government approach. It is supporting young parents to be good parents. Those who have not been parented well themselves, how do we help them break that cycle? This is the work - the role of a government and a civil society.

I wanted to make those points because I will support the bill but I am concerned that we might see a disproportionate focus on young people and homeless and other people who are vulnerable because they are out and about in public places going about their business because that is the nature of their - they do not have a home to go to. When I was a young person, I was often out and about. I did have an interaction with police once. One New Year's Eve, after I had finished work, we went up whitewashing. Police caught up with us - there was a group of us, with me still in my uniform. What did the police do? They said, 'Come on, you lot'. They took our whitewashing equipment off us. This used to be a big thing up the north-west coast, whitewashing on New Year's Eve. They tossed it over the fence, so we thought we best head off back home after that. Most of us, not all of us, have done some pretty stupid things in our youth that is pretty harmless. If we are honest with ourselves, most of us did something like that.

We need to be clear on this. There seemed to be some sort of concern or confusion, perhaps, that the police could only respond to this if they had a reasonable suspicion that they need to wand people because of intelligence they got. The police, I understand, will respond to a concern from any member of the public in whatever role that be, whether a school principal, the clergy, a nightclub owner, retail worker or anyone in between. If that person sees or witnesses anything that causes them to be concerned about the safety and welfare of another, whether it is because someone has a firearm, has a knife or they are driving their car dangerously, the police will respond.

The challenges, I believe, for the police are how to know who is likely to be carrying that weapon. If you can get a good description of the car - if it is a white sedan, for example - that is about the limit of my knowledge of identifying a car that I cannot read the number plate of. I cannot tell you what make or model it is. I can tell you which way it was headed, but there are lots of little white cars on the road.

This was the sort of circumstance in which the police are requesting this opportunity, to be sure that they can target the right people. Being wanded in a public place while just going about your business is different from going through security at an airport. I make the choice to go to an airport. If I try to carry a knife in my hand luggage or on my person, it will be picked up and it will be taken from me. If I make a fuss, I will probably be kicked off the flight. That is my choice.

People who have a metal in their bodies need to carry information about that to prove, if there was concern, that they have a medical reason for that. Some people know that when they go through airport security, depending on what they might have, like a pacemaker, do not go through the scanner. They get patted down and wanded rather than go through the actual scan. We know that when we go to the airport.

The question that was asked by the legal profession was - and I certainly appreciate their insights into this: is there a more appropriate way to achieve the outcome? It came down to that discussion about what is the difference between reasonable belief and reasonable suspicion.

I will just explain that as the police explained it to us. If they got intelligence from a public place, whether it be from a schoolyard, a place of worship or a retail place, that a person was seen in the vicinity wearing - sometimes you do not get a good look at these people, they might have black pants, a white top and red shoes. Red shoes are probably a big giveaway because not many people have red shoes. So, it might be easy to find that person. But if they have white sneakers on and black pants and a white T-shirt, there are lots of people who wear those sorts of clothes in public. What they were saying is, for them to be able to wand anyone they saw who fitted that description, they would have to have a reasonable belief that I was the person wearing the white T-shirt, the black pants and the sneakers. They would have to have better intelligence than that.

Maybe there was some other defining feature about me that made it more clear that it was me. Whereas a reasonable suspicion enables them to wand, in a non-invasive search, anyone in the vicinity wearing a white T-shirt, black pants and sneakers. It is a minor change in some ways, but it is significant. Consider all the people walking through a public place, going about their business, if it is a non-descript description, a lot of people would fit that description and may be caught up in this inadvertently. Even if it is non-invasive, there are those concerns about if they pick up something else in the search like drugs and other things.

Now, we heard the police talk about trying to focus on diversion for youth. I think that is really important. We must focus on diversion, but we do not have much well-established diversion in place and that is a problem. The work with the commission of inquiry is important around this, like the new Youth Justice Blueprint. Some would say it is moving at a snail's pace, but it will provide those diversions for young people and ensure that we can help them and understand what the underlying drivers of this are, and deal with those rather than deal with the matters themselves. However, the police assure us they are not focused on the person. They cannot target people on a particular attribute; that is against the *Anti-Discrimination Act*. They are focused on finding the weapon itself as opposed to targeting people.

One of the members who spoke about this mentioned the review clause. I am pleased to see that there too, because we do need to keep a close eye on this. Any expansion of police powers requires review because it only takes one not-so-honest and trustworthy police officer to muck it up for everybody - a bit like members of parliament, really. It does need to be reviewed to ensure that we are not targeting particular groups without ensuring that we provide services and hopefully diversion. Often, these behaviours of young people can be cries for help and if we do not respond to them in an appropriate way, we miss an opportunity and they end up going down the criminality path. We fail as a society when that occurs.

There will be some people, young and not-so-young, who will actively choose to carry a weapon with the intent to cause harm and they should be held to account. If, however, they are

doing it because they have not been supported and have not had the services and support they need, like someone with severe mental health issues who has sought help but has been unable to access it, then we have failed.

I will listen to the debate on the amendment that will be proposed. I do have some concerns about the inclusion of education facilities - not so much education facilities, but schools - which, I agree with the member for Hobart, should be safe places. The last thing we want to do is make it even harder for some children who are disengaged not to attend. Now, we need to provide services for them and make sure they can attend, but they also need to be safe when they are there.

**Ms Armitage** - As do the teachers.

**Ms FORREST** - Teachers as well, yes. On that though, in the US - a different place to here - children walk through a metal detector on the way into the school. Do we want to get to that? I would certainly hope not, but you can understand why they do in the US.

**Ms O'Connor** - Through you, Mr President - it still has not stopped school shootings.

**Ms FORREST** - I know, yes. You have to ask - well, there is a whole heap of reasons why that is in the US. We do not want to be like that, in my view, but we do need to ensure that children are safe. Teachers, too. We know how many teachers are bullied, harassed, threatened and all sorts by parents as well as students - parents can be the worst. I will listen to the debate on that, but I am concerned that we are perhaps putting it in there without any evidence of its necessity. However, I support the bill in principle.

[11.51 a.m.]

**Ms WEBB** (Nelson) - Mr President, I rise to make my contribution on the Police Offences Amendment (Knives and Other Weapons) Bill 2025. I appreciate the time we spent on a number of briefings on this bill yesterday and thank those who provided them and the external stakeholders and experts and department staff for the information they provided and the questions that they answered.

At the outset, importantly, as others have done, I acknowledge the tragic catalyst for this bill, and the human faces, and the loss and pain, which is ongoing for many who are intrinsically associated with this bill's origins and goals. I particularly acknowledge and thank Laraine Ludwig for being in attendance yesterday all day with us and participating in the briefings, and today also generously participating in those briefings and being here with us as we contemplate this bill. Laraine has experienced something that is unimaginable. It is impossible to imagine the murder of her son, Reid. Her lived experience is relevant to this bill and that is undeniable.

In addition to that, I understand that Laraine has engaged in substantial research, consultation, relationship-building and advocacy over these past five years, and hearing from her yesterday was admirable. I thought her approach was clearly solutions-focused and collaborative, while being committed to tangible outcomes for greater safety in our community. She is planning to do everything in her power to make sure no other family has to go through the tragic experience that befell hers and continues to be felt by them every day.

That being said, it is with heavy hearts we find ourselves here grappling with this bill and its potential ramifications. Let me state then, really clearly, that I do not condone the carrying

of any weapons or dangerous items, such as knives, in public for the sake of any evil, dangerous or violent intention. That is distinct from people who need to carry items of that nature for legitimate work-related, recreational or religious reasons, and we all understand that distinction.

I have long stated on the public record that there is no place for violence in our society. None. Whether that is verbal violence, threats, or physical acts of violence with or without weapons of any kind, none of it is acceptable and, of course, all of us here and in the community want to see effective measures in place to address violence and threats of violence in our community. Effective is the crucial word here. We want to consider options to improve safety and reduce violence that are evidence-informed and demonstrably effective in delivering those outcomes. In addition to the assessment of efficacy, we must also ask ourselves what other outcomes, intended or unintended, may result from the measures that we pursue.

What we see from the government in this bill, which aligns with their consistent ideological inclination, is the direction that is being considered is to seek to expand police powers to deliver outcomes. However, what we know is that anytime that we consider the expansion of police powers, we will, by definition, be confronted with questions on the impact of those powers on civil liberties and human rights. That is the other aspect of this debate that we must grapple with here today. To what extent do we allow the curtailment of civil liberties and human rights? How can that, or should that, be evaluated as warranted and justified against the known risk of knife violence in prescribed public areas? We are grappling with that balance. Our assessments need to ask if the curtailment of human rights or civil liberties is proportionate to the known or perceived problem identified.

The challenge is heightened and made all the more difficult by the fact that it is easier for us to visualise the known human faces who have suffered violence than the apparent vague, amorphous mass lumped together under headings like 'the vulnerable', 'those with mental health issues', 'children and young people' or 'youth', which is a term the minister used quite regularly in his second reading speech. Empathy for known individuals who have suffered horrific transgressions can cloud our responsibility and concern for those for whom we do not have a name or a face before us at the moment. That is a difficulty we are grappling with and I am trying to address this as sensitively as possible.

We need to be asking: how do we balance empathy for those known individuals with the imperative to protect civil liberties and human rights broadly for our community - especially in the absence of a Tasmanian human rights act and framework that, if it were in place, would have already ensured that a human rights and civil liberties lens had been applied to any proposed policy or draft bill that came before us? We would have had that assessment made and put into the mix for our consideration. As members in this place well know, I am a passionate advocate for a Tasmanian human rights act. This is precisely the sort of area where it would serve us well to have that framework in place, so we could hold to account our policy development processes, our legislative responsibilities here, and the implementation and ongoing playing out of those in the community when things pass through this place and become law.

In the absence of a rigorous human rights framework and clear human rights legislation, I need to revert my decision-making responsibilities to clear principles based on balancing evidence-based arguments and information provided through expert stakeholders with the problems identified and outcomes we seek.

The bill before us seeks to amend the *Police Offences Act 1935* as the principal act. The main impact of the proposed amendments are under section 15C, dangerous articles. Subsection (2) of that section states:

A police officer may stop, detain and search, without a warrant, any person in a public place whom the police officer reasonably believes has possession of, or carries, any dangerous article without lawful excuse and may stop, detain and search, without a warrant, the person's vehicle.

This bill seeks to amend that definition by replacing 'reasonably believes' with the lesser threshold of 'reasonable grounds for suspecting'.

We have heard legal and civil society stakeholders - and it can be seen in the submissions that they made to earlier drafts of the bill - voice their concern about the apparent overreach of this proposed amendment, which I will discuss more thoroughly later.

The other key component of the bill is to provide for electronic metal detection device usage by Tasmania Police, referred to as wandering, to assist in the identification of defined metallic dangerous articles such as knives.

The stated intention of these changes is not just to expand police powers but, by doing so, to remove concealed dangerous weapons from public spaces and to provide an effective deterrent to the carrying of knives in public areas. That is my understanding of the justification we are being asked to consider as warranting the broad and open-ended expansion of police powers and corresponding impact that can have on civil liberties and human rights, as represented in the bill before us.

We have heard, both during the debate in the other place and during yesterday's briefings, that the bill before us is based on the Queensland act. This reference moves us towards evaluating a known entity and assessing whether there is relevant evidence available for us to test the known and the data to inform our decisions as to whether Tasmania should follow a similar path - that is being claimed. Of additional significance is the fact that the initial 2021 legislation in Queensland provided for a trial of metal-detecting wand use by the state's police force across two sites, and an evaluation of the impact, effectiveness, efficiency and equity of the trial was to be conducted. The independent review of the Queensland Police Service wand trial was undertaken by Griffith University's Criminology Institute and released in August 2022. It is a really interesting report and it contains a great deal of insightful data. However, for the purposes of today's debate, I wish to focus on the question of whether any empirical evidence was gleaned from this trial to show that the expanded police powers provided a deterrent to the carrying of knives as potential weapons in prescribed public places.

The answer, according to the Griffith Criminology Institute report, is no, not that it can be ascertained yet. That is key. We will always be alert to the fact that new evidence can come to light and sometimes over time, once something has been implemented and has more time to become embedded, it can give effect to changes which may not have been evident in an earlier stage. I absolutely recognise that, but so far, that evidence is not there.

The report's key finding, number three, states:

While wandering has been useful to better detect weapons (in one site only), there is no evidence as yet of any deterrent effect, given that there has been an increase in detections at one site, and no change at the other. A longer term follow up may be needed to better assess these effects.

Despite there being an increased detection of knives in one of those trial sites, there was no evidence of a deterrent effect yet. As I said, this report from the Griffith Criminology Institute contains a wealth of detail. In the interest of time, I am not going to delve into too much of it, but I want to contrast what occurred in Queensland with that trial and the independent evaluation with the recently concluded Tasmanian trial of the use of handheld metal-detection wands.

The minister announced recently that the four-month Tasmania Police handheld metal-detection wand trial was completed and showed strong results. The results that have been reported in the media and mentioned here already include that 213 searches were conducted across the state, which saw 54 weapons seized, 42 of which were knives. A very interesting and pertinent point that was confirmed during yesterday's briefing on the bill, and one that needs to be emphasised on the record, is that the minister confirmed that this trial's strong results occurred under our current act, under the current laws available to us that police can operate under now. It is important to be clear on that point. The current provisions of the *Police Offences Act*, with the current threshold test of a police officer requiring reasonable belief provided for a handheld metal-detection wand trial, showed, and I quote from the minister's media release, 'strong results'.

It is a positive thing about our current circumstances, I would have thought. The current act appears to facilitate Tasmania Police using electronic wandering technology to seek to deter potentially knife-wielding Tasmanians, if that is the intent, and that is reassuring for us all. In the briefing I asked the minister for more detail on the trial and he undertook to provide more information. However, in the later briefing from the department there did not seem to be much more information available beyond those raw numbers - that basic data.

I would have thought there would be more documentation that, in straightforward terms, outlines the conduct of the trial and its results in detail, which would be relevant, available to us when we are considering this bill. I remain interested to hear more about, for example, the full demographics of the people searched during the trial - age, gender, ethnicity, et cetera. I would also be interested in an analysis of the circumstances of the searches made and the documentation and the reporting of those searches.

My understanding is that there is a report being prepared internally within Tasmania Police, which is good. Of course, that should happen. However, it is also my understanding that, unlike the Queensland operational trial, the Tasmanian trial has not been subjected to an independent evaluation and it appears that there is no intention for there to be one, although I hope to be corrected. I hope that is not the case because if it is, it indicates poor policymaking practice. On a law reform matter of this kind, we should see a really robust policymaking practice. In my view, that would have been, at the very least, an issues paper made public that could have originated from within the department, or it could have been done by an independent entity like our TLRI.

After an issues paper, we would then potentially have input. We might also design a trial based on what is identified in the issues paper to test and inform the matters that are raised in

the issues paper and have an overt connection between the characteristics of the trial and the features of it and what has been raised in the issues paper. We would then have had a trial properly outlined and documented transparently in the public domain; we would also then have had an independent evaluation of the trial, in light of the issues paper. We would have had, then, through an independent evaluation and the results of that being furnished transparently, the ability to have that inform legislative reform and a bill.

Now, when I look at what has occurred here, it just simply is not a robust policymaking process for where to go, and that is a shame. It shows in this bill that we did not go through those expected good-practice policymaking steps here. We curtailed them; we cut them short. We skipped ahead actually, and skimmed over. What we should have had presented in a bill here and clearly explained in supporting material with that bill was a detailed analysis of the problems that we are trying to solve and the potential other negative consequences or related issues that sit around those problems - the evidence base of information drawing from other jurisdictions, drawing from a trial conducted in this state in an evaluated way, an approach presented, then, in the bill that can be demonstrated as optimising the effectiveness in addressing the problems while minimising the risk of the identified potential negative consequences. We should have been able to track that through, seen it here and had it explained to us here as being what is represented in this bill.

We have nothing like that here, with this bill. It is bad policymaking. It is bad legislative reform, and that is why we see such an unnecessary overreach in it. I want to be clear: when I make those comments, it is criticism of a process. It is not criticism of the need to look at this area of legislative reform. I absolutely think we should be looking at this area of legislative reform, and that it is appropriate to do so. We are not following Queensland's lead. The 2023 Queensland act proceeded on the basis of an independent evaluation of the 2021 trial. It is worthwhile noting, too, that things that come out of a trial that may be contra-indicative of going forward on certain policy matters do not have to stop it. In fact, the current Queensland act did proceed despite the fact that the independent review of the trial did not necessarily provide the evidence pointing forward for it.

You still have the option to proceed with reform and proceed with legislation being drafted, not necessarily having to align with everything that came out of a trial or the analysis of it. However, it is important, in the interest of transparency and a clear rationale and evidence base, to actually work your way through a good-practice process. It should have been especially clear that consideration of balancing rights and protections was a key issue here to be explicitly and robustly demonstrated, because it is raised front and centre by the TLRI as well, in material that they put in submissions to the draft bill.

It is interesting because I note that there is an inclination from the government and perhaps in the minister's second reading speech - in the second reading speech presented to us in this place as well from the government - there is sort of almost an attempt to co-opt credibility from the TLRI by implying that they are supporting elements of this bill.

I think that is somewhat misleading, to be honest. I just want to be really clear, for the record, that when the Tasmania Law Reform Institute put a submission into the draft of this bill, they said this:

While the TLRI supports measures aimed at improving the safety of the public and police officers, it has concerns that this bill creates an unwarranted expansion of police search powers.

They also said:

To the best of our knowledge, no data has been presented to justify the expansion of police search powers to detect knives and similar dangerous weapons. Evidence is important from a human rights and legal policy perspective. That is because expanding police powers to enable searches of individuals prima facie breaches the right to liberty and the right to refuse to self-incriminate (among other things). These breaches might be acceptable to the community if there was robust evidence that they would reduce Tasmanians' risk of injury or death from knife crimes - thereby promoting their right to life. Similar considerations were examined by parliaments and the courts in the late 20<sup>th</sup> century when police were given the power to randomly stop drivers and require them to undergo a breath test for alcohol levels. Ultimately the quality of the evidence was so strong that the random breath test laws were upheld.

I will talk more about random breath tests and the validity of using that comparator here in the way that the government has, further in my contribution.

I think that is a really interesting comment there from the TLRI submission. Clearly, they do think that there is overreach here; that important balance is the central consideration here when we are looking at this sort of sensitive law reform, and the balance has not been got right in this bill.

There are other very pertinent references in the TLRI report. They make quite categorical statements. I would have appreciated seeing the TLRI delve into this area and do a full look at how to move forward with this and being thoroughly informed by them on it, and to see that come through in the inner piece of legislation. They do say things like no other data was presented on the use or detection of knives in public places. They talk about, in short, there are no indications that new police powers to search individuals in public places will reduce homicide-related offences involving knives.

These are hard things to read out when we have people in the room who are affected by these crimes, and I am immensely sensitive to that fact, but I am also here as a legislator making decisions broadly, not about specific matters and specific people, but broadly for our community and having to apply accountable principles to that exercise.

It is the TLRI's view that there does not appear to have been any evidence presented that this existing search power is inadequate in detecting unlawful possession of dangerous weapons, including knives, or in preventing knife crime in Tasmania. Again, that is why we need to have a robust case for what the problem is that we are trying to solve and for what the best solution will be.

There are many other matters of relevance in the TLRI submission. In the interest of time, I am going to move on from them. I know other members will hopefully have read them. They

are a matter of public record, and the degree to which this bill diverges from the expert reflections of the TLRI is an unfortunate matter of fact.

I also note here, as I am sure it will be brought up as an attempted sort of sleight of hand to mask the failure of good-practice policymaking, that a review of this act down the track, which was inserted into this bill by amendment, was not by the government, proactively committed to monitoring effectiveness and accountability. It was not put in there by the government at the outset, but it was put in by a diligent crossbencher in the other place as an amendment. But that later review of the act that is there in the bill does not substitute for a proper evidence-based policy development process from the outset. It simply does not. It is important. I am glad it is there. It is right that we would review this act down the track, but it is not an excuse nor a replacement for ditching poor policy development practice in the pursuit of what I believe is an underpinning ideological agenda focused on electoral appeal.

That is not the level of political leadership that Tasmanians want or deserve.

In addition to the stark contrast between the Queensland situation, which is based on that independent evaluation of a trial, and our lack of rigorous analysis to lead us into this reform is the fact that the bill before us is vastly different, in fact, to equivalent legislation in places across other jurisdictions nationally, despite hearing assertions that we are in some way following along with and replicating what is happening in other jurisdictions. That is simply just not the case.

Glaring differences are there and these include the failure to include any form of prescribed safeguards, including temporal and geographical limitations, an incredibly broad application to a range of public places that are not included elsewhere.

I will look now more closely at the safeguard provisions provided for in our interstate counterpart jurisdictions. Of course, we should have been able, just as an aside - if the government is going to claim that we are following other jurisdictions and we are aligning with them, they, of course, should have provided - and it should have come as part of an initial issues paper in this whole policy development process - but at least with this - either the consultation draft bill or this bill itself coming to us, we should have had some sort of comparison table of the features of this bill with other jurisdictions. That would have been genuinely helpful and transparent to allow us to compare.

If the government wish to explicitly claim that we are aligned with other jurisdictions, you would have assumed they would be keen to demonstrate it and show us. Nothing of that sort was provided by the government because they know that if they did provide a comparison table of that sort, it would glaringly show how far beyond every other jurisdiction we have gone in this bill.

They would have been expected then to have very sound evidence-based reasons for the massive expansion beyond what other states have done. And, of course, they have not been able to present us with sound evidence-based reasons for that.

So, better to claim the alignment briefly in a second reading speech and hope we will not notice how badly they are fibbing, and skate through as though there is nothing to see here. But there is something to see here because when you look at a straightforward comparison table, you see that every other jurisdiction has more tangibly grappled with and given effect to that

attempt to balance the public safety outcomes sought with minimal curtailment of civil liberties.

In preparation for this bill, my office made a table - of course, that is immediately what you would want in order to begin to scrutinise this bill and the claims that are made by the government in the second reading speech. I note that yesterday we received further correspondence from TasCOSS, which contained a detailed comparison table with other jurisdictions too, and I thank them for doing that work for us in the absence of any such appropriate information being provided by the government.

I would like to spend some time running through some of the features that jump out in relation to the approach in other jurisdictions when you have a careful comparative look at them alongside our approach in this bill.

I will start with the Queensland *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023*, as that appears to be the government's main model referred to throughout this debate. The Queensland act defines the seniority required for police officers to authorise the use of a handheld scanner.

I am going to skip through some features, not exhaustively; I am going to point to some features as contrast. It provides a geographical limitation for the use of handheld scanners, that being public transport locations and vehicles, and defined safe night precincts, not the exhaustive list of public places contained in the bill before us. It also crucially provides a time limitation, and I quote from section 39D subsection (2) of that act:

The hand held scanner authority has effect for 12 hours after the authority starts.

Further, the Queensland Police Commissioner is required to publish a notice on the police website about a handheld scanner authority being issued within two months of that authority being issued. There are a range of prescribed safeguards for the exercise of the powers detailed in the act's section 39H.

**Ms O'Connor** - Isn't that interesting, through you, Mr President, this is a jurisdiction with only one House of parliament. So, one House of parliament managed to pretty much get the balance right.

**Ms WEBB** - The other interesting thing to note is that it is a jurisdiction that has a *Human Rights Act* actually.

**Ms O'Connor** - Yes, true.

**Ms WEBB** - Not that they always comply and align with their *Human Rights Act*. The expectation would be that they would need to take those considerations into account when producing legislation and perhaps that is what assisted here. I do not know for sure but that is my reflection.

**Ms O'Connor** - That sounds solid.

**Ms WEBB** - I will move on to New South Wales and its *Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Act 2024*. That jurisdiction has also put geographical limitation on the use of handheld scanners. Yes, it has it. The act also designates areas, and those include public transport stations, shopping precincts, sporting venues and other public places prescribed by the regulations including, for example, places at which the following are being or to be held: special events and events that are part of or support the night-time economy.

The New South Wales act also prescribes the circumstances necessary in order to declare a designated area for wandering purposes. Timely publication of designated areas - yes, they have that - and I will quote from there:

An instrument declaring a place to be a designated area must be published on the NSW Police Force website as soon as practicable after the declaration is made.

Time limitation is present, tick.

The declaration of a designated area remains in force for the period, not more than 12 hours, specified in the declaration.

There it is, legislated.

In Western Australia, they also have defined geographical limitations in the form of protected entertainment precincts under the state's *Liquor Control Act* and other designated areas which has a subsequent list of criteria, including that it cannot be an area exceeding 3 square kilometres. They have defined time limitations in that act, for a period of up to 12 hours or so, plus, a requirement for any declaration to be ratified by an officer of the rank of at least superintendent.

In South Australia, there were recent amendments in March, this year, to its *Summary Offences Act 1953*. Under section 66Z of that act, the Police Commissioner may authorise the use of search powers in relation to a specified public place if there are reasonable grounds to believe that an incident of violence or disorder may take place in that area and that the exercise of search powers is reasonably necessary to prevent the incident. An authorisation must be in writing or, if urgent, reduced to writing as soon as possible. It must specify the public place to which it relates and may only operate for up to six hours. Geographical limitation, time limitation and authority record are all evident there in the South Australian approach.

Lastly, in the Northern Territory, the *Police Legislation (Further Amendment) Act 2023* details prescribed areas and criteria for defining those areas, along with public transport providing geographical limitations. It includes a time limitation of 12 hours after the authority commences and contains legislated safeguards for the exercise of powers.

Most of these interstate acts also prescribe either criteria by which designated areas are to meet prior to declaration and/or specified safeguards for search procedures and officer obligations such as the requirement that, where possible, police officers undertaking the wandering search should be the same gender as the person searched. It is important to emphasise, that unlike other states with similar laws and the Northern Territory, the Tasmanian government is trying to introduce this expansion of police powers in this bill, minus things like

the specified time limits, the location declarations consistent across other jurisdictions and the legislated safeguards that are there commonly in other jurisdictions around the exercise of the powers provisions.

I have just outlined those key examples of the safeguards and the public accountability measures. However, I want to be clear, by doing so I am not endorsing any one approach of the other jurisdictions or even the specific measures that they have legislated. Instead, what I am seeking to do is to point out that all those jurisdictions recognised, in one way or another, that the civil liberties of their respective communities needed protecting. They recognised the validity of those concerns in stark contrast to the bill before us, and that is the point I am emphasising here.

Critically, we have not been provided any coherent rationale as to why the government is seeking to take us down this path, which diverges so wildly from the interstate model the government itself points to as justification for the current bill, nor have we been provided with sufficient or rigorous evidence whatsoever that the government's bill will prove effective as a deterrent to a greater degree than the approaches taken in those other jurisdictions which have more protections and safeguards in place. In fact, it appears to be flying in the face of consistent evidence demonstrating that when we have ham-fisted overreach or draconian overreach in bills, it does not deter. That is what evidence tells us anyway.

I am just wondering here. I am not making an argument that we should not have law reform in this space on these matters. Not at all. What I am arguing is that I do not think we have grappled with this law reform process appropriately in this state. The fact that we are diverging so significantly from other jurisdictions indicates that to me. We have not been provided with a rationale for that or a justification for why we would seek to do so.

Speaking of deterrent, we have heard discussions surrounding the increase in penalties under this bill. It has been doubled, in fact. We always have to ask ourselves why. Upon what data or evidence is a decision like that made in a law reform sense? I asked in the briefing if there is a rationale or evidence-based reasoning for that difference. Essentially, the answer was no.

The government is absolutely entitled on summation of this debate to provide a reason if they believe they have one. Essentially it is a policy decision by government. We could reach to point to bits of evidence here and there; it is pretty slim, though. Overwhelming evidence will tell us that increasing penalties largely does not act as a greater deterrent for most people. It is a policy decision by government to double penalties in this bill. It is really hard to see that as anything other than a kneejerk populist decision by those in power. It is a policy decision made on the basis of how good it will sound in a social media post, perhaps. It is sad to say that, but 'double' sounds really tough. No doubt it is appealing, because it is something really tough to announce.

I am all for a discussion about the appropriateness of increasing penalties, but we should be doing it in an evidence-based way, in a way that is proportionate. We should be looking at comparable penalties across other areas of the law. We should be able to explain clearly why we have decided to double a penalty in a piece of legislation.

As we have heard across briefings and in the debate so far, there are serious concerns regarding the disproportionate impact this bill could have on vulnerable people in our

community, including our children and young people. I note the children's commissioner's 2025 submission to the draft bill states her clear disappointment, as she describes it, given her statutory role. She says:

I was disappointed, given my statutory role, not to be contacted directly to provide comment and advice on the proposed amendments, given their potential to affect the rights and wellbeing of children and young people.

That is an extraordinary stakeholder to overlook - the children's commissioner on law reform that is going to explicitly involve children - that key stakeholder in our Commissioner for Children and Young People had not been intimately involved in the development process of this area of policy and law reform, but was reduced to a stakeholder who put in a submission to a draft bill, which is a very late stage of a law reform process. It is just unutterably disappointing. It is wrong, it is disrespectful, and it means that, again, what we have before us is probably not the best legislation that we should expect.

Particularly, the children's commissioner, in her submission on the draft bill warns this:

It is critical to consider new legislative amendments through an evidence-based lens, including considering the potential impact of increased police presence and contact with children and young people (particularly within or near educational and health facilities) on their rights and wellbeing. Academic studies have shown that the younger that children are when they first encounter the criminal justice system, the more likely they are to encounter it again.

Another relevant expert voice providing a clear warning here of serious perverse outcomes. Those sorts of warnings are not a reason to stop or not undertake reform in this area, but they must be explicitly taken into account and be able to be seen to have influenced the decisions we have made and where we have landed in this bill when it comes to the exercise of powers and the safeguards and constraints we put around them. Where we can see when we have balanced the ideas of public safety against curtailment of civil liberties, we can see where this has helped shift and decide where we land on that balance.

Not only is it risking perverse outcomes, I think it also flies in the face - and others have raised this - of our state government's 10-year Youth Justice Blueprint 2024-2034. I note that in the government's second reading speech they try to provide themselves some cover by mentioning this blueprint in passing, as if recognising its existence verbally in a second reading speech means they can move on and act as if it does not exist in practice in this bill.

I echo the children commissioner's submission where she states:

In 2024 the Tasmanian Government released its 10-year Youth Justice Blueprint, which makes a commitment to contemporary, rights-based, individualised, therapeutic and integrated approaches to youth justice. It is frustrating then that the draft Bill does not reflect this endorsed framework.

I am going to repeat that bit of the quote because it would still apply to this final bill as it applied to the draft bill. This is what the children's commissioner said:

It is frustrating then that the draft Bill does not reflect this endorsed framework. I believe there is reason to pause and consider holistically how isolated pieces of legislative reform, such as that proposed by the draft Bill, fit within broader whole-of-government goals and commitments. The Youth Justice Blueprint provides an overview of multiple avenues that can be utilised to address community safety concerns, whilst also balancing the rights and wellbeing of children and young people. It is imperative that endorsed frameworks such as the Youth Justice Blueprint and the Youth Justice Model of Care (which applies to police) are considered in the drafting process for any future legislative changes in this space.

I will go a little further than the commissioner and state that it is not just frustrating; I would say it is actually reprehensible and irresponsible for the government to ignore its own Youth Justice Blueprint framework and not work in a whole-of-government holistic way on matters that are directly relevant to it, but, in fact, progress in ways that are concerningly, identifiably, potentially at odds with it.

Despite assertions made in the other place that the *Youth Justice Act 1997* overrides this bill's proposed provisions in relation to children and young people, it is my understanding from our briefings that provisions protecting the rights of children and young people defined in the *Youth Justice Act* relate to searches occurring in custodial locations, not public places, as would occur under this bill. It is my understanding that the *Youth Justice Act 1997* does not prevent or constrain the searches that are authorised in this bill. There is no override of this bill by the *Youth Justice Act*. Perhaps the government could confirm that this is the case, just to clarify, particularly to ensure that in the event that inaccurate statements were made in the other debate, they could be corrected on the record here.

The failure to consult directly with the Commissioner for Children and Young People, as I have previously mentioned, is all the more shocking in light of the inclusion of educational facilities as a prescribed place under Part 3 of the bill before us. I know an amendment has been circulated on that matter for us to consider by the member for Hobart and that she has spoken about this in some detail in her contribution. I am not going to speak directly on that proposed amendment here.

I mention in my contribution recent joint correspondence sent to all members in this place from TasCOSS and Community Legal Centres Tasmania. The correspondence highlights the inclusion of educational facilities in the bill as particularly concerning. It identifies it as this:

a significant expansion of the places where wand searches are permitted to be carried out, and is not consistent with other Australian jurisdictions.

They go on to say:

Our existing laws already grant police powers to search schools where they hold a reasonable belief that a search is warranted.

I am going to come back to that last sentiment. I think there is more to be discussed there. There is more nuance to be discussed there about what is possible currently and what may be required and then what we may do to meet that need. In relation to my stated requirement for evidence to inform our considerations, the CLC and TasCOSS letter to us on 8 April states:

We are not aware of any publicly available evidence put forward by the Bill's proponents that there exists a heightened risk of knife crime in schools, such that the current threshold is unduly onerous.

We are concerned that the Bill, as it relates to places of education, may have profound and unwanted societal consequences. That is, it has the potential to make our schools less safe. We are concerned for the Bill's impact on our youth, and on the culture of our schools.

Also this:

Indeed, findings are emerging that the introduction of routine law enforcement practices into schools, such as electronic searches, may not only fail to meet their objective, but may have other unintended and unwanted consequences.

These risks to children and young people in our schools are very serious. When experts in these fields tell us that there is a concern these risks exist, we must take notice of that. Again, we are challenged with the question of how to appropriately balance risks against protections. I heard the explanation provided by the department in briefings yesterday that while there has not yet been an incident of significant knife violence in a school setting, like some of the other things that we look to and point to as having been an impetus behind this law reform, they did not necessarily want to wait for such a tragic incident to occur in a school setting to then prompt the inclusion of educational settings in this bill. They identified that, rather than only including types of locations where incidents had already occurred, they broadened their scope to cover all public spaces where people may congregate and interact, in which it could be anticipated that people may carry a dangerous weapon for the purposes of doing violence, and where we would, therefore, want to ensure we provided the best protection possible.

I understand that thinking. I accept those statements as a pointer towards why we might think about schools. I think all of us accept that we want children to be safe at school. We want staff and others in those environments to be safe. A risk would certainly exist if there are knives and weapons of that nature being taken into schools, and we may well want to understand the degree of that risk and to inform ourselves about how we might best proceed to address the risk. I do not see evidence that that work has been done. We have not been provided in relation to this bill and because we skipped over that robust, appropriate, good practice policy development process, we do not have that earlier discussion necessarily of, 'Do we need to think of schools as areas that we need to provide greater protection in, and what other considerations do we have to have in mind when we look at measures we might apply to schools?' Of course, in the briefings we also heard that there would be no expectation that under the really expansive powers of this bill, the police would be entering schools and wand-searching all students and staff on a broad scale.

Nor was there any expectation that police would be marching into kindergartens and wandering small children. I hear those sentiments and I believe them to be made in good faith and reflective of what Tasmania Police genuinely expect the approach would be. I accept that absolutely.

Regardless of those expressed expectations and what we might anticipate as reasonable behaviour from our police - which is what we all understand that they are aiming for - the fact

is that the bill before us provides the police with virtually unfettered power to do things that are not expected to happen. They can happen under this bill and we need to think that through for ourselves. If we are relying on discretion rather than safeguards in legislation, if we are relying on a policy that sits in a manual or an instruction that is provided by senior officers, that is going to be all well and good probably for 98 per cent of the time. That is not an evidence-based data point. I am just making a broad point. What we also know, however, is that when we expand the powers available to police, those powers tend to be used. That is what evidence tells us as well. So, while those expectations will be there and, I imagine, upheld in good faith almost always, the fact that we have provided them in an unfettered sense is concerning, and we should be asking whether it was right and appropriate to do it.

In light of the evidence-based concerns presented to us by many expert stakeholders about anticipated negative impacts that could flow from police involvement in schools, we must ask ourselves whether the degree of the unfettered power is appropriate and necessary. The approach should most appropriately be based on providing police with sufficient power to respond to identified public safety instances to which they currently find themselves unable to effectively respond under the current law, while minimising the potential to trigger the identified and anticipated negative consequences.

It is a balancing act. There is nothing that is easy about this. It is nuanced. In short, we have to ask ourselves, how we can best empower the police to effectively protect children in these settings and circumstances, whilst keeping the expansion of powers to the least degree necessary? That is responsible law reform in an area like this, and where we could have looked at the approaches other states have taken to achieve responsible law reform here, in relation to schools in particular.

Under an approach that is more like in those other jurisdictions - and to try to meet needs on both sides and achieve the balance - I imagine we might have identified that educational facilities need to be designated areas in which a time-limited and geographically specific declaration could be made to empower police to respond to specific situations that have arisen that our current laws do not allow them to respond to effectively. That kind of approach would immediately alleviate most concerns about the potential for unwarranted overreach by police under this bill's unfettered powers in relation to educational settings and schools in particular.

What I am suggesting would have been a proportionate responsible approach that I have no doubt would have arisen as a good way forward, something to think about, if we had been following a robust, good practice, good-faith policy development process from the start. I would much prefer it if we had a bill in front of us, in relation to school settings in particular, that said, 'Okay, there are going to be instances' - and from the briefings I have a much clearer understanding now that under current laws there are going to be instances - 'where there might be a concern about a dangerous weapon, like a knife, present in a school.' Police are called about it, they are not empowered under current laws, if the requisite detail is not there about the suspect with the weapon, they cannot just go in and wand to try to find it.

There is something more needed, but we could have done that in a way that was very targeted and did not open it up for anybody to suggest that police might go in and wand willy-nilly. We could have done it in a way where a declaration could be made for a specific school at a specific time, on the day that an issue arose and police need to respond to it. That would be proportionate, it would be targeted, it would be an appropriate balance. That is what we should have done and I am incredibly disappointed that that is not the bill that we are

looking at. That would be a bill that I would have been able to seriously be confident in supporting.

The risks to children and young people expand beyond the locational problem created by the attempt here to include educational facilities as prescribed places for the purposes of this bill and the unfettered powers given in those places. We have also heard concerns from stakeholders and during briefings that the net widening and the risks of profiling potentially have enormous ramifications for our young people, as well as other vulnerable and disadvantaged Tasmanians.

In particular, I want to mention the TasCOSS submission made on the draft bill. On page 4 of that submission, under a subheading 'Impact on groups who are vulnerable to misuse of police powers,' they say,

As we have noted in previous submissions, several inquiries, reports and academic research have raised significant concerns about the impact of public order offences on groups experiencing disadvantage or over-policing. For example, in their submission to the recent Victorian inquiry into the criminal justice system, the Victorian Aboriginal Legal Service noted, '[e]xpansion of police powers, and the disproportionate use of these powers and of heavy public health fines against already marginalised communities, leads to engagement with police which ultimately lead to more arrests, more people unnecessarily taken into custody and higher incarceration rates'. The Yoorrook Justice Commission heard evidence from a number of stakeholders in relation to the misuse of police powers and subsequent impact on Aboriginal people, families and communities. In relation to children and young people, the National Children's Commissioner has recently noted, '[s]ome children and young people reported feeling unsafe when interacting with police. They recalled incidents of abuse and mistreatment, racial profiling, and lack of support...'. They noted these findings were consistent with other research examining children's negative experiences with police.

Recent research has also highlighted that early police contact actually makes it more likely that a child or young person will become (or continue to be) involved in the criminal legal system. The criminogenic risk is higher for Aboriginal children and young people, with reports noting Aboriginal people 'were significantly more likely than their non-Indigenous peers to have contact with police at a younger age as both victim and offender and to go on to have higher rates of ongoing contact with criminal justice agencies'. Therefore, while there may be a perception that increasing police presence in locations where children are present (for example, schools or public spaces such as retail precincts) may promote public safety by increasing interactions between police and children in those locations, the evidence suggests the new provisions may in fact be harmful to children and community safety in the long term.

I take very seriously what that puts forward as a concern here. It points to the need for a much more nuanced consideration of balance. I also note - I am going to mention briefly from the Community Legal Centres Tasmania's submission on the draft bill - the comments they

made in a similar area of this concern about a broadening out of impact and on vulnerable people, in particular. They said on page 2:

We are concerned that the broadening of police search powers will disproportionately target vulnerable groups, including Aboriginal and Torres Strait Islander persons, young people, people who have impaired intellectual or physical functioning, people of non-English speaking backgrounds ... We are also concerned at the risk of 'net widening' with vulnerable groups not only likely to be disproportionately targeted but also finding themselves at risk of further police interaction.

Both these concerns are well-founded, with a recent review in Queensland finding 'evidence of inappropriate use of stereotypes and cultural assumptions by a small number of officers in determining who to select for wandering' and 'net-widening among minor offenders who are not carrying weapons, but nevertheless come to police attention purely because of wandering practices'.

These are some of the concerns being brought to our attention explicitly here, in terms of the impact on vulnerable and disadvantaged Tasmanians - another matter that should be part of our weighing up of the best way forward here.

I note that a proposed amendment in the other place to legislate safeguards, such as the requirement that a police officer engaged in wandering must have their body cam operating and recording, was defeated on the grounds that the body cam requirement is detailed in the Police Manual. We did have some discussion about the police manual in the briefings. The Tasmania Police Manual is not a prescribed legislative instrument. It would be described, I believe, by police as sitting under legislative instruments, but it is not a prescribed legislative instrument. In fact, the latest copy that I find, dated 8 April 2024 - I do not know if it is the most recent one but it is the one I was able to find most readily - was issued by former commissioner Darren Hine. The manual states:

Content outlining procedures and guidelines is provided to assist members in the discharge of their duties and responsibilities. These additional provisions are not intended to be prescriptive and may not necessarily provide the optimum solution in all circumstances. Members are expected to apply judgement and discretion and, on all occasions, must be able to demonstrate any action taken was reasonable and justifiable in the circumstances.

When I read that, I see it says 'not intended to be prescriptive'. It is my understanding that the repercussions, should a police officer be found to have not complied with the police manual, could only be considered at most a breach of the code of conduct as specified under the *Police Service Act 2003*, so more a matter for possible disciplinary action, a complaint, than a prosecution matter, which is what we would be looking at if we were legislating certain requirements and then a police officer failed to actually take the legislated actions.

Having a police manual, which may or may not be updated regularly - I am not sure how often it is - is not sufficient replacement for clear, transparent and accountable safeguard measures enshrined in law, in my view. I do note that other jurisdictions with certain matters specified in their legislation are probably, I assume, also likely to have equivalent police

manuals in their states. But they still saw fit to put certain requirements in legislation because that is the level of prominence they wanted to give those safeguards.

Again, if we had gone through good-practice policy development process on this law reform matter, there would no doubt have been worthwhile transparent discussion and consideration of how best to deal with these matters in legislation or otherwise. But that is not the opportunity we were provided with here.

I will now discuss how the proposed bill is different from universal public safety measures, such as random alcohol and breath testing. Analogies have been made between electronic wandling in public places as being the same as airport security checks or even security checks, for example, for the public entering Parliament House here. I think that those comparisons are simplistic and misleading and it is a shame. We do not need to be simplistic and misleading. We can acknowledge the complexity of these matters we are considering here, the nuance we are trying to apply to the central principle of achieving balanced effective outcomes without having to dumb it down to simplistic comparisons.

For a start, we have to be really clear - let us take random breath testing or airport security - neither of those measures are done in targeted ways. They are done for everybody. Everybody goes through the scanners at the airport. We are driving along the street, every car could be pulled over. That is not the case with these wandling measures necessarily. Of course, theoretically, anybody could be, but that is not the way they are going to be applied.

When people are driving their car and are pulled over for a random breath test, there is no way the officer pulling them over could know anything about them in terms of their demographics, for example. The only thing that the officer knows is that they are driving a car, so they are already engaged in part of the activity that we are trying to screen for, which is driving under the influence. The only category that they all have to meet is they are driving a car. That is whom we are going to test randomly, genuinely randomly, in a random breath test.

If we are in a public place and officers are choosing who they might do a wand search on, it is not going to be an entirely random exercise. It is simply not what is going to happen. It is a targeted exercise and that means that we then are confronted with the inevitable. It is not a criticism, it is just human nature. There is an inevitable bias that can come into that. So we have to be alert to this fact that we can have things like racial profiling come into it; we can have other inherent biases coming to it.

We cannot just compare a measure that will have the risk of those things present at all times with something like screening at an airport or random breath testing. It is simply not the same.

Again, it is why we would be thinking to ourselves, how do we best make sure that legislation here has the right level of safeguards and specificity about this to protect everyone, to protect officers who are engaging in the activities that it empowers and to protect the citizens who are going to be the subject of those actions as well? When we are protecting rights and outcomes, we are protecting it on both sides of this equation.

As I stated at the beginning of my contribution, I am focused on evaluating from an evidence-informed basis this proposed legislation with this significant expansion of powers to

coincide with the expansion of technology that we have available for Tasmania Police to go about their job under the *Police Offences Act* and to seek to identify and confiscate dangerous items which none of us want to think and see being present in our community, in our public spaces. But the more I consider the matter and consider the written submissions made, as well as the matters raised during yesterday's briefings, the more I seriously believe we should have had a much more nuanced and evidence-informed consideration of this expansion of police stop-and-search powers and the delivery of greater public safety via that. Instead, we have a problematic, demonstrable overreach in this bill.

If what we are presented with here was actually what the minister said it was, aligned with the approach in other jurisdictions, then I think there would have been far less concern from key expert stakeholders and some members in this place. Not zero concern necessarily, I could not have guaranteed that, but far less concern. Certainly, I would have had far less concern.

Such a bill would have been a closer fit to the current Queensland model, for example, and therefore could claim to be more rigorously tested. Such a bill may then have resembled more closely that of Western Australia or the Northern Territory or New South Wales or South Australia, but at the moment, because of the lack of good-practice policymaking, this has led to a draconian overreach indulged in this bill and the failure to provide legislative safeguards that we would reasonably expect to see in a balanced approach.

This bill makes Tasmania an outlier and an outlier in the worst possible way. Ideally, what I think should happen from here is this bill should be withdrawn and I agree with the children's commissioner on that. That is what she said when she made a submission on the draft bill. I think it should be withdrawn, reconsidered and redrafted.

In the interim, we could see an independent evaluation of the recent Tasmania Police trial of wandings and that would be undertaken to assist in informing a redrafting and consultation process. There could then be the release of a further draft bill, a more nuanced one that shows balance which provides Tasmania Police with the capacity to use the non-invasive electronic handheld wands, but strictly and only with the prescribed, say, temporal and geographical frameworks and corresponding safeguards legislated along with the reporting and independent review provisions that we would want to see in there.

A draft bill along those lines put out for consultation with the community, with legal experts and with civil society stakeholders, I think, would be very informative. Then there would be meaningful comparative data and analysis we could derive from our interstate character counterparts, which we do not have the ability to do now as we are not comparing apples with apples.

Just to be clear, I am not trying to predict that there still would not be concerns with such a revised approach. However, it would be a more sensible and respectful pathway to seeking to provide those greater safety outcomes that we all want for the community and with the appropriate tools that Tasmania Police need to do their job well.

It is a serious indictment on the government. It has failed so manifestly to deliver evidence-based, good-practice, accountable law reform in such a sensitive area of civil liberties and on such an important matter of public safety. To conclude, based on the bill before us now

and after a lot of careful consideration, I find it very difficult to say that I am able to support the bill in its current form.

[12.58 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I can probably get it done in time because I was not going to speak about this. Unfortunately, the Greens member is not here because it is mainly about the amendments. I want to say a few quick words about that.

I am pleased the honourable member has raised the issue and I have some words for her to consider before we go into the Committee stage because it might help her to think about some other issues.

I was a teacher for 30 years so I am aware of school educational facilities and, yes, there are lots of students - that is what schools are about - but they also have staff and carers and cleaners and canteen helpers and groundsmen and parents and grandparents, siblings and other friends coming into the school, in and out of the precinct.

I believe the capacity to wand those people is really important. I take on board the honourable member's comments from over here. Don College on the north-west coast had a police presence for a number of years; I am not quite sure if they do now. That was a wonderful thing for the college because they developed relationships with that police person. Most other times, 17- and 18-year-olds possibly had not had good interaction, so that was a positive thing.

I am thinking if there are 30 little primary school kids in a grade and the policeman comes in and says this is what wandng is about and this is what I do -

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

## **QUESTIONS**

### **University of Tasmania - Land Bill - Ministerial Role**

#### **Ms WEBB question to MINISTER for EDUCATION, Ms PALMER**

[2.31 p.m.]

Given you were sworn in as Minister for Education on 11 April 2024, is it correct that you had no involvement in the University of Tasmania (Protection of Land) Bill 2024 after 30 September 2024?

Further to that, did you have any involvement in the last-minute amendment to the bill introduced on second reading on 28 November 2024 which provided for rezoning and the sale of UTAS land?

If you were not involved, why was this, given your ministerial role? If you were involved, why was this not reflected in responses to RTI applications made in December last year? What was the nature of your involvement?

## **ANSWER**

Mr President, I thank the member for the question. Part of your question, I will need to take on notice so I can make sure that I am giving you accurate information. What I can say is that with the disability legislation, it was a bit different. I took that through this House as the responsible minister and then it went to the lower House.

What normally occurs, as did when I was taking legislation through as Primary Industries minister, is that a minister in the other place takes legislation through that House and then it comes up to me. So, that is what has happened with this legislation. That act sits under me, but it was taken through the other place by another minister. The disability legislation was a bit different.

**Ms Webb** - I was not asking about taking it through. I was talking about involvement.

**Ms PALMER** - Yes. So, there has been management by another minister on that and that is the person who took it through the lower House. With the rest of your question, I will take that on notice and get a response to you.

**Ms Webb** - Yes, because that does not really cover any of the questions, so I will put it through.

### **Macquarie Point Stadium - Access for Heavy Vehicles to Port**

#### **Ms O'CONNOR question to MINISTER for INFRASTRUCTURE, Mr VINCENT**

[2.34 p.m.]

In the other place this morning, the Premier sought to completely discredit the work of the Tasmanian Planning Commission. As you know, in the freight section of the report, significant issues have been raised about access of heavy vehicles during construction, should it ever be constructed, down Evans Street, and the unsuitability in all likelihood of the northern access road for large freight vehicles because they cannot get under McVilly Drive.

Given that the Premier has sought to discredit the expert panel, can I seek a reassurance from you on behalf of the Greens that you, as Minister for Infrastructure, will not dismiss the findings around heavy vehicle transport and the impact on our ports, and that you will take seriously the finding of the experts who have contributed towards the draft Integrated Assessment Report on the stadium, as they relate to your portfolios?

## **ANSWER**

Mr President, I will just seek some clarification.

The reason I sought clarification was that the report comes under Mr Abetz's portfolio as minister for the Macquarie Point precinct. My involvement as the very passionate minister for TasPorts is making sure that the present road structure conforms to be able to access the ports and the rest of the precinct through Evans Street. As I explained yesterday, there is a body of work being done by the Department of State Growth in relation to the northern access. I am sure that, as explained yesterday, when that point does come to us, I will be assessing it in

relation to how it fits with heavy transport, the port and anything else that comes under my portfolio.

### **Macquarie Point Stadium - Northern Access Road**

#### **Ms O'CONNOR question to MINISTER for INFRASTRUCTURE, Mr VINCENT**

[2.37 p.m.]

I accept that the report is ultimately the responsibility of the Premier, who is the designated minister on the *Projects of State Significance Act*, but chapter 6.2 relates specifically to your areas of portfolio around the Port of Hobart. I understand that you are seeking some advice from your agency on it. The parliament will be asked to look at enabling legislation. Some of these answers earlier would be good.

The report makes it clear that a northern access road would be required for the Port of Hobart to operate effectively and that the operation of the stadium for major events would require every street to be closed for general traffic and for freight vehicles accessing the port. The panel also finds that it is going to be hard for large vehicles to get under McVilly Drive.

Your agency has told the panel that changes to McVilly Drive are not an option it is considering and the northern access road is unfunded. If parliament is asked to look at enabling legislation - a total corruption of the planning process - what information would you be able to provide to the Council about how you resolve these apparently irreconcilable issues?

#### **ANSWER**

Mr President, I cannot comment on things that are still under investigation. I acknowledge the comments in the report, and that is why we are working through it. The northern access road will go through a budget process as per anything else. Until that information comes to me, I am not at ease to make comment on it. I am more than happy to discuss some of those points and, as that information comes available, to convey those or to follow up on any point. At this stage it is still with the department doing a proper assessment of those things. I am happy to talk about it further at the appropriate time.

### **Education Department - Capital Priority Rankings for Infrastructure**

#### **Ms RATTRAY question to MINISTER for EDUCATION, Ms PALMER**

[2.39 p.m.]

I am interested to have some understanding of what role the Education department has in the 2025-26 and further capital priority rankings for infrastructure at schools. I received a very good briefing from one of your advisers, minister, and I am pleased about that. I am interested to have some understanding of what the department does to assist the schools in putting together their application or putting in their request for works. I know that you can carry over a request. That is what happens and that is why the rankings get a bit interesting, I think it might be. Can I have some understanding of that? That might be my first question; I may have a follow-up one. I am interested in how the whole process works.

## **ANSWER**

Mr President, every year, all our government schools and colleges are invited to submit their highest infrastructure priorities to the Department for Education, Children and Young People, which then go into consideration for the next state budget. All of those submissions are assessed by a central team that sits within the department. They weigh up the criteria. They are looking at a number of different things including the asset condition, changes in enrolment data, and fast-growing areas. There are quite a number of things that sit in those criteria that the ranking is measured against. Obviously, this process is taken at arm's length of government.

Based on the assessment of a school submission, the sites are then assigned a ranking from one to five, priority one being the highest ranking. The weighted assessment criteria are demonstrating links to improve student learning outcomes by addressing space needs and/or optimising utilisation of facilities at the school or across schools. There are also improving building conditions, addressing significant occupational health and safety issues, disability access and infrastructure issues, and/or incorporating environmental sustainability. They also look at addressing strategic priorities and initiatives, and demonstrating community benefits and extending use of school facilities.

It is quite a formal process that they go through. It is kept at arm's length from the government. I probably need to take on notice what support schools are given in the preparation of that. I can certainly come back to you with what support is given. I know that the department works closely with schools and they spend time in schools. I can come back with a more formal layout of how they actually assist schools with that process.

**Ms Rattray** - Thank you. I will wait for that response.

### **Tasman Highway - Upgrades - Planning Permits**

**Mr EDMUNDS question to MINISTER for INFRASTRUCTURE, Mr VINCENT**

[2.43 p.m.]

Can you confirm your government allowed the planning permits for works relating to the Tasman Highway upgrades and causeway duplication at Midway Point to lapse? Can you explain how this occurred?

## **ANSWER**

Mr President, I will seek some advice.

Yes, the DA did lapse and the department was aware of that. The final design works were still happening. That is all before the golf course part. The causeway is still before the EPBC. The department does not see it as an issue at this point in time.

## University of Tasmania - Sandy Bay Land Sale

### Ms WEBB question to MINISTER for INFRASTRUCTURE, Mr VINCENT

[2.44 p.m.]

It is a busy day for the minister today. UTAS has repeatedly stated publicly that it expects to receive \$100 million for the Sandy Bay campus land designated for rezoning and sale. However, the STEM business case that you submitted in your capacity as Infrastructure minister to the federal government on 26 March 2025 indicates that UTAS's expectation of receiving \$100 million may also relate to transfer of that land to the state government, rather than open market sale. I note a sentence from that submission that says it proposed an Australian Government funding request of \$401.5 million over seven years represents the total capital cost to deliver the new Sandy Bay STEM precinct, less the proposed \$100 million land sale or transfer to the Tasmanian government.

Has the Tasmanian government committed to providing funding to UTAS for such a transfer to the Tasmanian government and, if so, for what amount? Further to that, early evaluations of the UTAS campus land indicated the land in question had a market value significantly less than \$100 million. Has UTAS or the government sought a current market valuation of the land? And if so, can you table that or provide information about it?

### ANSWER

Mr President, I will need to take that question on notice. It is not a set part of my Infrastructure portfolio. Infrastructure Australia requires those requests to come through from Infrastructure Tasmania, so these are some of those finer details there. I am more than happy to get that question on notice for you and give you a certain, proper answer to it.

### Answer to Question - Mount Roland Regional Reserve - Revocation of Land Parcel

[2.47 p.m.]

**Mr DUIGAN** (Windermere - Minister for Parks) - Mr President, I would like to, if I may, add to the answer that I gave to the honourable member for Hobart yesterday around the Mount Roland Regional Reserve revocation. As I did mention yesterday and perhaps previously, the land was offered for sale to the owners of Silver Ridge Retreat back in the 1990s. Prior to the reservation, a contract for sale was prepared. However, the parcel was then incorrectly included and the sale process will be what was originally planned for the land.

The land has not yet been valued by the Office of the Valuer-General and that is due to the fact that the land is still within the reserve estate, so subject to the revocation process being completed, the land would revert back to public reserve land as it was prior to incorrectly being reserved. At that stage the parcel would be subject to normal Crown land sales processes where the land would be subject to a market valuation by the Office of the Valuer-General. The Director-General of Lands would then set a reserve price for sale and, as stated, this is a pragmatic approach to correct an error and provide the current owners of Silver Ridge Retreat the opportunity for certainty, as was the case back some 30 years ago. I am advised also that this has not been driven by any urgent request from the operators of Silver Ridge Retreat.

## **MV *Cartela* - Update**

### **Mr EDMUNDS question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT**

[2.49 p.m.]

On 10 February 2023, the Premier committed a further \$1 million towards securing the future of the MV *Cartela* on top of the \$493,000 previously pledged. Can the government please provide an update on the future of the ship?

### **ANSWER**

Mr President, in February 2023, we announced a \$1 million grant to assist the *Cartela* being lifted out of the water at Franklin to pave the way for restoration to commence. Following challenges faced in progressing the Franklin site, the Steamship Cartela Trust pivoted its plans to tow and lift the *Cartela* at the Battery Point slipway: Of the \$1 million grant, \$112,000 was released to assist with feasibility studies and obtaining regulatory approvals for the revised plan to restore the *Cartela* at the Battery Point slipway.

The trust has recently obtained the required approvals to utilise the Battery Point slipway. On 13 February 2025, the *Cartela* partially sank where it was moored in the shallow waters at Franklin. Following the partial sinking of the *Cartela*, the government approved a request from the trust that part of the \$1 million grant be released to support the vessel's righting and stabilisation. This work has now commenced with the trust using the services of an experienced salvage company, Hurricane Marine.

The *Cartela* was successfully refloated on 25 March 2025 and work is continuing to stabilise the vessel. The trust will then complete an upgrade to the Battery Point slipway, where the vessel will be towed so it can be properly assessed and the cost and variable of restoration determined. The trust can then consider its next steps, including attracting funding for the vessel's restoration.

## **Energy - Government Position on Gas**

### **Ms O'CONNOR question to MINISTER for ENERGY and RENEWABLES, Mr DUIGAN**

[2.51 p.m.]

I know you have had a long day.

The government that you are part of has repeatedly said Tasmania is 100 per cent renewable energy efficient but, as you know, we are importing dirty coal-fired power from Victoria across Bass Strait. Gas production in Tasmania has more than tripled since the government that you are part of came to office and this continues trends that have been going on for at least a decade.

In a climate crisis, fossil fuel production should be going down. Yet in the last parliament session alone you refused to rule out new coal mines. Why is the government you are part of

so pro-gas, which is not a transition fuel, it is a climate-cooking fossil fuel, and overseeing an increase in its use?

## **ANSWER**

Mr President, I thank the member for the question. I think the question referenced an increase in the production of gas.

**Ms O'Connor** - There has also been an increase in its use, as you know.

**Mr DUIGAN** - In terms of producing gas in Tasmania, I am not sure about that. Certainly, last calendar year was a particularly dry year and we have, as part of our energy security mix, the Tamar Valley Power Station which, of course, does burn natural gas. It was the first time that facility had run in anger - or the combined cycle aspect of that facility had run for, I think, five or six years but it is there and it is standing by in Tasmania to ensure that the state can continue to function because we are weather-dependent. We are a renewable energy state but we are weather-dependent.

It was not only a dry year but it was also not a very windy year and those two things together combine to give us at times, on occasions, year by year, some energy security issues with our 100 per cent renewables. I would reiterate that on average, over time, we certainly do produce 100 per cent of our electricity needs by renewable means.

Your question leads nicely into what is a very ambitious renewable energy agenda. We have legislated to double our level of renewable energy generation by 2040. We will build Marinus Link. We will build the North West Transmission and we will encourage more renewable energy generation on our island. As Energy minister, I do not want to be burning gas but I do recognise at the moment it does have a role to play here in Tasmania. That is why we need to build things. We need to approve things and we need to build them.

## **University of Tasmania - STEM Facilities Replication Cost**

### **Ms WEBB question to MINISTER for INFRASTRUCTURE, Mr VINCENT**

[2.55 p.m.]

Has the government ever received any evidence or advice from UTAS that the cost of replicating the STEM facilities above Churchill Avenue as part of the consolidation of STEM below Churchill Avenue will be less than \$100 million? And, if so, can that advice please be tabled?

Further, regarding the STEM facilities. Despite UTAS publishing the STEM business case, which you submitted through Infrastructure Australia, on their website, when I last checked this morning, it had not published the appendices to the business case. These are critical to understanding the assumptions on which the case is based. Can the government, which is also partly responsible for progressing that business case, please table the appendices or arrange for UTAS to publish them at the earliest available opportunity? Certainly prior to any debate we might have in this place on the UTAS (Protection of Land) Bill 2024.

## **ANSWER**

Mr President, my answer is very similar to the last one. Of course, I will take that on notice and get as much of that information as I can to you as soon as possible.

**Ms Webb** - I appreciate that, thank you.

## **STATEMENT BY PRESIDENT**

### **Retirement of Jonathan Wood**

**Mr PRESIDENT** - Before the Orders of the Day, I will mention to members that it is Jonathan Wood's last day in the parliament today. Jonathan is retiring. I am sure all members will miss your presence in this Chamber and wish you all the very best. Hopefully you will come back and check in on us from time to time.

**Members** - Hear, hear.

## **POLICE OFFENCES AMENDMENT (KNIVES AND OTHER WEAPONS) BILL 2025 (No. 3)**

### **Second Reading**

**Resumed from above (page 27).**

[2.57 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, I did present a couple of minutes before. I will only take five to six minutes total. I am going to get the flow of it. I am pleased to acknowledge the words spoken in the amendment by the Greens member for Hobart. I have some comment on that. I appreciate the contributions from other members.

I will frame this by saying that I come from an education background and for a lot of those years it was a behaviour management background. I was working with kids who were not allowed to be in schools or trying to get them back into education and sometimes their home environments were less than perfect. I made the point before we had a break that schools or educational facilities have lots of students, as they should, but they also have lots of adults - staff, cleaners, grandparents, people coming to pick their kids up, and brothers and sisters - flowing in and out of them. I have observed situations where people come to the school grounds who are less than happy with a situation, either at school or with a student or students or other people in that school. I have observed them firsthand and been in situations that were volatile and could be seen as dangerous. Sometimes the worst ones are when you know of a situation at a school that involves a child and two parents who may or may not be together and may or may not have an issue, but you can sense that underlying tension.

One of the things I really liked about the Don College situation was when they had a police presence for a number of days at the school. It was proven that that was a great experience for not only the police person, but also the students in the college. They are creating relationships, getting to understand them better and being a support for 17- and 18-year-olds

who also have lots of issues happening in their lives, a lot of which could have undertones of criminal activity in a lighter form. That is a good thing.

I then started to say, here is an opportunity. If we have grade 1s and 2s and a policeman comes in with a wand, and is going, 'What is this for? This is what this is for,' and all the kids stand up, put their hands out, and they go home and say 'I got wanded today.' That might seem really minor, but that is when you sow the seeds of what is going to happen or what that is for as they get older. I have seen that happen. I know that that is not what this is about, but that could be the impact or effect of that possibility.

**Ms O'Connor** - It depends on the child and their background.

**Mr GAFFNEY** - It does. I know that, but most little kids, when they see a person in uniform, are quite happy about that. They will connect it later on. From that point of view, I see that happening all the time and schools are crying out for professionals to come in to give them some background information.

However, I will tell a humorous thing here, because as you go through your professional career, you pick up things from different principals and people. I can remember one principal, I was going past his office and I saw a quite aggressive, angry mum come in the door and she was well known within the school. I thought, 'Oh my gosh, this is going to be nasty.' She went straight into the principal's office yelling and the principal came out and said, 'Mr Gaffney, go and get me Mrs so-and-so from the home economics department'. I raced up, got Mrs so-and-so and brought her back down. I heard the screaming and yelling from the principal's office. I said, 'Mrs - you are needed.' The teacher walked in and the principal walked out. He went straight into the staff room and had a coffee. I said, 'What have you done?' It had just quietened down and he said, 'Michael, there is only one way to beat a dragon. You put a bigger one in with it.' His answer was to go and get the home economics teacher and get her to deal with it. Now, I know that is not politically correct, but at that time, when I was a young teacher, I thought that was something I will remember and I have.

**Ms Forrest** - This was back in the dark ages, was it not? Just to remind us.

**Mr GAFFNEY** - It was. It was quite enlightening at the time.

You can understand though - I have to say, hopefully not so much in Tasmania, but it does happen in our schools, it does - where kids think for all reasons that they are a target of something, whether it be bullying or aggression from somebody else. In some places, especially in the cities on the mainland, you do not always feel safe. I can understand why some youth think that the best way for them to protect themselves is to have something on their body or have something on their person, and that is the reality of it.

I could not sleep last night. At 2 o'clock in the morning I got up and went for a walk from my apartment down around here and back. I saw seven people and I was not at all worried. I would not do that in some of the major cities - in some of the other places, where it might be that you have to be careful. I know, from talking to students, how they also feel sometimes. There is a situation, but then it becomes the ethical question, as it has been pointed out, where are the rights and that sort of thing. I just want to put that on the table because I can understand why some kids think that is the right way.

How do we reverse that thinking? How do we get that thinking changed? Is it the possibility of having police being in colleges? Is it the possibility of having police presenting in schools and primary schools about these sorts of things to create some cultural change?

I am not sure how I am sitting with the educational facilities one. I can understand both sides, but part of me, as a teacher and because of what I have experienced, I am leaning towards saying, I think I would be accepting of a police person going into an educational facility if they thought they had to be there because of something untoward and they needed to use that capacity to ensure the safety of every other child. From that point of view, I probably will be supporting the bill, but not supporting the amendment.

[3.04 p.m.]

**Ms THOMAS** (Elwick) - Mr President, I rise to make a contribution on the Police Offences Amendment (Knives and Other Weapons) Bill 2025, also referred to as Reid's Law or the knife crime bill. As other members have done, I too acknowledge the presence of Laraine Ludwig with us today and through a long day of briefings yesterday and the commencement of debate in this place yesterday. I acknowledge Laraine's efforts in strongly advocating for this bill and her commitment to improving public safety, borne out of the tragedy caused by a senseless act that resulted in the sad loss of her son, Reid. I extend my deepest condolences to Laraine. I acknowledge the profound and enduring impact that this devastating loss has had on Laraine and Reid's family and friends ongoing. It is simply not fair that this happened to Reid and simply not fair that this happened to you.

I will support this bill because I support initiatives that make people feel safe in our community right now, initiatives that address the real and immediate public safety risks that are increasing. The numbers show that the risks are increasing. The number of charges for the offence of possess, carry and use a dangerous article in a public place have increased significantly over the past 10 years. For adults, the number of charges have increased from 199 in 2015 to 408 in 2025. The number of children charged has increased from 26 to 106, a 308 per cent increase for young people. We need to do all that we possibly can to address this concerning trend. We need to do all we can to see these numbers go down.

People deserve to feel and to be safe in public places throughout our community. Our business community needs to feel supported and be able to open their doors without fearing or experiencing an armed robbery. Feedback from people in my community is that they want to see more police presence. They feel safer when police are patrolling. They feel safer when they see police around the Glenorchy and Moonah CBDs. They want the police to be there and they want the police to be able to do all they possibly can when they are there to keep them safe and prevent people from being harmed physically or psychologically. They are frustrated when I tell them that the police have limited powers when it comes to moving people on. They are frustrated when I tell them that police cannot always move people on just because they appear threatening or appear to be up to no good or are causing a nuisance.

When I was mayor of Glenorchy, spending lots of time in the CBD of Glenorchy where the Council Chambers are based, I had these conversations with people every other day. I was regularly on the phone to then Glenorchy inspector Jim Semmens, hassling him for more proactive police patrols to do more to ensure that people felt and were safe in our city of Glenorchy.

At the same time, and from the time I was first elected as mayor in 2021, I was hassling the Premier and the Minister for Children and Young People to fund early intervention programs to help address the causes of crime, to help break the cycle of crime and disadvantage, and ultimately to provide our local kids with the support and guidance that they need and deserve. In response, I kept hearing about the development of this Youth Justice Blueprint. I told them we cannot wait for a blueprint. These kids need our help right now. Our community deserves to feel safe right now.

Through some polite persistence I managed to secure some funding towards a pilot program bringing the PCYC into Glenorchy to support kids who are hanging out after school or who were part-time at school in the tier 4 program, hanging around council lawns, in Northgate after they knocked off at 11 a.m. and had nowhere to go and no requirement to be supervised. This PCYC program helped a bit while we kept waiting for the blueprint. Then the blueprint was developed and I said, 'Great, what will that deliver?' The answer was an action plan, and so we waited another year to develop an action plan.

A smaller amount of funding was provided to the council towards a continuation of the PCYC program, and ratepayers funded the rest. The council saw the value in investing in these kids who needed a trusted adult after school, whatever time after school was for them - again, while we waited for the government to develop the Youth Justice action plan.

Now, we have a Youth Justice Blueprint action plan. The long-awaited Youth Justice Blueprint Action Plan was published in October 2024, almost one year after the Youth Justice Blueprint was published in December 2023. It is an action plan that is largely full of actions that predominantly result in the development of more frameworks and plans rather than programs and services that effect meaningful change on the ground.

In the early intervention and prevention space, the action plan includes a number of initiatives or actions, including:

- Release and commence implementation of the youth Justice Diversionary Services Framework.
- Identification of the first location for the place-based approaches to reduced youth offending.
- Model developed for first place-based approach co-designed with community stakeholders.

and then an action - maybe an actual action -

- Place-based approaches commence.

**Ms O'Connor** - Time frame for that?

**Ms THOMAS** - That was December 2024, and I will come to that.

- Identification of the second location for place-based approaches to reduce youth offending - February 2025
- 'Intensive Case Management': Subject to approvals, undertake a procurement process -

That is the action -

for the delivery of a case management model that supports children and young people who otherwise may have been remanded to AYDC.

When it comes to action plans, I absolutely detest calling the development of frameworks or models or procurement 'actions'. It is bureaucratic and it does not result in the meaningful time-critical change on the ground that is urgently needed. I get so frustrated by this I just want to scream. Just do something. Try something new. Call it a pilot if that language will get it into an action plan.

For all my criticism, the fact that we have a blueprint and a commitment on paper to a new approach when it comes to youth justice is a positive thing. I will give the government some credit for that. The approach is described in the blueprint as follows and I quote:

The Blueprint, adopts a broader definition of youth justice that expands the focus to include prevention, early intervention and diversion. This aligns with a public health approach that shifts the focus from a statutory response to offending towards one that provides supports to children, young people and their families at the earliest opportunity to prevent or reduce risk factors. It provides targeted interventions for children and young people requiring additional support to reduce escalation of antisocial behaviours to offending, and provides appropriate therapeutic responses to reduce repeat offending for children and young people already engaged in offending. The Blueprint is focused on providing prevention, early intervention and diversion pathways that prioritise the needs of the young person, and also consider and improve the safety of the broader community in which they live.

Sounds fantastic.

Whilst, for the reasons I have outlined, I will support this bill, I want to make it clear that I really loathe the idea of introducing legislation like this, tough-on-crime legislation, without solid evidence to demonstrate that the government is at the same time investing enough in early intervention programs, which address the cycle of disadvantage that leads to the poverty, trauma and mental ill health that is often the root cause of crime, including knife crime.

When it comes to investing in these early intervention and prevention and diversion programs, the Youth Justice Blueprint action plan talks about the level of investment to some extent. In the place-based diversionary approaches, there is funding of just \$2.3 million over three years allocated to support innovative local initiatives and partnerships that address the underlying drivers of offending behaviour in local communities; support children, young people and their families; and divert children and young people from the criminal justice system. Just \$2.3 million over three years is not going to go very far in addressing the cycle of disadvantage and crime.

There is also reference to intensive case management, referring to initial consultation with community sector organisations on the development of the model of case management. My understanding, from a briefing that I had requested and received in January this year on progress towards the implementation of the action plan, is that actual implementation of case management ongoing will be subject again to further budgetary processes.

The government has this Youth Justice Action Plan, but there is no firm commitment to actually invest in the programs on the ground that will make meaningful change to our future generations. This is something that really bothers and saddens me.

Most of the funding that has been invested so far is really at the pointy end for programs or initiatives that are focused on youth who are already engaged in the justice system. Whilst that is necessary and important, we must do the early intervention, prevention and diversion stuff if we are to really change the script here.

The government must invest more in breaking the cycles of crime and disadvantage and they must support our hardworking Tasmania Police with programs that prioritise early intervention to help stop crime before it starts. We need more investment in programs that support young people to be their best, that identify kids at risk at primary school age and provide appropriate place-based supports to them and their families. This is critical if we are to ensure our next generation has every possible chance to break the cycle of disadvantage and thrive.

As I routinely do, in considering this bill, I turn my mind to what the problem is that we are trying to solve through this legislative change. Will the proposed legislation solve the problem? Will it perhaps cause other unintended problems?

The member for Nelson spoke at length about the evidence base. Can we be convinced this legislation will solve the problem?

I am not convinced that it will entirely solve the problem as it is seeking to solve, to reduce the number of people carrying knives, to reduce knife crime, or that it will not cause other problems. We heard concerns about early interaction with police, possibly increasing the likelihood of further criminal behaviour. We heard concerns that this bill is an overreach of authority and breach of civil liberties. These were things raised by stakeholders through the consultation process and in our briefings yesterday.

I hear those concerns. I even shared them to an extent, which is why I am pleased there is a review clause in the bill and I will be very interested in the findings of this review. I hope that the review will consider not only the numbers but the human factors associated with this legislation.

I hope that if it shows numbers of knives detected continue to increase, which I expect it will, at least in the short term, the government might see the light and see the need for greater investment in breaking the cycle of disadvantage and crime. Optimistically, I hope it does not take until that review for this policy and priority shift to change.

It takes a multifaceted approach to balance keeping the community safe and addressing the causes of crime. I am not convinced the government is doing enough to ensure our next generation has every possible chance to break the cycle of disadvantage and thrive, and this really bothers me.

The government must invest more in the early intervention elements of the Youth Justice Blueprint if it is to continue to have my support for bills like this one. Let us change the narrative from being tough on crime or soft on crime to being smart on crime.

[3.17 p.m.]

**Mrs HISCUTT** (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a very thorough summing up here. Inspector Semmens has taken note of every question that was asked during our briefings. I have quite a large summing up, so bear with me while I work through because it is important to have it on *Hansard*.

It is set out with the question as opposed to the questioner; I will work my way through it.

Why lower the threshold from reasonable belief to reasonable suspicion for the exercise of police searches for dangerous articles? The 'Police Powers and Responsibilities Act (PPRA) - Proposal Paper' produced by the Department of Justice aligns with the Tasmania Law Reform Institute's 'Final Report: Consolidation of Arrest Laws in Tasmania', in that the state has the power to search a suspect for evidence, and should be exercised at the time the person is suspected of being in possession of evidential material. Further, the paper suggests that in the context of a consolidated police power, the higher threshold for reasonable belief is too low. As police would be empowered to arrest a person once they form a reasonable belief, it follows that reasonable suspicion is an appropriate threshold for a non-invasive search. A search must be considered a preliminary action to any decision to proceed against a person, with arrest being the action of last resort.

The power to search with reasonable suspicion also serves an immediate safety role, for not only the community but for the officer who is conducting the search, particularly where the offence may involve possession of a weapon or implement that may be used to cause harm.

There was a comment that the minister was misleading by describing these amendments bringing Tasmania closer to national consistency. I am advised that to shift the threshold to 'reasonable grounds to suspect' is consistent with other Australian jurisdictions. I will just say what they are again. If an officer in New South Wales has a 'reasonable suspicion', this is the threshold for dangerous article searches as well as searches for other items used in connection with an offence. Queensland's 'reasonable suspicion' is a threshold for weapon offence searches. Western Australia's 'reasonable suspicion' is the threshold for possession of a thing relevant to an offence search. The Australian Capital Territory's 'reasonable suspicion' is the threshold for searching for a thing relevant to a serious offence and the Northern Territory's 'reasonable suspicion' is the threshold for anything connected with an offence search.

Then we moved on to: there is no guidance as to where one searches should be concentrated. Why are the areas being extended? Is it based on other jurisdictions' approaches where the wands were successfully trialled? The response is: in relation to the prescribed places, development of these provisions was informed by the instances of knife crime that we have seen in Tasmania but also more broadly across the country. The department, in providing advice on this matter, put a particular focus on places where people transit, where people gather and in places where they are considered more vulnerable, unlike other jurisdictions where there must be criminal offending as a precursor.

Tasmania is taking the initiative and prescribing places where we consider people to be at risk before further tragedy occurs. They also address places where risk-taking behaviour is likely, such as around licensed venues or where alcohol is consumed. You will see these in the amendments to the regulations prescribing places where the wandering powers are expected to be particularly useful in improving community safety. Police will continue to act on their

intelligence holdings to inform how these powers are used and how the community can most effectively be kept safe.

I will also address the comments that this grants police the power to search anywhere in Tasmania. We reject that assertion totally.

The wandering powers will be available to police in the prescribed places and otherwise, the requirement is for there to be a reasonable ground to suspect that a person is carrying a dangerous article without a lawful excuse.

Then there were some questions about the sufficient safeguards in place, which were called guardrails, during our briefings. The answer is: sufficient safeguards exist both within the legislation and within Tasmania Police's procedural guidance to ensure appropriate accountability and prevention of the misuse of police powers.

The Tasmania Police Manual clearly prescribes the conduct and manner in which searches of persons are to occur. All searches are to be conducted in the least intrusive manner with reasonable action taken to minimise indignity, trauma, distress, or other harm. Where practical, searches are to be conducted by a police officer of the same gender as the person being searched, with additional considerations for persons who are non-binary, transsexual, transgender or intersex.

In addition to these search requirements, Tasmania Police wear body-worn cameras (BWC) so it is mandatory policy that police officers commence BWC recording where acting in an enforcement capacity, conducting a search or where a person is stopped in a public place due to a reasonable suspicion that the person has committed, is committing or is about to commit an offence.

The activation of BWC applies an additional layer of accountability for our officers and protection to any person subject to that search. Further, police officers are required to record and report all searches that they conduct. Additional transparency safeguards exist in the independent review provision of the bill and in the annual reporting requirements that feature in the bill.

There is another question here: this is an exercise in net widening, so that is using those powers to detect other offences. Will these disproportionately affect particular community groups such as youth and people who are homeless? The answer is: it is accepted that the amendments to search provisions at 15C may result in an increase in people being detected for other offences which would not have otherwise been detected, such as drug possession. This has been noted during the wandering trial, where both drugs and stolen property were found incidental to the initial search for dangerous articles. This is not necessarily an undesirable outcome, as police then have an opportunity to interact with the public regarding illicit activity, including by utilising the therapeutic approaches of the drug diversion process.

In responding to youths, police apply the principles of youth justice as provided in section 5 of the *Youth Justice Act 1997*. The most relevant of these principles include, but are not limited to the following:

- (b) that the youth is not to be treated more severely than an adult would be;

...

- (g) detaining a youth in custody should only be used as a last resort and should only be for as short a time as is necessary;

...

- (i) any sanctioning of a youth is to be appropriate to the age, maturity and cultural identity of the youth;

Also:

- (c) that the community is to be protected from illegal behaviour;

Where suitable, members of Tasmania Police always seek to utilise the youth justice cautioning and conferencing process. This process provides intervention and support services. That is an opportunity for a conversation and diversion for youth away from the justice system.

The Tasmanian government is committed to the Youth Justice Blueprint 2024-2034. The blueprint adopts a broader definition of youth justice, with a focus on prevention, early intervention and diversion. It is the government's position that this holistic approach with a range of support options for young persons and their families, alongside therapeutic initiatives, will reduce antisocial behaviours and repeat offending. The Youth Justice Blueprint provides a platform whereby the government can support the safety and wellbeing of young people whilst also maintaining our responsibility towards public safety.

The next question was: what evidence do we have that knife crime is so much worse here in Tasmania than in New South Wales or Queensland that we do not require these safeguards?

**Ms Webb** - Nobody asked that question, I do not think.

**Mrs HISCUTT** - The answer is: I have already spoken to the fact that near enough to one in four searches conducted during the wandering trial yielded a dangerous article. We also note that we have safeguards and it is the government's position that these safeguards are appropriate for our jurisdiction. Some of these safeguards are enshrined in existing legislation such as the *Youth Justice Act*, internal policy documents, and the commissioner's instructions and orders, which are compiled in the Tasmania Police Manual.

I also make specific mention of the Tasmania Police Body Worn Camera Guidelines. I will read a short extract from that:

Members must commence BWC recording in the following specific circumstances unless there are legal or operational reasons not to do so:

- when a member could be reasonably expected to act in an enforcement capacity, including attendance at all operational incidents

...

- when a member decides to conduct the search of a person ...

Combined, these safeguards provide governing principles for the exercise of all search powers, not just for those inserted by Reid's Law. Through the existing combination of policies and provisions, Tasmania Police are dedicated to maintaining best practice across all applications of all search powers.

Another question was: why the government is focusing on knives when assault involving knives is consistently around 4 per cent. Per annum, 20 per cent of all assaults involve a weapon, with 4 per cent involving a knife. This equates to approximately 800 assaults with a weapon each year, and 165 assaults per annum with a knife. Further to this, armed robberies increased significantly since 2022 with a 9 per cent increase. Of those, 51 per cent involved a knife. As I stated previously, the department has provided advice reporting a 308 per cent increase in dangerous article offences for youths, and a 105 per cent increase for adults between 2015 and 2024.

Another question was: why increase penalties for the offence of possessing a dangerous article without lawful excuse?

**Ms Webb** - That was not the question. Why increase by that amount?

**Ms O'Connor** - It was about the proportion.

**Mrs HISCUTT** - One of the responses is: one of the key reasons for this amendment is to create a deterrent effect within the community to those who are considering doing the wrong thing. We would expect that the higher end of the penalty would be used in more serious examples of offending or in circumstances where there is repeated disregard of the severity of the offence.

Again, this is about increasing the options available to the courts at the point of sentencing, and illustrating the seriousness in which the parliament views this type of offending. This increase should not be viewed in isolation. It is expected that this increase, along with community education initiatives such as high-visibility policing, wandering searches being carried out, and police providing advice and assistance to members of the community, will equally play an important role in changing the emerging scourge of knife crime.

**Ms Webb** - Through you, Mr President, these questions are not ones that were asked. For example, if that was in response to my contribution, my question was about a rationale for the quantum of increase - not the need to increase, the quantum of increase chosen. I find these questions are verballing us.

**Ms O'Connor** - Yes, because they were written a week ago, before the debate.

**Mr PRESIDENT** - If the Leader wishes to continue, anything can be asked again in the Committee stage when that comes up if it is related to -

**Ms O'Connor** - It will be.

**Mrs HISCUTT** - Well, I have down here to page 25. Member for Hobart, do you want me just to skip them?

**Ms O'Connor** - No, but I want to make sure that they were actually asked.

**Mrs HISCUTT** - I am just seeking some advice.

**Mr PRESIDENT** - Certainly.

**Mrs HISCUTT** - We have a question now from the member for Murchison for her contribution. It was regarding people with metal in their body, such as myself. People who have a metal part in their body, such as a hip replacement for a medical reason, do not currently and will not under these provisions, require the carrying of a letter from a doctor. I note that the definition under the bill 'electronic metal detection device search' provides that wandings is to occur over a person's outer clothing.

We also note that the wands Tasmania Police currently use and intend to use are discreet and subtle so as to avoid undue embarrassment to a person being wanded if there is a positive indication.

Regarding comparable laws in other states, the member for Nelson made mention of the approach taken in other jurisdictions. It is worth noting that the approaches taken in other jurisdictions are informative in this legislation's development process. They do not always directly apply, but as you put it, we are not comparing apples to apples. Each state has its own nuances in legislation. For example, in some states, such as in Western Australia, we are advised that there is no opportunity for a police officer to divert a youth. It is the government's position, with the considered advice of the Department of Police, Fire and Emergency Management, that our approach is the right fit for our jurisdiction.

The member for Nelson also made mention of the Tasmania Police Manual. I would like to correct the record here, as the manual is updated and routinely disclosed by the department under the routine information disclosure section of the website. The last disclosure was 5 May of this year. While reference was made to a previous commissioner's foreword, members may be interested in how it reads currently. I will quote from that:

The orders, guidelines and procedures contained in this Manual are issued for the guidance of all personnel in the performance of their duties and the effective management of Tasmania Police.

The Police Service Act 2003 requires police officers to act in accordance with the orders in this Manual. While the Manual is designed to provide guidance to all personnel, in some cases non-compliance may be dealt with as a breach of discipline.

As the Manual is not all encompassing, members should seek advice in cases of uncertainty or situations not addressed within the manual. At all times, members should observe our core values of accountability, integrity, respect and support. Members are expected to exercise common sense and discretion to resolve situations and incidents by making decisions that are ethical, lawful and fair in furthering the objectives of Tasmania Police.

Members are encouraged to identify opportunities for improvement to the TPM by forwarding comment to Strategy and Support.

The next section, just a little bit, and I will quote that as well:

Members are reminded that they must comply with all orders contained within the TPM in accordance with section 42 of the *Police Service Act 2003* (*Code of Conduct*).

As to the interactions with the *Youth Justice Act*, the provisions of the *Youth Justice Act* limit the authority to arrest in the *Police Offences Act* and also impose limitations and diversionary processes in relation to potential charges or prosecutions when a youth is detected offending - to be clear, and in addition to these other remarks on this matter - while the *Youth Justice Act* does not stop police from searching for a knife on a youth.

The Griffith University report concluded that the new powers in Queensland did not reduce violent knife crimes. This is one of the conclusions of the Griffith University report. However, the report also points out the Queensland 12-month trial was 'too short a time to accurately identify any longer-term outcomes such as changes in offending patterns or possible deterrent effects'. So, while it is a very useful piece of research and provides insights into other jurisdictions, it is inconclusive. It is important to note that the same report found that the preauthorisation requirement served little effect to the use of wands in Queensland.

There was a question raised by the member for Nelson about why we are not following South Australia and other jurisdictions in requiring an activating offence before exercising the powers. The approach of South Australia and some other jurisdictions is reactive and restricted in application. Some other jurisdictions wait for a violent crime to occur in a certain area before police powers can be activated. Under this approach, I am advised that wandering powers are triggered after the fact, responding after the incident occurs or when something is expected to happen. For example, based on police intelligence, it is the government's view that we do not need to wait for a tragedy to occur for a police response, like the tragedies that have already occurred. To be clear, it is the government's view that one knife crime, one life lost, is one too many.

The member for Hobart was asking about the difference between firearm offence provisions and proposed knife crime provisions.

**Ms O'Connor** - The different penalty application, which is disproportionate.

**Mrs HISCUTT** - I will read it. It is noted that the proposed increase to maximum penalties would align with section 111 of the *Firearms Act*, which creates an offence for the possession of a loaded firearm in a public place. That is 100 penalty units or imprisonment for three years, or both.

**Ms O'Connor** - So you are equating someone having a little knife to having a loaded gun?

**Mrs HISCUTT** - I have not finished yet. These penalties are comparable in the sense of being a weapon in a public place. That is considered dangerous. As has been said, sentencing and the appropriate penalty to meet the circumstances of a particular offence is a matter for the court and this bill proposes to increase the maximum penalty.

Another question from the member for Hobart. There is a perception of unconscious bias. The police will not use these powers to profile or target certain groups. Tasmania Police already has high standards in relation to treating people with dignity, respect, equity and fairness. Persons cannot be selected for searching on the basis of a protected attribute. That is to say, a person's traits or attributes are not sufficient to sustain a reasonable suspicion and rightly so. The Tasmania Police Manual requires the use of a body-worn camera when exercising a power of authority and this ensures a high degree of accountability for police.

Members have also already heard how highly Tasmanian police are regarded in behaving professionally and treating people in our community with fairness and dignity. The Tasmania Police have a robust conduct and complaint investigation process. As to the training provided to police officers relating to this unconscious bias, Tasmania Police recruits and in-service members receive training in relation to the *Anti-Discrimination Act 1997* and protected attributes. A person cannot be identified for a search because of a protected attribute. These attributes in no way constitute the founding of a required level of suspicion.

Members receive training in relation to being aware of and working with people with communication barriers and disabilities. Training further includes being respectful to all persons with diversity, be that political, gender, religious or cultural background. I think that is all, but I will just make sure. I will not be a moment.

I believe we have covered everything.

**Bill read the second time.**

## **POLICE OFFENCES AMENDMENT (KNIVES AND OTHER WEAPONS) BILL 2025 (No. 3)**

### **In Committee**

**Clauses 1 and 2 agreed to.**

**Clause 3 agreed to.**

**Clause 4 -**

Section 15C amended (Dangerous articles)

[3.45 p.m.]

**Ms O'CONNOR** - I want to get some more clarity, because the answer that the Council was provided with about the penalties was manifestly inadequate. The *Firearms Act 1996* has section 9, which provides for a sentence not exceeding 100 penalty units or imprisonment for a term not exceeding two years, and that is for possessing a firearm without a licence. We just heard from the Leader that it is considered proportionate and appropriate to apply a potential sentence to someone of 100 penalty units or three years imprisonment when there has been no evidence of intent to commit any sort of crime. There is no qualifier in this clause or in the penalty that is applied that the person needs to have evidence of intent to commit any crime. We find that the increase of three years for a maximum penalty very difficult to justify. It is not sufficient for the Council to be asked to increase penalties in this way on an evidence base which simply does not exist.

The only argument that we have had made to us by the government is that the increased penalty will provide a deterrent effect. If we are talking about evidence-based lawmaking, no increased penalty will deter, for example, someone who wants to be cruel to animals from committing a section 9 aggravated cruelty offence under the *Animal Welfare Act*, which carries a very heavy penalty and a potential jail term.

In the United States, where they have the death penalty in many states for murder, no such increased penalty has prevented people from committing those heinous crimes. We are not necessarily talking about people who have taken an evidence-based and rational approach to their behaviours. We are not talking about people who necessarily understand what the law is or what the potential consequences of their action are.

This goes back to the concerns that have been raised by TasCOSS, Community Legal Centres Tasmania and the Tasmania Law Reform Institute. I know that the Leader of Government Business sought to discredit this work, but if you want to have a look at the final report of the Griffith Criminology Institute, first of all, it found that wandings should be targeted only at those areas where data shows a proportionally higher prevalence of knife offences occurring over a sustained period. It found that wandings led to a significant increase in drug detections, which highlights the risk that the power can be used to circumvent the reasonable belief or suspicion standard for personal searches.

On that point, we are again at risk of adding another layer of criminality and lifelong consequence on to young people's lives. If they get pulled up, if they are in a public place or a designated area and they are wanded and in the process of that police find a joint or a bag of cannabis in a young person's pocket, that is an offence under the law to possess a prohibited drug. The evidence from interstate is that these provisions have led to increased arrests of young people, increased charges being laid against young people - and not necessarily for carrying a dangerous item - increases in court volumes and, of course, increases in youth detention.

I thought the member for Nelson and the member for Elwick laid out that evidence base quite clearly. We cannot be making laws in here that apply hefty penalties on the basis of no evidence whatsoever - on the basis of evidence that tells us that increased penalties do not deter people from committing crimes. If the objective here, as the member for Elwick would say, is to increase community safety, increasing penalties will not do that. Increasing penalties will not have a deterrent effect. The Griffith University -

**Madam CHAIR** - Member for Hobart, this is sounding a bit like a second reading contribution, which you have had an opportunity to make. Generally, in our Committee stage, you can elaborate on point, but it is really to ask questions of further elucidation of the meaning of the clause, rather than engage with a second reading contribution. Is there a question?

**Ms O'CONNOR** - Thank you. I understand that. There is a question, but in order to frame the question, given the answers that were provided to us by the Leader of government business, it is important that members hear the evidence that is being ignored by government. The question is -

**Madam CHAIR** - You have had a fair bit of leeway. I want you to get to the question.

**Ms O'CONNOR** - I will get to the question very shortly. If we just go back to the Griffith Institute, Professor Ransley, who co-authored the final report, found that there was no reduction

in violence as a result of the use of these scanners. That is actually sad to read. It is devastating to read that there is no reduction in violence because police are given these powers. She says: what is needed to reduce knife crime are evidence-based government programs -

**Madam CHAIR** - This was referred to in the second reading. That information is on the record. I urge you to get to the question you want to ask the Leader.

**Ms O'CONNOR** - With respect, Madam Chair, I have sat over there and watched people frame up questions in the Committee stage and lay out some evidence before presenting their question.

**Madam CHAIR** - As the Chair I do not want to argue with you. I want you to respect the process that we use in this place. I have given you a fair bit of leeway to lay the groundwork for a question, but there is a written expectation to ask a question related to this clause in the committee stage.

**Ms O'CONNOR** - Yes, I am going to do that in about 20 seconds. Thank you. It is really clear that this penalty that we are being asked to apply will not have a deterrent effect. The government has provided no evidence base for this penalty. The Council should know why we are being asked to approve a clause which could allow a young person to face up to three years in jail, even if they did not intend to commit any violence. Does the government really stand by any sort of evidence base for these increased penalties? Does the government accept the evidence that this will lead to more young people being picked up for other offences that are not violent, that are not a threat to community safety, but that are a threat to their future?

**Mrs HISCUTT** - For fear of repetition, that was addressed during my summing up in the net widening. I will not look for it again because I have put it on my record once. As it was stated in the summing up, section 111 of the *Firearms Act* provides for a maximum penalty of 100 penalty units, three years imprisonment, or both. We have considered that this is a policy move, that we feel strongly that a knife may kill you and a gun may kill you, or whatever. It is a risk to life. We see them both as the same thing. A weapon in public is a weapon in public.

**Ms O'CONNOR** - Thank you, Leader of government business. Can you confirm that this increased penalty is not on the basis of any evidence? You have just confirmed it is a policy decision, so it is a political decision. It backs your Police minister's dangerous tough-on-crime rhetoric. Can you please confirm for the Council that there is no actual evidence base for this increase in penalties?

**Mrs HISCUTT** - Madam Chair, the evidence has demonstrated that there is a significant increase in offences and charges in relation to knife crime and that this will have a deterrent effect. I am not going to be repetitious and read those stats into *Hansard* again.

**Ms O'CONNOR** - Well, you have just avoided the answer. Thank you. Moving on from that because it is very clear that there is no evidence base for this increase in penalties. There is a basic principle of justice, Leader of government business, that is, that you are innocent until you are proven guilty. We have a provision in here, subparagraph (4A) of this clause:

A failure to comply with a requirement to undergo an electronic metal detection device search in accordance with section 15CAA(2) may constitute

a reasonable ground for suspicion that a person has possession of, or carries, a dangerous article without lawful excuse.

Now, Leader of government business, does the government acknowledge that there might be a whole range of reasons why people would object to or reject the request to undergo a wand search? It could be, for example, a woman who carries a pocket knife for personal safety. It could be, for example, someone who has had a really traumatic experience with police. It could simply be an example of someone exercising their civil rights to say no to a search when they have done nothing wrong. Does the government recognise that this paragraph in this clause turns on its head the principle that a person is innocent until they are proven guilty because what it says is, if the police officer forms a suspicion that because a person does not want to be wanded they are dangerous, that they are in effect guilty enough to force a search on?

**Mrs HISCUTT** - I have answered that fairly fulsomely in my summing up, so I will not repeat it again, but simply this avoids the situation where a person can simply decline a search. The lawful excuses provide sufficient reasons whereby it can be done.

**Ms O'CONNOR** - Through you, Madam Chair -

**Madam CHAIR** - I cannot allow -

**Ms O'CONNOR** - What is a lawful excuse? All this sort of flabby language floating around about a bill that will have, hopefully, some positive consequences, but has some risks associated with it.

**Madam CHAIR** - Sorry, I will remind members that the Committee stage is restricted to the clause and amendment, which the member is addressing. That is the subject of the question, which is: the question is that the clause as read stand part of the bill. That is the question. It is not an opportunity to revisit arguments raised in the second reading with regard to broader policy issues in the bill as a whole. I remind members that is the case.

However, I will ask the Leader if she can address her mind to that question about what is a lawful excuse, but every member has three opportunities to ask questions. So, just keep that in mind. If you have a series of questions - I know that sometimes the Leader does not remember them all and that can be problematic, but in any event, if you try to put the questions to the Leader in a more straightforward approach to start with, it is probably easier to try to elucidate the answer and not miss out on - or not run out of calls. I will go to the Leader to respond to that.

**Mrs HISCUTT** - Thank you, Madam Chair. I know that the member for Hobart has now run out of calls, but I will stand to answer her question. In the *Police Offences Act*, section 15C speaks about dangerous articles. Clause 4 within that section lists five lawful excuses.

**Ms O'Connor** interjecting

**Madam CHAIR** - That is in that act, you can look it up.

Any other member can take up this question if not satisfied with the answers provided.

The question is -

That clause 4 be agreed to.

**The Committee divided -**

**AYES 12**

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

**NOES 2**

Ms O'Connor (Teller)  
Ms Webb

**Clause 4 agreed to.**

**Clause 5 -**

Section 15CAA inserted

**Ms O'CONNOR** - This is the insertion of a new Section 15CAA: Use of electronic metal detection device. This is the new clause proposed for the *Police Offences Act* that allows police to, without reasonable suspicion, in a prescribed place, without a warrant, require any person within that prescribed place to undergo an electronic metal detection device search.

Can the Leader of government business, just for clarity, confirm to the House that that means a blameless young child could be scanned, or wanded, maybe because the police think their parents look a bit suspicious, or they are hanging around in a place that has been a designated area of high risk, based on very little evidence? Can the Leader of Government Business explain why a decision was made to not even require a reasonable suspicion test in this provision?

**Madam CHAIR** - Very effective questions related to the clause, member for Hobart.

**Ms O'Connor** - Sorry, I cannot hear you without my glasses. What was that?

**Madam CHAIR** - I said the question you asked was very appropriate. It was entirely in line with my advice, thank you.

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

**Mrs HISCUTT** - It is a possibility if it is in a prescribed place.

**Ms O'Connor** - The second part of that question was not answered.

**Mrs HISCUTT** - Sorry, I will stay on my feet.

**Ms O'CONNOR** - Could you please seek some advice as to why a decision was made here to give police powers which will not exist in any other jurisdiction -

**Madam CHAIR** - No, this is a separate question.

**Mrs HISCUTT** - Oh, is it?

**Ms O'CONNOR** - No, it is not - that has within it not even a reasonable suspicion test? An officer does not even need to think, 'Oh, that person looks a bit suss, I will wand them'?

**Madam CHAIR** - That was in the question. I will take that.

**Mrs HISCUTT** - Every other jurisdiction has comparable provisions, such as Queensland, which informed the development of this bill. But, wait, more information -

**Ms O'Connor** - That is not quite -

**Mrs HISCUTT** - For searching in a prescribed place.

**Ms O'CONNOR** - On that, could the Leader of government business confirm the difference is that in other jurisdictions, prescribed place declarations have guardrails around them? They are temporal, they are for a period of time. What we have here is not equivalent, because these places are permanently being designated areas for the rest of our days, or for as long as this legislation stays on the statute. It is not comparable. It means that Tasmania Police can go to any designated area, including a hospital, a church, a school, a sporting ground, and without reasonable suspicion, without even having to form some sort of evidence base in their minds, wand people who, if they object to being wanded, can then be effectively determined to be a bit suspicious.

**Mrs HISCUTT** - In other jurisdictions, various triggers and authorities apply to prescribed places. There is no national uniform approach. This is what we consider to be the right approach for Tasmania.

**Ms WEBB** - I am interested to understand the detail here in terms of the search. The way it is described with the wand and the search, as we have just discussed, it can be undertaken without needing to have a suspicion of anyone in a prescribed place.

It talks about the wand going over the body in close proximity to the outer clothing or requiring to pass through a device if there is another device, but I am thinking of the wandering scenario. Does it include wandering people's bags or other possessions that they have with them? Does it include wandering a pram and maybe an infant in a pram? Would it include wandering those associated things rather than just the person, their body and their outer clothing, and the proximity to that? The way I read it, it seems to be suggesting the wandering needs to be quite close to that one person's body, essentially. Are the other items included in the wandering search?

**Mrs HISCUTT** - To the first part of the answer, section 15CAA talks about the use of electronic metal detection devices. Paragraphs (1)(a) and (b) talk about the electronic metal

detection device search, meaning a search can be conducted of a person by passing whatever close to the body -

**Ms Webb** - In close proximity, as I said. Yes.

**Mrs HISCUTT** - Yes. We are now just seeking some advice on handbags, prams, that sort of stuff. So, that is coming -

**Ms Webb** - A shopping trolley - I am thinking of someone pulling along a little shopping trolley the way you do sometimes -

**Mrs HISCUTT** - It interacts with section 15C of the main act.

**Ms Webb** - Sure. I am trying to get clarity on that. What can be wanded?

**Mrs HISCUTT** - Yes, so I will - I can see that information is coming and will not be far off. It will not be long.

Basically, the answer is yes, the search may include articles in possession. A search is unlikely to extend to a child in a pram unless it was suspected that there was a knife hidden in there, which is a possibility.

**Ms O'Connor** - Well, that is not a test in this clause.

**Madam CHAIR** - Order. Order.

**Mrs HISCUTT** - Then you have to come back and interact with section 15C of the original act.

**Ms Webb** - Talk that through. You will need to talk that through if that is your answer.

**Madam CHAIR** - Is the Leader going to provide -

**Ms Webb** - As in, you will need to explain the relationship.

**Mrs HISCUTT** - I can read it out but -

**Ms Webb** - No, no. Explain the relationship.

**Mrs HISCUTT** - Yes, there is an answer coming on that.

During the second reading speech, it is intended that the existing provisions under the dangerous article provisions sufficiently apply to outer garments or belongings in a person's possession or something that they are carrying, which would include a backpack that a person is wearing or similar items.

The warning provisions fall within the existing Dangerous Articles, which, of course, is 15C of the original act, where the offence related to use, carry or possess a dangerous article. As these new provisions relate to the same offending, it necessarily follows that the search provisions are the same, that being bags and other items in possession of a person may be

searched, and that is in section 15C, Dangerous articles, subsections (1) and (2). I am happy to read them out.

**Ms Webb** - No, that is fine, I can read them.

**Madam CHAIR** - The member for Nelson.

**Ms WEBB** - I find it interesting and I am wondering whether there is an argument that could be made to say that if you wanted to do more than what is specified here in the definition. The definition of the wandering part is, 'passing an electronic metal detection device over or in close proximity to the person's outer clothing'. There is also the going through the device, but we are talking about the wandering. It is pretty specific: 'metal detection device over or in close proximity to the person's outer clothing'. What we are empowering here is for that to occur in prescribed places with no need for belief or suspicion.

If you are referring back to here, even though we have amended it now through this bill, 15C does still require a suspicion to be demonstrated to undertake the search as it describes. I am wondering how can you reassure us that when it comes to a wandering search in a prescribed place, other than specifically what is described - 'close proximity to a person's clothing' - that if they wanted to wand a bag, a pram, shopping trolley, in that person's possession that they would not need to meet the reasonable suspicion test in 15C. How is that not required still, in terms of the relationship between these two things?

**Mrs HISCUTT** - The new search powers do not displace the existing provisions under 15C. If the police were to wand a backpack and there was a positive search, they would then look in, but if there is no positive response on the wand, then they would not search the backpack.

**Ms Webb** - They need a reasonable suspicion under 15C.

**Mrs HISCUTT** - To search the person. We have been through all that.

**Ms O'Connor** - 15C is connected to this amendment.

**Mrs HISCUTT** - Could you just repeat what that is, while I am on my feet?

**Ms Webb** - What I am trying to get clear is, under 15C, we have just amended it, and it still requires a reasonable suspicion for a search. That search could be, of course, of a person or of items, is the way I read it. I believe we are all in agreement on that. What we are putting in here with 15C(1)(a) is in prescribed places wandering can be done as a search and it very specifically defines what that electronic metal detection device search means. The way it specifically defines it is that it is passing an electronic metal detection device over or in close proximity to a person's outer clothing. That is very much just their person. They can do the person search without having to have a suspicion. My question is, I do not see here that if they wanted to wand a bag or a shopping trolley or a pram that they would not still require, as per 15C, a reasonable suspicion. We are not empowering them to do that under this new -

**Madam CHAIR** - Put it as a question that she can answer.

**Ms WEBB** - I am asking them to confirm, to explain how that is.

**Mrs HISCUTT** - Wandering a person, if you have your backpack on, the wand goes over.

**Ms Webb** - Why would I not take it off? Let us assume I am carrying a bag.

**Mrs HISCUTT** - If you are carrying a big bag with you and put that down, that is not part of your person. Is that what you are saying?

**Ms Webb** - Yes. Are you confirming that you cannot wand extra stuff that is associated with me, under this prescribed place power?

**Mrs HISCUTT** - You have to relate back to section 15C.

**Ms Webb** - I am. That is exactly why I am asking the question.

**Mrs HISCUTT** - That is what we are saying. If the backpack is not on your body, they cannot go - if you have a big box with you - they cannot go to that big box.

**Ms Webb** - They cannot. That is right, so the answer is no, this power does not apply to those things.

**Mrs HISCUTT** - If you were wearing a handbag and you threw it away, that would be a reason for suspicion, I reckon.

**Ms Webb** - If you would just -

**Mrs HISCUTT** - Sorry, I am introducing another - where I do not want to go, Chair. I am just checking that the information I have relayed is right. I will get a third party opinion, seeking advice.

**Ms O'Connor** - What if they had a big baby with them who they are having to carry, or a big toddler?

**Madam CHAIR** - Order.

**Ms Webb** - I am not that fussed about that. I just think it is interesting that there is a big loophole.

**Ms Armitage** - We do it at festivals. We check prams, backpacks.

**Mrs HISCUTT** - In the second reading speech, it is particularly about possess, use or carry. If you are not possessing it, you are not using it, you are not carrying it, they cannot do it. It is part of the body.

**Ms WEBB** - I think that is really interesting. I feel like it is something of a flaw to the intent, in a way, is it not?

**Madam CHAIR** - Before you continue, this is your third call. If you felt there was an amendment needed, you only have this call. Okay? I am just making that point to assist you.

**Ms WEBB** - I do not think this is something we would try to amend on the fly, in this circumstance. Thank you, Madam Chair, for pointing that out to me. I appreciate it, but there is no way we could responsibly try to address this if it is an issue, on the fly here, with my one call left. I feel concerned about it because if it is a big glaring gap, in the sense that if this goes through, we have prescribed places within which police can come up and wand whoever they like without having to have a reasonable suspicion or anything.

If somebody was inclined in a nefarious way, unfortunately, to be carrying a dangerous weapon like a knife, knowing that this new power was here, all they would need to do is have it in the bag they are carrying instead of in their pocket. Then when they are stopped by police, they simply put the bag down. The police wand them. The police cannot, without a reasonable suspicion, wand their bag. That is what I am hearing explained here, that this power to do this in prescribed places only applies - it is very closely defined here as passing an electronic metal detection device over and in close proximity to the person's outer clothing. That is all that they can do without that threshold of a reasonable suspicion.

I am just checking. You could be pushing the pram along and take your hand off the pram. The knife could be in the bottom of the pram, but the wand cannot do the search there. It cannot wand the pram unless there is a reasonable suspicion, as per section 15C. I am just really trying to clarify if that is what we are agreeing here is the case. I think that is what you said to me in your answer before, that that is the case. This wandering power, the search power for electronic metal detection device searches under section 15CAA can only apply to the person, not to items that might be separate to the person, like bags that have been put down, prams that are beside them, a little shopping trolley I am pulling along, those sorts of things. It seems an unfortunate glaring gap, potentially, to the efficacy of this. Can you confirm that?

**Mrs HISCUTT** - I am getting the exact words written down. We are about to clarify that. What you are putting across is not quite the way it works. We are spending the time to get exactly the right words for you. If a person is approached by police under section 15CAA and they were carrying a backpack and put it down, this is still in their carrying possession and can be wanded. There would need to be a positive detection to warrant further search of the bag under 15C.

**Ms Webb** - Can you repeat that last bit again?

**Mrs HISCUTT** - I will start again. If the person is approached by police under section 15CAA and they were carrying a backpack and put it down, this is still in their carry and possession and can be wand-searched. There would need to be a positive detection to warrant further search of the bag under 15C.

**Ms Webb** - It is not their outer clothing, it is not close proximity to their outer clothing. What about a pram? What about a shopping trolley? Sorry, but I asked about this. We are not just talking about a backpack which someone takes off, which you could make arguments about that they were wearing. Let us talk about other things covered here.

**Madam CHAIR** - If you cannot get satisfaction on the response, you either have to vote against it or let it go.

**Ms Webb** - I understand. I would just like them to complete the answer to the question.

**Mrs HISCUTT** - I believe that we actually answered the pram one. The police said they would need to have reasonable - they would have to think that there was something there. In the pram, they have to think that there is something there to be able to wand that.

**Ms O'Connor** - Would they have to have a reasonable suspicion?

**Madam CHAIR** - Honourable member for Hobart. Last call for you, by the way.

**Ms O'CONNOR** - Thank you. Given that the Council has supported a maximum penalty of three years potentially for possession of a dangerous item, and given that on the ROGS data the proportion of youth offenders subject to diversions has declined virtually every year, from 54.4 per cent in 2014-15 when your government came to office up to 35.6 per cent in 2023-24, can the Leader of Government Business explain the interaction between these provisions and this act as it is likely to be amended and Division 2 section 8 of the *Youth Justice Act*, which is the provision that allows for Tasmania Police officers to issue a caution to a young person who has admitted to something? Because the evidence that we heard yesterday is that these provisions will increase young people coming before the courts and increase the population of Ashley and children being held on remand without charge.

Noting that under the *Youth Justice Act*, those search provisions only apply to young people in custodial settings, will those same principles be applied if a young person is bailed up on the street?

**Mrs HISCUTT** - Because the Dangerous Article offence is not a prescribed offence under the *Youth Justice Act*, the *Youth Justice Act* Part 2, Division 2 applies. This is because we want to divert youth from, and hopefully, give them some more diversion tactics.

**Ms O'Connor** - To what? Divert them to what?

**Clause 5 agreed to.**

**Clause 6 -**  
Section 70 inserted

**Ms WEBB** - Madam Chair, in clause 6 here we are inserting section 70 and that relates to information to be included in the annual report. I note that under 70(2)(a), (b) and (c) is the detail of what is to be included in the annual report each year, and my observation of that is that it is very minimal required information. It is just numbers: (a) is the number of people who are required by a police officer to submit to an electronic metal detection device search; (b) is the number of knives or other weapons detected conducting such a search; (c) is the number and nature of charges made against people as a result of electronic metal detection searches.

Those are very basic raw numbers to be reported on and given the very significant concerns raised during consultation on this bill by expert stakeholders about things like particular sorts of targeting, particular sorts of unconscious bias coming into play, and things like that; the demographics of the people who are being searched is a really important piece of information to be collected. I am wondering - this is the requirement for the annual report - but what will be collected in terms of information about the searches that are conducted, that could then be decided to be shared either in the annual report or at least provided on request as more detailed information about the searches? I would think that the government and the Police

department would want to be clear about how these new powers are being used and who is being impacted by them, so when the review time comes, we can be really clear about the impact that it has had.

Given the basic requirement here about the annual reporting, what will be collected in terms of data and information beyond these pieces of information? How will they be made available for ongoing scrutiny, research and, ultimately, review, when the review clause comes into play?

**Mrs HISCUTT** - I will try to work my way through this.

As to the annual report data, this is largely consistent with the amount of information provided in the DPFEM annual report on crime stats. The police ask people who are arrested or searched their name, age, gender, address and, if in a custody status, if they are Aboriginal or Torres Strait Islander.

With regards to searches in public places, if no offence is detected, then a person is under no obligation to provide details. It is not possible to promise metrics that we have no authority to collect.

**Ms WEBB** - That is a little disturbing in the sense that we are going to be wanting to review how this is implemented, how it plays out, who is impacted by it and to what degree. There are significant concerns raised about the potential for bias coming into play here and targeting for particular cohorts of people. We are thinking about children, we are thinking about homeless people, we are thinking about people who may be unwell, all sorts of things.

When we come to review this under the clause in the act that requires us to do that, how will we know to what extent the concerns that have been raised may have been a reality in our implementation of this law? It seems extraordinary that we would not be putting in place a requirement to collect data that will furnish us with meaningful information to assess when we come to do the review.

What consideration has been given - given that the review clause was put in in the other place and it has been there now and government has had to turn its mind to that requirement - what preparation is being put in place ahead of this law coming into effect to set up the right sort of data collection framework to meaningfully inform that review? These matters about demographics particularly will be crucial. What thought is being given and what commitment is the government making to putting in place a more rigorous data collection process than what might normally be required for other situations? This is new and extraordinary and has significant concerns raised about demographics and vulnerable cohorts. What commitment is there from government on that?

**Mrs HISCUTT** - This amendment, as you have said, was added down in the other place. So was section 76 on the next page which talks about an independent review. I can read it, if you like, or you can turn the page and read it yourself.

**Ms Webb** - I am just asking what you are doing to prepare for the independent review. I know it is there. What commitment are you making?

**Mrs HISCUTT** - What commitment? We have to do it by law because after the six months -

**Ms Webb** - Did you listen to my question? I said what commitment -

**Mrs HISCUTT** - I am on my feet.

**Madam CHAIR** - Order. Order. I think she knows what the question is, or her people there do.

**Ms Webb** - What commitment are you making to put in place an appropriate data collection framework so that that review can be done meaningfully?

**Madam CHAIR** - Order.

**Mrs HISCUTT** - I will see if we can come up with some words that might satisfy the member.

**Ms O'Connor** - Or even a commitment to develop one.

**Mrs HISCUTT** - Police will disclose the data required by the amendment as this is not demanding more than they have authority to collect. It is worth clarifying that the annual reporting requirements are distinct from the independent review provisions. The department will develop a supporting policy to inform this independent review, including collecting data to inform this review from DPFEM.

**Ms WEBB** - I feel quite disturbed about it, really. It is going to be an interesting conversation to have when we get to the point of having this review conducted. If the data that is collected is as basic as what is required in this annual reporting requirement, we will not have an opportunity to know anything meaningful about the concerns raised in relation to this bill about targeting and about the risk of bias and things like that, so incredibly difficult. We will not be able to have criminologist academics be able to investigate this and look at how we could better improve it or whatever we might need to do. That will not be possible if all that is collected is this basic data.

Thank you for the indulgence of just making a statement, but I have two further questions on this annual report related to clause 70 that we are inserting here. Given that it relates to annual reporting on these figures, in relation to electronic metal detection device searches, my understanding then would be that you could have such a search undertaken under the existing 15C or in a prescribed place under the new 15CAA - you could use a wand in either of those circumstances, whether it was the new prescribed place not needing any suspicion, or the existing 15C. What I want to be clear about is when you report on numbers of searches, which is all this requires, that you report on the number of electronic metal detection device searches, will you at least split the data so that we will be able to see how many electronic searches were done with a wand under 15C compared to under 15CAA - which is the brand new space where we have that degree of granularity? Otherwise it will be meaningless if we do not. That is my first question.

I have one more question relating to this. I want to make sure it can be heard clearly. May I pose my next question or do you want me to wait for a minute?

**Madam CHAIR** - Just give her a moment. I think they are taking some notes.

**Ms WEBB** - The further question I have relates to the new inserted 70(2)(c), which is going to require annual reporting on the number and the nature of charges made against persons as a result of electronic metal detection searches undertaken by police officers. Charges may be one outcome if something is discovered but, as we have heard, there are lots of other useful outcomes that can crop up. If something is found, you may not charge someone, you may take a whole lot of other actions, particularly if it is a child or young person. You might refer them to other sorts of supports and services, you might give them warnings - there are those other sorts of responses.

Here it reads that you will only be reporting on when charges are made as a result of a weapon being discovered, for example. I want to know, will you be reporting on other actions taken that are not laying charges, so that we can see what that looks like as a picture each year, and also when we come to evaluate?

Are those two questions clear enough or do you want me to repeat either of the two?

**Mrs HISCUTT** - We have that clear. Thank you.

The answer to your first question is, simply, yes.

The answer to the second question is that we cannot go beyond what is in the act.

**Ms Webb** - Well, you can.

**Madam CHAIR** - Order, order. The Leader can answer however she likes. Whether you like it is another matter.

**Mrs HISCUTT** - We will endeavour to do as much as possible.

**Ms Webb** - It is a requirement. It does not say you have to stop there.

**Mrs HISCUTT** - What is required and what can be provided will be as much provided.

**Clause 6 agreed to.**

**Clause 7 agreed to.**

**Clause 8 agreed to.**

**Clause 9 -**  
Regulation 8A inserted

**Ms O'CONNOR** - I move an amendment to clause 9, page 10, proposed new regulation 8A, subregulation (1), definition of *education facility*.

*Leave out* that definition.

*Insert instead* the following definition,

*education facility* means the following places:

- (a) a university;
- (b) a TasTAFE facility;
- (c) a technical institute or vocational education facility;
- (d) a place used for the purposes of education, learning or teaching, other than a school within the meaning of the *Education Act 2016*.

I have listened to members contributions and I recognise that there does not seem to be a mood to support this amendment. I will just remind members who attended the briefing yesterday that we were told that these provisions will funnel kids into courts and the criminal justice system, which is already full. No-one else in the country is doing this. Why are we, we were asked by Legal Aid.

This provision, which allows these powers in schools, puts a lie to the claim we heard from the minister yesterday, that this legislation is in lockstep with other jurisdictions. We know it is not. We know that it has gone significantly further than any other jurisdiction. We know it potentially criminalises children, and we know from the evidence that we have heard that early interactions with law enforcement can have a criminogenic effect on young people - that interactions with police at an early age are key indicators and predictors of later criminal behaviour, particularly when you are talking about young people from backgrounds of disadvantage, Aboriginal and Torres Strait Islander, disadvantaged out-of-home care children, all of whom will have a complex bundle of issues.

We were told, very clearly, by Legal Aid that Tasmania Police is not skilled or qualified to be the first point of therapeutic response. Now, I respect the lived experience of members like the member for Launceston, who is a support person for young people as they go into the police centre. I really respect the member for Mersey's lived experience as a teacher and his experience that interactions with law enforcement can be positive for children and young people. Of course they can, we know that. However, if you provide for a blanket power for Tasmania Police to go into a school, which would be a permanently designated area, the risks of this have been made plain to us. We were informed yesterday at the briefing that it could lead to disadvantaged children being fearful of going to school.

We have heard evidence that if children come from a background of disadvantage, it is likely that they have had not positive interactions with law enforcement. Now, the Greens accept there is an argument - not that we support these permanently designated areas and the overreach of this bill - but we can see the argument for allowing searches of university or TasTAFE students, or of young people at a tech institute or vocational education facility. We cannot see and do not accept, however, that there is an argument for allowing police, for example, to go into primary schools.

This is an amendment which has the support of the Community Legal Centres Tasmania. This is an amendment that we think members should be comfortable with because there is a whole range of other powers that, once the bill passes, we are prepared to grant police. There is a huge suite of areas that will become designated areas, from the trial that Tasmania Police have conducted, which is part of the background to this bill, we know that. They can wand

young people. We know that, as I understood it from the briefing, about 80 per cent of the wandings were in entertainment precincts and 20 per cent in retail precincts, or it might be the other way around, but most of the wandering that was undertaken - there is no requirement to go into a school.

I ask members to recall what we were told yesterday by people, for example, who work in Legal Aid, who are dealing with these kids when they come into contact with the court system; TasCOSS. Damningly, we did not hear from the Commissioner for Children and Young People in our briefings. Nor did the government when they were consulting on the draft bill, other than to invite them to make a submission, as the member for Nelson pointed out. The Commissioner for Children and Young People made two submissions to the process, as I recall, one to the draft bill and the second time to express her deep frustration at not being heard and not being asked by government to provide a view on this provision. The Commissioner for Children and Young People does not support allowing law enforcement this unfettered access to search kids in schools. Legal Aid does not support it, nor do Community Legal Centres Tasmania, Tasmanian Council of Social Service, Tasmania Law Reform Institute, and the list goes on.

We are being asked here to do something nowhere else in the country has thought necessary, and we are being asked to do this without any effective or prescribed guardrails around it. I ask members to appreciate that we have refined this amendment just to exclude schools from prescribed areas - just schools. I really hope members recognise that if we enact this without being fully mindful of potential consequences, we are potentially making a really big mistake in the lives of kids who were born behind the eight ball. I hope members see that we should not allow police too broad a power to enter schools and wand kids.

**Mrs HISCUTT** - The government does not support the amendment proposed by the member for Hobart. If this amendment was accepted, then one of the places where our children can feel vulnerable would not have the increased protection of police, when it is appropriate, to be able to wand persons for dangerous articles. Contributions have highlighted that children in our schools need to feel safe. The government agrees.

Not only do children deserve to feel safe, but they need to be safe. It is important for this place to be cognisant that education facilities are the workplace of our hardworking teachers, educators and staff, who I think everyone in this place would agree deserves to feel safe and to be safe in their workplace. I can assure this place that it is not the intention of the government or of Tasmania Police to be indiscriminately undertaking wandering searches in our schools. This would clearly be inappropriate.

**Ms O'Connor** - Why did you not put some guardrails around the clause?

**Mrs HISCUTT** - We must remember that when police officers are granted an authority to act, this does not mean that circumstances dictate they must always act. In fact, it is expected that police officers exercise discretion when exercising their authority.

As we have stated, quite some thought went into the construction of the proposed places where police would be able to conduct wand searches. The focus was not on where or what groups of people might produce more positive results. The fact was where our communities meet in public places, where they transit and where they are vulnerable, particularly in groups or in gatherings.

It must be remembered that in appropriate circumstances police may not necessarily exercise an authority - for example, exercising discretion to issue a summons rather than making an arrest - even though empowered to do so. When appropriate, police may issue a warning and institute no proceedings at all.

The fact remains that if there are circumstances where a community expects the police to take action, then we must provide them with the legislative authority to do so.

**Ms O'Connor** - They already have it.

**Mrs HISCUTT** - The government position, as with other places prescribed where the authority under 15CAA for a wand search will be permitted, is that schools are vulnerable places.

Police envisage only using this authority when requested to do so with good reason by a school principal or responsible staff member, or when police are in receipt of intelligence that is not specific as to the identity or descriptor of a suspected offender. This is the circumstance where this authority will be relied upon. Where there is a risk to students or staff at a school and the reasonable grounds to suspect threshold cannot be met specific to any one or small group of individuals or offenders, this is where police would activate this authority to wand.

Without this authority and when informed of a threat at a place, being a school, and lacking a descriptor of a suspect, then the police response may be limited insofar as undertaking a search and removing a knife or other dangerous article. We do not want to be reactive to wait for a serious crime to occur in one of our schools, for one of our school students to not go home, for their family to suffer tragedy, before empowering the police to search for and remove these dangerous articles.

Schools are places of gatherings, and facilities are being used outside of school hours. I invite members to turn their minds to schools being used as community hubs for public events, functions and fetes, as places where people gather, often in large numbers. While they are education facilities, the use of the buildings and school grounds have purposes that extend beyond events that take place on school grounds. Even within schools' usual functions, there are carnivals and athletics days where many unfamiliar faces are present on the school grounds. Everyone has the right to be safe when they are using these facilities.

The inclusion of education facilities will ensure that our police officers have the appropriate powers and avenues available to prevent an act of violence or knife crime at an education facility as a matter of community safety. I urge members not to send a message that a police officer is a greater threat than a knife.

**Ms O'Connor** - That is not the message we are sending. That is insulting.

**Mrs HISCUTT** - Police accountability - members heard it in the briefings yesterday from Tasmania Police, but I would like to remind this place of the accountability and significant controls that are in place for police officers exercising their authority. There are controls on the conducting of searches to ensure that persons are searched in a way that maintains their privacy and dignity. I note that the search authority under the section is for a non-contact, non-invasive wand search. Tasmania Police members must activate their body-worn cameras when undertaking a search. This provides an additional layer for accountability for our police

officers. Tasmania Police members are required to record and report the searches that they undertake.

Tasmania Police have a robust conduct and complaints investigation process. It is right to expect that our police officers will act honestly and with professionalism in all their dealings with the public. The Tasmanian community can trust and does trust its police officers. In fact, the Productivity Commission review demonstrates how highly Tasmanian police are regarded in behaving professionally and treating people with fairness and dignity. On almost every measure, Tasmania Police was the most highly rated police service in the nation. I am running the line of repetition here. I am nearly done. This is something of which all Tasmanians can be proud.

The government and Tasmania Police are committed to the principles of youth justice contained in section 5 of the *Youth Justice Act 1997*. When detecting offending by youths and when it is appropriate to do so, they are committed to diverting youths away from the criminal justice system. The government is committed to the Youth Justice Blueprint.

Police officers are involved in delivering safety-related programs in schools. Police officers are often invited to schools as guests to talk to students and respond to questions. Police officers are involved through community policing and PCYC programs. Police officers are parents and participants in school communities.

Just as an aside, I can add here that just this morning, Ms Ludwig, who is still here, told me about a conversation she had with a grade 7 student about their highest concerns outside the classroom. The answer was stabbings and vaping. The boy to whom she was speaking also indicated that they know students who both bring and make knives, for goodness sake.

To suggest that the involvement of police officers in keeping our schools safe is somehow a negative thing is an unfair characterisation of our professional police service and the positive relationship built between police and the vast majority of our youths. For these reasons, the government will not be supporting the amendments put forward by the member for Hobart, and hopefully members will agree with me.

[5.15 p.m.]

**Ms ARMITAGE** - I appreciate that the member for Hobart is very passionate about this, and obviously she was in the briefings. I am equally passionate about the fact of safety for our children. I believe that every child and youth enjoys a school environment without police entering for reasons of looking for something that might be a dangerous weapon. We certainly hope that never happens in our schools, but, if evidence is presented to police that there is a possibility of a dangerous item or knife, then I believe it is important for the safety of our children that they are able to do that.

I do not believe that school children, university or TAFE students would be targeted and I am quite sure that the police would wand any child or person in a very respectful way if they were to enter.

You keep looking at me, Chair, and I am thinking I am veering off by the way -

**Madam CHAIR** - I am listening. No, I am listening.

**Ms ARMITAGE** - You are making me nervous.

**Madam CHAIR** - Sorry. I will stop looking at you.

**Ms ARMITAGE** - I am quite sure that they would do it in a respectful way.

Last night I decided to phone a friend. I decided to get a couple of independent opinions, apart from what I thought. So, I phoned a friend who has children at school and said, 'What do you think about maybe if there was something happening and the police coming into the school?' They have, I think, a grade 5 child and a grade 7 child, both at schools in Launceston. It was an overwhelming yes, if it is going to keep my child safe, absolutely yes.

I also decided to ask my sister, who never agrees with me. I thought, well, let us just see what she has to say. My sister, I might add, is an educated person. She is a drug and alcohol counsellor, dealing with young people all the time. Her comment to me was, 'Are you for real?' Now, I was not sure which way she meant it for a moment and she said, 'Of course, police should be able to go wherever they need to go, whether it is a school or wherever, to protect our children and our community.'

I liked the idea, and I thought the same as the member for Mersey, when he was saying about police going into maybe primary schools with their wand. I can imagine - I know at the little Catholic school where my children went that police and firemen would come in. Police came in and interacted with the children and I can imagine, as the member for Mersey said, that them coming into a primary school class with their wand and maybe having a little dinky car in one of the children's pockets and finding who has it. I think things like that actually have a really good interaction too with children and police.

I also feel, if it was my child who had the weapon, I would want it to be found before they did something silly. If it was my child out there in a primary school or a high school thinking they had a weapon and, as I said yesterday, in my second reading contribution, a lot of the children I come across when I do 'independent person' are carrying a knife or a dangerous weapon say they are carrying it for protection. If they did go to school, and we hear that it is not always the safest place to be, particularly high school or in their minds, it is not, I would like that child, mine or someone else's, to have that article found, so that they did not do something with it; they did not do something silly. They might get into trouble, but I would rather they got into trouble for having been found with a knife than accidentally having used it.

I understand the motion before us. I cannot agree with it. As far as I am concerned, safety of our people, our children, our youth is paramount. I would not want to see a tragedy occur because our police were not allowed to go into schools, TAFEs -

**Ms O'Connor** - But they are allowed.

**Ms ARMITAGE** - I believe that I have the Floor at the moment, Chair.

I would not like to see a tragedy occur should our police not have the authority to go into one of these areas - primary school, high school, university, TAFE - if they considered the need was there. I do not believe they would go unless they considered the need was there. As we have said, it is not only children who are there, there are a lot of other people actually on these premises as well.

I understand, as I said, where the member is coming from. I cannot support it. As far as I am concerned - I know it is human rights, but to me, safety is paramount and the safety of our community, our children, our youth. I do not believe that the police would be heavy-handed. I am quite sure they would do anything they would need to do in a respectful manner. I do not support the amendment.

**Madam CHAIR** - You only have two calls on this. You are best to let other members - in case they have questions for you.

**Ms WEBB** - Thank you, Madam Chair. I will try to be relatively brief on it but I do want to put my view on the record, so it is clear. I spoke in my second reading contribution, I will not revisit that, but I did speak about the fact that I wish we had a more nuanced approach to how we might achieve the outcomes we want in terms of a school environment, while putting better safeguards there. I will not revisit that, but I refer people to my second reading contribution on it.

The thing, for me, that is quite unfortunate here is that I understand the argument that was put to us that currently there might be a block there, a restriction in terms of what police are currently empowered to do and what they might need to do in a school environment to respond. I understand the examples that were provided about that. What we did not get, and maybe it is not available, maybe it can be provided now, but what we did not get was any data to tell us how often this happens? How much of a problem is this? To say, 'Our current powers allow us to respond in this situation where we can have a reasonable suspicion, but they do not allow us to go in and do these searches if there is not enough information to form a reasonable suspicion, therefore we cannot respond', in those instances, what I would really like to know is, how often is that happening? How often has it happened in the last year?

**Mrs Hiscutt** - Whilst the member is on her feet, is this the relevant amendment? This is the member for Hobart's amendment you are asking -

**Ms WEBB** - My position on it is relevant because at the moment including schools, in my mind, is a problem. It is especially a problem because I do not believe we were given an evidence-based reason to include them now as a matter of urgency. We were not given information, in terms of data, about how often there are times when police would need this power that is being given here in the bill to act.

While that is unfortunate, the positive thing that I see about this bill is that it has a review clause in it now. It is a quite soon review clause, it is 12 months. It is going to be reviewed after only 12 months of operation. To my mind then, because I do have concerns about the inclusion of schools based on all that expert evidence we heard and the lack of an evidence-based and data-based rationale, I am relieved that we have a review in 12 months. In my mind, that would be a perfect opportunity - if we support this amendment and take schools out now, the 12-month review is an ideal opportunity to ask ourselves, 'Do we now include schools here?' Even better, I think the option we would have at that point is to include schools in a more nuanced way.

It would not have to be a response to a tragic accident. I do not think that is the only other option. I think we could have a more nuanced way of empowering police to go in and do the searches similar to this, but with time limits, with particular geographical locations. That would be something that would settle a whole range of concerns that were raised by all those legal expert stakeholders and social policy stakeholders, including the TLRI.

My view on this amendment, is it is modest to be only taking schools out of that list of educational facilities. We will have an opportunity in only 12 months to revisit if we would include schools and if so, how. I believe it would be ideal as well working into that, to work with the children's commissioner on how we could give effect to this sort of power available to police in a school environment, in a very well-designed way, informed by, for example, the children's commissioner's work with children and her consulting with children. That would be ideal in my mind. I could absolutely support that process and this amendment would allow us to go through that kind of rigorous process and it is only within the next 12 months that that would happen. To my mind, I am supportive of the amendment, because all of those opportunities are there before us in the very near future to address this in a rigorous evidence-based way, and appropriately consulting with people like the children's commissioner to decide how to do it, if we do decide to do it. That is my position on the on the amendment.

I am going to vote in support of the amendment with the expectation not that we absolutely would not consider schools in relation to these powers, but that we would do so in a more appropriate and consulted way within the next 12 months lining up with the review.

If you do have the data that makes the rationale for this, that is interesting to hear. I do not necessarily expect you to have it at the moment or to respond to the points I am raising. I am just giving a rationale in terms of my view on the amendment.

**Ms LOVELL** - I was genuinely conflicted when I first saw this amendment. I can absolutely see the arguments from both sides. I have spent a fairly significant amount of time over the last couple of days looking at it and talking to people. One of the things I would have really liked to have had more of an opportunity to do - and I wish that the government had the appetite to do this, or indeed the member for Hobart, and perhaps there is a bit of a question around this - is to really consult with those people who are in schools every day, with educators, with the AEU, as an example, with the principals association.

The considerations that I have put my mind to over the last couple of days are, I understand the arguments that the member for Hobart has put. I do not disagree with those arguments. I also know that there are rising instances of violence in schools, and that violence in schools is one of the biggest issues for educators currently in Tasmania. It is not necessarily violence perpetrated by students in schools, but violence perpetrated by families and by other people who are connected to those students. That is something that comes up every time I talk to educators and principals. That was one of the things I was considering.

I am not suggesting this is the same set of circumstances or even the same cohort or demographic of children who we are talking about, but the thing that came to mind is when we debated in this place a bill around searches in youth detention facilities. My immediate reaction to that was that we should not be conducting strip searches in youth detention facilities. That to me felt very wrong, but it was actually feedback from the children's commissioner in that process that gave me a different perspective. That feedback was that when she - the commissioner at the time was a woman - was speaking to young people in those detention centres, they were telling her that they actually felt safer and that they were quite happy to tolerate a search on themselves because that gave them confidence to know that other people had been searched as well and that they, as a result of that, were safer or felt safer. That was an interesting perspective that I had not considered. I wondered if that might apply in this instance as well in terms of how students and staff are feeling in schools.

I also think a big part of this - and this came up in the briefings yesterday - is around the implementation. If this bill is implemented responsibly, I do not think we have a problem. I trust the police service to act appropriately. I know they work closely with schools now. I trust that they will continue to do that.

I had conversations with some educators. I will speak in general terms because there was not time to get a formal position from anyone. I had the opportunity to speak to some educators from a couple of different roles in schools over the last couple of days. Their views were really mixed on this as well. What they did tell me about is how they deal with these sorts of situations currently. It usually does not even involve police. It usually involves a conversation with the young person. It usually involves the young person quite readily admitting to having a knife in their bag or on their person, not to use at school - sorry, I should not say 'use' - but to carry after school because it makes them feel safe in the places that they are going. That raises all kinds of problematic issues that we need to deal with in a separate way, in a separate time, but it allows those educators to have a conversation with that young person, often involving their family, to talk about the fact that carrying a knife actually makes them less safe. It opens up opportunities for them to intervene early and provide support for those young people and their families.

I have no reason to think that that kind of way of handling these situations will not continue if this bill is passed. I also am comforted by the fact that we have a review provision in the bill. I actually thought it was a six-month review.

**Ms Webb** - It is 12, I am pretty sure.

**Ms LOVELL** - Whatever, six or 12 months.

**Ms Webb** - Oh, sorry. Maybe it is 12, 'within six months after the first anniversary of the commencement'.

**Ms LOVELL** - Then it would be 18 months, actually. That is probably better because six months would be far too short, you would not really have an idea. Even 12 months is probably a little short. A review within 18 months, I think, provides me with a level of comfort around making sure that this bill does get implemented in the way that it is intended and that there are not any unintended consequences that result from it. We will have an opportunity to look at this again in 12 to 18 months to make sure that the concerns we have are not coming to fruition.

I know he is here in the Chamber. I would strongly encourage - through you, Leader - the minister to engage with schools around this, engage with the staff working in schools, to understand. I know the list of prescribed places has come from feedback from the police department and they have a perspective that they are looking at it from. When you are bringing in a reform like this that will impact a place of education in such a significant way, you really need to consult with those people too to make sure it is what they want and what they need, and to make sure that everyone is on the same page around how it is going to be implemented. I appreciate the concerns raised by the member for Hobart. I thank her for bringing them to us so that we can have this conversation and have the debate and hear both sides. At this point, we will not be supporting the amendment.

[5.32 p.m.]

**Ms FORREST** - This is a pretty significant amendment. I wanted to put my thoughts on the record here. I, like the member for Rumney in many respects, was conflicted about this. It is very easy to see both sides. I did not have the time to actually contact some of the school principals or the AEU. I do not know if the member for Hobart did in preparing the amendment or the government did during the development of the bill and this particular provision around it. It would be helpful to hear that from those two parties.

This creates the situation, potentially, whether the amendment is agreed or not, of the same problem presenting in completely opposite ways. That is the potential problem, as I see it. If children are feeling unsafe in our school, that is a problem we need to address regardless of the cause. There are lots of reasons why children feel unsafe in schools; there are lots of reasons why teachers feel unsafe in schools. A lot of it comes down to behaviour of their peers in the classroom or in the playground.

I talked about this in my second reading contribution - the bullying that goes on with social media, the ongoing pressures on young people that we just did not have to face to the same extent as children ourselves. There may be children who are more likely not to go to school, sometimes because they come from these disengaged families who do not value education, they come from families where family violence is a massive issue, and they just do not have the wherewithal to get there, or other challenges like that.

Often, those children will have had interactions with the police. Not necessarily directly themselves, but in a family violence situation, you can almost guarantee they have had an interaction with the police, because the police have responded rightly and appropriately to a family violence situation. That is never an easy situation for a child. They may have seen things that have impacted their view of police. For them to think, well, the police can just - not that the children have to think much about this, I know - but for them to see police come into the school and then do things - even though it is non-invasive to other students or even the teachers - may be quite triggering for them. If that started to happen - I am not suggesting it would start to happen - but if it did, then those children may feel more reluctant to go to school.

Then, there are other children who might not want to go to school because they are scared that other kids have knives. They might have heard that this kid in the class or in the school has a knife. Word travels around school pretty quickly. With social media, it is all over this place in no time. This goes back to the point that the member for Rumney just made about the feedback during the searches in youth detention, and how children actually felt safer when they knew everyone was searched. I am not suggesting we search all children here, but it is about what makes a child feel safe. For some children, if they know that the police have this capacity, if someone alerts the police to the fact that they have heard, through social media or someone said it or whatever, that someone is in the school with a knife, a well-concealed knife possibly, that the police can come and deal with that. The same situation could impact children. There is no easy answer here.

We need to address any underlying issue that might make it more difficult for a child to attend school, whatever that is. Whether it is fear that someone might carry a knife or some other harmful implement to the school, or that other children are bullying them or they do not feel safe for some other reason, we need to deal with that if we are going to improve our educational outcomes and the wellbeing of our children. That is a separate issue.

I could easily argue both sides of this coin. Like the member for Rumney, I am pleased to see the review in there: 18 months will hopefully give us enough time to see whether or not police have gone into a school as a prescribed place and what they have done there. They may not, so it will be hard to know how that has gone. It may be that this is a constant watch about how it is utilised because it is a sensitive area where everyone felt and should feel safe - students, teachers, parents, and other staff, not just teaching staff who are there doing their best for the children. If we do not do that, then we are failing.

I am not going to support the amendment. I would rather see the bill as it is for now, see what happens in the review and revisit it. I do have confidence in our police. I have seen how they operate around my community. I cannot speak for every police officer, but I know a lot of them personally. It is a tough job, and many members of our community are so quick to criticise them and to expect the worst.

**Madam DEPUTY CHAIR** - Who is the first person you call when you need help?

**Ms FORREST** - I know, that is right. It is not an easy job, not a job I want to do. They probably do not want to do my job either, but in any event. I wanted to put those points on the record because I think it is important that my community, if they are interested in this one, understands why I did not support this amendment when in many ways it makes sense to support it, but equally there are many ways why it does not.

Thanks for the opportunity to make this contribution on this because I think it is such an important matter.

**Ms O'CONNOR** - I will make this my last speak on this amendment because I get the vibe of the thing and we have the glorious Leader leaving, but I just want to say a couple of things. The first is, it is really clear that everyone in here cares deeply about the wellbeing of children. In response to the member for Launceston, I am not just passionate about children, I am passionate about the safety of children, I am passionate about their future, and I think everyone in here is too, and not just our own kids.

With that compassion - we need to always be mindful that that compassion has to extend to children no matter what their background. Do you want to have a sort of two classes of kids with different metrics of compassion applied to them? Children are not safe in adult remand and we know from the data that about 400 kids go into adult remand centres, that is, put in there, overnight in some instances, every single year. We have kids going into adult remand centres in Hobart and Launceston where people are detoxing, coming down from benders, undergoing psychiatric episodes and, apparently, as a community we are okay with putting those kids into those places.

They are not safe in there. They are not safe in Ashley Youth Detention Centre where 97 per cent of the kids are on remand - that is, they have not faced court and they have not been sentenced, but they are inside Ashley Youth Detention Centre, which we know has a criminogenic effect.

As for the evidence we heard about the commissioner for children talking to young people in Ashley who felt safer when there were searches in Ashley - I totally get that, absolutely, but it is a very different environment from every school in Tasmania.

We have heard quite a bit of anecdotal evidence in response to this proposed amendment. We have heard stories about making phone calls to educators, to family members, talking to young people. It can add to the fabric of our understanding of something, but anecdotal evidence is not evidence, and the 'vibe' of something is not sufficient to enact it.

What I heard from the member for Rumney about processes inside schools affirms what I have heard about how schools deal with potential violence. There are already processes in schools, as I understand it. There are already police powers to enter schools if they have a reasonable belief that there is likely to be someone on the school grounds with a dangerous item. We would argue that there are sufficient powers currently under the *Police Offences Act*.

We would support the Commissioner for Children and Young People's response to this legislation, where she says it is in contrast to the government's commitment to the Youth Justice Blueprint 2024-2034 to 'keep children and young people out of the youth justice system', and to implementing recommendations from the commission of inquiry such as raising the age of criminal responsibility, which involves the implementation of a range of evidence-based non-criminalising responses to prevent and respond to harmful behaviours.

We had, just last year, the government release its 10-year Youth Justice Blueprint, which makes a commitment - in writing - not just to the people of Tasmania but to young people. It makes a commitment in that blueprint to contemporary, rights-based, individualised, therapeutic and integrated approaches to youth justice. Now, that is not what we are seeing in this amendment bill. I concur with every comment and observation that has been made about the reputation of Tasmania Police and how judiciously they exercise their powers. However, it is one thing just to take Tasmania Police on trust because of their history and another to enable such a broad extension of powers - broader, in fact, than in any other Australian jurisdiction.

It is disappointing that members are not going to support this amendment. I want to thank the representatives from the Community Legal Centres who do support this amendment, who have written to us. I am thankful to Legal Aid, which supports this amendment and have written to us. TasCOSS, also. If we want to talk about more than anecdotal evidence, then we should be listening to the experts, and what they have told us is that there is risk associated with provisions that allow for extra police powers - without a reasonable suspicion, even - to enter a school and potentially wand groups of children and young people.

I am also thankful that the House had the sense to put a review clause into this amendment bill. I very much look forward to being part of understanding the effect of this legislation. Oh my goodness, Madam Chair, I hope this legislation works. On the evidence, however, I am really not sure. There is no evidence that it will make the community safer. There is no evidence that if a kid goes into a particular school or an adult goes into a particular school with a weapon on them that because we have given police these extra wandering powers, that will prevent a tragedy. It is not 'cool', I think, for the Leader of Government Business to use such emotive language; 'Do you think a police officer is more threatening than a knife?' It is silly.

**Ms Webb** - Unnecessary.

**Ms O'CONNOR** - Yes, it is silly and unnecessary, and we should not have to be divided on legislation like this because broadly, on 80 per cent of the principles, 85 even, we are all in furious agreement. We all want our community to be safer. We do trust Tasmania Police, but the difference is in our lived experience. Part of the reason that all of us here have such

a positive view of Tasmania Police is because in our communities we see Tasmania Police interacting with our constituents and it is positive. In our own lives - hopefully, no-one in here has a criminal record but I do not need to know and I doubt you would have, otherwise you probably would not be in here - but our interactions with Tasmania Police are positive interactions. We are not the kind of kid who is potentially going to be targeted, profiled because they are in a designated area or the police form a reasonable suspicion that they could be carrying a dangerous item on them. We are not the kind of kids who are potentially likely to be traumatised because police officers have come into their school and started wandering groups of their friends.

Particularly when we know that, even on the evidence that we have heard, Tasmania Police can already go onto a school premises if they have a reasonable belief that there is a young person or anyone there with a dangerous item on them. I hope that the government, in its data collection and annual report preparation in response to the review provision that is put in this bill, get some good, robust information on schools and the risks. What is the level of risk in schools? Obviously, we need to know how many times Tasmania Police have entered a school premises and conducted wandering exercises. Given that this is now likely to be enacted with a flimsy evidence base, when we come back in here in 18 months' time and look at whatever the review process is, perhaps we will have a stronger evidence base.

In closing -

**Mrs Hiscutt** - I cannot think of a standing order number to pull you up, but anyway.

**Madam CHAIR** - No, she is closing now. Do not interrupt her.

**Ms O'CONNOR** - You have 10 minutes to pull me up.

**Ms Webb** - I do not even know if the annual reporting requirements will require us to know about schools, but let us hope -

**Mrs HISCUTT** - In closing.

**Ms O'CONNOR** - Well, 'in closing' because you incited an interjection - no, you interjected and you promoted a quarrel. You did.

**Madam CHAIR** - Order. Let us go back to the matter at hand. You were closing.

**Ms O'CONNOR** - Standing order 99(8) thank you, Madam Chair.

In closing, we have deep concerns about this bill. They were laid out in the House of Assembly. We recognise there is an issue in the community with safety and that more people are carrying dangerous items on them. We recognise we are living in a more dangerous society, but we regard this bill as overreach. I hope it works. I think we all hope it works.

I know Tasmania Police will use these powers as cautiously as it is possible to use them - on the history of Tasmania Police - but we need to recognise we are giving law enforcement in Tasmania powers that no other law enforcement agency in the country has. That is something that is very serious. That is why just this one small, quite modest amendment was

sought, thinking we could just soften the edges of this a little bit until we had a better evidence base, but I can definitely read the room.

I thank honourable members for considering the amendment I have put forward on behalf of the Greens. I commend the amendment and I know that when members vote on the amendment, they will be mindful of all the considerations in us giving police these powers to enter schools and wand children without a reasonable suspicion, there is a problem there.

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

**Committee divided -**

**AYES 2**

Ms O'Connor  
Ms Webb (Teller)

**NOES 12**

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

**Amendment negatived.**

**Clause 9 agreed to.**

**Clause 10 agreed to.**

**Title agreed to.**

**Bill reported without amendment.**

[5.56 p.m.]

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

That the third reading of the bill be made an Order of the Day for tomorrow.

**Motion agreed to.**

## **MESSAGE FROM THE HOUSE OF ASSEMBLY**

### **Joint Sitting - Senate Vacancy**

**Mr PRESIDENT** - Honourable Members, I have a message from the House of Assembly:

Mr President,

The House of Assembly doth agree to the following resolution communicated to it by the Legislative Council on the 9 April 2025:

Resolved, that on Tuesday, 27 May 2025, at 11.15 o'clock in the forenoon the Legislative Council meet with the House of Assembly in the House of Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate of the Parliament of the Commonwealth of Australia rendered vacant by the resignation of Senator Anne Urquhart; and further, agrees to the rules proposed previously distributed to members in relation to the conduct of the joint sitting.

Signed  
Michelle O'Byrne  
Speaker  
House of Assembly  
10 April 2025.

## **ELECTORAL AMENDMENT (ALTERNATIVE VOTING PROCEDURES) BILL 2025 (No. 4)**

### **Council Amendments Agreed to**

**The House of Assembly advised that it had agreed to the amendments made by the Legislative Council.**

## **STATEMENT BY PRESIDENT**

### **Member for Montgomery - Retirement**

**Mr PRESIDENT** - Honourable members, I want to advise the House, given that this is the honourable Leader's last sitting day in this place, I am going to allow the honourable Leader to make a brief contribution to the Council and in doing so allow any other honourable members who may wish to speak to do that also.

I welcome the honourable member's family to the Chamber today in the President's Reserve.

Also, we have colleagues of the honourable Leader, the Deputy Premier and the member for Bass, Mr Ferguson, and Mr Barnett. We also have the former member for Montgomery, the ever-present Sue Smith. We also have Mr Ellis over there, so it is quite a big turnout. It is

interesting, we have the current member for Montgomery, the former member for Montgomery, possibly the next member for Montgomery, who knows? I think we are pretty full of Montgomery at the moment.

Honourable Leader, it is over to you.

## **ADJOURNMENT**

[5.58 p.m.]

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

That at its rising the Council adjourn until 9.30 a.m. on Friday 9 May 2025.

This is for the quorum call.

**Motion agreed to.**

[5.59 p.m.]

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

That the Council do now adjourn.

## **Member for Montgomery - Valedictory**

[5.59 p.m.]

**Mrs HISCUTT** - In speaking to that motion, Mr President, I do wish now that maybe it was a briefer comment, but, first, I acknowledge my fellow members who are up for election this year, the member for Pembroke and the member for Nelson, and can I just tell you both that I am so glad that I do not have to go through another election? I do wish you both well.

Mr President, as you have just done, I acknowledge my family who are sitting here: Ben, my son Casey and his lovely wife, Monique, and our three grandchildren, Marli - who is taller than me and 10 years old - Joel on the end there and little Flynnie. Do not look at him; he is shy. Also, Meg from my electorate has made the journey down to be with me today on this occasion. My eldest son Tom and his lovely wife, Phoebe, and their two daughters, Harper and Layla, are watching on the broadcast. They have been texting me to say things like, 'How much longer, how much longer?' They were unable to come today.

We must also be on our best behaviour because, as you have mentioned before, the former member for Montgomery is here and I am sure she is aware of all the Standing Orders. Lovely to see you here.

In the beginning, my birth family consisted of four children living in a two-bedroom house in Elliott, which is in Murchison. My only claim to fame that I have here is that Michael and Brendon Gale lived just down the road from there. My father was the second son in his family and he inherited nothing from his father because he was a second son. This has

relevance, so all the farm went to the eldest-born brother, of course. That was the way it was in those days. I am so glad to see it has changed, especially for women. When I married Ben in 1984 - I will check with him later that he knows how many years that is - I made a vow that if we had any baby girls, I would ensure that they got their share. In those times, it was thought that if you gave your land to your daughter, you were giving it to someone else's son. However, I did not have to have that fight because I had three beautiful sons and no daughters.

When I went to high school, I was forced to do gender-appropriate classes. I did shorthand, typing and commerce. The subjects that really interested me were, of course, metalwork, woodwork, and TD - which is tech drawing - but they were forbidden to girls. As you know, I ended up being a farmer, where shorthand did not help me much at all. I am so pleased that my granddaughters can do anything that they want now. I am sure that it has been policy and law amendments which have been enacted in majestic places like this. I have been part of that for nearly 12 years.

I often ask myself, how did I get into this position, here today, giving a valedictory as a retiring politician? I would say to myself, what went wrong? What went wrong? How did I get here? This is a question that I ask all the time. I never had any intention to run for politics; never had any desire. I was happy being a farmer. I had done a four-year apprenticeship and was a qualified tradesman. My father-in-law had fostered my entry into stock buying and meat wholesaling, and I was one of only two female buyers in those days. It was a job I loved and a job I did quite well.

One day, prior to 2010, my husband and I received a fateful phone call. It was asking if we could put a sign on our big green shed, the farmer shed, which is down the side of the Bass Highway. It was one of those shady political signs. Hiscutts have always been Independents, with past MLCs Uncle Hugh and Uncle Dessy being Independents. I am the black sheep of the family. I had nailed my colours to the Liberal wall. We thought hard about that telephone call. The telephone conversation ended up with, '... and if you know any good women, will you please let us know?' I looked at Ben and Ben looked at me, and we went, 'Well, uh, maybe. Yes, let's do it.' That was the fateful day. I remember it well. We rang the phone caller back and three minutes after that, our current Premier, Jeremy Rockliff, was on the phone to me. I had known Jeremy through our farming days and we also knew his father, Rick, quite well as we grew poppies and he worked in the poppy industry. Both very honourable men.

I felt like I might have already been doing things of influence. I was a member of the Tasmanian Women in Agriculture and I had been the Tasmanian representative on the Australian Women in Agriculture for a few years. I had also been the president of the Chamber of Commerce and Industry, a member of the Poppy Growers Association - actually, only the second female ever after the magnificent Ruth Paterson, if anybody knows her. I was also involved in different vegetable growers associations and I was also a member of the Women's Council of Tasmania. I believe, the minister at that time was our current honourable member for Hobart.

Maybe it was time to step up when the opportunity presented itself. The door was opened and I stepped through. It was the 2010 state election and I ran for the lower House - all due respect to members from the other place - as an endorsed Liberal candidate, and I came in seventh. Had the increase in the size of parliament been done back then, things would be radically different from today.

**Ms Forrest** - Aren't you glad that did not happen?

**Mrs HISCUTT** - I probably would have been retired many years ago.

I can say I am pretty glad that I missed out, and ever so glad to be in this place. It is quite congenial, civilised, and all members are respectful of each other.

I will touch on the Leader's role. I have been Leader in this place since 28 September 2017, and that finishes when the Premier makes his call. I can only get records from 1940, but since that time - as of today, 10 April - I have become the fourth-longest serving Leader in the Legislative Council, being surpassed by Michael Aird by a few days. That depends on when the changeover is, because I could become the third. Not that this is a Liberal-Labor thing, but you know.

**Ms Forrest** - Just glad the election might help.

**Mrs HISCUTT** - For that, I feel privileged and very honoured.

I have enjoyed the confidence of the current Premier, and I laughed one day when the former premier, the honourable Peter Gutwein, was laughing and said to me, 'I don't know what you do up there Leonie, but you do it well'. That small comment made me feel very proud.

We talk about some achievements. I sometimes think about the achievements that one has done during a term of office. I have also been asked, in past times, to speak about the highs and the lows of political life. I would like to mention that I can confidently say that I am a supporter of medicinal cannabis, and was very happy to give support to minister Sarah Courtney when she first discussed the issues and later brought in legislation and regulation.

I was very challenged by the VAD bill and did a power of work in the community to garner their opinions. We, the Libs - and I think it was the same for Labor - were given a free vote. I felt obligated to represent my community, and I badgered them for weeks getting their opinions. I am thinking, 'This is not enough, I have to get more'. When the final vote came in, I felt very comfortable voting in favour of the bill, and I thank the member for Mersey for bringing that on.

As an individual, it is difficult to have personal achievements. I can say, yes, I managed to get car parks for the Penguin Sports and Services Club; yes, I managed to secure funding for Sheffield Men's Shed, and those sorts of things. Yes, I have had influence on many pieces of policy and legislation. I must admit, I have hammered past ministers of Primary Industries to get the things that I think are appropriate.

However, I am a member of the collective, which is the Liberal Party. Over the years, there have been many achievements - plenty of ups and a few downs. When I asked myself, 'What is the best thing about being a polliie?' besides having input into reforms from government, the answer is definitely constituent work. It wins, hands down. I have a list longer than your arm regarding the support I have given to many groups and individuals within my electorate of Montgomery. When someone walks into your office and just does not know who or what they need to fix a particular problem, I am able to get the help that they need, or at least put them in the right direction, or connect them to the right people. Some people just need an ear to listen to them. Sometimes, a discussion with a friendly goes a long way. I have had

constituents come back to me in past times and say how great the help or the information was that I had supplied to them. That is what is so rewarding about this job.

When I was first elected, I joined every little club everywhere, as much as I could. I went to many meetings and AGMs, and participated in their events, printed programs, booklets, flyers, and supplied many raffle prizes. That just reminds me, I forgot to acknowledge Meg in here, because she is the one who has to do like 'can ya, can ya', telling them all that a raffle prize was the easiest way to make a few dollars for their club, especially when the prize was donated.

When parts of the Kentish community were moved into Montgomery at the last redistribution, I was welcomed with open arms. I was overwhelmed with the number of people who knew me from my stock-buying days or who had other connections with me. I was very humbled and honoured to now be able to represent many people whom I considered friends. I feel, rightly or wrongly, this is the best thing about being a pollie.

We do not have a stranger on the Floor, do we?

**Mr PRESIDENT** - No.

**Mrs HISCUTT** - Some highlights; as a politician, I have had some fantastic opportunities for learning and improving one's knowledge. There are opportunities which are provided to help us to see how other people do things and how we can do things better in Tasmania. One of my two highlights in this space was the opportunity to travel to New Zealand as part of Committee B with the member for McIntyre, with you, Mr President, you were a deputy chair, and with the former member, Mr Greg Hall, as the chair to study the dairy industry. That was back in 2017, would you believe, just before I became the Leader.

The other highlight was the Frank MacDonald Memorial Prize. Any member who gets this opportunity - and it works on a rotational basis - please say yes if it is offered to you. It is very moving, as we study the Western Front and walk in the shoes of our war heroes. The group I was with, and I am sure with every group, became very war-weary towards the end. Every few kilometres down the road was a small patch of ground, a group of trees or a small town which was the home to so many dead soldiers. It was just tear-jerking.

Another thing, Mr President, electorate tours. It has been a long time since we have had an electorate tour. These are very good and should happen more often. Even though we are single-seat electorates, we are making decisions for the whole of Tasmania and should be across issues around the state, not only in our little patches. Even a day's outing for the members to visit - what is power trading room down the road?

**Mr Duigan** - Hydro?

**Mrs HISCUTT** - Yes, hydropower trading room, yes. That is amazing, it is just screens everywhere - or the TASCAT office or the Land Titles Office or maybe even an inspection of the Bridgewater bridge, Minister for Infrastructure. This all helps to educate us and what we are responsible for and what is actually being done or achieved. I do encourage the ministers in our House to have a think about that.

Some memorable moments; you hear a lot of this at election time - 'Politicians, they are all corrupt, I will sort them out. They' - meaning parliament - 'need someone honest there.' I get

a bit weary of hearing those kinds of things, but I do have one confession to make and as I am retiring, this might be the time to confess.

**Ms Rattray** - Be careful.

**Ms Webb** - Intriguing.

**Ms Forrest** - We have not dealt with the defamation law yet.

**Mrs HISCUTT** - Mr President, I have only ever outright fibbed once in my political career and I justified that by getting myself out of a potentially tricky situation when I was doorknocking. It was obviously a person who had some mental issues on whose door I had knocked, and I was about to be dragged inside their home and shown some particular conspiracy happening with their phone and the underground lines coming into the house. I quickly said, 'If you vote for me, I will fix that problem', and I beat a hasty retreat. I was fairly worried for my wellbeing at that moment, Mr President, and I would have said or done anything to get away.

Another memorable moment in my office was when a constituent came to see me about his driveway. This is one of the things that annoys me. He had bought his son with him, who was in his late 30s, early 40s maybe, and now that I look back on the issue, I could see that he was brought there for intimidation. The father was upset because the council had stopped mowing his driveway in his country home and he used to say, 'Slasher man, you would give him a carton of beer' and you know, but they would not do it anymore. He had been to see the council and tick them off, and they determined that it was not their responsibility. He came to see me and he wanted me to sort them out. The meeting - well, of course I told him I cannot do that - ended when the son eyeballed me and moved closer and said, 'If you don't fix this problem, I'm going to go to the local newspaper and tell on you'. Well, you can imagine what I did. I moved in a little bit closer and eyeballed him and at that stage I told him, 'Please, you go and do that, here is the door. See you later.' I mean, I was only this big and it did not worry me. So, maybe I am starting to get a bit cynical. Maybe it is time to retire. I am sure that - other members, have you had things like that happen in your offices? There you go. I am not the only one, but if that is the only couple of things I can think of over the years, that is not too bad. Well above average are the good times. I have had a wonderful opportunity to be part of the community, helping where I can and participating. It has been a whirlwind of a ride and I am very grateful to have been given the opportunity, but it is time to retire.

Before I close, I need to say a few thankyou's and I have written here, EWES, but that is not how you spell it. The people who have made my Leader's journey so easy are, of course, Mandy and Jonathan. Without those two, it would have been so much more difficult. Mandy has a wealth of experience - I am not going to look at her - which is worth any words that I can ever express in thanks and gratitude. And, Jonathan, is he listening in? Jonathan - this is a deliberate little comment - well, he is just a different cat. Now, we know that he loves, loves his dog Vader, but I am going to call him a different cat. When we work through issues, you can just see his mind ticking over at a thousand miles an hour. Highly intelligent, yet very practical and I think he is the only one, if not one of the only two, who is happy to see me go because it also signals their retirement - long-awaited retirement for one particular fellow. In, my Hobart office, I would also like to appreciate and note the contribution from Will Coats and Karen Shirley.

Of course, I have mentioned - I can see Meg sitting over there. Meg is my EO. She has been with me for nearly 10 years now and she and I have also counted down the days to retirement, so maybe there are a few of us. Meg would have to be one of the best EOs around. She is the front of the office and she interacts very well with constituents and she does bite her tongue quite a lot. So, regarding letters and invitations, I only have to say, 'Meg, yes, no?' and she comes out with these wonderful words. Expresses an intention to the T. Of late, I have been using the phrase, 'Meg, can you use your wonderful words to do whatever?' and I just leave it because I know it is going to happen beautifully. So, all three of you, Meg, Mandy and Jonathan wherever you are, I cannot thank you enough for all the help you have given me over the years.

I also want to say thank you to all the support from all the staff who work here in this building. I am not going to name names because I will surely miss somebody out, but to all of you, thank you for your help and your support. Even if it is just a friendly smile or a happy 'good morning' greeting when you walk in the door in the mornings. You have all been wonderful, along with the LegCo staff whom I work more closely with. Thank you to you all.

It has been a big privilege to work here with the honourable members, with you all. I have come to know your personalities very well over the years and know that you are all here to do the best for the people that you represent. We sometimes have different opinions on what that is from time to time, but I know that you all have the best interests of the people of Tasmania in your hearts.

I need to say how grateful I am for having a wonderful friend in the member for McIntyre. Tania, thank you. Thank you for your friendship and we will be sure to keep in touch. Now, I have to let you know that if I am not coming down here, that means my husband, Ben, is not coming down either, so I do not know who the member for McIntyre is going to use to get her shopping done for her. Members, in the mornings when we have breakfast, the member for McIntyre says, 'Ben, would you go and do blah, blah, blah for me, please?' and I say, 'Oh, would you mind doing blah?' - one thing - 'for me?' At the end of the day, the report comes back, 'Member for McIntyre, I've done blah, blah, blah', and that is it. I say, 'Excuse me, what about my thing?' 'Oh, I forgot that.'

To the people of Montgomery, what a pleasure and honour it has been to serve them over the adventures of the last 12 years. We have had some wild rides and exciting times. I have shared the ups and the downs of the electorate with all of them and, hopefully, I have been there for them when needed. I thank them all very much for choosing me to represent them.

I have a small red jar on my Ulverstone desk that was given to me by the former member for Montgomery, the honourable Sue Smith. It contains dirt and on the lid she has written, 'North-west coast dirt, good enough to eat. I have always said that you can plant nails and grow crowbars in it.' I can only agree wholeheartedly and, be assured Sue, I will be passing it on to the next member for Montgomery to be cherished and as a reminder of where we live.

Last, I thank my family for coming down and thank Ben for his tolerance of me being out all the time. The job is very difficult on families and it takes an effort to make it work. I wish you all well, but now this is Leonie the Leader, number 767 on the Long Room wall, signing off.

**Members - Hear, hear.**

## Member for Montgomery - Tribute

[6.21 p.m.]

**Ms FORREST** (Murchison) - Mr President, before I address my thoughts about the Leader, I want to acknowledge the other two members here, and potentially three, who are facing election at the moment. It is a really tough time. It does not matter what job you have done; having to contest your seat, particularly when you hold it, is challenging and it is scary and it is difficult, and you have moments of no confidence at all and other times you think, 'I have got this', and it is tough. I acknowledge that and I wish you both well. I do not know whether it is a good or bad thing that the election has been pushed out, but hopefully it is a good thing for you to give it a bit more time, particularly when we do not stop sitting like the other place, so all the best to them.

I would now like to address my thoughts to my electorate neighbour, Montgomery. It has been a pleasure to be the neighbour and come through your patch every time I head that way, keep an eye on things as I go through, that sort of thing, you know how it is. Also, because the member for Montgomery represents nearly all my family members, who all live over the border, so she is the member of my immediate family who live in the north-west. There has always been a bit of a connection there and we do share some areas in both of our electorates that are significant to us. She grew up in Elliott, which is in my electorate.

**Mrs Hiscutt** - Next to the Gale brothers, too.

**Ms FORREST** - That is right. When you have a neighbouring member who you have those connections with, I think it is a good thing. The member for Montgomery stepped up to be the Leader in this place unexpectedly. She had been here a while at that time, yes, but it was on the tragic death of Vanessa Goodwin that she stepped into that role and I can imagine it was quite a difficult task. Vanessa was a highly regarded Leader, minister, and member of this place and highly respected. They were big shoes to fill and it was not something that you were expecting. We all imagined that Vanessa would be there for many years. It was a tough time, but the Leader in that role has done a great job, particularly in trying to teach the other place how we do things around here.

I know it is a losing battle sometimes, but we do do things differently here. I know that Leonie - I will call you Leonie for this; I know that is slightly unparliamentary in our Standing Orders - but Leonie has really advocated on our behalf to try to stop the government trying to ram things through, or whatever it is, to understand that we do not do things quite the same in this place as we do in the other place. I do appreciate the efforts you have made in that on our behalf because it has been frustrating at times and I know that the Leader has also been frustrated at times by the perhaps lack of real understanding of what this this place is about. I appreciate that and I hope there has been a bit of a collective understanding in the other place of how we do things up here. Well, the next Leader will have to take up the gauntlet on that one.

One of my favourite memories of the Leader, when she has been the Leader, is sometimes in briefings on legislation, she will ask her own questions to stick up for farmers. Do you remember? Is that happening at times? This is the government legislation and she has questions about how this is going to apply because she is not sure it is right. That does not flow through into the Chamber, I might add. You cannot take the farmer out of the girl. You really cannot - and neither should we.

The other thing that Leonie and I share is children of a similar age. Our children were at school together, and sadly I recognise Joe's passing, who was in my son Alan's class. It was a terrible tragedy for your family. I still remember that day, not as well as you would, but I recognise that and acknowledge that it must be at moments like this you particularly miss him.

Casey, who is in the Chamber, who is potentially the next member for Montgomery, was in the same year as my son Edward. Their photos are on the wall in our corridor here as members of Youth Parliament the only year it was held in the LegCo. It is a funny thing when you look at that. It is lovely to see you in the Chamber today, Casey, particularly because of that connection that I have with you through my own child. Thank you all for being here, though, it is pretty special.

I am not going to make a lot of comments. I just wanted to make those couple of reflections. I appreciate what you have done for your community. Thank you for your service. As you have said in your own contribution, you give up a lot, your family gives up a lot. Now the grandkids over there can expect to have Nanna, grandma, whatever -

**Members - Mima.**

**Ms FORREST** - Mima, that is right, around much more. So use her.

I know Ben has been a tremendous support for you. I remember having to fight to get you a driver as our Leader in this place. It was a disgrace that we had to do that. I put it in writing and other members advocated, too, because as the Leader, you have an extraordinary workload in this place. I thought it was disrespected. I hoped it was not because you are a woman, but that did cross my mind at the time. It was good that you were provided with a driver then; even though Ben is quite capable of driving, it is not actually his job when you are the Leader of government business in this place, in my view.

Thank you for your service; 12 years is a long time to give to the people and be at their beck and call. I wish you well in your retirement, which I am sure will include an increase in childminding, particularly if we do see a new Hiscutt in the Chamber. The best thing that you will experience is that next time you need to cross the Emu River, you will not need a visa. All the best.

### **Member for Montgomery - Tribute**

[6.28 p.m.]

**Ms RATTRAY** (McIntyre) - Mr President, first, I would also like to wish the honourable member for Pembroke and the honourable member for Nelson all the very best for their upcoming elections. We certainly do get a bit antsy when it is our turn. I sincerely wish you all the best, and also to the candidates of the Montgomery election. I have a little bit to say further on.

When the former member for Montgomery, the honourable Sue Smith, who is here in the House today, announced her retirement, I thought, 'Oh my God, what am I going to do now?' The people of the electorate were tasked with a big job and to their credit, they elected in 2013 a fine representative in Leonie Hiscutt.

I scooted about and sourced the contact number. I am not sure who I managed to source it from, but I found it. I made my welcome call whilst adding, 'I am here to help the new member'. I try to do that to every new member, because it was done to me and I really appreciated it. I seem to have made quite a few of those calls over the years, and another one will be due some time in May, to welcome the next member for Montgomery. Hopefully I do not have to make welcome calls elsewhere.

**Mr Edmunds** - Hear, hear.

**Ms RATTRAY** - Of course, the next member for Montgomery and who knows, the Hiscutt dynasty may well continue. I think most of us have got a pretty good feeling about that. All the best to Casey on his quest to be elected to this place. I sincerely wish you all the best. I know you and your family are working hard.

The member arrived, these two country girls hit it off, and yet another wonderful friendship has evolved. No more to say about that, about our outside work catch-ups. Needless to say, there have been plenty of laughs and a few tears thrown in on the journey.

After becoming Leader in 2017, the workload increased substantially for Leonie, and that has already been mentioned by the honourable member for Murchison. I and some others in this place at the time believed that she would and could do justice to the role. That she has. In my view, Leonie has carried out the role exceptionally well, with diligence and an odd bit of humour thrown in - actually quite a bit of humour thrown in - all while showing respect and an understanding of her colleagues and their positions during debate in this place. The Leader has always carried out the role of Leader of the government without judgment, often seen wandering around the Chamber, checking with members, 'Where are you at?' during contributions, if we are ready to speak, and has been known to ask the question, 'Are you with us on this one?' If it is a no, she moved on without issue. I never felt there was a problem if it was a no.

Leonie's love of the land and the family farm has never left her during her time as a member in this place. She has often talked about her farming qualifications, espousing her tradie skills. We know that that will be once again be her happy place, back on tools - I thought I would get through - and mending those fences that may have taken a back seat over the past 12 years.

For many of us here who have worked with Leonie, 'Imagine what it is going to be like when I do my own, my God. I think I will have to do it by myself.'

**Ms Lovell** - Pre-record.

**Ms RATTRAY** - Many of us who have worked with Leonie will know only too well, her family and her garden are two of her most precious gifts in this world. Her retirement, I expect, will involve caring for and visiting family, together with spending time in the garden, and will take up plenty of her newfound freedom. I know there are quite a few trips already organised, I think three to Sydney pretty soon, so that is wonderful. Taking care of the travel bug will be on Ben's must-do list. That will probably be helpful because I will not be able to get you to do jobs anymore, with the best part of the year accounted for, with travel plans in place ready to action. Enjoy your new adventures and I look forward to hearing about them when I visit your home at Howth or when you get up my way.

All the very best, Leonie. Enjoy your retirement from the busy role as the member for Montgomery and as the Leader of the government. It has been a privilege working with you and, most of all, thank you for being a kind and caring friend. I wish you and Ben a happy and healthy future.

**Members** - Hear, hear.

### **Member for Montgomery - Tribute**

[6.34 p.m.]

**Ms PALMER** (Rosevears - Deputy Leader of the Government in the Legislative Council) - Thank you very much, Mr President. Thank you for the -

**Ms Forrest** - Do not cry.

**Ms PALMER** - Just let me get some words out. Thank you for the beautiful contributions that have been made, and your wonderful contribution. I was sitting there and the Premier was messaging me - he is in the car heading back up north and he was sending a message saying he is watching. He said she is just true to herself, right to the end. I said, 'Yes, she is.'

You know, after I was elected to the seat of Rosevears, I got through COVID, the election had been cancelled, then it was back on. It was all a bit scary and by the time I actually got a phone call from Peter Gutwein to say that I had been successful in the seat of Rosevears, I actually had nothing left in the tank and I was pretty flat. I think I had lost about 7 kilograms, it was actually a really hard time. I said, 'I don't know what to do. I am not sure what to do,' but Tim Robertson said to me, 'You get in the car and you drive to meet a woman called Leonie Hiscutt.' And so I did.

I had never met you before and I did just get in the car. I drove up, saw Meg out in the front office. I came and sat in your tiny little office. I think I might have cried and I said, 'I don't even know what to do now.' You just stepped me through everything: 'Right, here's all the dates, here's the schedule. You need to book your accommodation. I am suggesting you stay here at the Customs House. That's where I stay. That's where Tane is', and there were a few other members as well. You just stepped me through everything I needed to do to prepare myself and, perhaps even more importantly, you talked to me about how to prepare my family for what was about to happen and how our lives were going to change.

Some of the advice that you gave to me and Andrew in those early days really set us up. I thank you very much for that. It is sometimes hard being a member from the north and being away from your family, and your family having to learn how to deal with that, but I really appreciated that very sound advice that you gave me.

You will now be the longest-serving female Leader in the history of Tasmania's Legislative Council. You will also be the longest-serving Liberal leader in Tasmania's history in the Legislative Council. Many, many days that you have spent here with us - and I know some of those days were really good days and some of them were not the best days - so what I would like to do is actually speak to Mima's grandchildren who are here today. This is for you.

On the days that were really hard for your Mima, she would send an SOS message to your dad or your mum and she would say, 'Quick, send me something'. I used to sit beside her and I would see her screen light up and it would be one of your faces. It was one of your faces that just would put a smile on her face and she would keep going whether it was 9 o'clock, 11 o'clock at night, just a hard piece of legislation. You have always been her inspiration. She loves you dearly. And Marli, in particular, she is so proud of you as her granddaughter, and much of what she has done in this place is for you so that she is creating a world where, as she mentioned before, you can have anything and be anything that you want to be. I hope you are really proud of her. I hope that in years to come, you look back and see how amazing your grandmother has been and the incredible contribution she has made to this beautiful state that we all get to call home.

It has been an honour to be your Deputy Leader. It has been a great honour to be your friend. I am so glad that through this job I got to meet you and that our paths crossed. Thank you for all the breakfasts at Customs House. Thank you for all the text messages and the phone calls. Thank you for the bubbles that we have enjoyed together with our shoes off in your office with the sittings finished and we have watched the football because we could not get home to our families that night. You have become a very dear friend and I am so proud of you. I am so incredibly proud of you. Thank you.

**Members** - Hear, hear.

### **Member for Montgomery - Tribute**

[6.39 p.m.]

**Ms LOVELL** (Rumney) - Mr President, I was not crying at all until there was that story about the photos. I had forgotten that the Leader does that and that nearly set me off, so we might get a clean slate right around the room.

I wanted to begin also by acknowledging the member for Nelson and the member for Pembroke. It is not an easy time, election time. We all know how nerve-racking it is and, I think, for both of you being incumbent members and having to go through an election, I know myself, I found that much harder than the first time around. I think that is because once you have been in this place, you know what a real privilege it is and what an honour it is, and how much more is at stake. It is a tough time but I am confident that you will both do well. You have served your electorates very, very well and I am sure they will see fit to return you both.

I want to wish Casey well as well as the candidate for Montgomery. It is not easy running the first time either, so I am sure you are also going through it. It would be a real pleasure to see the Hiscutt dynasty continue in this place. I hope we see that in May.

I acknowledge the Leader's family who are here today and have travelled down to be here for this really special moment, and those that are watching. I am sure there are plenty watching online and will watch this later as well. This is a job that takes a toll on family.

I really wanted to acknowledge Meg, because our electorate officers are so important to us and this is a really big day for you as well. It is not an easy job; your destiny is so closely linked with ours and often that is very much out of your control. I know this is a big day for you, and I know that the Leader has really appreciated and valued your support over the years.

I am really pleased to see both the Leader and Meg be able to move into a new chapter on your own terms, because often that is not the case in this place. It is really nice that they are both able to do that. Everyone has to stop crying because, oh my gosh.

I was elected in 2017 and the Leader was appointed Leader in September. When I was elected, she was Acting Leader and had not long been in that role. That was a difficult time, I know, for the Leader. My only experience of a leader in this place has been the member for Montgomery. When I was elected, from day one, the level of support and encouragement that the Leader showed to me was just amazing. It really set me off on a really strong footing to be able to find my feet here. I really appreciated that at the time and still do. That support has not wavered over the years.

I think people underestimate the Leader. I think, often, there were times when her colleagues, in the other place, felt like she was doing this all wrong and there was all kinds of pressure being put on her to do things differently. She held her course, because while they might have felt like she was doing it all wrong, it was usually pretty perfect and exactly what she needed to do in this place. While the Leader has been a loyal party member and a loyal leader to her party, first and foremost, she has been Legislative Council through and through. She understands this place and she understands the way we work and why it is important. I think that sometimes was not recognised by people outside of this place. I am glad that you stayed true to that because it worked in their favour, more often than not.

The Leader is somebody who is always supportive of others. That really became evident to me when the member for Mersey was moving his End-of-Life Choices Bill, bringing that through the House. It was certainly the first time in a long time that we had seen a private member's bill in this place. It was a complicated bill. It was a lot of work. I saw the Leader, the level of support she was offering to the member for Mersey back and forth from the Table; back and forth from the Clerks, just helping with all the procedural stuff that, when you have not done it, you do not know - I had that experience myself this year - you do not know really what you are doing and you are sort of feeling your way through it. She never hesitated. She was in and out - would just pop in and give a bit of advice and back out. I noticed that and I noticed the member for Mersey turning to her and relying on that and I would be very confident, appreciating that support.

That really was the moment for me when I realised the level of knowledge and expertise that the Leader holds in this place and her willingness to share that on something that was nothing to do with her role as Leader for the government. It really demonstrated how much she values each and every one of us in here.

The Leader is also a woman who, no matter how much pressure she is under, keeps her cool.

**Ms Rattray** - Almost all the time.

**Ms LOVELL** - Almost all the time. I do recall one pen-throwing - very quickly - little pen-throwing.

**Mr PRESIDENT** - We never found that pen.

**Ms LOVELL** - It is gone forever. She kept her cool and she would sit at this table and she would stand at that lectern for hours. She would sit through those briefings for hours and she would answer question after question after question. It did not matter how many times we asked her, she would keep answering. I know there have been leaders in the past who have not acted that way. Sometimes, I thought, and I have said to the President, 'Gosh, she should just sit down. She should just sit down and let them - you know, just forget it. Move on.' But she never did and I think that is a testament to maybe that the Leader has more patience than I do. Being willing to answer every question and really address every concern and see that through.

I was not even going to speak for very long. Gosh, when you get up here, there is just so much to say. I will finish by saying that I have spoken about Leonie as the Leader of the Government and the Leader in the Legislative Council because that is how we see her most of the time. But I have always really enjoyed when she gives a contribution as the member for Montgomery. The Leader carries such an enormous workload and is always working hard for her party and for the government. However, it was so evident when she gave those contributions as the local member how much her electorate means to her and how well she has managed to keep in touch with her electorate and not let that workload get in the way; not let that role of being the Leader get in the way of knowing what was going on and knowing what was important to those people in that electorate. I dare say that is why they re-elected you and probably many of them are very disappointed to see you go. I always enjoyed hearing from the member for Montgomery when she had the opportunity to do that.

I will sit back down and let someone else speak because I am sure there are many who want to. I want to wish the Leader, Ben and the rest of the family well on this next adventure. I am so pleased to see that you were able to do it on your own terms.

### **Member for Montgomery - Tribute**

[6.47 p.m.]

**Mr DUGAN** (Windermere - Minister for Energy and Renewables) - Mr President, I welcome members of the Hiscutt family. This is a very big day. I add my thoughts to those cruising through election mode at the moment as well and I can remember it. I am not looking forward to it, but wish you all the best. Casey, to you as well.

This is a big day. For all my time in the Legislative Council, which some days feels like a lot of times, some days not so much at all, but for all my time here, I have only known one Leader, Leonie Hiscutt. You were reflecting before about your time on the farm and from the first time that I met you, I think I vaguely remember ringing you up when I was contemplating running. They said it would be a good idea to ring Leonie and get her thoughts on whether that was a good idea or not. From that moment, when we had that first conversation, you very much reminded me of a lot of the women of my childhood, of Flinders Island, of those strong, fair, honest, rural women who were familiar to me. I felt that that was - it was not exactly what I was expecting, to be honest. I thought, 'Oh, I have to ring the Leader of government business in the Upper House and that will be somebody who speaks very formally', and so on, but it was not necessarily that.

For me to come into this place, it was something - it was very welcome. It was very warm and something that I valued very much. I have watched you stand by those values, those honest, warm, kind, fair values that I think you have displayed and the members here would continue

to recognise you are a person who brings others together. Monday morning breakfast or breakfast at Customs House, which I must admit I had to get out of because it was a bit too close to home, a bit too much. Certainly, on a Monday night, if you are of a mind, you can go again to Customs House and you will find Leonie, and typically Ben, there with a big, long table in the backroom and there will be members of our party but there will be other members as well, and they are equally welcome.

**Ms Rattray** - We invite everyone.

**Mr DUIGAN** - Indeed. There are people being brought together and it is an opportunity to talk politics, but it is an opportunity to talk about other things as well.

I have watched, again, Leonie in that space and in this space, which I think has been reflected on a little bit as a huge job of patience, diligence, care and resilience as much as anything to sit here and, as the member for Rumney said, patiently answer all the questions that come and they come; and they keep coming, and you wear the slings and the arrows on behalf of our government; you do that with grace and you do that with humility, and you pass legislation in this place.

It has also been reflected on and it was Gutwein who said he does not know what you did, but you do a good job. That probably is true of plenty of others who do not see the work that you do day in, day out, but I think everybody has a pretty fair respect and over time your legend has grown.

These will be big shoes to fill. I will be fascinated to see who fills them, but to your welcoming of me, to your tutoring of me to help me through and understand what this place does and why it is here and my role in it, thank you for that. I am very grateful and obviously wish you all the very best for what is next. I will get to the Penguin Ladies Fishing Club at some stage. Go well.

### **Member for Montgomery - Tribute**

[6.52 p.m.]

**Ms O'CONNOR** (Hobart) - Mr President, I am only going to say a few short words, principally of thanks to our Leader. I feel genuinely sad that you are going. It has been a privilege this past year and a revelation to work with you in this place. I know arriving as the first Greens in here, you had reasonable grounds for suspicion, but I never felt anything other than welcome and included.

I am really thankful; it is a common theme that has come up in all these wonderful speeches of love that have been made for you. I always feel welcome and I always felt I could go and ask you anything; in fact, there were times when just being able to walk over and check on a procedure with you, or even sometimes when you get a bit stressed and you are not sure what is happening, just to be able to walk over to you and you have this disarming gaze. Bright eyes, a wicked twinkle - never seen anything quite like it - and just be able to have conversations with you about the way this place works.

I really admire you. You are strong and warm. You are nobody's fool. You are as smart as a whip. I love your tenacious, no-nonsense character. We all appreciate the fact that you are

a true straight talker and a good, honest woman. You are very funny and fair. You have the work ethic of a Trojan, extraordinary, and you have this look that you get in briefings of almost Zen-like patience - or resignation even - but you let those briefings flow, you let us ask our questions, you look after the people who are giving the briefing. There is mutual respect around the table and it is because of the way you have been running those briefings. I feel that they have been really important for me, a learning opportunity about the legislation.

I have learned a lot from you, honourable member for Montgomery, Leonie. I have particularly learned about procedures and various and specific Standing Orders. I do want to note that standing order 99(8), promoting a quarrel, is something that you have promoted a few of yourself over the journey, and I have always enjoyed the sparring because it is never personal. Mr President, it is always done in good spirit and good heart.

We come from different backgrounds: I am a Greens, you are a Liberal woman, but I think there are a lot of values that we all share in this place. I think that hopefully having a Greens in here has broken some stereotypes for you. You gave yourself away a bit once, when you told me you knew what the sound of an echidna was and then proceeded to make echidna sounds in the Chamber. Also, one of the things I will remember and treasure about the honourable member -

**Mrs Hiscutt** - Through you, Mr President, it was a parrot.

**Ms Thomas** - A parrot, yes. A parrot.

**Ms O'CONNOR** - I am pretty sure it was an echidna because I was talking about how important they are to digging up the soil. No - we were talking about the grey parrot at one point and you did start squawking like a parrot.

**Mr Gaffney** - Standing Order 99.

**Mr PRESIDENT** - Standing Order 99(8).

**Ms O'CONNOR** - It is the only one I really know here, Mr President.

Yes, there was one time last year, and I do not know how the conversation had come up but anyway, you went home to the beautiful north-west corner, where the soil is good enough to eat - I agree with that - and a text arrived from you. It was a picture of wedge-tailed eagles above your home, and it told me something about you, about your heart and your love of this place and the love that you have for where you live, and also that you are a bit softer than sometimes you let on - no, okay. Are you going to take a point of order on that one?

Thank you, Leader, for your patience, kindness, decency, and your good humour. I acknowledge what you have given to this place, what you have, in a dedicated and loving way, given to your community and, even though we have different perspectives on what good outcomes look like or could be sometimes, I know that every day you have come in here to work, you have come in here with a clarity about your purpose and an honesty and integrity, and that your contribution has been about much more than Montgomery. It has been about this island that we love and share, it has been about the rights of women, your beautiful granddaughter. I really appreciate you, Leonie, honourable member for Montgomery, and I hope you enjoy your freedom and that first day, when you wake up after you are let out of

this place and all you have to think about is doing whatever you want to do for that day because you will probably only get one day off before you are back on grandparent duty -

**Mrs Hiscutt** - On the tools.

**Ms O'CONNOR** - And back on the tools. So, enjoy your freedom, your beautiful family, gorgeous garden, and those eagles that bless the sky above your home. We will miss you. I will miss you very, very much.

### **Member for Montgomery - Tribute**

[6.59 p.m.]

**Mr GAFFNEY** (Mersey) - Mr President, we are different men and women and I am just going to speak a few words and stick to that. First of all, I am pleased you are going. Well, I am pleased you are going because when you are standing up here and saying this is what has happened and this is where you are at, you are ready to go because you are looking forward to the next chapter with your family and your friends back on your farm. So, how wonderful for you that you are choosing that, when so many people may not have that as part of their role. You have done your job and it is time to go back to where you want to be. I am really pleased about that.

I hope you take away the thought that you have done so well. When you first came into it, I thought you were disastrous. When you first started, I thought, 'Oh my god,' but within months I could see you improving into your role. I mean that with all respect, because what happens is, if you cannot improve, you cannot survive, and as you stamped your own personality, your own rules, your own wisdom, you grew into an excellent leader and someone that I was really pleased was there when we were doing some sensitive bills.

From me to you, I value our friendship. I think you have done a wonderful job. You will leave with your head held high. Your family must be so pleased you are coming back so you can be there all the time. You never, ever said, 'No, I cannot do that.' No, that was your job, that was your role, you have done it, you are away. Good on you and take care.

### **Member for Montgomery - Tribute**

[7.00 p.m.]

**Ms ARMITAGE** (Launceston) - Mr President, first, I also wish the members for Nelson and Pembroke all the best. I should not say it, but there is Ben in the background who always tells me how terrible I looked at my election. I did reprimand him last time because he has told me so many times. I know how it feels and just how stressful it is.

**Ms Rattray** - I think they look alright.

**Ms ARMITAGE** - You will have to share that sort of information with them, Ben, in case. I wish you all the best, and the others. Like others, I feel that maybe the Hiscutt name will continue.

Leonie, we do love you in this place. I will look after the member for McIntyre for you because she does need looking after.

**Ms Rattray** - Thank you.

**Ms ARMITAGE** - You might remember I have that photo that we can keep of you and the member for McIntyre. I might share it with a few others later. I will show Casey and the family. I am sure they would appreciate it.

Leader, you have been fantastic. You have been patient and you have been helpful. You have been a great friend, and you have always had good humour. As has been mentioned, if we did not support a bill, you did not carry on. You asked us if we were likely to and when we said no, you did not nag or say please, please; you accepted that we did not agree with the government. You were very respectful of us as members. You have always been available; often we would ring you up, and you were always there. If we could not get you, you would always ring back. I think that is something that I have always found - you are an absolutely amazing Leader. You will be sadly missed. Our loss obviously is the family's gain. I do not know what Tania is going to do without Ben.

**Ms Rattray** - I wish you would not keep saying all that.

**Ms ARMITAGE** - I was sitting there only the other day and she took a call from Ben about something that he was buying and they were discussing how expensive it was and whether she could afford it. It was actually Ben out shopping for the member for McIntyre. Casey, if you get elected, you may have to pick up as well. I might have to actually get Bruce to start picking up some stuff for Tania when he is down.

At the end of the day, I do not know that the other place realises just how hard you work to get the bills through and to get the work done. You have been amazing for them. It is one of those things, I think, it is only when you are not here that they are actually going to realise just how much you did. How often does that actually happen with all of us?

I also used to appreciate many of your signs and symbols across the Chamber. That always brought a smile to our faces when we saw the little sign language come across. The humour that you had and how great you were to work with. I am very sorry that you are leaving - it is not really too late for you to change your mind. Casey might not be very happy, but I do not think nominations have opened yet, have they? There is obviously still time.

Ben and the family are really lucky. Meg, I believe you are retiring as well. I guess there is champagne all round down there in the next few weeks. The grandchildren I know will be so happy to see Mima around the farm.

I hope you do not spend too much time watching us. I know the ex-member for Hobart, I got a message from him the other night, after our 11.00 p.m. sitting to say he had been watching. I hope you do not spend too much time watching the Chamber.

I look forward to seeing you on your regular sojourn to the north to Festivale. If I do not see you much past then, maybe we will come down the north-west and catch up with you. I know that we will certainly see you in that first weekend in February. That is quite regular.

As I said, really sad that you are actually going. I know we really are going to miss you and I do not know if you know how much we really do care about you. If you thought of changing your mind, we really - in all seriousness, I am not going to say much more - everyone has said it, but we really do care about you greatly. You have been fantastic. You have been an amazing Leader, a wonderful friend; and do not be a stranger, you always have a bed at our house if you need to stay in Launceston.

**Mrs Hiscutt** - And a car parking spot?

**Ms ARMITAGE** - And a car parking spot, yes, as well. I look forward to the future and hearing about all your future adventures.

### **Member for Montgomery - Tribute**

[7.06 p.m.]

**Ms WEBB** (Nelson) - Mr President, it is such a mixed thing to stand up and speak for someone who is one of my electoral cycle buddies, actually, along with the member for Pembroke. It sort of looks kind of quite desirable, in a way, to be leaving on your own terms under the circumstances that you are leaving under, Leader. Absolutely. Before I go further, thank you to everyone for the good wishes and acknowledgement for the situation that the member for Pembroke and I are in at the moment. It is a stressful one, but it is part of the deal, right? This is how it works. It is harder, actually, the second time around when you are doing the job and campaigning. Again, that is how it works. You get advantages from it as well. Thank you to every one of those.

Back to what we are here for: Leonie. The interesting thing, as some others have said, you are the only person who I have experienced being in the role of Leader of government business in this place. I think you have probably set a real model and a standard. It is going to be interesting to see, whoever comes next and steps into these shoes. Those of us, like me, who have only ever experienced you in the role, will measure them up against the way you have been in this role and the way we have experienced your approach and your support in this role. I have really appreciated it.

I was trying to think of words that would describe the way I regard your approach in the role of Leader. It was tricky. Some have been used already and I agree with them, particularly some that the member for Windermere used. Fair and straightforward and a straight shooter. All those sorts of things are absolutely right. However, the ones I landed on in the end were professionally informal. I think that is really one of the ways you have been and I really appreciate it. It is something a little bit underrated about that, but actually to be able to competently and professionally do the job you need to do, while also being friendly and informal enough to feel supportive of us and to feel approachable and to be warm and responsive when you need to be with us - that is how you have been in my experience, and that is something to be so appreciated.

I am imagining - never having done it - being in the role of Leader. It is like being between a rock and a hard place, in a way, where you have the imperatives coming through from the government to you on what you have to deliver in this place, and then you have the particularities of the Legislative Council and the way we work here, and the fact that there is a whole bunch of Independents in it - which is a real challenge. One of the things that has been

quite outstanding, in the way I have observed you in your role here, is that I can say absolutely I have never seen you be political in that sort of partisan political way. You have never behaved like a politician in your role as leader here. You have behaved with us respectfully and appropriately, but not in a really overt political way that could have caused it to be much harder to do the work we do together here, particularly amongst a room full of a varied bunch of Independents and party-aligned people. I have really appreciated that. We shared some really marathon Committee stages across the years that we have shared here in this place.

**Mrs Hiscutt** - Through you, Mr President. It was only five hours of briefings. I did 5.4 or something like that.

**Ms WEBB** - I do not mind a good set of briefings, but you know - and there have been some Committee stages that have gone on for a long time, and some of that has been due to the fact I often like to use my three calls for questions on things. You consistently are there with answers and prepared to keep engaging. There have only been a few times when it has been very late at night that you have got a bit of frustration coming out and that is understandable. The fact that it takes so long to push you to that stage is, I think, really admirable.

Others have said this and I am going to concur with it: I particularly have appreciated the times when you have been the member for Montgomery in this place. The one that I had in mind, and others have mentioned it too, and it really stood out probably to many of us, was your engagement with the voluntary assisted dying bill as it came through, and when you were able to be yourself as the representative for Montgomery in this place dealing with that bill. As the member for Rumney said, you did also provide support and advice and input to the member for Mersey as he took carriage of that bill through the place, but I also saw you engage as an Independent member of this place on that bill because that is what you are allowed to be. I could see that you had really taken that responsibility on board very seriously and I thought that was really admirable. We did not get to see that much of you, so it was good to see it at that time. Thank you.

Public service is really a mixed bag. It does have highs and lows. It does have things that are really rewarding about it and it was really nice to hear you reflect on some of those. It does have things that are really hard and especially for families, so I also recognise your family here today - Ben particularly, but also the rest of your large family now down to your grandkids, which is clearly really important. I am so pleased for them that you are moving into this next stage of things.

I definitely want to say it is so good to see somebody leaving this place on their own terms at the right time and that we are able to be here celebrating it. We have had a few times in recent years with longstanding members retiring, where we were not able to do that because of the circumstances, and it is so nice to be part of that here today. You really deserve it. You deserve this recognition and this time spent celebrating your time here.

I definitely would like to flag my wish that I might be in that position one day, other than maybe just not being here after today.

Leonie, I absolutely wholeheartedly send warm wishes to you and Ben and the rest of the family for this next stage of things. Clearly, it is all going to be about the two Gs - garden and grandkids - and travel is probably in that too; GGT. That is fantastic. What a wonderful prospect. May you have so much happiness and pleasure and satisfaction in this next stage of things. Thanks so much.

## Member for Montgomery - Tribute

[7.13 p.m.]

**Ms THOMAS (Elwick)** - Mr President. I will be brief in my contribution because these beautiful kids are being so patient and I think, Leader, after 12 years, you are about due for a drink to celebrate. I will keep my contribution brief and I cannot say it much better than other honourable members have. All the attributes that they have used to describe you as a person and you as a leader in this place are right on the money. I am so very grateful for your support for me in the short time that I have been here over the past not even 12 months. I feel like your welcoming really made all the difference, and your support for me over that time, so I am just so grateful. Thank you, and I will never forget it.

One of the most perhaps memorable contributions that will stick with me that you delivered in this place in my short time here was on the State Coastal Policy, when I think other honourable members will remember, you were quite determined to get your message across to us about why we should support the bill and you came up with a wonderful story to share about Barry Boat Ramp and Karen Caravan Park.

**Mr PRESIDENT** - And Vindictive Vera.

**Ms THOMAS** - And Vindictive Vera. I will never forget it. It will stick with me forever. I remember sitting there just losing it, getting the giggles, but you were so serious and you were so -

**Ms Forrest** - And she paused for effect after every name.

**Ms Lovell** - She was really committed to it.

**Ms THOMAS** - You were so committed to it and convinced that with this story, you were going to be able to convince us all to support the bill, but all I could do was just get the giggles. That is a very fond memory that will stay with me forever from early on in my career in the LegCo and of you, of course, of you. It was very you.

Because of that, I have prepared something short to say to our dear Leonie, the Leader:

Thank you for your legendary leadership, for your lasting legacy of listening, learning and leading with loyalty. Your limitless levels of logic, light and latitude lend lessons for those who will follow you. May you launch into life after LegCo feeling liberated and love every little moment.

Love, Larry LegCo.

I cannot believe that ChatGPT forgot to include the L words 'Liberal' and 'legislator', but I will put them on the record there as well to describe you, the legislator, and that was right.

Thank you, Leader, enjoy what is in store for you next. You deserve every bit of love and laughter and happiness and good health as you go on to this next chapter of your life. Thank you, do not be a stranger, you are always welcome in Elwick.

### **Member for Montgomery - Tribute**

[7.16 p.m.]

**Mr EDMUNDS** (Pembroke) - Mr President, I will keep my comments brief. I am really in admiration of these children who have managed to sit through this debate, so a big pat on the back and I acknowledge Team Leonie, who are all here.

**Mr PRESIDENT** - She threatened them with a standing order, I believe.

**Mr EDMUNDS** - I acknowledge and thank members for their comments to me and the member for Nelson. It is not necessary, but it is really nice for you to do that.

Yes, Leonie, the Leader, I am going to address you from here because I feel like that is where we have had most of our exchanges and looks and 'have you seen your text?' And yes, thank you for your - I wrote it in your card - that you do care about all of us and your compassion is what I think I will take away most from our two-and-a-bit years together here. Thank you very much. I really appreciate that because yes, as a lot of members have touched on, not every day here is easy, whether it is things here or things that are outside of here that are contributing to that.

I know we are all talking about Standing Orders, and I may risk breaching them, but I did want to acknowledge, in the spirit of the comments about your landmark, iconic speech about the State Coastal Policy where you talked about Gary Golf Course and Vindictive Vera and see, I know there was a limited edition, a one printed, of the Vindictive Vera's shiraz; however, I spoke to the vineyard and they were prepared to make a white, and so, this is the Vindictive Vera's Vino and it is the Leader's reserve.

**Members** applause.

**Mr EDMUNDS** - It is a special print, one of one and I think you were talking about raffle prizes. It has my special sticker that I give to everyone I give a raffle prize to. I am sure you will enjoy the blurb, it is a very small print. Thank you for everything you have done. I know you have a bigger and better present, but I hope this will find somewhere in your attic, that you can dust off for maybe when one of these guys is old enough to drink.

### **Member for Montgomery - Tribute**

[7.18 p.m.]

**Mr HARRISS** (Huon) - I am well aware that we have better places to be, Leader, so I will keep it very short. Mr President, I, too, wish the member for Nelson and Pembroke all the best. It is challenging times and with a federal election as well, I wish you both well.

Leader, congratulations. I think it is outstanding. I, too, have only known you as the Leader and your commitment and dedication to the job is outstanding. I thank you for that. I wish you all the best in your retirement. I know your grandkids will appreciate the time with you being around more. To Ben, I wish him well as well, I am not sure if the two are related. The member for McIntyre was showing me some blocks of land before on a phone. I am not sure about the connection between the spending limits that Ben has and the blocks of land. I do

not know whether they are connected, but I am sure the member for McIntyre will be fine without Ben down here.

Leader, I do wish you all the best. Enjoy your retirement, whatever that may look like, and congratulations.

### **Member for Montgomery - Tribute**

[7.20 p.m.]

**Mr PRESIDENT** - Honourable members, I would like to conclude with a couple of words. Others have mentioned what a tough job it is and I know that it is a tough job. I only did it for two years. You have done it for eight. If I had to do it for eight, I probably would not still be here. It is one of those jobs. I think the honourable member for Nelson said you are between a rock and a hard place, and certainly other comments about the lack of understanding. This is not exclusive to the Liberal Party, let me tell you. They will often say, 'We don't know what you do up there', but they do not seem too interested to find out either.

**Mrs Hiscutt** - And that is fine.

**Mr PRESIDENT** - Yes, that is fine. We do not need to tell them. You have done eight years, which is very admirable, in a key position. The member for Murchison mentioned that at times you certainly were not valued as much as you should have been, and that is fine, you never complained about that. You never made an issue. You just got on with the job and that is what you have always done. I did have some other little bits, but when you speak last that all goes. The statistics of your service as the longest-serving Liberal leader and the longest-serving female leader, I do not think they will be broken for a long time. It has been an extraordinary run.

The other thing I think of you, it has always been big boots. When you became the new member for Montgomery, the previous member and former President left a huge pair of shoes for you, as did the late Vanessa Goodwin as leader. But you have filled them so very well. You have done it in your own way. What you see with you is what you get, and I think we all appreciate that.

It has been great to have Ben as part of the LegCo group. I think that is what we do differently here, and I think also, as I was just thinking about these contributions in other places, people do their valedictory and that is it, but in this Chamber we get to say nice things generally about the person going. You are going of your own choosing and that is certainly a wonderful thing to be able to do.

I acknowledge Meg's great service to the Legislative Council. She has been a great employee. We never hear any issues from the Montgomery office and she has given great service. Thank you very much, Meg, we will certainly miss you as well.

I was going to mention how you were composed most of the time, and it is tough to do that. I remember being tested out a few times when I was leader by the former member for Huon, Paul Harriss. I knew that I had sort of got it right when he said to Greg Hall, the former member for Western Tiers, 'Oh well, we are not going to crack him', and then they just laid off.

**Ms Forrest** - But you did get the hanky out with the sweat.

**Mr PRESIDENT** - Oh, yes, I did. That was the only good thing about being leader. I lost about 10 kilos, but I found it again.

Yes, you have been a great Leader and I know respected by the staff who work in your office. That is the true mark of a good leader, a good person and a good member. We will certainly all miss you but we know you are doing it for the right reasons. It is a good thing that your family will have you back because even when you are not here, you are worrying about things. You have to catch up on legislation, you have to get all the stuff that the government sends out and all the nice words you have to say about their legislation and have that down pat, then spend hours and hours in the Chamber batting those hard balls away. I certainly wish you all the best.

I would also like to wish the honourable member for Nelson and the honourable member for Pembroke all the best - two very dedicated members of the Legislative Council. I am sure their electorates will notice that. This is certainly not adios or goodbye; it is just something that we do have to go through and it is a pretty rubbish time. All the best to you.

All the very best to the former leader. It is going to be a different Chamber but I know that you will be very happy with your grandchildren on your farm. Send a few spuds down occasionally. Hopefully that channel will still remain open because a couple of little spuds, a little bag, is very nice on those long LegCo days.

Enjoy the rest of what will be a wonderful life. I know you will miss us all - and you might come back. The previous member for Montgomery comes back frequently, and we do like that.

**The Council adjourned at 7.26 p.m.**