

PARLIAMENT OF TASMANIA
DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Thursday 13 November 2025

Preliminary Transcript

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Thursday 13 November 2025

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

PETITION

Quad Bike Reforms

[11.01 a.m.]

Ms O'CONNOR (Hobart) - Mr President, on indulgence, before I table the petition, I acknowledge the presence in the Chamber today of Sonia van den Heuvel and Julius Daguman (OK), who in February 2023 lost their precious and beloved daughter, Jocelyn,[checked] in a quad bike tragedy that could arguably have been avoided.

I have the honour to present an e-petition from 418 Tasmanian citizens who request the House to call on the government to implement the recommendations of the 2024 investigation by Coroner Robert Webster into the death of Jocelyn Daguman as a result of the quad bike all-terrain vehicle accident by introducing legislation that:

- (a) requires mandatory training and licencing of all persons using quad bikes;
- (b) prohibits children under the age of 16 from operating adult-sized quad bikes;
- (c) prohibits children under the age of 16 from operating 'youth-size' quad bikes other than in accordance with what is specified by the manufacturers to be the appropriate minimum age for such vehicle; and
- (d) prohibits children under the age of six from operating any quad bike in any circumstances whatsoever.

Further, that such legislative reform and community education ensure that quad bike users wear helmets, and only be operated in accordance with the operator's manual, particularly to ensure the wearing of seatbelts and the use of cage nets and/or doors.

Members - Hear, hear.

Petition received.

QUESTIONS ON NOTICE - ANSWERS

No. 3 -Coroner's Order - Autopsy Specimens Retained by R.A. Rodda Museum

[11.05 a.m.]

The following answer to a question on notice was given.

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

INSERT QUESTION HERE

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I have an answer to a question from the member for Nelson, question No. 3. The answers are that:

- (1) I can confirm that this direction is issued by the Coroner, pursuant to section 53A of the *Coroners Act 1995* on 27 June 2025.
- (2) On 4 November 2025, the Coroner's Order of 27 June 2025 was revoked by the court. This means the order is no longer in effect. I table with this answer the Coroner's direction revoking the order of 27 June 2025. I will do that at the end.
- (3) The Department of Justice is not aware of any other instances when similar directions have impacted on the disclosure of information under the *Right to Information Act 2009* in the past 12 months. Any further inquiries regarding these matters should be directed to the relevant court.

Mr President, I seek leave to table the document that I referred to and have it incorporated into *Hansard*.

Leave granted; document tabled and incorporated.

Please see Appendix 1 (page xx).

No. 7 - Macquarie Point Stadium Proposal - Development Costs and Current Delivery Stage

The following answer to a question on notice was given.

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

INSERT QUESTION HERE

Ms RATTRAY - Mr President, I have answers to question on notice No. 7 from the member for Elwick. I apologise for not having time to ask you earlier. There are seven pages of answers. With the honourable member's permission, I'm asking can the answers to this question, as they're lengthy, be tabled.

I seek leave to table the answer and have the answer incorporated in *Hansard*. Is that all right with the honourable member?

Ms Webb - Sure.

Ms RATTRAY - Thank you very much.

Leave granted; document tabled and incorporated.

Please see Appendix 2 (page xx).

TABLED PAPERS

Joint Standing Committee on Integrity - 2025 Annual Report

[11.09 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I have the honour to present the 2025 annual report of the Joint Standing Committee on Integrity. I move -

That the report be received and printed.

Report received and printed.

MESSEAGE FROM THE HOUSE OF ASSEMBLY

**Residential Tenancy Amendment (Pets) Bill 2025 (No. 40) - Council Amendments
Agreed to by House of Assembly**

STATEMENT FROM LEADER FOR THE GOVERNMENT

Registration to Work with Vulnerable People Statistics

[11.10 a.m.]

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

I seek leave to make a statement to an answer I provided for the Registration to Work with Vulnerable People Amendment Bill of 2025.

Leave granted.

Mr President, I advise the Chamber with regard to the RWVP statistics for 2024-25, as at 30 June, there were 198,500 people who are registered to work with vulnerable people in Tasmania. As a result, six reports were made to the registrar, and 3284 additional risk assessments were commenced. 44 individuals had their registration suspended and 24 had their registrations cancelled.

I amend the *Hansard* record as follows: with regard to the RWVP statistics for 2024-25, as at 30 June, 198,500 people are registered to work with vulnerable people in Tasmania and

as a result of reports made to the registrar, 3284 additional risk assessments were commenced. 44 individuals had their registration suspended and 24 their registrations cancelled.

I apologise, Mr President. I didn't read the note well enough. Thank you.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before moving on to our orders of the day, I welcome the year 9 students from The Hutchins School. We've got two groups coming through today. We've just been through our opening sequence of parliament where we have set business, and now we're about to move on to our orders of the day, which is dealing with government legislation. We've got a few third readings and second readings of bills before the parliament to get through today.

All members of the Council will get an opportunity to speak about that legislation. I know that they will join me in making you feel welcome to the Legislative Council and hoping that you have a good tour through the Parliament of Tasmania today.

Members - Hear, hear.

DANGEROUS CRIMINALS AND HIGH RISK OFFENDERS AMENDMENT BILL 2025 (No. 46)

Third Reading

Bill read the third time.

REGISTRATION TO WORK WITH VULNERABLE PEOPLE AMENDMENT BILL 2025 (No. 60)

Third Reading

Bill read the third time.

TERRORISM LEGISLATION (EXTENSION) BILL 2025 (No. 52)

Second Reading

Continued from (xxx date) page (xxx).

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I had concluded the second reading speech and so I will listen to contributions from members. Thank you.

[11.15 a.m.]

Ms O'CONNOR (Hobart) - Mr President. I rise to indicate, of course, that the Greens will not be opposing the Terrorism Legislation (Extension) Bill of 2025. We appreciate the amendment that was made by Professor Razay in the other place that narrowed the time period

for the extension from 10 years to five years, noting that there's a review underway of this framework, just as there is at the national level.

I thought that the Leader for Government's second reading speech yesterday was quite interesting and nuanced, and I was pleased to hear acknowledgement of the breadth and depth of the security threats that we face here in Australia and sadly - although we like to think we're immune - in Tasmania, and particularly the recognition of the threat of domestic terrorism. All members in this place will have looked on in dismay, I suspect, at the 'white Australia' rallies that were held some weeks ago and again some weeks before that. We've seen the rise in this country of neo-Nazi and far-right organisations that have a stated objective to disrupt our society and at some level of course, their purpose is to terrorise our society. If you want to have a look at an example of that, the incident in Melbourne some short weeks ago, where following the white Australia rally, a gang of National Socialist Network operatives led by New Zealand-born Thomas Sewell stormed a peaceful First Nations camp in Melbourne, causing immense distress. In fact, inflicting violence on those people who were peacefully gathered there.

As much as it pains me, as a Green, to say that you do need some kind of preventative law enforcement capacity in place - clearly, we do - given the changing and broad nature of the threat from terrorism, whichever form it comes in. We have had ASIO acknowledge the growing threat of far-right extremism. We have the National Socialist Network recruiting young people through social media, particularly disaffected young men, and it's a real challenge for us as a society to be very mindful of how vulnerable some boys and young men can be to hate and extremism via rabbit holes that they can go down or be led down on social media. To give you some indication of just how serious the National Socialist Network threat is, I will read to you a little bit from Thomas Sewell shortly, but we had an incident in New South Wales just last week where New South Wales police, for reasons unknown, approved a racist neo-Nazi gathering on the steps of the New South Wales parliament. This is the same police force that has treated peaceful Palestinian protesters, in some instances, in a very thuggish and dangerous way, leading to injuries of peaceful protesters.

I think law enforcement broadly, nationally, has some work to do to come to terms with the nature and the extent of the threat posed by domestic terrorism. This is a story that was reported on ABC News, *7.30 Report*, 13 November 2024. The headline is neo-Nazi leader Thomas Sewell says he could 'become a terrorist as far-right rhetoric escalates and movement grows', and he told his supporters he could 'become a terrorist', and 'start killing people' if Child Protective Services intervene and remove children from neo-Nazi families. Speaking on a podcast, the leader of the neo-Nazi group, the National Socialist Network, told the audience that if children were removed by court order, he would undertake terrorist violence and encourage others to do the same. That should send a chill down the spine of every person.

Sewell's statements, the article goes on to read, falsely claim that authorities threatened to remove children from families that hold far-right beliefs in the United Kingdom and he says, and I will end with this quote from him:

If you take my child off me, I am going to start killing people and I am going to encourage every single person that I know to also start killing people that are responsible, starting with probably the police and the judges that ordered for a child to come off of one of us. (TBC)

he told followers in June. These are very, very dangerous people and there is now a move on the part of the National Socialist Network to establish a political party and at this stage, as far as I read the name, they want to call that party, what a surprise, is the White Australia Party. These forces are racist, misogynist -

Ms Forrest - Sexist.

Ms O'CONNOR - Sexist.

Ms Forrest - Ableist, all the 'ists'.

Ms O'CONNOR - Ableist, all of the above. All the 'ists', thank you, member for Murchison. They represent a threat to the peaceful fabric of our society, they also represent a challenge to us in how we counter misinformation, disinformation, right-wing extremism and where these entities get their support and funding from is a question that I hope ASIO is examining. This is an infection that's happening in democratic countries around the world. Look to the United States, look to the United Kingdom, countries like Germany and here.

The far right has been emboldened and its mission is to terrorise people and to undermine the foundations of democracy and we simply cannot allow that to happen and it's part of the reason why a piece of legislation like this which does expand police powers, let's be realistic, and it now extends that expansion of police powers, is arguably one part of that response, noting that in Tasmania, to date, this legislation has not needed to be invoked and let's hope it stays that way, because we can't pretend that the National Socialist Network isn't here, Mr President. They were gathered on Salamanca lawns some short weeks ago when the Greens had a little office down on the waterfront opposite Elizabeth Wharf. We came to work one day and there were neo-Nazi stickers slapped all over our office. These people are a threat to minorities and they are a threat to our way of life and I am personally reassured that our national security services are coming to grips with the nature of the threat and hopefully working across jurisdictions to counter it and with those few words again, again, I indicate we won't be opposing this extension of the the terrorism legislative framework as it is today.

[11.25 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I have just a brief summing up to acknowledge the contribution of the member for Hobart and the fact that this would be Prof George Razay's first amendment in the parliament. I think that's worthy of noting that he had managed to secure an amendment through the House of Assembly, and now it's possibly going to be part of this legislation in our Legislative Council.

I also acknowledge the comprehensive second reading speech, that was prepared by representatives of the department, it certainly helps to outline the process of the bill, thank you.

Bill read the second time.

Recognition of Visitors

Mr PRESIDENT - Before that question, I will welcome the second group from grade 9 from The Hutchins School. We're going through the process at the moment of putting a bill

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through the Legislative Council. It is a bill that's come from the House of Assembly. It has come to us and, as you heard, was amended by a new member of parliament in the lower House. What we're about to do is go into the Committee stage where the members of the Council will examine the bill clause by clause, and then vote at the end of that.

I am sure all my colleagues here will join me in making you welcome to the parliament today.

Members - Hear, hear.

TERRORISM LEGISLATION (EXTENSION) BILL 2025 (No. 52)

In Committee

Clauses 1 and 2 agreed to.

Clauses 3 and 4 agreed to.

Clauses 5 to 7 agreed to.

Title agreed to.

Bill reported without amendment.

Third reading made an order of the day for tomorrow.

ORDER OF BUSINESS

Deferral of Business

[11.29 a.m.]

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

That intervening business be deferred until after consideration of Order of the Day No. 5, which is the poisons amendment, interstate prescriptions.

Motion agreed to.

POISONS AMENDMENT (INTERSTATE PRESCRIPTIONS) BILL 2025 (No. 45)

Second Reading

[11.30 a.m.]

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

That the bill be now read the second time.

I will start by noting the *Poisons Act 1971* has been in place now for many decades. While it has served us well across its wide range of functions, including protecting the health and safety of Tasmanians, there is no doubt it is complex and somewhat unwieldy legislation. It presents many challenges in interpreting, amending and applying its provisions.

The Department of Health has commenced a comprehensive review of the *Poisons Act*. The government knows that it needs more than just this change, and they look forward to seeking public input as soon as possible on the new poisons act.

That is important in the context of what we consider here today - this bill to allow interstate prescribing of narcotic substances and declared restricted substances.

Mr President, barriers to accessing ADHD diagnoses and care have been the subject of significant coverage in the media and extensive inquiries both here and nationally. We have all heard many stories and many have personal experiences of these challenges and their impacts. Today, the minister for Health meets a commitment made by her predecessor in this portfolio to enable interstate prescribing of ADHD medicines, among others.

Currently, a pharmacist presented with a script issued interstate for these medicines is not legally able to dispense it. For the purpose of the act, it is not a legal script issued by somebody with the appropriate qualifications. This restriction applies to the psychostimulant medicines commonly known used to treat ADHD. It applies to opioid analgesics and to most medicinal cannabis products and to benzodiazepines - a wide range of medicines used for a wide range of conditions.

It is important to acknowledge this restriction has existed for very good reason. Many of the medicines to which it applies are drugs of dependence or drugs which are higher risk to patients or to the community at large, especially if diverted or misused.

However, the environment has changed. We have widespread availability of telehealth and electronic systems that can tell us across medical practises, pharmacies and traditional jurisdictional boundaries, a lot more about which of these high-risk medicines have been prescribed and dispensed to which patients.

The old safeguards have become out of step with the expectations of patients and the way they access care, and it too often operates as a barrier to legitimate access to appropriately prescribed medications.

It follows that this bill will increase access to medicines. The government expects this will benefit general practice and emergency departments by reducing presentations to get replacement scripts issued by local practitioners.

The government expects this will benefit patients by enabling their interstate practitioners to prescribe for them directly without requiring a partnership with a local prescriber, although of course, where such a relationship is beneficial for the patient and practitioners, they may choose to maintain it. The government heard from one residential aged care facility which engages an interstate telehealth locum service for urgent out of hours medical support due to

difficulties identifying an available local option. This facility has seen avoidable hospital admissions and prolonged avoidable pain for residents due to the inability for their locum doctors interstate to urgently prescribe appropriate pain relief out of hours. This is just one example of how this bill can make a difference.

While the purpose of this bill is easily explained, the actual amendments which give rise to the necessary outcome are a little more complex. The bill defines 'interstate prescriber' and creates them as a class of 'authorised health professionals', ensuring that they have the relevant powers to prescribe under Tasmanian law.

It also removes provisions requiring authorised health professionals, dentists, nurse practitioners, midwives and medical practitioners to be in Tasmania in order to prescribe declared restricted substances or narcotics substances.

Another change this bill makes is to the existing restrictions around bringing these substances into the state and possessing them. Currently, the act requires they are brought in on your person or in your luggage. This amendment removes that requirement. Increasing access to medicines, especially drugs of dependence, is not without risk. As a result, the government have included some important safeguards in this bill which relate to the monitored medicines database.

Unfortunately, we do not yet have a truly national monitored medicines database with unlimited cross-border data sharing. Each jurisdiction has its own instance of a common system which contains broadly information about residents of that jurisdiction and activity that occurs in that jurisdiction. Because of this, the government are specifically requiring an interstate prescriber to check TasScript when they prescribe to a Tasmanian. TasScript will tell them which monitored medicines, including narcotic substances, have been prescribed and dispensed to that patient. This is an important clinical tool for prescribers and dispensers to check the safety of a prescription in the context of a patient's other medicines, as well as a key safeguard against doctor shopping.

The government are also requiring Tasmanian dispensers, pharmacists, to check the relevant interstate monitored medicines database when dispensing to those who reside outside of Tasmania. Again, this will ensure that the pharmacists have access to the best available information about that patient and can use this clinical tool in their decision making. It will ensure people cannot come to Tasmania to avoid the prescription monitoring system of their home state.

The minister recognises this at times may be frustrating for busy community pharmacists who, in the course of their activities, may have to access multiple databases. The minister is assured that work is underway nationally to progress the development of a truly national real time prescription monitoring service that will greatly simplify this process.

The government acknowledges the Greens amendments tabled and agreed to in the other place related to the *Road Safety (Alcohol and Drugs) Act 1970*. Currently, driving with the detectable amount of tetrahydrocannabinol (THC) in your system is an offence in Tasmania under the act, but there is an exemption to this offence if the product was obtained and administered in accordance with the *Poisons Act*. The Greens amendment clarify that medicinal cannabis prescriptions issued interstate for Tasmanians are seen as being obtained in accordance with the *Poisons Act*. This means driving with medicinal cannabis in your system

should be within the exemption to the offence as long as you are not impaired or driving under the influence.

While it would be neater to amend the road safety act, and this may be considered in the future, the government did not oppose the change in the other place. This bill clarifies the intended jurisdiction of the act, specifying that it is intended to apply to interstate prescribers in relation to the writing and issuing of prescriptions of narcotics substances and restricted substances insofar as they relate to the supply of such substances in Tasmania or are issued to residents of Tasmania, including operating outside the territorial limits of Tasmania in relation to these matters.

The bill also creates a head of power to make regulations in relation to issuing and dispensing scripts by interstate prescribers. This is important and the government has already drafted regulations that will give further effect to these laws and safeguards if the bill is passed. The effect of the draft regulations is essentially to require prescriptions to conform with the requirement for Tasmanian prescriptions, except where it is a prescription for an interstate patient, in which case it is exempt from that requirement.

This is important as interstate visitors are often very distressed to find that they cannot receive their usual medications from a local pharmacist on the basis of their script from their usual doctor in their home state. This can be profoundly upsetting and disruptive, impacting people with cancer unable to access their pain medicine, parents unable to access their child's ADHD medicine, and many others. These travellers must find an available appointment with a local doctor; sometimes they attend emergency departments and sometimes they simply cut their holidays short.

The government thanks those people for sharing their experiences and the minister is pleased to be doing something about it for future visitors. The government also wants to raise a note of caution: there are many issues around medicine access other than availability of interstate prescriptions. Disruptions in global medicine supply chains and surges in demand often create shortages, which we are seeing now in relation to some of the common ADHD medicines.

A local pharmacy may not necessarily have every medicine in stock in any case, especially with more uncommon medicines or doses. Members of the public should, as always, be kind and courteous to their pharmacists and their pharmacy assistants, and be understanding of the many factors that impact availability of medicine.

Ultimately, the effect of this bill is to remove existing restrictions that apply to interstate prescriptions. In doing so it applies the Tasmanian law so that existing systems and safeguards are followed. This ensures equity between Tasmanian prescribers and those interstate. This will require education and awareness, as well as monitoring and enforcement, and the Department of Health will of course undertake this work. The bill will commence on proclamation after a short period of time to allow for appropriate education and awareness-raising and preparation for prescribers and dispensers.

The government expects that compliance will build over time as interstate prescribers become aware of the requirements in place. The Minister acknowledges the support of this bill by key stakeholders and looks forward to working together to improve and protect the health of Tasmanians into the future. I commend the bill to the House.

[11.43 p.m.]

Ms LOVELL (Rumney) - Mr President, I will make a brief contribution in support of the bill. This bill contains very sensible amendments that will go a long way to supporting people to have increased access to medications that are desperately needed. When I last held responsibility for the shadow portfolio of health some years ago, I know even then I was having people come to my office who had been caught out a bit, didn't realise that there restrictions in place and found themselves in a situation where they weren't able to access medication that was very desperately needed and left them in a real bind.

I'm pleased to see these amendments. I know this bill has been well supported. These changes are well supported by stakeholders. I also know the two categories of people, as the Leader has outlined, that will be most impacted by this bill are visitors to our state, and often I suppose - I don't know if this term is really a term that people like anymore, but the group that we would normally call 'grey nomads'. They come to Tasmania, they spend a bit of time here.

Ms Forrest - They are colloquially referred to as travellers these days.

Ms LOVELL - Travellers, thank you. I felt uncomfortable with it, so thank you, member for Murchison. Travellers that might want to spend a bit of time in Tasmania, and often people who might be in an older demographic are more likely to be on medication that they need consistently, and have probably travelled all over the country and not realised that Tasmania had this different set of rules to other states and, as the leader said, get here and then find themselves in a bit of a pickle.

The other group of people that will be impacted by this bill are largely parents of children with ADHD, and we know that with the demand on the clinics here in Tasmania for diagnosis and treatment of ADHD, that many families are relying on treatment by interstate practitioners via telehealth. These amendments will go a long way to making life easier for groups of people who have been dealing with this issue for some time.

We are happy to support the Greens amendments in the other place. I think they were maybe a bit of an oversight, maybe unnecessary in terms of this particular piece of legislation, but again, I think they provide a level of clarity that is helpful. I am pleased also to see that, as the leader pointed out, there are some important safeguards in the bill too. So, we are very happy to support this bill and I acknowledge the work of the minister and the leader to progress this through the parliament.

[11.46 a.m.]

Ms FORREST (Murchison) - Mr President, the Poisons Amendment (Interstate Prescriptions) Bill, as has been alluded to by the member for Rumney, represents an eminently sensible, and some would suggest overdue, modernisation of our Tasmanian poisons legislation, and I do note there is a fuller review going on of what has become a quite a cumbersome piece of legislation due to many amendments over the years, and this is welcome.

I remember when I started my nursing training, we all had to read and study the *Poisons Act* to make sure we did not fall foul of it. I feel a bit sorry for the new nursing and other students of all sorts of medical fields that are required to now work their way through what is a pretty untidy piece of legislation in terms of its functionality. I will come back to that shortly.

This bill does address practical problems that affect many Tasmanians: the inability to have certain prescriptions written by interstate doctors dispensed at a local pharmacy. It's not just people who come to the state; it is Tasmanians who have gone interstate and received interstate prescriptions, either while they were travelling or because they have seen a specialist or some other health professional who has prescribed a medication in another jurisdiction.

As the member for Rumney rightly pointed out and the leader also in her contribution, sadly, it's not an insignificant number of people that have to do that, particularly for parents of children with ADHD, and even others who have really serious and chronic pain conditions who may be seeing specialists on the mainland as well for their pain management. Often they will be prescribed opioid pain relief, medicinal cannabis, benzodiazepines, all medications that people rely on to go about their normal lives a lot of the time, and to not be aware that you may be in this jurisdiction where you can't access that medication would be really difficult.

You just sort of assume that you go to a pharmacy. I go to a pharmacy in Melbourne when I visit family over there and just assume that if I had to fill a prescription, that it would all be tickety-boo and you would not have any trouble. I also acknowledge that, because of the number of groups of medications I have just referred to do have risks associated with them, particularly the risk of diversion with opioids, et cetera, and some of the other medications that can be used for a ADHD particularly, there is need for controls, and they are there for a good reason, but it doesn't mean they should become barriers for people to access the medication they actually need.

I also acknowledge that, for a lot of patients and parents in our regional areas, the shortage of some of these really critical medications can be a real problem. We see that not only with these sorts of medications, but also others like some of those weight-loss medications. I might not know particular -

Ms Rattray - That are used for diabetics.

Ms FORREST - Well, they're supposed to be used by people who are diabetic who need the medications to stay alive, and they were being diverted to other people for the purpose of losing weight and things like that, which is, yes, an important thing for their health and wellbeing, but not actually necessary to keep them alive. We sometimes see these things happen that make really critical medicines quite short in supply. We saw that during COVID where anything related to respiratory conditions were really hard to get. Someone who has asthma, like myself, can only go and get one preventer at any one time. I understand that, but you think, gee, maybe I could just have two in case for when I go back next time and they haven't got it. That was an unusual period, but lots of medications became difficult to get at that point. It was exacerbated in our regional and quite remote areas.

This bill would allow pharmacists to dispense prescriptions issued by registered health practitioners in other Australian jurisdictions, provided these prescriptions meet the same restrictions that already apply to Tasmanian prescriptions. This is a really common-sense regulation that recognises simple reality that we live in a country with nationally registered health practitioners - and we have for a long time now. The healthcare system is increasingly operating across state boundaries and borders. It seems extraordinary to me that we haven't done this sooner and it wasn't considered when the national regulation, AHPRA, was put in place. I think it was 2010.

The case for this is really easy to make. Fundamentally, it improves access to medicines for Tasmanians when they're travelling interstate but also access for Tasmanians who come into this state after seeing a medical specialist on the mainland. There was some data I saw recently that approximately 30 per cent of patients presenting to some urgent care clinics don't have a Tasmania-based GP at all. They rely on telehealth and other mechanisms. That's a problem in itself, so this will address that. The other thing is that it will assist people travelling to Tasmania and the member for Rumney talked about people who like to come and spend long periods of time in Tasmania, travelling around, we welcome them. If they are elderly or with a family or with a child who has ADHD, they absolutely need ongoing access to these critical medications for them.

I think as the Leader acknowledged that sometimes it's the pharmacist or the pharmacy staff who have borne the brunt of people's frustrations. Sadly, when you've got a tiny pharmacy with only one or two staff members in it, including the pharmacist, it can be pretty confronting because at that point, they're in an isolated area, there is nowhere else to go, they've probably run out, which is what usually happens. You think, damn it, I should have got that earlier, shouldn't I?

Ms Rattray - I thought I had another sleeve in the box.

Ms FORREST - That's right. As the Leader said, though, we should all be very respectful of our healthcare professionals, wherever they work.

The other matter was that the reform also relates to the use of telehealth which accelerated dramatically during COVID for all the reasons we understand very well, but it still remains an important part of healthcare delivery. There are some improvements that could be made. I think the federal government went a bit too hard winding back some of that, particularly in relation to medication reviews. One of my favourite pharmacists - he knows who he is - he probably won't be watching, he will be busy, but a massive bone of contention for him is that - sure, you need to do the first assessment in the patient's home - but follow-ups cannot be done by telehealth. This pharmacist covers kilometres of space, including the island to the north, King Island. It's just an inefficient system. That's not to do with this bill, but it's something that needs to be looked at by the federal government, I think that sits with. That's a matter for the federal government. It is quite a ridiculous thing when we can actually access so much of our other health care by telehealth. I'm not saying we shouldn't go into the patients' homes because you do need to see what's going on when you're doing a full medication review, and the pharmacist has obligations under that but maybe the Minister for Health can take that forward, on the pharmacists particularly.

Ms Rattray - To the meetings of ministers.

Ms FORREST - Yes. It makes so little sense to me. Every time I visit him, I get the full bottle.

As I said, telehealth has been transformative for Tasmanians living in rural and remote areas. Of course, I'm talking about a rural and remote area here, and it does provide access to specialist consultations that would otherwise be expensive, time-consuming, and possibly not a not an option for various reasons, so people go without rather than seek the help they need

and then they delay that healthcare and then their problem becomes worse and the solutions are more challenging.

I want to speak briefly on the question of safety because these reforms appropriately maintain strong safeguards, as I mentioned, around high-risk medicines. The bill requires interstate prescribers to check TasScript which is our real-time prescription monitoring system, before issuing prescriptions for monitored medicines to Tasmanians and we understand why that's important because we do know that sometimes patients will doctor-shop and pharmacy-shop to try to get another repeat and another repeat. It is an important safety mechanism that was put in place some years ago now, and it also gives the the pharmacist some comfort that they're not giving something that could be quite harmful for someone if taken incorrectly. Checking on TasScript ensures that the the pharmacist can see the patient's prescription history and identify potential risks also, not just by having too much of a medication, but the risk of drug interactions as well as misuse.

Similarly, Tasmanian pharmacists dispensing interstate prescriptions for monitored medicines must check both TasScript and the originating jurisdiction's equivalent database. These cross-checking requirements provide robust protection against prescription-shopping and inappropriate prescribing while allowing legitimate access to properly prescribed medicines. Again this is a little bit extraordinary in our modern world - we don't have a single system here either. We were told in the briefing that they are working on that federally to have a single system. We were told it's couple of years away, if I'm correct. These things shouldn't be that hard if every jurisdiction's has their own, all called something slightly different, but all doing the same thing, it makes sense to have a single system where it would require one login for the pharmacist check on that patient's prescription history and relevant information related to that patient. These monitoring databases reflect the modern reality that electronic systems now provide information across traditional jurisdictional boundaries that weren't available in 1971, obviously, when the *Poisons Act* first came into being.

I value nothing more than getting a prescription on my phone because I'm never in the right place when you want it, if it's a paper one. I'm very grateful to my GP for always sending them to my phone and to the pharmacist for sending them back to my phone when they're repeats. It makes it so much easier. The old safeguard of restricting interstate prescriptions has become out of step with both patient expectations, as the Leader said, and the technological capabilities available to protect public health and safety.

I note that the bill makes the clarification in relation to the *Road Safety (Alcohol and Drugs) Act* and the Leader did speak to that amendment that was inserted by the Greens. I believe that's sensible. I note from the Leader's comments that it probably sits more correctly in the the *Road Safety (Alcohol and Drugs) Act 1970*, and I would hope that in the review of the *Poisons Act*, this will also be something that has taken up and put into the *Road Safety (Alcohol and Drugs) Act* because if someone falls foul of the *Road Safety (Drug and Alcohol) Act*, it makes sense for that defence to be there in my mind. I understand the reasons for putting it here right now for the government not opposing that, but I hope that it would eventually end up in the *Road Safety (Drug and Alcohol) Act* where I believe it does more rightly belong because that's the act you're being charged under if you're being charged. Obviously, if you're being impaired by it or you don't have a prescription for the medication that you have in your body when you're driving but not impaired, then clearly it should be in the same legislation.

I acknowledge that the *Poisons Act* is complex and unwieldy and does require extensive review. This bill is only targeted to fix the immediate problem and wholesale reform will follow. I do look forward to that. It will be helpful to many people, particularly those health practitioners who have to abide by it. I am not sure what the timeframe is that for Leader, if there is an actual time frame to see that done, but appreciate it will be quite the body of work and take some time in consultation to ensure it's done well.

That said, we should not let the perfect be the enemy of good. This bill addresses the real problems affecting real Tasmanians right now and there is no reason to delay sensible improvements while waiting for broader reforms.

Several important implementation questions were raised during consultation, particularly on resourcing for monitoring and enforcement of the new provisions. I trust the government will ensure adequate resources are provided to support effective implementation, including the public awareness piece, not just for the pharmacists, the prescribers and the dispensers, but also for the people.

Ms Rattray - Community.

Ms FORREST - Yes, also community. It is the general expectation anyway so they probably think I didn't know we couldn't already do that. The Royal Australian College of General Practitioners raised legitimate concerns about monitoring enforcement, and I will encourage the government to work closely with prescribers and pharmacists as the new system is implemented to ensure it's seamless.

This bill is fundamentally about removing unnecessary barriers to legitimate healthcare access while maintaining appropriate standards around high-risk medicines. It recognises we live in a country with nationally registered health practitioners and a healthcare system that increasingly operates across state borders with elements of electronic access. It acknowledges that reality of modern healthcare delivery and we should be moving with that rather than lagging behind. It does provide a practical solution to problems Tasmanians or visitors to Tasmania can face every day. We are talking about medications here for some that are lifesaving or life preserving and critical to the health and well-being.

I am confident the legislation has the appropriate safety measures and strong support from health professionals and patient groups. It is the sort of practical evidence-based reform that improves people's lives without creating unnecessary risk or bureaucracy, other than the requirement for pharmacists to log in. Once they've done that, the problem is they have to log into every jurisdiction. You have two people arrive the same day, one from Victoria and one from New South Wales, that's two periods of time you have to log in or go through the process. Hopefully, that will be resolved in a couple of years to reduce that time with a national system that manages that. I support the bill.

[12.03 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I have a number of answers to questions that were raised particularly by the member for Murchison and, and I appreciate the support that appears to be in the Chamber today. It is much appreciated.

The member for Murchison, the question on telehealth access for medication reviews. As the member said, this is a matter for the Commonwealth government and the government supports flexible access to healthcare, including through telehealth. I expect that it will be something raised when the minister meets with her counterparts and the federal health minister.

Another question was: why are multiple real-time prescriptions monitoring system sign up and checks required? Unfortunately, the national real time prescription monitoring system does not yet share information across borders on all prescribing and dispensing transactions, although, all jurisdictions have passed consistent legislation for the national system. The information technology in place is not fully integrated between states and territories and this is a matter for the National Digital Health Agency, which is under national discussion, another one for their agenda. The checking TasScript before prescribing for a Tasmanian, or checking an interstate database before dispensing to an interstate patient will help to ensure the safeguards of real-time prescription monitoring apply across borders and maximise the information available to support clinical decision making.

Another one asked by the member for Murchison was about the issues with the *Poisons Act* or Poisons Regulations. The Department of Health has commenced a comprehensive review and a rewrite of the *Poisons Act* and regulations. Extensive public consultation will be undertaken during 2026. Prior to public consultation, people can contact the office of the Minister for Health, Mental Health and Wellbeing or the Department of Health with any issues they wish to raise. It is possibly the two-year period you actually mentioned, member, before we see something in the parliament.

What support will be available to prescribers and pharmacists to implement this? During a short implementation period before the changes commenced the Department of Health will work with professional organisations to communicate key information. Supporting information will be made available on the Department of Health website on an ongoing basis. The Pharmaceutical Services Branch can also be contacted for assistance. Each jurisdiction provides technical support for its real-time prescription monitoring system.

In relation to the question around driving while using medicinal cannabis; it's important to state that it is primarily a matter for the Minister for Police, Fire and Emergency Management, who is responsible for the *Road Safety (Alcohol and Drugs) Act 1970*. The honourable member also said it possibly did belong there, but we've got it here.

Ms Forrest - Hopefully they will talk to each other.

Ms RATTRAY - Well, I would like to think that they would talk to each other and I'm sure the department will be going to have those conversations. Medicinal cannabis can cause impairment and affect fitness to drive and it is recommended patients do not drive while being treated with medicinal cannabis. A person who drives a vehicle while under the influence of a drug, to the extent that the person is incapable of having proper control of the vehicle, is guilty of an offence, even if the drug is prescribed. Even if it is prescribed and you're not in control, don't do it. Driving with any detectable amount of THC in your system is also an offence in Tasmania under the road safety act, unless the product was obtained and administered in accordance with the *Poisons Act*. The extent of liability for a driving offence always depends on the individual circumstances. However, the proposed changes, including the amendments made in the other place, as moved by our Greens colleagues there - I thought it was Prof Razay, was that the one before?

Ms O'Connor - No, it was Cecily Rosol.

Ms RATTRAY - Oh, it was Cecily Rosol. It was the Greens.

Ms O'Connor - This is the road safety amendment?

Ms RATTRAY - It was the one before. We've been through quite a few bills already today, Mr President, we're doing really well.

Ms Forrest - Don't get too excited.

Ms RATTRAY - I would never do that.

I will start that again. However, the proposed changes, including the amendments made in the other place as moved by our Greens colleagues there, will bring medicinal cannabis prescribed and/or dispensed interstate for Tasmanians, within the remit of the *Poisons Act* and therefore within the scope of the exemption, as long as the driver is not impaired. So, just reinforcing that statement: we don't want people in our communities to think that it's a free-for-all. They need to be responsible.

Bill read the second time.

POISONS AMENDMENT (INTERSTATE PRESCRIPTIONS) BILL 2025 (No. 45)

In Committee

Clauses 1 to 3 agreed to.

Clauses 4 to 6 agreed to.

Clauses 7 to 9 agreed to.

Clauses 10 to 12 agreed to.

Clauses 13 to 15 agreed to.

Title agreed to.

Bill reported without amendment.

Third reading made an order of the day for tomorrow.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2025 (No. 54)

Second Reading

[12.13 p.m.]

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

That the bill be now read the second time.

The government has committed to implementing all 191 recommendations of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. A critical reform was the recommendation to establish a Commission for Children and Young People. The Commission for Children and Young People Bill 2025 fulfils this commitment. It will create three new statutory roles in the new commission: a Commissioner for Children and Young People, a Commissioner for Aboriginal Children and Young People and a Child Advocate. The existing Independent Regulator, who oversees Tasmanian organisations to comply with the Child and Youth Safe Organisations Framework, will be part of the commission. The bill is the product of a whole-of-government approach with extensive community consultation.

The departments of Premier and Cabinet, Justice, Education, and Children and Young people worked closely together. The Commissioner for Children and Young People and the Independent Regulator were closely consulted throughout drafting. The government undertook an extensive public consultation on a draft bill for three months from September 2024. The final bill has been amended and improved significantly from the consultation draft.

There were 14 targeted consultation sessions with key stakeholder groups, including: children and young people; Aboriginal organisations and people; victim-survivors; and foster and kinship carers, including Tasmanian government agencies. 31 written submissions were also received. Submissions and a 'what we heard report' on face-to-face consultations were published in April this year. The feedback received was detailed and constructive and I thank all stakeholders who have contributed to this important process. There was overwhelming support for an enhanced Commission for Children and Young People.

How the new commission will operate: it is important to be clear about what the new commission will be expected and empowered to do. As the commission of inquiry, or COI, noted, this new commission will not be a general complaint-handling or investigation body. However, the CEO also considered that after a transition period, the same person would fill both the roles of Commissioner for Children and Young People and the Independent Regulator. This would embed the investigative functions of the Independent Regulator under the *Child and Youth Safe Organisations Act 2023* within the commission.

The COI wrote that as the successor to the current Commissioner for Children and Young People, the new commission will have the benefit of being known to Tasmanian children and families as an organisation that can help with concerns relating to children and young people. It will ensure there is one oversight body in Tasmania with a focus on their safety and wellbeing. The COI considered this takes account of Tasmania's relatively small size and the need for regulation to be effective and efficient.

I will first walk through how the commission will work. The new Commissioner for Children and Young People will be the head of agency for the purposes of administration of the commission as a state service agency, and will be the first of the three new commissioners appointed. As a state service agency, the commission will be able to manage its staff and

finances directly rather than through a department. One person will be ultimately appointed as both Commissioner for Children and Young People under the bill and Independent Regulator under the *Child and Youth Safe Organisations Act*.

This will follow a transition period during which two different people hold each of these roles. The transition period is expected to be up to three years after commencement of the act, as the current Independent Regulator's term of appointment expires on 24 January 2029. The Independent Regulator's functions and powers remain in the *Child and Youth Safe Organisations Act*. The Commissioner for Children and Young People, Commissioner for Aboriginal Children and Young People and Child Advocate will have both specific functions and powers relevant to their office and shared general powers of the commission.

The functions: The bill sets out several principles to be applied when a person is performing a function or exercising a power under the bill. The paramount consideration is the well-being and best interest of children and young people. As a result of consultation, the final bill expressly states this paramount consideration is reflected in, but is not limited to, the rights and principles specified under the United Nations Convention on the Rights of the Child, Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities.

It also states that relevant provisions of those documents are to be taken into account when performing a function or exercising a power. The commission's general functions will include making recommendations to government on system improvements, conducting inquiries into systemic issues and advocacy for all, or a class of children and young people, further promoting safety and well-being rights and participation and monitoring and reviewing well-being care and treatment of children and young people in out of home care or the youth justice system, the use of isolation, force restraints and searches, serious incidents and electronic surveillance.

The Child Advocate and Commissioner for Aboriginal Children and Young People have exclusive powers and functions regarding the advocacy for an individual child or young person. The bill will require the Child Advocate to establish and administer an independent visitor scheme regarding children and young people in detention and out of home care. The Child Advocate must consult with the Commissioner for Aboriginal Children and Young People about how that applies to Aboriginal children and Aboriginal young people.

Both commissioners will be empowered to appoint independent visitors. Each of the three commissioners is taken to be an independent visitor under the scheme. The bill creates those powers but does not establish the scheme itself, the COI scheduled date for completion for the scheme is July 2029.

The bill does not contain coercive powers of entry to residences or premises regarding the out of home care system. I anticipate the independent visitor scheme, when established, will include strong but measured considered powers regarding access to and oversight of children and young people in out of home care.

I also expect this will occur with appropriate community consultation and input from the commission. The Child Advocate has further functions and powers which include helping a child or young person, in appropriate circumstances, to make a complaint or even to make that complaint, as proxy to a statutory complaint's authority. That means a person or entity,

including an agency with a legislated function or power to determine complaints or review decisions. This is an expansion of the COI recommendation about assisting with the complaints to the Ombudsman.

The Commissioner for Aboriginal Children and Young People have similar functions and powers of the Child Advocate in respect of Aboriginal and Torres Strait Islander children. An Aboriginal or Torres Strait Islander person is to be appointed to this commissioner's position.

The powers - the commission's general powers, include requiring information and data for the purposes of maintaining information regarding Tasmanian children and identifying and monitoring trends relating to them. It has systemic investigations, inquiry and review powers. It does not inquire into specific decisions, complaints or circumstances regarding an individual, child or young person. However, it can investigate or review a systemic matter that arises as a result of a matter raised about an individual. It can also hold an inquiry into a matter raised in respect of an individual if that is commenced by the Child Advocate or Commissioner for Aboriginal Children and Young People. These mechanisms allow the commission to examine services and provide recommendations to government through the reports tabled in parliament.

The bill gives the commission power to access, inspect and review a detention facility without warrant. This is not intended to match the extent of the powers of the Custodial Inspector or the National Preventative Mechanism, because the commission is essentially an advisory and reporting body. There is ongoing work to consider the different approaches recommended by the COI and former Ombudsman, Mr Connock in relation to the powers of the Custodial Inspector and National Preventive Mechanism regarding children and young people. The relevant COI recommendations in this area are 12.38 and 12.39 and will progress by 1 July 2026 as scheduled. They are not expected to require amendments to this bill, but amendments to the Custodial Inspector and National Preventative Mechanism Legislation may be required.

The bill's inspection powers allow general access during the ordinary business hours of a detention facility or as agreed between the commissioner and person in charge of the facility. They can occur with or without notice. There is power to take photographs, files or audio or visual recordings. It is an offence for a person in charge of a detention facility to unreasonably refuse a commissioner access.

However, the commissioner has access to a resident child, young person or person with care or charge of a child in a detention facility at any time to monitor the safety and well-being of the resident.

A person in charge of a detention facility, a member of staff or a person providing services at the detention facility commits an offence if they do not allow a commissioner to interview a resident in private or allow an interpreter to accompany the commissioner for that purpose. Written communications between the resident and the commissioner are also protected.

Important definitions:

The bill contains definitions which have been significantly strengthened since the consultation draft. A child is a person under the age of 18. The term young person ensures that the commission can undertake its functions in relation to a particularly vulnerable cohort of

young people between the ages of 18 and 20, in addition to all children under 18. This covers young people who have been involved in the youth justice system at any time.

The tabled bill also included 18- to 20-year-olds if they have been in out of home care after they were 15 or above, given that group also has higher needs for transition.

The latter scenario was expanded through an amendment in the other place, so the definition of young person applies to young people aged 18, 19 or 20 who have ever been in out of home care.

Out of home care is also defined to cover a range of orders or statutory powers under the *Children, Young Persons and Their Families Act 1997* and some under the *Adoption Act 1988*. This gives certainty to the Commission's jurisdiction.

There is a collection of definitions regarding detention.

'Detention facility' has a broad definition to cover detention centres, prisons holding children or young people, various police facilities including stations, vehicles and watch houses and courts. This covers people on remand or people under sentence. Other terms 'facility resident' and 'resident' round this out to cover someone with a child of their own in detention there because of those parents' circumstances.

The bill applies to Aboriginal and Torres Strait Islander people in two different ways. Children and young people need only self-identify or be recognised as Aboriginal or Torres Strait Islander people to access the assistance of the Commissioner for Aboriginal Children and Young People. Such children would mostly self-identify, while the commissioner can also support very young children or children with communication needs who can't self-identify but who are recognised as Aboriginal or Torres Strait Islander children. For instance, this may be the recognition of a parent or relative or persons in this community. The bill also defines the phrase 'a person known to be an Aboriginal or Torres Strait Islander.' This definition applies to the appointment of adults to the positions created by the bill. These include the Commissioner for Aboriginal Children and Young People, an independent visitor appointed to visit Aboriginal or Torres Strait Islander children, and the majority of selection panel members appointing the Commissioner for Aboriginal Children and Young People. These persons must be of Aboriginal or Torres Strait Islander descent, identify as such, and be accepted as such by a recognised Aboriginal or Torres Strait Islander organisation. This reflects the definition and test as recently passed by parliament in the *Child and Youth Safe Organisations Act 2023*.

The bill also makes clear that using the word 'Aboriginal' in reference to a child or young person is taken to include a reference to a Torres Strait Islander too. Each commissioner in the new commission, when providing services to children, will be bound by the Child and Youth Safe Standards and the universal principle in the *Child and Youth Safe Organisations Act*. That means the commission must provide an environment that respects the right to cultural safety of children who identify as Aboriginal or Torres Strait Islander. Appointment requirements for commissioners reflect the COI recommendations. These include a transparent process, compliance with best practice for merit-based recruitment, and a selection panel with at least one non-government employee and, if appropriate, at least one young person. A panel of children and young people must also be consulted for its views and opinions regarding selection of the commissioner and determining the best process for selection.

The selection process for the Commissioner for Aboriginal Children and Young People also requires the majority of the selection panel be known to be Aboriginal or Torres Strait Islander. Before making a recommendation to the Governor regarding appointing a commissioner, the minister is to consult with at least one representative of each political party that then has two or more sitting members in parliament. A further requirement was added via amendment in the other place, expanding the minister's consultation requirements to include consulting with the Joint Standing Committee - that's if its members have been appointed at the time. The amendment was drafted so that if the committee's members have not been appointed, then this requirement does not apply.

Information management: The bill's information management provisions were significantly redrafted after consultation, to clarify and improve them. The bill requires the commission to protect the identity of a child or young person as far as it is practicable. There is express guidance on commissioners sharing information with the commission to ensure information privacy. The commission may request information from persons and specified bodies. When necessary, the commission can also compel the provision of information. A group of government and statutory bodies who have their own information management powers and responsibilities defined as 'relevant authorities', are not subject to this power. An example is the Integrity Commission.

There are further safeguards which the commission must consider before compelling identifying information. It is an offence not to comply with the requirement to provide information unless a listed exemption applies. The Magistrates Court may make an order requiring compliance with the commission's requirements. The bill provides for the commission's ability to disclose or refer information under specified criteria and for confidentiality of information obtained under the bill. The bill improves upon the consultation version by using a more targeted exemption to the *Personal Information Protection Act 2004* which maintains personal information protection obligations, where possible.

By consequential amendment to the *Right to Information Act 2009*, the bill adds the Commission and each commissioner as 'excluded persons' or 'bodies', so that the act only applies to information about the commission's administration. This is consistent with the current Commissioner for Children and Young People.

The Timeframe to Establish the Commission: The COI acknowledged it would take some time to fully establish the new commission. The COI provided a time frame of 1 July 2024, however, work on the bill found that this timeframe did not allow for the significance and complexity of this reform. Consistent with the COI's recommendations and timelines, the full implementation of the bill will take place in phases. The first phase on commencement of the bill is the establishment of the commission and appointment of the new Commissioner for Children and Young People. The second phase includes appointing the Commissioner for Aboriginal Children and Young People and the Child Advocate. These appointments are due by July 2026. Establishing the Independent Visitor Scheme is due by July 2029. As I've mentioned, one person will ultimately be appointed as both the Commissioner for Children and Young People and the Independent Regulator. The bill manages these steps by being drafted in a way that allows the relevant sections to be commenced by proclamation of the Governor at later dates.

Independence: The bill has multiple provisions designed to ensure the independence of the commission and each commissioner. Each may perform the functions and exercise the

powers of the commission. If one commissioner performs a function or exercises a power, this does not stop another commissioner or the commission from performing that function or exercising that power. The commission and each commissioner are not subject to the direction or control of the minister or any minister. The commission and each commissioner must act independently, impartially and in the public interest. When doing so, a commissioner is not subject to the direction or control of any other commissioner nor to the *State Service Act 2000* in respect of the statutory function or power. The minister administering will have a power to request that the commission conduct an inquiry which can include an inquiry outside the commission's usual jurisdiction. This reflects a power regarding investigations or reviews under the current act. However, the bill gives the commission discretion to refuse this request, preserving its independence.

Oversight: The bill also has appropriate oversight mechanisms. If the commission is satisfied that a function or power is able to be performed or exercised by a specific commissioner without a conflict of interest being present, the commission may authorise another commissioner, if appropriate, to perform that function or exercise that power. Provisions regarding the commission's administration cover annual reporting requirements. These include summaries of any inquiries, a list of published reports and a forward-looking annual plan describing the proposed program of work and activities as known for that financial year, this must be tabled in each House of parliament. There is discretion to at any timetable other relevant reports in each House of parliament, or provide them to the minister, Joint Committee or to publish reports.

The bill creates a new joint Standing Committee on the Commission for Children and Young People. This is based on the *Integrity Commission Act 2009* and its Joint Standing Committee on Integrity. This new commission is so different in purpose and function; with its child centred focus that it justifies a new committee being established. The bill preserves the Children and Young People Advisory Council and Children and Young People Consultative Council, created under the existing *Commissioner for Children and Young People Act 2016*. The Child Advocate must establish an advisory group in relation to children in out of home care and the Commissioner for Aboriginal Children and Young People must establish an advisory group in relation to Aboriginal children and young people. There are broad discretionary powers to establish other committees or advisory groups to determine their terms of reference and to consult with the committee or advisory group, in respect of the proposed terms of reference. The Joint Standing Committee is to review the functions, powers and operations of the commission and each commissioner, and table its report as soon as practicable, after the third anniversary of the commencement of the relevant provisions.

Second, a statutory review is to occur in respect of the five-year period commencing on the first appointment of a commissioner under the act. The bill requires the commission to liaise with other relevant statutory authorities, statutory officers and official bodies when conducting an inquiry or investigation. One purpose of this is to prevent, if appropriate, duplicate inquiries or investigations. Another purpose is to facilitate the coordination and resourcing of inquiries or investigations into matters that are to be conducted separately, hence concurrent matters are not entirely ruled out. The same provision also requires the commission to take certain actions if it becomes aware that a child or young person has sought assistance from another of its counterparts in that cohort. It must take all reasonable steps to avoid unnecessary duplication of assistance, while facilitating the provision of support and assistance in respect of that matter. There are general offence provisions around protection, from reprisals for persons providing information to the commission and protection from liability for those acting in good-faith.

The bill effectively combines four different statutory officers into one new commission. It is the product of sustained effort to honour the COI recommendations and improve on a consultation version, thanks to the detailed input of many and varied stakeholders.

I'd like to thank everyone who has contributed to this bill, particularly those who wrote the second reading speech, and a tremendous step forward in the shared purpose of the government, this parliament and the community at large, to make Tasmanian children safer.

I commend the bill to the Council.

[12.45 p.m.]

Mr HISCUTT (Montgomery) - Mr President, I rise briefly to speak on this bill. The Leader has eloquently explained the purposes and reasons of the bills and its intent. I won't speak too long on them as they are well supported. I will take the time to say I appreciate the amount of consultation the government has partaken with in this bill, and it's quite commendable. The revision number in the bill reflects that.

Giving young people a voice in Tasmania is important, especially those who are more vulnerable, but it also gives children a choice in that advocacy. It's inclusion of Aboriginal Youth Commissioner is also admirable.

I stand to speak on a procedural matter with the bill and to foreshadow I will be moving an amendment that will be circulated in the House in regard to part 4, Joint Standing Committee. This sets the establishment of a parliamentary committee, which is appropriate. However, section 3 dictates that any party with a membership greater than three must be included on that committee. This could cause conflict with our practises in this House, as it could force a member to be elected in an undemocratic way. My amendment allows for the other place to choose as they please and for us to continue our practises. This will bring it in line with the Integrity Committee, which has been used previously. I am under the understanding this was the intention of the bill and would appreciate the government's comments on this. I hope the passage of this bill goes smoothly with the foreshadowed amendment. Thank you.

[12.47 p.m.]

Ms O'CONNOR (Hobart) - Mr President, what a good day it is in this place, to have before us the Commission for Children and Young People Bill of 2025, a bill that fulfils the recommendations of the commission of inquiry, either in full or significantly in part. I want to acknowledge not only the courage of victim/survivors and whistleblowers who came forward and went through the extraordinarily traumatising process of giving evidence to the commission of inquiry, I also want to thank the commission of inquiry again for the thoroughness and the empathy they poured into their extremely important work. I also want to acknowledge that the Tasmanian government has held true in very significant part to its commitment to implementing all 191 recommendations of the commission of inquiry.

There are questions about whether or not the implementation of those recommendations is adequately funded in this interim budget and what will happen to the funding that's required from May next year, but it is unarguable that significant dedication and resources within government have been dedicated to establishing this commission. As I understand it, the version of the bill that we're debating today is version 21 which is a very good indication that

the government on this was prepared to listen very closely to stakeholder input and input from the interim Commissioner for Children and Young People input from the Office of the Independent Regulator.

The bill that is before us now is a massive reform in the way we respond to the rights and the needs of children and young people in Tasmania. In so doing, we should acknowledge our history on this island of harming children began on colonisation. Ashley Youth Detention Centre for more than 100 years has been harming and traumatising children and young people. It is still open, despite the recommendation of the commission of inquiry that it be closed immediately. Despite the promise of a former premier who gave a solemn commitment that Ashley would be closed by September of 2024, and yet that hellhole remains open, but that is an ongoing debate and it is certainly something, I'm sure, that government will need to answer for next week in budget Estimates. I do note there is funding allocated in this interim budget for the new therapeutic youth justice facility at Pontville, and that is a good thing, but it does seem that the process of closing Ashley and establishing a new youth justice facility has been glacially slow.

The Commission for Children and Young People Bill we debate today fulfils the government's commitment to implement the recommendations of the commission of inquiry. It creates three new statutory roles: the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People, and the Child Advocate. It allows for the fact that we have an established statutory role in the Office of the Independent Regulator and provides for those roles to come together within four or five years, as I recall.

The task of the commission will be enormous: to advocate for systemic change in the way that we treat children and young people, particularly children and young people in out-of-home care or in youth detention. We have before us the annual report of the Office of the Independent Regulator and, I'm sure, a number of honourable members have worked through this first Office of the Independent Regulator comprehensive annual report. Some low points from the annual report: the Office of the Independent Regulator received 567 notifications in 2024-2025 under the reportable conduct scheme, and that was an average of 12 a week compared to 9 a week in the previous reporting period, which was 1 January 2024 to 30 June 2024.

At the end of the 2024-25 financial year, 452 reportable conduct notifications remain open. Of the 304 reportable conduct notifications that were closed in the 2024-25 financial year, 34 were found to be substantiated. That's one in 10: one in 10. So, if you look at sectors with the most notifications, and I am sure the Minister of Education, Children and Young People is very concerned about this as well, the report says on page 10:[tbc]

In line with other jurisdictions, education, (which includes public and private schools, early childhood education and tertiary education), continues to account for the largest number of notifications, with 189 in this fiscal period, equating to a third of the total received, (or 33 per cent). Available data suggests less than 1 per cent of students in Tasmanian schools were victims in a reportable conduct notification.

We can say less than 1 per cent, and it sounds like a small number, but it's certainly not a small number, and by no means trivial or insignificant, in fact, the opposite for any child who has been harmed in an educational setting.

In 2024, there were 80,649 children and young people enrolled in Tasmanian schools (including in Government, Catholic and Independent).

In the 2024-25 financial year there were 210 children and young people in the education sector that were the alleged victim in a reportable conduct notification to the OIR. Six of these children and young people (3%) were alleged victims in more than one reportable conduct notification.

I will just pause at this moment to acknowledge that the parliament has passed legislation to require organisations to be child safe and to enact this reportable conduct scheme, and it is through this scheme that, to some level, we are seeing the extent of the problem. I want to indicate that we will be supporting this bill as it is. We believe it's been fully considered and broadly consulted. We won't be supporting the proposed amendment put forward by the honourable member for Montgomery, because it is potentially quite a backward step in terms of the composition of the very important oversight committee that will be established under this legislation. That committee, in the provisions of part 4 of this act:[tbc]

The Joint Committee would consist of an even number that is not less than six and not more than eight members of Parliament, of whom half are to be members of the Legislative Council and half are to be members of the House of Assembly.

And the provision goes on to say:

The members of the Joint Committee established by this section are to include at least one representative of each political party that has three or more members in the House of Assembly.

Now I understand the member for Montgomery in his amendment seeks to bring the provision for this committee in line with the *Integrity Commission Act*, but I would argue that that provision in the *Integrity Commission Act*, in its establishment of the committee, is somewhat flawed in itself.

If we were to pass, for example, the honourable member for Montgomery's amendment, it would mean if the committee is established as a committee of six, for example, no independent member in the lower house would be able to put their hand forward because an amendment would have been passed that required every party member who was passionate about protecting the wellbeing of children in Tasmania would need to come from the House of Assembly.

You would have half your committee established from party membership in the House of Assembly, that is: there would be one Liberal, one Labor, one Green, under the current make-up of that House, and therefore six members of the crossbench would be excluded from putting their hand forward. There are members of this place who are members of political parties, and I am one of them, who have been on this journey of understanding the need and pressing for a commission of inquiry into institutional responses to child sexual abuse. They have worked very closely with victim-survivors and whistleblowers. They have attended commission of inquiry hearings.

I don't mean to speak for other members of this place, but I know there are other party members in this place who are just as passionate as I am, agreeing about making sure we get this right, and we make that turn away from our history of damaging and brutalising children; but should the honourable member for Montgomery's amendment pass, arguably members of this place who are passionate about the wellbeing of children could be excluded on the basis of the fact that we're a member of a political party, and there are already members on the committee from the House who are members of a political party.

I really think, notwithstanding the conventions of this place, we should be agnostic about which House statutorily is required to provide those members who happen to be members of a political party with three or more members in the House of Assembly. I think it would be a backward step for the constitution of this very important committee, and we won't be supporting it.

Mr President, while I'm on my feet, as a member of the joint committee that has oversight of the implementation of the commission of inquiry recommendations, I will say how meaningful it has been to be a member of that committee, previously chaired by the honourable member for Murchison and now chaired by the honourable member for Nelson. I believe we've done a very thorough job.

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

QUESTIONS

Office of the Independent Regulator - Annual Report

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

[2.31 p.m.]

I rise to obtain an answer to a question I asked the Minister for Education yesterday about troubling data contained in the annual report of the Office of the Independent Regulator. I understand the minister has an answer now.

ANSWER

Mr President, there is nothing more important than the safety of our children and our young people. Our government is committed to upholding institutional accountability through full compliance with the Child and Youth Safe Organisations Framework, including the Reportable Conduct Scheme and the Child and Youth Safe Standards. In terms of the 189 notifications from education services detailed in the Office of the Independent Regulator's 2024-2025 Annual Report, it is my understanding these notifications came from government and non-government schools, school systems, early childhood education and tertiary education.

I also understand the data does not represent whether the allegations have been substantiated or not. I acknowledge the commentary you referred to from the OIR's annual report regarding observations of significant shortfalls in core skills, a lack of quality training and upskilling, and a tendency of some organisations to prioritise privacy over child safeguarding. I note these were overarching observations in the report, reflecting on what the independent regulator has seen across all entities it's engaged with.

The Department for Education, Children and Young People has undertaken considerable effort over recent years to ensure all workers understand their obligations to keep children and young people safe. All staff, volunteers, and external providers must complete annual safeguarding training to build on their existing skills and knowledge to respond to and support, children and young people impacted by child abuse. Staff training includes a mandatory reporting training module, a child sexual abuse awareness training module and a requirement to acknowledge the department's conduct and behaviour policy and standards. The mandatory reporting training module provides staff with information about their obligations to report concerns about child abuse. All other workers, such as volunteers and relief staff, must complete their training before working with, or around, children and young people.

In relation to reportable conduct schemes specifically, the department's complaints management oversight unit works closely with the OIR and has established compliance mechanisms to ensure notifications are sent to the regulator. With all the effort that has gone into ensuring staff are aware of their obligations and robust reporting processes are in place, it is reasonable to expect to see a significant portion of notifications to be coming from education, along with child safety and youth justice services. Furthermore, in response to recent serious national child safety incidences in the early childhood education and care sector, education ministers from around the country have collectively agreed on actions to ensure safety of our children attending early childhood education and care services. These actions include:

- Mandatory child safety training will be introduced for all ECEC staff, volunteers and students.
- Establishing a national educator register to give regulators visibility of who is working in the sector and where they are working.
- A national CCTV assessment will commence in up to 300 services nationally to build an evidence base for safe and ethical use of surveillance in ECEC settings.
- From September 25, personal mobile phones and devices capable of capturing images have been banned or restricted during direct work with children.
- Expansion of unannounced spot checks. Families will have greater access to compliance information via startingblocks.gov.au and changes to national law.

As these actions are implemented, it is likely we will see further increases in notifications from ECEC providers, which I understand are included in the OIR's Education Services category. I am extremely grateful for the work of the OIR and the important role it plays in holding organisations to account and keeping our children and young people safe. I was heartened to read further commentary from the independent regulator in the annual report acknowledging the hard-working people that her office engages with. People who are keen to do the right thing and candid about their need to learn and grow.

This is what we must all continue to do, keep learning and growing so we can continue to deliver better outcomes for our children and young people. Our government takes all allegations of harm or abuse against children and young people extremely seriously. My department works closely with the Office of the Independent Regulator to ensure all allegations raised through its services are appropriately reported, investigated and addressed.

JCP Youth BEAST Program

Ms WEBB question to MINISTER for CHILDREN and YOUTH, Ms PALMER

[2.38 p.m.]

I asked the minister in relation to a news article published in *The Examiner* newspaper on 22 October 2025 regarding the operations of JCP Youth, which included the following statements regarding the organisations collation of a database. I quote: [tbc]

We patrol through the CBD; we have hotspot patrols around the northern suburbs, we identify what young people are out on the street.

And quote again:

Information on young people is then logged into a software program to enable JCP Youth's staff to monitor where, when and with whom they saw a young person.

Can the government:

- (4) Confirm whether these patrols are operating under the BEAST program and if so, is this activity included as part of the funding agreement provision?
- (5) Clarify the legal basis for JCP Youth to be broadly recording young people 'out on the street' if it is not being done under a government funded program.
- (6) Detail how many participants of the BEAST program that come under the 54 full time placements are recorded on the database.
- (7) Clarify whether JCP Youth has provided any information to the government in regards to this database and if so, whether any of that information collection, retention and sharing with government adheres to Schedule 1, Personal information Protection and Principles of the *Personal Information Protection Act 2004*.
- (8) Provide full details of the software program used and the type of information being recorded by JCP Youth about young people as part of this surveillance activity, including -
 - (e) any stated purpose for that information collation,
 - (f) the duration for which the information is kept;
 - (g) any data management access restrictions and protections applied to the database and its contents;

- (h) who has access to this software program and the information it contains on young people, including their personal details and their location; and
- (i) how access to data and information contained on this program is managed, recorded and audited.

ANSWER

Mr President, I have the following answer:

- (1) I've been advised the activities outlined in the newspaper article are part of a broader youth engagement and response model delivered under the JCP Youth BEAST program. The programs are designed to provide proactive, community-based support to young people, particularly in areas where there may be emerging risks or concerns. I'm advised the Department for Education, Children and Young People referred BEAST participants may participate in JCP Youth programs on an opt-in basis and the activities are within scope of the current funding agreement for DECYP funded participants. DECYP referred BEAST participants must have parent or guardian consent in addition to individual participant consent to participate.
- (2) Broadly recording young people's movements is not a requirement of the agreement between JCP Youth and DECYP. Under its funding agreement with DECYP, JCP Youth is required to adhere to relevant legislation, including the *Personal Information Protection Act*. The department has contacted JCP Youth for further information and I have requested the department provide me with an update as soon as the information is available.
- (3) Under JCP Youth's funding agreement, DECYP-referred participants are required to be recorded in JCP Youth's case management system -

Ms Webb - It's not the question; you know that. The database referred to the surveillance database. The question is about are they recorded on that database?

Ms PALMER - Yes, it's a requirement of the agreement that they are recorded. DECYP-referred participants are required to be recorded on JCP Youth's case management system.

Ms Webb - That's the software program they're talking about logging into when they surveil children on the streets?

Ms PALMER - I will take that on notice. That's my assumption, but I will take that on notice.

Ms Webb - I'm not asking about their client database, I'm asking about the surveillance database.

Mr PRESIDENT - The minister will take it on notice.

Ms PALMER -

- (3) Under its funding agreement with DECYP, JCP Youth is required to adhere to relevant legislation, including the *Personal Information Protection Act*.
- (4) Under JCP Youth's funding agreement with DECYP, every encounter with DECYP-referred participants is required to be logged in the JCP Youth Case Management System which stores information for seven years and includes a reporting function. The department has contacted JCP Youth for further information and I have requested the department provide me with an update as soon as the information is available.

Budget Table - Special Purpose Accounts

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

[2.41 p.m.]

Referring to the November 2025-26 Budget, Table 5.8, pages 120 to 121 in budget pack 1, provide an updated table that includes for all special purpose accounts listed in the table:

- (j) actual outcomes for 30 June 2025; and
- (k) final opening balances.

I'm happy for the Leader to table that.

ANSWER

Mr President. I have some that I could read out, or I could table the entire suite of answers that we have.

Ms Forrest - I only asked the one about the special purpose account on that occasion.

Ms RATTRAY - Okay.

Ms Forrest - I was going to ask for others together afterwards.

Ms RATTRAY - Right. Can you repeat the question, please? I have so many.

Ms Forrest - The one relating to the special purpose account listed in the table on Pages 120 to 121. I may have the wrong numbers. Table 5.8.

Ms RATTRAY - Mr President, given that this does have a table, I seek leave to table the document and have it incorporated into *Hansard*.

Leave granted; document tabled and incorporated.

See Appendix X (page xxx).

Budget - Information on Actual Outcomes

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

[2.43 p.m.]

As the Leader just referred to, I have a number of questions which are the same but in different output groups. I will read the question, but also in reading the question, I note there are many missing.

Referring to the November Budget for 2025-26, please provide actual outcomes for each output group relevant to the Local Government portfolio by output group, expense summary and revenue from appropriation by output. I asked for the Local Government, Housing and Planning portfolio, the Treasury and Finance portfolio and the Infrastructure and Transport portfolio. I also sent to the leader's office at the same time the same questions related to Community and Multicultural Affairs, Energy and Renewables, Parks, Health, Mental Health and Wellbeing, Sport and Environment, to name just a few. I had hoped they were going to be provided because they were for Estimates next week.

ANSWER

Mr President, I appreciate the honourable member reading out multiple questions there so that I can table this batch in a suite. That was the answer to the Budget November 2025, the output expense summary, revenue and appropriation by output group. Also that related to Infrastructure and Transport, the Department of Treasury and Finance, the Housing and Planning portfolio, the Minister for Local Government, the Charter of Budget Responsibilities; and the other one is the Department of Treasury and Finance election policy costing summary.

Mr President -

I seek leave to table the documents and have them incorporated into *Hansard*.

Mr GAFFNEY - Just a point of clarification: when are we going to get a copy of those, because some of us might be leaving straight after tonight and we've got Estimates for next week. When will they be delivered to our offices or how do we get them?

Ms RATTRAY - Mr President, I can indicate if the member for Murchison is happy for her answers to be distributed, we can distribute them to all members, but also in saying that, they are in the budget papers and annual reports as well.

Ms Forrest - They're not in the budget papers, otherwise I wouldn't be asking the question.

Mr PRESIDENT - Documents that are tabled are usually up at the end of the day also.

Leave granted; documents tabled and incorporated into Hansard.

See Appendix XX (page xxx).

Budget - Request for Further Particulars

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

[2.46 p.m.]

As I said, there were portfolios including Community and Multicultural Affairs, Energy and Renewables, Health, Mental Health and Wellbeing, Parks, Sport, Environment, and some others, they're the big ones, that haven't been included in those answers the leader tabled. I made it really clear. I sent them on the weekend because one works all weekend at this period of time. I know they were definitely received by Monday, and I did make the point there were for Estimates next week. Can I be assured that I will be emailed the rest tomorrow?

ANSWER

Mr President, I will endeavour, as I have done for the past three days, to have the remainder of those questions answered, but I won't physically know whether they've been done, possibly, by tomorrow, but I certainly will make contact with yourself, and arrange, if it's all right with you, to have those responses distributed to all members.

Ms Forrest - Send them to me and I will circulate them.

26Ten Literacy Program

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

[2.48 p.m.]

My question is to the Minister for Education with responsibility for Libraries Tasmania.

I refer the minister to page 25 of Budget Paper 2, volume 1, and the fate of the outstanding 26Ten program. As the minister knows, Tasmania has the highest level of adult illiteracy in the country, and the 26Ten program has been a lifesaver for many people in our communities. Is the minister able to tell the Council what her understanding is of the future of the 26Ten program, given those little flat dotted lines in the out years, under the key deliverables chart on table 3.1?

ANSWER

Mr President, I thank the honourable member for the question. Funding of 26Ten programs targeting adult literacy is certainly helping us to achieve our lifting literacy goals. Of course, lifting literacy is a priority of this government and we are certainly committed to seeing improvement in this place, in adult literacy and also, of course, in our classrooms.

The next iteration of the adult literacy strategy is currently being finalised, and I certainly look forward to seeing that. In the meanwhile, the interim 2025-26 Budget provides funding for the continuation of the current 26Ten Tasmania strategy for adult literacy and numeracy. The current strategy ends this year, and Libraries Tasmania is now working through the new adult literacy strategy. They will be analysing the programs across the adult literacy space and looking at the broader whole-of-government literacy strategy in how we align that work. So, looking at what we have been funding and working out what can be in the next strategy, and that body of work is underway now.

26Ten Literacy Program

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

[2.50 p.m.]

You didn't confirm that the 26Ten program would continue and, indeed, you indicated there's a review process underway. Can you confirm that it is your expectation that the 26Ten program will continue in some form, given its successes and given its importance to people who are struggling with literacy?

ANSWER

Mr President, to be really clear, it is not a review, it is the next strategy. So, this strategy finishes this year and the work is being done on what does the next adult literacy strategy look like and we will be looking across all of the programs, what's working, where should we keep investing, where do we need to pivot and that body of work is being done now.

Residential Tenancy Act 1997 - Timetable for Review Update

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

[2.51 p.m.]

This is following on from something the minister for Housing agreed to take on notice the other sitting day. In light of the abysmal performance of Tasmania in the recently released two-year report card by the National Association of Renters Organisations, NARO, and National Shelter, evaluating progress made by all states and territories to deliver a better deal for rent agreement, can you detail to the House the time frame for the government's promised review of the state's *Residential Tenancy Act 1997*, specifically, when can the public expect to see an update on the review and when will public consultation commence?

Is there a planned legislative schedule by which amendments are intended to be introduced to parliament? Further, minister, have you sought advice on the advisability of developing a new replacement act, rather than relying on attempting to overhaul the current outdated act with multiple and potentially unwieldy amendments? If you haven't considered that option, will you? Noting the minister pointed to another portfolio responsibility, but might endeavour to come back with information from that minister.

ANSWER

Mr President, I thank the member for her ongoing concern in that area. I would certainly need to take it on board, but that would trigger a fairly substantial conversation with the appropriate minister to find out those details in more detail for you. I can certainly do that and, excuse me for a moment, I will just check on this.

Ms Webb - Sorry, I only put the question because I thought you had further answers.

Mr VINCENT - The government recognises the vital role that the rental properties play in providing housing for thousands of Tasmanian families. That goes without saying. In August 2023, Tasmania, as part of the National Cabinet, agreed to nine measures aimed at harmonising rental laws and strengthening renters' rights across Australia. These measures are collectively known as 'a better deal for renters'.

Tasmania has already fully or partially delivered on seven of the nine measures, two measures relating to limits on break-lease fees and simplifying rental applications require further work. Under the Tasmanian Housing Strategy Action Plan 2023-27, the Government committed to completing a review of the *Residential Tenancy Act* by 30 June 2027. We are bringing forward the start of that review to early 2026. The discussion paper will be released for public comment in early 2026 and the Government intends to provide a substantial consultation period for the Tasmanian community to consider the discussion paper. Draft legislation is expected to be released in the second-half of 2026. Sorry for the confusion to start with, thank you.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2025 (No. 54)

Second Reading

Resumed from above (page xxx).

[2.55 p.m.]

Ms O'CONNOR (Hobart) - Mr President, before the lunch break I was reflecting on what a thorough job the committee established by parliament to oversight the implementation of the recommendations of the commission of inquiry is doing. It's been a rigorous process. We've questioned ministers, state servants, the implementation monitor, and are ticking through the body of work that we've been given to make sure that the Government is held to its word, not just to parliament, but to children and young people in Tasmania and all of us who love the kids in our lives and want the best for all Tasmanian children and young people.

I have no further comments to add at this point in the second reading but, as I said earlier, it's a very good bill. It certainly deserves the strong support of the parliament.

[2.56 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to make a relatively short contribution on this bill that I'm delighted to see come to the parliament. It is certainly an important recommendation from the commission of inquiry that we establish a Commission for Children and Young People that has more breadth, more heft to it, more independence to it and a range of roles that are expanded and strengthened. I think that's a really positive thing when it comes

to the rights of children in this state and the safety of children in this state and advocacy on behalf of children in this state. I'm very pleased to see this bill and hopefully the establishment of the new commission model that it gives effect to.

It's also worth congratulating the Government and the department on the process that's been undertaken on this bill. I think we're up to version 21 or something like that of this bill. That's because there has been extended and ongoing iterations of consultation, from the relevant current statutory agencies that exist in this space with the the community sector, with the broader community, and with others who have an interest in this topic and what this bill is giving effect to. That consultation hasn't been a tick-box exercising consultation, I'm really pleased to say. It has actually been about co-design and now that's a term that's bandied about by this Government far too readily in lots of different areas and it's rarely actually true that that's what's occurring - a genuine consultation and co-design. In this case, with this bill, from the descriptions that we've had of the consultation and what we can see in terms of a gradual evolution towards the version of the bill that we have here to be considered in the parliament, it does look like a very thorough and genuine process and I acknowledge that and note it, and wholeheartedly congratulate the government and the department on that. Credit where credit's due, Mr President.

It's a good example that I hope will be learnt from, particularly because it does make things much easier as the bill comes through this place when that sort of effort has gone into a consultation process and a genuine co-design process. What we end up with here in parliament is something that we, in our roles here, can have so much more faith in and confidence in being the right bill to be considering and supporting, potentially as it goes through. In my mind, an ideal situation would be if we virtually never had to think about amending things in this place or even potentially saying no to things in this place because we don't have confidence in it or that we feel that it hasn't been developed in an appropriately consultative way or considered way. It's incredibly nice to not be in that situation with this bill. This is a more of a whole-of-government approach to this consultation. It's reached out across departments and also into the community. I'm really pleased that we can probably feel sure that there is very overwhelming support for this bill from within, across government and from the community. I note that the new commission that it establishes goes from our model of one Commissioner for Children and Young People to having three roles, distinctly a Commissioner for Children and Young People, an Aboriginal Commissioner for Children and Young People and the Child Advocate role brought into the Commission and that's incredibly positive. The Child Advocate which was created when I was in the community sector. It was maybe 2016 or 2017 and it was always wrongly situated. It was within the department, and this is an individual advocacy role. A role to support individual advocacy for children and young people, particularly in state care and in state systems.

That should always have been a distinctly independent role situated outside of the the department and in a way that could be identifiably and practically very distinct from government and from the department that also housed the services in which the children that would be advocated with and for were placed. It is a positive move to be taking that child advocate role from within the department and putting it into this commission. It's incredibly good and belongs there.

The other thing I'm pleased to see come to fruition and again, it's a conversation had in this state for a very long time is that the commission formed under this bill will be able to set up via the Commissioner for Children and Young People and the Child Advocate, and the

Aboriginal Commissioner also. All the roles, correct me if I'm wrong, Leader of government in the summing up. There'll be visitors' schemes put in place and independent visitor schemes. That's going to be important.

A very long time ago there were there was an independent visitor scheme under a previous Commissioner for Children and Young People, probably about four or five commissioners for children and young people ago. There might have even been a pilot scheme for visitors that would be connected into children in out of home care and potentially, in the youth justice system. These volunteer visitors would be then having regular points of contact that were outside of the system and outside of the department as a way of some oversight and a way for children to be able to raise issues. Basically, for there to be another trusted adult children in our systems could turn to if they needed to.

That pilot didn't endure. It was brought to a close and nothing was put in its place. Before my time in this place, from within the community services sector, we would be having conversations and advocating for the reinstatement of such a system. It was recognising how important it is for children to have trusted adults to go to, particularly if they are within institutional settings and in systems that the government run. Knowing it's not necessarily that we can assume they're safe in those systems and the people who are tasked with or responsible for their care will always be doing the right thing. Children need to have someone who they can turn to. An official visitor scheme can be an important avenue. The fact that's to come about under this model is incredibly positive and important.

The more distinct independence of this new commission taken out of the department and put as a very separate statutory entity managing its own finances and staff directly. It's going to be its own state service agency. The commissioner will be the head of that agency. That elevates it beyond how it has been previously configured within the department. That's positive.

I would like to point to and celebrate the principles outlined in this bill now include positively explicit acknowledgement of rights and principles specified in United Nations Convention on the Right of the Child, the UN Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities. It is important to explicitly embed rights in every piece of legislation where that is relevant. We've been doing that now for a while. It is pleasing to see.

We know our *Education Act* has now a rights basis. Our *Homes Tasmania Act* explicitly states that housing is a human right. We've put explicit rights references into the recent *Disability Safeguarding Act* that we put through into the title rights and safeguarding it, and now here in this act, an explicit reference to rights. We are making our steady way down the path to a Tasmanian human rights act. That's where we're headed and it will be a day to celebrate when we catch up with some other jurisdictions who are already fortunate enough to have such an instrument in their jurisdiction. We will have a Tasmanian human rights act that will be to all of our benefits. A real celebration of our state maturing into its recognition of rights and, therefore, whenever we are making policy, legislation, funding decisions or whatever it might be, we have an explicit statement of human rights to be measuring against and checking, checking for compliance with. That's great to see in this legislation.

I am going to flick through to make sure there were not some other things I wanted to point to before I resume my seat. I wanted to pick out some aspects of this and not exhaustively go through every part of it because it is a pretty complex bill. We will take a bit of time as we

go through it, no doubt, in committee stage. There might be specific things to dig down into. Of course, the oversight is always important and the bill establishing a committee of this parliament to fulfil that oversight role to some measure is a positive one, I support that.

The joint standing committee will be to review the functions, powers and operations of the commission and each commissioner. The fact that committee will be tasked with a formal review at the third anniversary of the commencement of the relevant provision is going to be a positive fairly near future time for us to assess how well this new model is doing. There's a statutory review also which is to occur in the five-year period after commencement.

Knowing we can look ahead to those two opportunities for review of aspects of this helps us to have confidence we can put this in place, know it will take a little while to settle in. Especially, because from the Leaders second reading speech one aspect of this is, while we are bringing two roles together. Our current Commissioner for Children and Young People role together with the independent regulator role, may not happen until 2029, when the current independent regulator contract comes to an end. We will need a little more time to have that five-year review once those are definitely together in the one spot, hopefully.

If this passes and we then have a conversation about setting up that committee, it is one I would certainly consider - although I am not sure I will put my hand up for it - but it would be a very interesting one to be on, to be able to be overseeing and looking at the development of the new commission as it goes forward. I am supportive of the bill in relation to the committee as it is now, at this time.

No doubt, we may have a conversation about proposed amendments, but I am not going to delve into that argument and that conversation during my second reading speech. That will come, if it comes, during committee stage, but just broadly speaking, I am in favour of the clause as it is stated currently in the bill and thank you to the government for bringing this and for the manner in which it has been developed and brought to this place.

I am very excited to see what this new commission will be able to deliver in terms of a bulwark for young people and children in this state in terms of their rights, advocacy and oversight in a very independent rights-based way, on behalf of our state. I note the bill and am very supportive.

[3.09 p.m.]

Ms FORREST (Murchison) - Mr President, in speaking to this bill, the Commission for Children and Young People Bill 2025, I recognise this legislation represents a critical step in implementing the recommendations of the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings. I also recognise it has been a large body of work to deliver this. The commission of inquiries' 191 recommendations, however, was born from the testimony of victim/survivors and represent a solemn commitment by this parliament and the Tasmanian community to do all we can to ensure the failures of the past are not repeated.

I acknowledge the enormous courage of victim/survivors who have told their stories, family members of victim/survivors and those who are no longer with us, some as a result of the trauma and suffering they experienced. We also acknowledge the courage of whistleblowers and those who have worked really hard to shine a light on the horrors we know have occurred in this state and all those who worked hard and continue to work hard to be part

of the solution. No one could have listened to or read the work of the commissioner inquiry and not been impacted by the lived experience of victim survivors and their families. It is a shameful part of our history and the impacts on lives of victims and their families is lifelong. Sadly, some lives have been cut short.

The establishment of an enhanced Commission for Children and Young People was central to these recommendations. I acknowledge the Government's commitment to progressing this reform, along with a range of others. There are a lot, and a lot of work to do, for this was a really important and large body of work. I also acknowledge the consultation that's been undertaken to get the bill to where it is. I think it was version 22, but I think the initial version went out for consultation was about 15. Oh, eight, it was a lot less. Sorry, my mistake. It was eight, up to 22. It shows there's been a lot of feedback provided during the consultation. A lot of things take on on board. I know some new versions are correcting typos and things like that. Obviously, there's been quite some substantial changes responding to the feedback from critical players in this like the interim Commissioner for Children and Young People herself and others, and the Independent Regulator, et cetera.

This bill creates a new structure, a commission, with three new statutory commissioners that will eventually incorporate the independent regulator under the *Child and Youth Safe Organisations Act of 2023*. The commission will be established as a State Service agency, with the Commissioner for Children and Young People as head of agency, providing administrative independence that is essential for effective oversight. The three commissioners - the Commissioner for Children and Young People, the Child Advocate and the Commissioner for Aboriginal Children and Young People - will have shared general functions and specific individual powers. The differentiation is important, but we do need to be careful of avoiding duplication of effort because our resources are not so great. The Child Advocate and Commissioner for Aboriginal Children and Young People are specifically empowered to advocate for individual children, while the broader Commission focuses on systemic matters. As I said, this distinction is critical to understand as it defines the commission's jurisdiction and limitations.

I agree with the member for Hobart, it's a good day to see this progressed, and I again acknowledge the work that's gone into it. I did feel a little bit concerned when I realised we were dealing with it this week. I didn't feel like we had a lot of time to fully consider the bill. I know there will be a separate process through the committee stage where further questions can be asked, but I also acknowledge the importance of getting on with this critical reform. So it is a balance, and I accept that. The review clauses that are in the bill do provide a level of assurance that this is not necessarily the end point. As with all legislation, it does often need review and amendments as things become apparent, that might not be working quite as intended.

I note that unlike some jurisdictions, the commission is not designed to be a general complaint-handling or investigation body, rather, as the commission of inquiry envisaged, it operates as an advisory and reporting body, with specific inspection and inquiry powers. This design reflects Tasmania's scale and the existing network of oversight bodies but also means we must be realistic about what the commission can and can't achieve. I think it's important when promoting this in the public, we don't set unruly expectations about what this commission can actually do and achieve. I know that many of my colleagues in this House would have had members of the community coming to their office who have suffered some of the matters that are subject to this, and they feel like they've been let down so badly by the system. It's really

important that we don't set unreal expectations in what we're doing. I don't think we are, but we need to be clear about what it is. We, as individuals who have our own electorate offices, need to be clear in our minds too, so we are not inferring in any way that this commission can do things that they can't.

The independence provisions provide that the commission and each commissioner is not subject to ministerial directional control when performing their statutory functions. The commissioner is not subject to direction from other commissioners or to the *State Service Act*, and these are essential protections. However, independence must be more than statutory language, it must be practical and resourced, and we come back to the whole resourcing point. Section 34 gives the minister power to request inquiries outside the commission's usual jurisdiction, but if there are going to be requests from the parliament or anywhere, we need to be very conscious of the resourcing of the commission. The commission has a body of work to do so there needs to be consideration given to that.

The appointment process is outlined in Schedule 1, including important safeguards, transparent processes, merit-based recruitment, selection panels including non-government members - but no mention of independents - and young people, which is very important, and consultation with political parties and a joint standing committee. These are positive features, although I note the consultation with the joint committee only applies if members have been appointed at the time. I know there's a timing thing and if the committee can't be appointed until after the bill's enacted, so it's a bit of a chicken and egg thing going on. In any event, one would hope that the committee is established promptly and then is in place to be consulted with regard to the recruitment.

The bill, as I believe member for Nelson alluded to, the bill contemplates a phased implementation extended to July 2029 for the independent regulator to come in under the umbrella, if you like, with the Commissioner for Children and Young People being appointed first and the Child Advocate and the Commissioner for Aboriginal Children and Young People to follow in July 2026. These aren't far away, and it is a pretty significant recruitment process. We're nearly to the end of the year. When you take out the Christmas period, it leaves a lot of work to be done to ensure we have these people in the positions they need to be in, hence, the need to deal with the legislation sooner rather than later.

It is a sensible approach though, given the complexity of the reform, but I go back to that issue of resourcing, to be sure that the Government has a focus on this. There's been a high degree of work done to get to this point to deliver the legislation, but that doesn't mean the end of it. During the transition, the handling of that's going to be a bit tricky and not necessarily easy because we're going to have multiple commissioners and overlapping jurisdictions perhaps for a little while until it's all sorted out. I wish the the department luck in all of that and good fortune because it's not going to be an easy task.

I believe there will be more questions asked in Budget Estimates next week around the resourcing. I'm sure the members in Committee B - who have carriage of the commissioner for children portfolio - will be asking about that because it is critically important, and I don't expect all those answers today. I believe it's not necessary when there is next week to ask all those.

I also note the inspection powers for detention facilities, whereby the commissioner may access, inspect and review facilities during business hours by agreement, with or without notice. That's really important. They can also take photographs and recordings, so the evidence

is not lost. The commissioner also has access to resident children and young people at all times to monitor their safety and wellbeing. These sorts of mechanisms are a no-brainer really but it's really important they're all outlined really explicitly in legislation to be sure there is no question about that. The staff must also allow private interviews and not read communications between residents and commissioners without the approval of the person. That's a really strong protection and a highly appropriate one for vulnerable children in state care and detention. These these young people don't trust anybody really. That's often part of the reason they end up there. As we know, some of the really tragic stories of these young people is because their trust has been so trashed. They end up ostracised from their families or/and in trouble with the law who they don't trust so they need to be able to speak to someone who they can absolutely trust and will ensure that their privacy is protected in the way that it needs to be.

The bill is clear about what the commission can't do as well. The bill also specifies that the commission cannot investigate specific decisions regarding individual cases, privileged information, or certain matters involving the DPP, police, or Legal Aid. That's where we don't want jurisdictions crossing over. We have enough resourcing issues, so we don't want duplication of effort. We want to make sure that everyone's doing their job and working together in the best interest of the child.

The comprehensive information management provisions are important. The commission has the power to compel information from persons and government entities, though not from the defined list of relevant authorities, including the Integrity Commission, Ombudsman, and police. That's appropriate because these bodies have their own statutory mandates and information-management obligations. The commission must also protect the identity of children and young people as far as is practicable. This qualification is important because absolute confidentiality may be impossible when reporting on systemic issues, but the commission must maintain privacy where possible. Sometimes it's not until you see the whole picture that you see what's actually going on. It's a real balance. The most important focus at all time must be the safety and wellbeing of our children.

There are offences around the misuse of information. This is an important inclusion and there are serious consequences: a maximum penalty of 50 penalty units if that was to be breached. It also means that everyone needs to be well aware of that: not just the fact that they will get fined if they do it, but the importance of not releasing confidential information or compromising any information in that way.

The establishment of the Joint Standing Committee on the Commission for Children and Young People was a recommendation of the commission of inquiry. They have to conduct a three-year review. These are all important oversight mechanisms. The committee does provide parliamentary accountability with the capacity to hold public hearings and call for witnesses, which is entirely appropriate. There is a public-facing part of this. Much of the work of the commission is not visible to the public; neither should it be. The committee can ensure that the work is overseen on behalf of the people of Tasmania through an appropriate parliamentary process.

There are reporting requirements for the committee and that does ensure cross-party oversight, though I do note that while we seem to mention members of parties, we don't ever mention the importance of independent members. You have very important roles in scrutiny. Is it just assumed that there will be independent members? If we're going to name up parties,

why don't we name up independents or minor parties that aren't three members or more? It's a bit odd when we start prescribing, when we really should have people who are willing to be on these committees and have an interest in it put their hands up, rather than prescribing the membership.

Mr Hiscutt - When will it end?

Ms FORREST - When will it end? Yes, it's fraught, because whenever the makeup of parliament changes, you may introduce another problem that needs to be addressed through amendment to legislation. I think anyone who's elected to this place has a right to put their hand up to be on any committee they wish, and if it goes to a ballot, well, those who are appointed are appointed. It's a democratic process. I think we end up running ourselves into a problem here when we start specifically naming up individuals. It hasn't been needed in the past; why do we need it now? That's a matter for another day, in many respects, but we've seen this being proposed in a number of areas without any consultation. The other bit around the commission, no criticism there, but this is just - what's going on? What's wrong with our system to date? How have our committees failed us? I don't think they have.

Section 30 requires the Child Advocate to establish an independent visitor scheme for children in detention, out-of-home care, and other prescribed facilities, and they're outlined. There are also some important parameters around Aboriginal children having access to Aboriginal visitors, and the Commissioner for Aboriginal Children and Young People must be consulted on how the scheme applies to Aboriginal children. Each commissioner is deemed to be an independent visitor and both the Child Advocate and the Aboriginal commissioner may appoint additional visitors. The commission of inquiry emphasised the importance of this scheme, particularly for children in out-of-home care who may lack other avenues to raise concerns. Some of those matters are still yet to be dealt with and possibly will be dealt with more rigorously in regulations.

The provisions regarding Aboriginal children and young people are nuanced in a positive way. Aboriginal children need to only self-identify and be recognised as Aboriginal to access the Commissioner for Aboriginal Children and Young People. This is appropriate. We don't want children getting caught up in bureaucratic barriers for vulnerable people seeking help. However, I do note with the commissioner for Aboriginal children, they have to go through the three-step process of identification.

I'm pretty sure from the briefing that this was included at the request of the interim Commissioner for Children and Young People: within section 5, it requires the functions and powers to be performed with the wellbeing and best interests of children as paramount, explicitly incorporating the UN's Convention on the Rights of the Child, Declaration on the Rights of Indigenous Peoples and the Convention of Rights of Persons with Disabilities. The commission itself will be bound by the child and youth safety standards and the universal principle in the *Child and Youth Safe Organisations Act*, including the requirement to respect Aboriginal children's right to cultural safety.

That is important, but I do agree with the member for Nelson that we should be heading down the path of a human rights act and then it all becomes implicit. That's what the interim Commissioner for Children was suggesting too, in many respects; not only her, but many people have been calling for this for a very long time, and we are a bit of a laggard in that regard.

Ms Webb - We are on our way, though. We are on our way.

Ms FORREST - Yes. A couple of questions for the Leader, perhaps: in terms of the commission staff generally, will there be a requirement to include Aboriginal staff, not just in the Commissioner for Aboriginal Children and Young People, but more broadly? What training will be provided on cultural safety across the commission, and what consultation mechanisms will ensure ongoing connection with Aboriginal communities, acknowledging there are a number of different Aboriginal communities throughout the state.

From my perspective, a lot of young people have found themselves facing detention from my electorate, which is far away from the proposed Brighton site, I might say, far away from their families and their cultural roots, far away from the community that supports them and not necessarily recognised by other Aboriginal cultural groups. I am interested to see how that will be managed, if the leader can address her mind to that.

The ultimate test of this legislation is whether it will deliver meaningful improvement in the lives of Tasmania's most vulnerable children. The commission of inquiry was absolutely not an academic exercise; it documented profound system failures that harmed real children. This bill is part of the state's response. The structure appears sound. Their functions and powers seem appropriate for systemic oversight. The independence protections are substantial and should ensure that there is no interference. The phased implementation is realistic, I believe. It is a lot of work to be done.

The appointment process does include safeguards. The structure alone doesn't guarantee success; the commission requires adequate resources, skilled staff, genuine independence, not just from ministerial interference or other matters like that, but also funding constraints. Earlier this week we spoke about the constraints that the Budget faces at the moment, but I do acknowledge the government's commitment to making sure these recommendations are all met. It is a tight Budget and so it is an important question. I know that it is one that will be followed up next week by committee B.

It needs to have effective coordination with other oversight bodies. It needs to be culturally competent, and, most importantly, it needs to have the trust of children, families, and the community. I'm also mindful of the implementation risk. We are creating quite a complex institution, particularly during the transition, with multiple commissioners, overlapping functions, staged appointments and coordination requirements with existing bodies. There is potential for confusion, gaps and inefficiencies, so strong project management with clear interim arrangements will be essential.

I asked the Leader, who may need to talk to the department people, have they in place some really good strong project management. We have seen other things go rather pear-shaped in this state through a lack of project management. With clear interim arrangements, clear timelines, guidelines and someone keeping an eye on it, including the minister, in this case, the Attorney-General. The last thing I want to see is we will be here in 6 months, 12 months time and we are still fiddling around, trying to deliver this.

Mr President, members will know my particular interest in budget accountability and the performance of state entities, but this commission will be a state service agency with its own budget appropriation as I understand it. It will employ staff into contracts and manage finances.

It will be subject to the normal accountability requirements of the state service agency and audited by the Auditor-General. I think I am correct in that. I hope the Leader will correct me if I am wrong. That is another important check and balance, of course, but the project management of this transition is critically important.

I support the bill. The commission of inquiries' recommendations must be implemented, and this legislation represents substantial progress. I do congratulate the government on that. The extensive consultation process has improved the bill significantly since the first draft was released. This parliament has a solemn obligation to the children who testified to the commission of inquiry, some as adults, or most of them as adults when they testified, but to all Tasmanian children who deserve safe, nurturing environments.

This bill does create important new structures to help fulfil that obligation, but we must be honest; structural change alone will not fix systemic problems. The commission will only succeed if it has adequate resources, genuine independence, skilled and culturally competent staff, effective coordination with other bodies and sustained commitment of the government, the parliament and the community. I support the bill.

[3.32 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I acknowledge the contributions from members and what I believe is general support across the Chamber for this bill.

The member for Hobart asked about the allocation of funding for the new commission. It was certainly something that was also picked up by the member for Murchison. The government has committed \$2.47 million in 2025-26 and \$2.475 million ongoing on a new Commission for Children and Young People. This commission will be a separate agency and incorporate the existing Office of the Independent Regulator, which is the Department of Justice, and the Office of the Commissioner for Children and Young People, which is the Department of Education, Children and Young People.

The Office of the Independent Regulator budget is \$4.251 million in the 2025-26 year, and the Office of the Commission for Children and Young People is \$1.619 million in 2025-26, with the additional funding of \$2.47 million to establish the new commission. This results in an ongoing budget allocation for the commission of \$8.3 million per annum.

The member for Murchison asked about the cultural safety and ongoing consultation with Aboriginal groups. These are certainly important matters for the new commission championed by the Commissioner for Aboriginal Children and Young People.

Regarding the ongoing consultation, the commission can establish advisory groups and committees to assist it. These can be comprised of children and young people, which is in clause 31, and advisory groups provide an avenue for children and young people to input into the commission. The bill also carries over the existing Children and Young People Consultative Council which consists of children and young people.

The Child Advocate must establish an advisory group in relation to children in out of home care and the Commission for Aboriginal Children and Young People must establish an advisory group in relation to Aboriginal children and young people.

The Member for Murchison asked on project management. The current Commissioner for Children and Young People is appointed to the role until 31 March 2026 under section 5 of the *Commissioner for Children and Young People Act*, and her position can be further extended under that legislation.

The recruitment process for the Commissioner for Children and Young People, under the bill, once passed, will commence as soon as possible. The government has commenced preliminary work to establish the new commission so that the Commissioner for Children and Young People can be appointed following the passage of the bill.

A project director has been appointed to manage the establishment of the new commission. A project steering committee has been established, and members include the current Interim Commissioner for Children and Young People and the Independent Regulator and senior leadership from the Departments of Education, Children and Young People, Premier and Cabinet and Justice. Two positions are to be held by nominees from the Tasmanian Aboriginal community. A draft project plan has been developed as well as a change plan and time frames.

The steering committee is cognisant of the fact that the new commission will be a new agency, and the decisions do not unnecessarily bind the incoming Commissioner for Children and Young People as well as the other commissioners.

The Department of Justice is preparing a position description and is working with other departments on this process.

I am also aware that the current commissioners term ends no later than 31 March 2026 and will consider interim contingencies if required.

The bill has been drafted so that the existing offices of the Commissioner for Children and Young People and the Independent Regulator can continue to function during the transition into the new commission model.

In summing up, again I thank the members for their contributions and support. This bill represents an important reform with considerable work having been undertaken to arrive at this point. I thank all those that have worked on this bill, in particular the Department of Justice, Vinton Pedley(OK) and Isabella Comfort (tbc 3.39).

I also thank the individuals and organisations who provided feedback through the consultation process.

I note some members have raised how quickly this bill has been brought on for debate in this place, and I thank the members for prioritising this bill that will implement several of the commission of inquiry's recommendations and the new commission will advocate, uphold and promote the rights of children and young people.

I also note the amendment circulated by the member for Montgomery and the view on the subject of the amendment expressed by the member for Hobart. The government is seeking further advice to ensure that clause 37 of the bill works as intended, and there are no unintended consequences to the Council's ability to determine the composition of the joint standing

committee created under this bill, insofar as it concerns the members of this committee to be appointed from this place.

In response to the member for Murchison's question around the auditing: yes, as a state entity it would receive that scrutiny of the Auditor-General. Mr President, in light of my last comment, prior to answering the honourable member for Murchison's question on the government seeking further advice on the amendment put forward by the honourable member for Montgomery, I move -

That the debate be adjourned.

[3.41 p.m.]

Ms FORREST (Murchison) - Mr President, I know the Leader referred to a question that needs clarifying regarding clause 37. There are 36 clauses before that. I wondered why we might not progress and start that rather than stop here, when the only question that seems to be unanswered at the minute is clause 37. I don't see any reason, unless people want to go, but we're here to work and it's only a quarter to 4.

Ms Webb - We have more bills.

Ms FORREST - I thought we weren't doing the other bill.

Ms O'Connor - We're doing payroll tax.

Ms FORREST - I thought we weren't doing that. That was what I was told. I stand corrected. For me, there are issues with that.

Ms Rattray - Do I get to speak?

Mr PRESIDENT - No.

[3.42 p.m.]

Ms LOVELL (Rumney) - Mr President, I thought maybe if I was on my feet, the honourable Leader might be able to give an indication by way of nodding as to whether we're proceeding with another bill.

Ms Rattray - I appreciate the member for Rumney. We would be happy to proceed for the first 36 clauses, absolutely.

Ms LOVELL - Perhaps I could clarify if the intention is to complete the taxation bill today as well?

Ms Rattray - If time allows.

Motion negatived.

Bill read the second time.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL 2025 (No. 54)

In Committee

Clauses 1 and 2 agreed to.

Clause 3 - Interpretation

Ms O'CONNOR - Madam Chair, this goes to a question which was raised in the briefing yesterday about the definition of a 'young person', and we were told in the briefing that this definition, which is a person between the ages of 15 and 21, not having turned 21, is a young person. We were told that this is new territory in statute in Tasmania and, perhaps the Leader for the Government could place on the record the rationale behind creating a definition of 'young person' that ends on a young person turning 21, despite the fact that they might have come from out-of-home care and need transitional support consideration.

Ms RATTRAY - Madam Chair, I thank the member. This will be the first time in Tasmania that the remit of the CCYP will extend beyond 18. While the consultation bill had included a discretionary power to determine when a young person is first considered and ceases to be a young person, this was always capped at 21 and lacked the specificity in the new definition which focuses on vulnerability arising from experiences in the youth justice and out-of-home care systems.

The current definition of 'young person' includes the concept that 'young person' is often understood or defined as a person in later teens, such as 15 or 16 or older. It's important to remember the bill refers to the commission's function for children and young people. This means the commission's functions apply to anyone under the age of 18, whether or not involved in statutory proceedings or care, and also anyone 18, 19 or 20 if ever involved in youth justice proceedings, or having been in out-of-home care. This is designed to focus on children needing support as they transition out of such care in adulthood.

The statutory reviews of the act, once passed, at the three-year and five-year marks will play an important role in assessing this jurisdiction and if any amendments need to be made in relation to children and young people who are accessing services of the commission. This is the first time such a definition has been used in Tasmanian legislation. Some other acts use similar language but the terms still sit inside the overarching definition of a child. So, they do not extend beyond 17.

It's important to remember that this term is defined for the purpose of establishing the commission's jurisdiction and to assist vulnerable young people who have emerged from the system that need further support. Stakeholders submitted that it was important that the jurisdiction of the commission is clear and further children and young people spoke about the importance of services of the commission, not just stopping as soon as a child turns 18, and the bill therefore extends the age cohort to 18 to 20-year-olds, where the state continues or has intervened and are therefore vulnerable because of that intervention.

Ms O'CONNOR - Madam Chair, I thank the Leader for that explanation. I want to say from the outset that I think it's really clear that every endeavour has been made to have a definition of young person that's workable, but the question is was there any evidence base for establishing that a person for the purposes of Tasmanian law or this act would stop being a young person when they turned 21 and can you rule out that this definition here was based on

a concern that the resources of the commission would be too far strained should the definition of young person go up to, for example, the age not before 24, which is a position that's been put to us by, at times, the people in the social services sector?

Ms RATTRAY - Madam Chair, there are no relevant statistics to assist on this question, but all relevant stakeholders were consulted, including the CCYP and the independent regulator and I do have some examples of other jurisdictions if the member would like to -

Ms O'Connor - Just a couple would be good.

Ms RATTRAY - Well, for a start, Queensland's young person means a person between 18 and 21 years who is transitioning from being a child in care under the *Child Protection Act* to independence. The New South Wales *Advocate for Children and Young People Act 2014* defines a young person as a person who is 12 years or above but under 25, and child is defined as a person under 12. Western Australia, South Australia and Australian Capital Territory bodies have jurisdictions up to 18, so there's a bit of a mix. I can give you Queensland as well; a young person means a person between 18 and 21 years, and Northern Territory, a young person is defined as someone who has left the CEO's care in between 15 and 25 years and was last in the CEO's care for a continuous period of at least six months and, in the CEO's opinion, is unlikely to be in the CEO's care again in the future.

So, it is quite varied except for those three that are all the same, and the really important point is that it wasn't resource-driven.

Ms O'CONNOR - Thank you for clarifying that.

Ms RATTRAY - Not resource-driven. I've even got it in black and white.

Clause 3 agreed to.

Clause 4 agreed to.

Clauses 5 and 6 agreed to.

Clauses 7 and 8 agreed to.

Clauses 9 and 10 agreed to.

Clauses 11 and 12 agreed to.

Clauses 13 and 14 agreed to.

Clauses 15 and 16 agreed to.

Clauses 17 to 19 agreed to.

Clauses 20 and 21 agreed to.

Clauses 22 to 24 agreed to.

Clauses 25 to 27 agreed to.

Clauses 28 and 29 agreed to.

Clauses 30 and 31 agreed to.

Clauses 32 and 33 agreed to.

Clauses 34 to 36 agreed to.

Ms RATTRAY - I move -

That clause 37 be postponed.

Clause 37 postponed.

Clause 38 -

Functions and powers of Joint Committee

Ms WEBB - Madam Chair, just to be really clear, clauses 38 and 39 still relate to the committee and just to make sure that nothing we might do to clause 37, it's going to have something that we need to think about in terms of 38 or 39. Can we potentially postpone the whole part that's relating to the committee?

Madam CHAIR - The Clerk informs me that there are Clerks who are experts in the field have taken a look at this and don't believe there is any matter. It is a matter for the Leader if she wants to postpone the other two.

Ms WEBB - It's because we just don't know what we will do to clause 37 yet. I know we have one proposed amendment, but we're not coming back for a couple of weeks. Something else could crop up. Could we postpone the whole of Part 4?

Madam CHAIR - I will leave that to the Leader. I will take that as a call on clause 38.

Ms RATTRAY - Madam Chair, I move -

That we postpone clauses 38 and 39.

Clauses 38 and 39 postponed.

Clauses 40 and 41 agreed to.

Clauses 42 and 43 agreed to.

Clauses 44 and 45 agreed to.

Clauses 46 to 48 agreed to.

Clauses 49 to 51 agreed to.

Clauses 52 to 54 agreed to.

Clauses 55 to 57 agreed to.

Clauses 58 and 59 agreed to.

Madam CHAIR - By way of explanation, because we're postponing clauses, we can't deal with the schedules until after we come back to the clause. That's the process.

The member will need to report progress if she wishes not to deal with 36, 37, 38 right now.

Ms RATTRAY - Madam Chair, thank you.

I move -

That the Committee report progress and seek leave to sit again on tomorrow.

Progress reported; Committee to sit again.

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

Second Reading

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

That the bill be now read the second time.

Today, the government is delivering on its election promise to increase the First Home Owner grant to \$30,000 and extend the payroll tax rebate scheme for apprentices for a further year.

Following the state election, the government committed to introduce a suite of taxation and related initiatives within its first 100 days of being in office.

This bill introduces the first two of those initiatives by amending the *First Home Owner Grant Act 2000* to help Tasmanians into their first home and support Tasmania's building and construction industry, while also amending the *Payroll Tax Rebate (Apprentices, Trainees and Youth Employees) Act 2017* to continue providing payroll tax relief to Tasmanian businesses who employ our next generation of tradespeople.

The government is boosting the first homeowner grant from \$10,000 to \$30,000 for a period of 12 months from 1 July 2025 to 30 June 2026, to help young Tasmanians and families get a foot up on the property ladder. This means that Tasmanians will have one of the most competitive first home owner grants offered by any state or territory in Australia.

The government's drive for new construction across the state will give young Tasmanians and families a greater incentive to build their own home, helping to address housing supply in Tasmania.

New construction will also boost Tasmania's building and construction industry, creating more work and jobs. We know that the plan works, and this government sticks to its plan. We have one of the most competitive environments in the country and the lowest unemployment rate of all states at 3.9 per cent. There's a plan to continue this momentum and support the economy to grow now and into the future.

The government is also extending the payroll tax rebate scheme for apprentices for 12 months from the 30 June 2025 to the 30 June 2026. Local businesses make a significant investment in training the next generation of skilled Tasmanians. In recognition of this contribution, the government will continue its support for local businesses which employ and train apprentices. Extending the payroll tax rebate scheme in this manner will support skills development, create more jobs and help more young Tasmanians into the workforce.

This bill gives effect to the first two tax and grant initiatives announced by this government in the lead up to the 2025 state election. This bill, coupled with the 2025 election commitments build further on the 2030 Strong Plan for Tasmania's Future and the government are getting on with the job of delivering for the Tasmanian people. I commend the bill to the House.

[4.06 p.m.]

Ms FORREST (Murchison) - Mr President, I am going support the House to adjourn the debate for two reasons: one is we were told in the briefing this morning we would not be dealing with this, and I spent no time preparing further for it. I have an amendment I would like to draft on this. I had Subordinate Legislation Committee all lunchtime. I was clearly of the view that I would have worked on it while we were sitting in here during other debates. I find it a little disingenuous that we're here dealing with this now when I asked specifically this morning whether we would.

I seek to adjourn the debate. I am happy to come back after an amendment has had a chance to be drawn up for the members to have the benefit of seeing what I'm proposing and why. I hope members will support that to give a little bit of time, because I was clearly told in the briefing that we would not be dealing with this today.

I move -

That the debate be now adjourned.

Motion agreed to; debate adjourned.

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, before I move the adjournment, just to respond to the member for Murchison. Time managing is very difficult in this place, as you know, and I didn't think that we'd get to it, but I certainly appreciate your position, so thank you.

ADJOURNMENT

[4.07 p.m.]

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

That, at its rising, the Council do adjourn until 11 a.m. on Tuesday 2 December 2025.

Motion agreed to.

Ms RATTRAY - Mr President, I move -

That the Council do now adjourn.

Macquarie Point Stadium Proposal - RSL Tasmania Letter

[4.08 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I rise to speak briefly on the adjournment tonight to place onto the *Hansard* record a letter that members in this place have received from the RSL Tasmania in relation to the proposed Macquarie Point stadium. It is a moving, poignant letter that calls on us to exercise our conscience and act to protect the sacred ground of the Cenotaph. The letter says this: (TBC 4.09)

Re upholding independence and protecting Tasmania's heritage - The Hobart Cenotaph and the Macquarie Point Stadium proposal.

That's the heading.

I write to you on behalf of RSL Tasmania and its members across the state to appeal for your independent and conscientious consideration of the findings of the draft Integrated Assessment Report and the Tasmanian Planning Commission's assessment regarding the proposed Macquarie Point Stadium. As you are aware, both the IAR and the Commission's report confirmed that the proposed development would cause significant and irreversible harm to the heritage values, setting and commemorative function of the Hobart Cenotaph. The evidence is clear. The Cenotaph's visual prominence, contemplative atmosphere and national symbolism would be permanently diminished. RSL Tasmania is not anti-development but we are steadfastly pro-remembrance. We believe progress must never come at the cost of values, heritage and identity that define Tasmania. This issue now rests in the hands of the Legislative Council, the Chamber long recognised as the House of sober second thought.

In particular, it falls to the independent members to uphold the principles of impartiality, integrity and courage that define Tasmania's upper House. Your independence is vital. You are not bound by the directives or ambitions of any political party, nor should you be influenced by external pressures, political, commercial or otherwise. In this moment, you are the conscience

of your constituencies, the guardians of due process and the protectors of Tasmania's heritage. Each of you holds a mandate to represent the people, not party interests. That independence carries both privilege and responsibility to weigh the evidence before you, to act without fear or favour, and to uphold the integrity of decision making that defines this Chamber. As the IAR and the Tasmanian Planning Commission confirm, no mitigation can offset the harm the proposed stadium would inflict on the Cenotaph.

Once its setting and reverence are lost, they cannot be restored. This is not a question of political ideology, but one of cultural and moral responsibility. RSL Tasmania urges you to exercise your independence in full, to consider not only the present debate but the legacy your decision will leave for future generations. The Cenotaph stands as Tasmania's most sacred place of remembrance. It deserves nothing less than your unwavering protection.

We remain ready to engage constructively on any future planning or development pathways that balance progress with preservation but in this instance, we trust you will uphold what is right, not what is politically expedient.

Yours faithfully

Mike Gallagher
RFD
Bachelor of Business in Accounting
CPA State President of RSL Tasmania

I note, Mr President, that RSL Tasmania and the Friends of Soldiers Walk[checked, not current name], represented by John Wadsley,[checked] have requested an opportunity to brief members of the Legislative Council on their concerns about the project and the order itself. I look forward to hearing in person from the RSL Tasmania and Friends of Soldiers Walk. I wonder, Mr President, on the indulgence of the Council, whether I could seek leave to table this letter.

Leave granted; document tabled.

The Council adjourned at 4.13 p.m.