PARLIAMENT OF TASMANIA

DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Wednesday 5 November 2025

Preliminary Transcript

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

PETITIONS

Reduction of Tech Courses at TasTAFE

[11.02 a.m.]

Ms WEBB (Nelson) - Mr President, I seek leave to table a petition which does not conform to our standing order provisions and relates to the decision to remove subsidised funding and thereby discontinue the laboratory tech courses at TasTAFE.

Leave granted.

Ms WEBB (Nelson) - Mr President, I table a non-conforming petition signed by 664 citizens calling on the Tasmanian government and TasTAFE to:

(1) Suspend the decision to remove subsidised funding and thereby close the TasTAFE laboratory technology courses.

(2) Engage in genuine consultation with staff, students, industry and unions to explore sustainable options for continuing delivery.

(3) Protect Tasmania's science and health workforce pathway by ensuring ongoing VET opportunities for future laboratory professionals.

Petition received.

TasTAFE - Reduction of Arts, Screen, Fashion and Creative Media Courses

Ms WEBB (Nelson) - Mr President, I seek leave to table a petition which does not conform to our standing order provisions and relates to the cutting subsidies for arts, screen, fashion and creative media courses at TasTAFE.

Leave granted.

Ms WEBB (Nelson) - Mr President, I table a non-conforming petition signed by 2117 citizens calling on the Minister for Skills and Jobs to:

(1) Reverse this decision and reinstate subsidies for arts and screen training;

(2) Meet with educators, students and industry to develop a fair, sustainable solution;

(3) Recognise the creative industries as vital contributors to Tasmania's economy, identity and future workforce;

(4) Issue an apology for the lack of consultation and discussion with those affected and the harm that has caused.

Petition received.

TABLED PAPERS

Joint Sessional Committee on Workplace Culture Oversight - Report

[11.17 p.m.]

Ms FORREST (Murchison) - Mr President, I have the honour to present an interim report of the Joint Sessional Committee on Workplace Culture Oversight on the 'Code of Conduct for Members; Independent Complaints Commissioner process; and Alcohol and Other Drugs Members' Statement'.

Mr President, I move -

That the report be received and printed.

Report received and printed.

GOVERNMENT BUSINESS GOVERNANCE REFORMS BILL 2025 (No. 36)

Third Reading

Bill read the third time.

GOVERNMENT BUSINESS (SALE REFORMS) BILL 2025 (No. 42)

Consideration of Bill as Amended in Committee of the Whole Council

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

That the bill as amended in Committee be now taken into consideration.

Motion agreed to.

Amendments read the first time.

Amendments read the second time.

Amendments agreed to.

GOVERNMENT BUSINESS (SALE REFORMS) BILL 2025 (No. 42)

Third Reading

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

That the bill be now read the third time.

Motion agreed to; Bill read the third time.

COMMISSIONS OF INQUIRY AMENDMENT (PRIVATE SESSIONS INFORMATION) BILL 2025 (No. 37)

Third Reading

Bill read the third time.

RECOGNITION OF VISITORS

[11.27 a.m.]

Mr PRESIDENT - Before I call the honourable Leader, I welcome the students from the Beacon Foundation from Hobart College, Woodbridge School, Kingston High School, Sorrell School and Taroona High School, who are joining us in two groups today. I believe this is the first group. Just a reminder to members that you will have the opportunity to meet with these people today at the 1.00 p.m. break, at least those who don't have committees, so I'd encourage all members to drop in and say hello to these students and talk to them about the projects that they're involved with through the great work of the Beacon Foundation.

We're currently moving into our orders of the day and we're about to have the second reading of a bill that we will be debating shortly after that. All members will get the opportunity to have their say on the bill, and then following that we will go into a committee stage to further consider it, and if it passes that, then it goes off for royal assent and becomes an act.

All members here from the Legislative Council - I think you're predominantly from Hobart and Southern schools, so I don't know if they're all in Nelson.

Ms Webb - Hobart College and Taroona High School are definitely in Nelson

Mr PRESIDENT - Yes. The honourable member responsible for the area where your schools are is the member for Nelson, and I dare say she will probably be speaking on this bill at some point, and all other members from all around the state will, I'm sure, make you feel welcome. I look forward to catching up with you throughout the day.

Members - Hear, hear.

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I also add my welcome to those from the Beacon Foundation that are here today.

EXPUNGEMENT OF HISTORICAL OFFENCES AMENDMENT BILL 2025 (No. 51)

Second Reading

Ms RATTRAY - (cont) Mr President, I move -

That the bill be now read a second time.

Before I launch into the second reading speech, I acknowledge Rodney Croome in the President's reserve. Rodney came and briefed members of the Council this morning and it's always appreciated, and we thank you for your continued advocacy in this area.

The bill demonstrates the government's ongoing commitment to right the wrongs of the past. Until 1997, the *Criminal Code Act 1924* contained several offences prohibiting male homosexual activity. Homosexual activity was decriminalised in 1997 with the repeal of section 122(a), 122(c) and 123 of the *Criminal Code Act 1924*. Not long after, the *Anti-Discrimination Act 1998* came into effect, making it unlawful to discriminate against a person based on their sexual orientation or lawful sexual activity. In 2001, the offence of cross-dressing was repealed under the *Police Offences Act 1935*, a long time ago.

Further legislative reform occurred when the *Expungement of Historical Offences Act 2017* passed, recognising that criminalising consensual homosexual conduct was unjust, caused harm, and resulted in discrimination and disadvantage. The purpose of this bill is to amend the *Expungement of Historical Offences Act 2017* in response to recommendations from the independent review of *Expungement of Historical Offences Act 2017* made by independent reviewers Ms Melanie Bartlett and Ms Taya Ketelaar-Jones, and the report of the Joint Sessional Committee on Gender and Equality to which the bill was referred to by the Legislative Council, I believe about a year ago now. [names TBC]

The minister wishes to thank and acknowledge the work of Ms Bartlett, Ms Ketelaar-Jones, and the committee's work in reviewing the scheme and for making the recommendations the government is now responding to. The independent statutory review recommended legislative amendments which will expand the operation and administration of the act to include related offences, further support, a victim-centred approach to investigations, improved measures to support effective record disposal, and improve the confidentiality of records for all parties.

The review also made a number of recommendations that did not require legislative amendment, which the government have, or will, implement to ensure a more streamlined process and ensure greater promotion of the scheme. The government originally committed to implementing 12 of the 13 recommendations made by the independent reviewers. The 13th recommendation related to the establishment of a one-off ex gratia payment for applicants who have their charges and convictions expunged. The government's original position was that this was not necessary, given existing ex gratia mechanisms. However, the government supports an amended redress scheme as proposed by the report of the Joint Sessional Committee on Gender and Equality. That scheme is now incorporated into the bill.

I will now address the substantive clauses of the bill. Clause 4 of the bill addresses amendments to the definition section of the principal act. The bill amends the definition of

historical offence to include a related offence and inserts a definition of personal information to make it consistent with the *Personal Information Protection Act 2004*. It also inserts a definition of related offence to include offences against section 34B offences or substantially similar provisions in other acts, and inserts a definition of secondary electronic record to assist with delivering the intent of the review to only retain records which are necessary for historical purposes.

Clause 5 of the bill amends section 9 of the principal act, which deals with the disclosure of records to the applicant. The clause omits the definition of personal information in the current section, which is inconsistent with the definition in the *Personal Information Protection Act 2004* and provides for a narrower definition of record. This definitional change accords with the reviewer's recommendations to ensure the Secretary doesn't inadvertently provide the applicant a third party's personal information.

The principal act currently provides for expungement of charges or convictions for historical offences. A historical offence is defined as a homosexual offence or a cross-dressing offence. Under the bill, the definition of historical offence has been expanded to also include a related offence.

Clause 6 of the bill amends section 10 - Matters to be considered in determining application. The first change being made to that section reflects that related offences can now be expunged. Related offences have been defined to include charges or convictions for resisting, obstructing or assaulting police under section 34B of the *Police Offences Act 1935*, or substantially similar provisions in other acts.

Related offences will only be eligible for expungement where the Secretary of the Department of Justice is satisfied on reasonable grounds after having received advice from the Commissioner of Police in relation to the circumstances of the related offence, that the eligible person would not have been charged with the related offence but for the fact the eligible person was suspected of committing a homosexual offence or cross-dressing offence and expunging the charge is not contrary to the public interest.

The second change to that same section is small but important. Section 10(3)(c) of the principal act is being amended to provide that in determining a historical offence expungement application, the reasonable enquiries that may be necessary to make as to the location of the other party are to be made by the Secretary.

The amendments mean where the consent of the person is in issue, the Secretary, not the applicant, will make reasonable enquiries to locate the other party to verify facts. Clause 7 of the bill amends section 12 of the bill, which provides that the Secretary must provide an applicant with a copy of any relevant records relating to the application when explaining the reasons for intending to refuse an application. The recommended change will mean when unsuccessful applicants receive refusal reasons and relevant records relating to the application information will only relate to their personal information, not third parties.

Clause 8 of the bill amends section 15 of the bill. Section 15 sets out what is to happen once a charge or conviction has been expunged and provides for a process for annotating records. The reviewers recognise the benefits of treating secondary records different to ordinary records. The act is therefore being amended so section 15 provides that when a record is

expunged, secondary electronic records will not be annotated, as is the case for ordinary records, but instead permanently removed.

The bill also allows for an exception that will allow the process of expungement for secondary electronic records to be that applied for ordinary records where it is not possible to permanently delete records due to technical limitations. These changes will minimise the number of records which refer to an expunged conviction, thereby decreasing the risk of unintentional or accidental disclosure.

Clause 9 of the bill inserts a part 3A into the act for the purpose of providing a redress scheme for people who have successfully had their charges or convictions expunged. The clause reflects the arising recommendations from the Joint Sessional Committee on Gender and Equalities report, which addressed the provisions of compensation payable under the principal act.

The minister would like to thank and acknowledge the work of the honourable member for Murchison and the committee and all those who made submissions. The government reviewed the report and accepted its recommendations.

The new part 3A provides for redress payment amounts and the associated indexation method to allow for CPI changes. The government had also considered CPI indexation is an important feature, and is pleased to support this measure. The government also notes sanction is defined broadly to include, but is not limited to, a fine or penalty, community service, probation order, a custodial or suspended sentence, or mandatory counselling or treatment.

The government's understanding is that if there is a successful applicant, who has their conviction expunged, it is very likely they would have had such a sanction applied, particularly as fines were relatively common. They will therefore be eligible for the highest amount.

Part 3A also includes other housekeeping matters in relation to the redress scheme. Clause 10 of the bill amends section 22, which ordinarily precludes compensation to persons who have any charges or convictions expunged. The section has been amended to allow compensation to be provided to a person if they are entitled to it under the act. This will allow redress payments to be provided under part 3A.

Clause 11 of the bill creates a new section 28A, which responds to the reviewer's recommendations that the act requires an amendment to provide that any records, documents or material that has been collected or created in the investigation and determination of an application for expungement are exempt - are exempt - from the provisions of the *Right to Information Act 2009*.

This bill appropriately responds to the recommendations of the independent review and the concerns raised in the report by the Joint Sessional Committee on Gender and Equality. The government was pleased to bring forward all the other legislative amendments necessary to implement the recommendations of the independent reviewers' report in support of improving the expungement scheme for people affected so negatively by these historic offences that should never have existed.

The government acknowledges all the community stakeholders and victims of these historical laws and continue to give their commitment to support people in accessing this important scheme and importantly, the redress now being proposed under these amendments.

The government embraces the changes made and will continue to update the legislation, where necessary, to ensure that it is consistent with community expectations.

Mr President, I commend the bill to the House.

[11.43 a.m.]

Ms FORREST (Murchison) - Mr President, I rise today, as I did some time ago, to support the intent of this, and with commendation that it goes further than the bill that was presented to this House. I support the Expungement of Historical Offences Amendment Bill 2025 and also recognise the work that the Joint Sessional Committee on Gender and Equality did in informing this legislation now before us.

Ms O'Connor - Why don't you give credit to the Greens? We wouldn't be having this debate -

Ms FORREST - I'm getting there.

Ms O'Connor - Well, I've just listened to us being written out of the history.

Mr PRESIDENT - Order. Order. You can have your contribution when you're called. This interjection has to stop. It's happening all the time and it's making other members reluctant to get up and make contributions. It continually happens and it's not setting a very good example for anyone. This is the Legislative Council, and we have a way of behaving in this Chamber that all members should respect.

Ms FORREST - This bill represents a watershed moment for Tasmania. We are about to become Australia's first jurisdiction to not only expunge the records of those convicted under these unjust laws criminalising homosexuality and cross-dressing, but also to provide meaningful redress for the harm inflicted by the state as a result of those charges and convictions. Charges and convictions have caused many men enormous trauma and their families that have had lifelong implications on their lives. Sadly, many of these men have already died, some at their own hand. Many also left the state. Members may recall in response to an amendment inserted in the House of Assembly by the Greens, and I commend them for the work they did, to set up a process to determine a level of redress that would be suitable and then was counted in our house with an amendment proposed by the government that offered a one-off fixed payment of $5000, which, in talking about community expectation, was an absolute insult to any men and their families who had been subject to these unjust, inappropriate laws.

In my contribution to the bill, I referred to this matter, the matter of an appropriate compensation level or redress, as it is now referred to, to the Gender and Equality Committee for full of consideration. This is because we now have competing proposals - one that was completely out of step with community expectations and another that was a well considered amendment by the Greens inserted in the House of Assembly that did not necessarily provide for a speedy outcome. Had I known it was going to take this long to get here - anyway, here we are.

I am not going to go over all the detail the Leader covered in relation to the other aspects of the bill, particularly because she's given a really thorough appraisal of the other recommendations that were made by the Tasmania Law Reform Institute to amend, update, and respond to challenge issues with the expansion bill. I appreciate that the government did previously take up all the recommendations except for the one related to compensation, hence where we are now.

Mr President, the committee's report was tabled in March 2025 and demonstrates exactly what parliamentary oversight can and should achieve. Through careful consideration of evidence from stakeholders, international jurisdictions and expert witnesses, the committee navigated complex questions about justice, compensation and reconciliation. The committee conducted hearings, receiving submissions from key LGBTIQA+ organisations, including Equality Tasmania and the Community Legal Centres Tasmania, and sought advice from Professor Paula Gerber of Monash University. This rigorous process ensured that the voices of those most affected by Tasmania's historic laws were heard and centred in the development of what came to be the committee's report and the amendments I subsequently drafted, thinking we were not going to an early election, we could have dealt with it.

The committee's finding that a victim focused approach to the determination of redress is crucial to progressing an appropriate redress scheme guided all of the committee's recommendations. This principle that those who suffered under unjust laws must be at the heart of any redress process and this is now reflected in the bill, which I acknowledge the government taking up.

We cannot discuss this bill without acknowledging Tasmania's shameful distinction. We were the last Australian jurisdiction to decriminalise homosexuality in 1997 and the only state to ever criminalise cross dressing. The shadows cast by these laws have been long and dark. As the committee heard in evidence, up to 100 individuals were charged under these former laws. Their lives were marked by fines, imprisonment, involuntary outing, loss of employment, loss of family relationships, interstate exile and, tragically, suicide. Victims endured humiliation, shame, stigma, discrimination, pain and trauma that lasted decades. Many of these men are now in in in their old age, still living with that trauma.

The committee report reminds us that having a criminal record made it profoundly harder for those targeted to find employment and housing for decades after their conviction. The state did this harm, and therefore the state bears responsibility for seeking to repair some of that damage. This bill makes important improvements to the expungement scheme established in 2017. It expands the range of offences that can be expunged to include related offences, recognising that charges like loitering or public annoyance were often laid as part of the discrimination against LGBTIQA+ Tasmanians. It does strengthen protection for victim-centred approaches to investigations, enhances confidentiality provisions, and improves record-disposal processes, as the Leader has well outlined.

The most significant element of this bill is the inclusion of the redress payments. When then premier Will Hodgman apologised in 2017 on behalf of the state, he acknowledged that these matters should never have been crimes. We began the work of reconciliation at that point. The expungement scheme was, or is, an important step, but as Equality Tasmania told the committee, expungement alone does not provide redress for the fact that they did it.

The government has accepted the committee's recommendations, and I subsequently prepared amendments to reflect these recommendations to be considered when the debate resumed in our house. As I've said, unfortunately another early election was called, and parliament was prorogued. I did have a conversation with a then-government member during the election period and suggested that should they win, that the bill be reintroduced with the amendments included because obviously the bill had to go back to the lower House and be re-debated there. I said, 'To save us the pain, put them in.' I commend the government for doing that.

I am very pleased to see that the government has done it and these amendments now provide for a comprehensive three-tiered redress scheme. The three tiers are set at:

- $15,000 for persons who were charged but not convicted and did not serve time in jail. This acknowledges that the very charge alone caused great trauma for these individuals.

- $45,000 for persons who were convicted and did not serve time in jail. A conviction on your record has severe implications on your life.

- $75,000 for persons who were convicted and served time in jail, or were subjected to other forms of punishment, such as aversion practices.

The committee heard some of these practices. I was aware of some of these things prior to the committee's hearings. The trauma that would cause these men is life-long. While you can never fully compensate anyone for the trauma they've suffered at the hands of the state like this, these recommendations that have been adopted, that were based on evidence from experts in the field, do go some way to recognising that pain, shame, and trauma these many endured.

These payments will be made automatically upon successful expungement without requiring victims to ensure another application process to prove their suffering. It will be hard enough for some of these men to actually go through the process of seeking expungement of their records. Acknowledging that many of these men are very elderly and obviously some of them will not be in the best of health. Other people can do that on their behalf if they're unable to do it, but it's still going to be a traumatic experience to relive that.

This automatic payment structure reflects the committee's careful considerations of what other jurisdictions have done and what Tasmanian victims deserve. The committee heard evidence from international schemes in Germany, Austria, Spain, France, and Canada. The committee considered other Australian redress schemes for wrongful convictions - victims of crime compensation, institutional child abuse, the stolen generation, and stolen wages - to get a bit of an idea of how this could be best set and framed.

Through the comprehensive analysis, the committee arrived at amounts that acknowledged the severity of the harm without being administratively straightforward. As Professor Gerber advised the committee, it is vital that redress amounts err on the side of overcompensating rather than under compensating, because a failure to recognise the severity of the harm suffered risks exacerbating the injury already experienced by the individual.

I want to particularly acknowledge Rodney Croome and Equality Tasmania for their decades of advocacy. As the committee noted in their report, Equality Tasmania's submission and participation was instrumental in achieving this outcome. The credit rests with Rodney and the people who support him in this long journey he has been on; that's entirely where the credit rests. This persistent, gentle and strong advocacy has been a beacon not just for Tasmania's LGBTIQA+ community, but for human rights advocates across Australia and beyond, and we will see that flow through, I hope, once this bill passes.

The committee also heard from one of the independent reviewers, Taya Ketelaar-Jones, and the Leader mentioned her involvement, whose 2020 review with Melanie Bartlett recommended that redress payments be included. Recommendation 13 of that review has been the touchstone for this legislation's development and inclusion of this provision.

The committee emphasised that timeliness is critical. As I've said, many eligible individuals are of advanced age. Every delay in implementing this scheme is denying justice those who have waited so long, and I'm sorry that we didn't get to complete it in the last parliament when we were ready to go. This bill ensures that once the expungement process is complete, redress follows automatically and swiftly. As the committee heard, there may be as few as 10 individuals still living who may be able to apply for the scheme. Each one of them deserves to see justice in their lifetime.

One aspect of the bill that deserves particular recognition is how it came to be. While there were initially different views between the government and other parties about the form and quantum of redress, this process has been characterised by consultation and compassion rather than politicisation. Isn't that a good thing to do? The committee noted in the report that it was really good listening to the Attorney-General say that we needed to work together on this. He said this collaborative approach, with the government accepting the committee's evidence-based recommendations, shows parliament at its best.

Tasmania has taken the opportunity to lead the nation. No other Australian jurisdiction currently provides redress payments for expungement of historical offences. As Equality Tasmania told the committee, the amount Tasmania settled on will be considered a precedent for other states when they consider redress for the same crimes. I hope that proves to be the case.

The message this bill sends, both nationally and internationally, is that Tasmania is willing to genuinely come to terms with being the last state to decriminalise homosexuality and the only state to decriminalise cross-dressing. It shows we are serious about making amends for, reconciling with and healing from those dark times. My thoughts are with the families and the men who this bill particularly relates to. The committee also heard evidence from partners and family members of those charged with historic offences who have lived with the pain and trauma suffered by their loved ones. Rodney Croome talked about one of those such cases in the briefing just earlier.

While this bill does not directly address this matter, the committee has recommended the government give further consideration to extending support to family members. It wasn't the request of this House for the committee to look at that, it is a complex body of work, but the reason for this is the committee wanted to make sure this is not seen as the end point. I certainly encourage the government to look at this matter and see how it can be addressed and to try and progress that also in a more timely manner.

This would have a compassionate recognition that harm ripples beyond the individual directly affected. This bill represents more than legislative reform. It's an act of restorative justice. It acknowledges that what was done to LGBTIQA+ Tasmanians, and particularly gay men, was profoundly wrong. It recognised that apologising and expunging records, while important, is insufficient without material redress. The three-tiered payment structure acknowledges that different levels of harm. Someone who was charged, but the matter didn't proceed, still suffered. Someone convicted suffered more. Someone imprisoned and subject to aversion therapies or other conversion practices, those cruel attempts to cure people of their sexual orientation or gender identity, suffered the most. Each tier reflects this reality.

When this bill passes, and I'm confident it will, Tasmania will have one of the most comprehensive and compassionate schemes in the world for addressing historical injustices against LGBTIQ+ people. We will have a model that other jurisdictions hopefully will study and emulate.

We must also recognise that no amount of money can fully compensate for decades of discrimination, stigma and trauma. No redress scheme can restore lost careers, broken families or lives lived in fear and shame. What this bill can do is formally acknowledge the injustice, provide tangible recognition of harm, and demonstrate that Tasmania has changed. Through the work of the joint committee, who reached full consensus on the recommendations, we've led to this very positive outcome.

We now have a model, through a thorough, victim-focused inquiry that listened to the lived experience of those impacted, the expert evidence that was received, and arrived at principled recommendations. I commend the Government for accepting these recommendations and bringing this bill forward in the form it is. I commend Equality Tasmania, Community Legal Centres Tasmania, and all the advocates who have worked tirelessly for this outcome.

Most importantly, I recognise and honour those Tasmanians who lived through the injustice of criminalisation. To those who are still living who may be eligible for expungement and redress, Tasmania acknowledges what was done to you was wrong. We are sorry. We are committed to making things right. This bill is overdue, but it is never too late to do the right thing. I support it wholeheartedly, and I am sure other members will join me.

[12:02 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I congratulate the honourable member for Montgomery for his inaugural speech yesterday. I thought it was really good. It was not appropriate for me to do that last night on an adjournment speech, so congratulations.

I rise to speak in support of the Expungement of Historical Offences Amendment Bill 2025, an essential step to ensure that all Tasmanians are treated with fairness, dignity and respect under the law. This bill builds on the work of the 2017 act, which began the process of acknowledging and correcting the injustices faced by Tasmanians who were criminalised under outdated laws that no longer reflect our modern-day values. For decades, individuals, and particularly members of the LGBITQ+ community, were subjected to convictions for conduct that is now rightly recognised as lawful and private. Those convictions have had lasting impacts on people's lives, affecting employment, travel and personal wellbeing.

The bill before us today is not just about rewriting history, it's about recognising that our laws once failed to protect all Tasmanians equally, taking practical steps to expand the scope of the 2017 act, and ensuring those past wrongs are not carried forward into the present day.

It quite reasonably broadens the scope of offences eligible for expungement. This includes offences such as cross-dressing under the *Police Offences Act 1935* and related charges like resisting arrest, obstruction or assaulting police that were often used to embellish the charges targeting LGBITQ+ Tasmanians initially charged under outdated laws.

The bill improves the process by which applications are assessed. It ensures that investigations are conducted with sensitivity and respect, and that applicants are not re-traumatised by the very system that once failed them. This is about more than administrative efficiency; it's about restoring trust and dignity for everyone affected.

The bill also enhances the disposal and confidentiality of records. Once a conviction is expunged, it should no longer linger in archives or databases. People deserve the peace of mind that their past, when impinged by unjust laws, will no longer shadow their future.

Perhaps most significantly, the bill introduces a redress scheme. This is a profound acknowledgement that the harm caused by these historical convictions was not only enforced by an unfair legal system at the time, but also deeply personal and economic in their impact. The inclusion of a one-off ex gratia payment is not about placing a price on suffering, it is about recognising that suffering occurred, and that the state bears responsibility in seeking to put that right in some way for the individuals affected.

I acknowledge the contributions, as did the member for Murchison, of those who have brought us to this point. As required in the 2017 act, the 2020 report of the independent review into its operation was thorough, empathetic and clear in its recommendations. As an aside, it highlights the true value of such reviews in legislation to ensure an act is functioning as intended.

The Joint Sessional Committee on Gender and Equality's inquiry into the Expungement of Historical Offences Amendment Bill 2024 was thoughtful, well-considered and constructive in its recommendations. I thank the committee for its diligence and compassion.

I also note the committee's acknowledgement of Prof Paula Gerber's legal expertise, and the invitation to offer her expert opinion on the complex issue of payment as redress for harm relating to historic offences. I'd like to share part of her submission that neatly summarises the personal impact of unjust laws. She says:

> In addition, the immediate harmful impacts of being convicted of these crimes include having to pay a fine, being fired from their job, being ostracised from family and friends, and being evicted from their home. Indeed, for some individuals, the experience of being charged and/or convicted was so traumatic that they felt the need to move to another state.

It was interesting to listen to Prof Gerber this morning, when she spoke about how people actually fled the country once they'd been convicted. I was also impressed when she said that this is a gold standard for other states. That's very important, and I believe other states will benefit from what's happened here in Tasmania.

I also want to highlight the advocacy of community leaders who have long championed this cause. Rodney Croome, spokesperson for Equality Tasmania, has been a consistent and courageous voice for justice. In response to the bill, he has been quoted as saying:

> Financial redress will help make up for the pain and loss victims experienced, and it sends a message that the Tasmanian Government is taking responsibility for the injustice its predecessors inflicted.
>
> It's appropriate Tasmania leads the nation on this important reform, because Tasmania was the last state to decriminalise homosexuality, and the only state to criminalise cross-dressing.

His words remind us that this is not just a legal issue, it's a human one too. The people affected by these laws lost more than their freedom. They lost opportunities, relationships, and in many cases, their sense of safety and belonging.

The government's decision to reconsider its position on redress demonstrates a genuine willingness to listen, and to lead on points it's previously disagreed with. I recommend them for this approach and on taking up Prof Gerber's redress payment recommendations.

This bill is about finetuning the 2017 act to ensure the law reflects our current values, not just in the present, but in how we reckon with the past to make things right. It's about sending a clear message that Tasmania is a place where justice and fairness matters, where we learn from our history, and we must strive to do better.

I support this bill because it's fair, it's reasonable, and it's necessary. I thank the government for bringing it forward and for all of those who've worked so tirelessly to make it a reality.

Recognition of Visitors

Before I call on the honourable member for Elwick, I'd like to welcome the second group from the Beacon Foundation to the Legislative Council this morning. We're currently going through the second reading process of a bill that's before us. It's to expunge historical offences and make some retribution for things that were done wrongly in past times. The honourable members here all get an opportunity to speak to the bill in the second reading stage. Following that we go into a committee process, where the Legislative Council members will go through it clause by clause.

We're just about to have a contribution from the member for Elwick. I know all the members here in the Chamber today thank you for your attendance and thank you for your interest in the democratic processes of this state.

[12.09 p.m.]

Ms THOMAS (Elwick) - Mr President, I, too, extend my welcome to the students joining us today.

I rise to speak in support of the Expungement of Historical Offences Amendment Bill 2025. Maybe my contribution's a bit more lengthy than I had initially expected. I will try to keep it as brief as possible so as not to further delay the expected passing of this overdue and very important step in redressing the wrongs of the past that have such an enduring impact. At the same time, I will try to give this matter, and the people affected by it, the acknowledgement and empathy that they deserve.

I acknowledge the trauma and suffering endured by those who were charged and convicted with now-expunged homosexuality and cross-dressing offences. I am sorry this happened to you. I also acknowledge the impact on families and friends. I am also sorry that you have endured this too.

I recognise that this can be a difficult topic to talk about and hear about and is one that may trigger challenging emotions. If this happens, I encourage people to recognise it. It's an entirely reasonable response to a challenging topic and employ their usual coping strategies. If the challenging emotions continue to be troubling, please reach out to support services for help via Lifeline on 131144.

Amending the *Expungement of Historical Offences Act 2017* to provide a redress scheme for those who have had charges and convictions expunged is the right thing to do. I am sorry it's taken so long to arrive at this place where we are more meaningfully recognising the harm that charging and convicting people for homosexuality and cross-dressing caused. Some 28 years ago, as we've heard the Leader outline, we finally acknowledged that homosexuality is not a crime, when homosexuality was decriminalised in 1997. Cross-dressing was repealed four years later in 2001.

Relatively recent history, all things considered. It's frightening to think people could have still been charged and convicted of these things when I was going through high school and college. I am sure some of the students joining us here today might find it surprising to hear or to learn, if they're not already aware, that once it was an offence, it was against the law, to be gay.

I am sure that all agree how absolutely wrong that is or was. It is reassuring to think how far we've come socially since that time in accepting diversity in sexual orientation. Listening to Rodney Croome at the gender and equality committee hearings and again today in the briefing, made me realise how much I'd taken for granted the relative acceptance of diversity that I've grown up with in my lifetime.

Certainly, Rodney's advocacy over many years has played such a massive part in creating this greater acceptance. I am so very grateful for his courage and selfless and tireless efforts. Thank you, Rodney, from me personally and on behalf of the people I represent.

I also acknowledge that we still do have some way to go and I appreciate the work of Equality Tasmania and all of the advocates who stand up every day to remind us of this with their support for, and promotion of, equal rights and opportunities for gender diversity and the LGBTIQA+ community.

Some 20 years after we decriminalised homosexuality and cross-dressing, the *Expungement of Historical Offences Act* was passed in 2017, further recognising that criminalising consensual homosexual conduct was not right and providing a mechanism for charges and convictions to be removed from criminal records. I am sorry that took so long too.

Twenty-eight years on from our declaration that homosexuality is not a crime and 20 years on from providing the right to wipe charges and convictions from criminal records, we are now finally through this bill, providing the opportunity for a redress payment. It is overdue and it's important. Payment to those whose records are expunged was recommended following an independent review of the operation of the *Expungement of Historical Offences Act* undertaken in 2020.

Five years ago, this parliament received a report from independent reviewers Ms Melanie Bartlett and Ms Taya Ketelaar-Jones (ok), who found that there had been just 10 applications to expunge historical offences. Nine were deemed ineligible as the offences were not homosexuality, public morality, or cross-dressing offences, as defined in the act. Rather, they were offences including, but not limited to, drug possession and supply, common assault, and dishonesty. One application was refused expungement as the secretary was not satisfied on reasonable grounds that the conduct constituting a homosexual offence, if engaged in by the applicant at the time of making the application, would not constitute an offence at the time of making the application.

Whilst we had come so far as to decriminalise homosexuality and cross-dressing and provide for it to be expunged from criminal records, it appeared those eligible for expungement were not applying. The independent reviewers concluded that a payment should be made available for those whose records are expunged under the act. Part of recommendation 13 reads: (tbc 12.14)

> The independent reviewers recommend that the government introduces a one-off ex gratia payment of a fixed amount as acknowledgment and redress for applicants who have charges and convictions expunged under the act. This payment should be available automatically on the finalisation of an application in which the secretary has determined to expunge any charge or conviction.

Equality Tasmania gave evidence to the gender and equality committee in support of an automatic payment upon expungement, a fixed amount, and more for an expunged conviction than an expunged charge, and said that redress will acknowledge and help remedy the injustice and deep harm endured by victims of our former laws. As the voice for victims, Equality Tasmania's evidence to the committee said:

> Charges and convictions under our former laws led to fines, jail, aversion practices, involuntary outing, loss of jobs, loss of family, loss of relationships, interstate exile and suicide. Victims endured humiliation, shame and stigma, decriminalisation, pain and trauma. For decades after their conviction, having a criminal record made it much harder for those targeted under our old laws to find employment and housing. The government did this and so it is responsible for repairing the damage.

The independent reviewers also said a payment would demonstrate the government recognises the harm caused and that the number of applications for redress is likely to be low. Again, quoting from the independent report:

> Given the low number of anticipated applications, the number of payments that would be made is likely to be limited, but such a payment would be seen as a genuine recognition by the government of its intention to recognise that these matters should never have been crimes and that there has been harm caused.

In evidence to the committee, Equality Tasmania noted the findings of the independent review in relation to the number of people likely to be eligible for redress. As stated in committee finding 4.3, the independent review estimated about 100 people were charged under the relevant Tasmanian statutes from 1945 until their repeal.

A handful of these people are known to Equality Tasmania. They are all elderly. However, there have been no successful applications for expungement so far. Let's hope that in providing a mechanism for redress, this will change. No amount of money can possibly make up for the harm and enduring suffering of those who were charged and convicted for what should never have been a crime; that's part of the reason why it was so difficult to determine a fixed payment figure to include in this legislation.

I note that, as other members have, should we pass this bill, Tasmania will be the first jurisdiction in Australia to provide for redress, which is another reason why it was a difficult task to determine a payment amount. I note the committee took this task very seriously, listening to the evidence and looking at other redress schemes from across the world, to carefully and sensitively determine the fixed payment amounts to recommend. I thank the Parliamentary Research Service for their assistance with this.

I note the committee also received a submission from Monash University law Professor Paula Gerber on the quantification of compensation following expungement from historical offences. Ms Gerber said it is vital that the amount of compensation err on the side of overcompensating. This is because a failure to recognise the severity of the harm suffered risks exacerbating the injury already experienced by the individual. That's a really important point.

Ms Gerber also said there are some core principles that should be applied. First, the sum should represent a genuine recognition of the harm suffered, and allow those who were subjected to these egregious laws to feel a sense of justice and closure. She said that guidance on the quantum of compensation payable can be gleaned from how courts assess general damages payable to persons who have suffered a tortious wrong. There must be recognition of economic as well as non-economic loss and damage. Guidance can also be gained from looking at compensation that has been paid for general wrongful convictions.

Based on her analysis, Ms Gerber concluded with recommendations as to the fixed amounts to be recommended by the committee to the parliament, and I thank Ms Gerber for this very helpful analysis and evidence. Further, I thank the government for adopting the recommendations of the committee for inclusion in this bill. I also thank the government for accepting use of the term redress rather than ex gratia payment or compensation, because language is important. The committee heard that through its inquiry, particularly through the Equality Tasmania submission, which said:

> Equality Tasmania uses the word redress to refer to the payment recommended by the independent review. We do not use other terms such as compensation or reparation. This is because the word redress carries a connotation of an injustice acknowledge and a serious desire to make amends for past wrongs.
>
> Compensation and reparation carry the connotation of providing financial restitution for all the financial and psychological harm caused by charges and convictions under the historic laws in question. In some cases, this might include loss of employment, jail time and/or aversion treatment. In such cases, the amount of compensation would likely be very large. In all cases it would need to be individually assessed, which runs against the recommendation of the independent review.

Equality Tasmania went on to say:

> We also do not use the term ex gratia, even though that is used by the independent review. Ex gratia means 'out of grace' rather than a debt owed for an injustice. It implies the state has a choice about granting redress, which negates the independent review's recommendation that the payment be automatic upon expungement.

As I said earlier in my contribution, no amount of money is enough to make up for the harm and suffering. No amount could compensate. Language is important and redress is the appropriate term. As the committee heard, there are a number of compelling reasons why Tasmania should be the first state to provide redress, including that we were the last state to decriminalise homosexuality and the only state to previously criminalise cross-dressing.

This has left a legacy of stigma and discrimination that is more recent than other states. That is, we still have the opportunity to more meaningfully right the wrongs of the past and show those who were victims of bad law we are truly sorry for what happened to them, and we should. In fact, Australia is a signatory to the United Nations International Covenant on Civil and Political Rights, in which Article 14 6 provides:

> When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

I know that is a lot of words to process, but in short, to me, the covenant says that doing what we're doing through this bill also complies with our international commitments and our obligations to the United Nations. Ultimately, complex international covenants aside, we should be doing this simply because it is the right thing to do.

I note further from the briefings this morning that there is further need for consideration of further amendments to potentially provide redress to families who have suffered trauma as

a result of these now-expunged convictions as well. In passing this today, we are not necessarily acknowledging or responding to the fact that families have lost loved ones, and their whole lives have been changed as a result of what happened too.

Sadly, as we heard the other member say, some men are no longer here to apply for redress; some ended their own lives, such was the trauma of the conviction. Families under the existing provisions in the act can apply for expungement, but this amendment does not provide for them to apply for redress. We would need to look at eligibility to apply and the eligibility criteria would need further consideration. I do urge the government to give consideration to this.

I am not proud of Tasmania's past: the wrongs and suffering inflicted on people charged and convicted with things they should never have been charged or convicted with, but we can be proud of what we do here today and in the future by passing this law today. I support the bill.

[12.23 p.m.]

Ms LOVELL (Rumney) - Mr President, before I start a brief contribution on this bill, I do want to acknowledge also the member for Montgomery for his inaugural speech yesterday. It's always a really interesting insight into people and their motivations and what brings them to this place. It was a lovely speech and I'm not ashamed to admit that it did bring a tear to my eye. I'm not ashamed to admit that because a certain other Mr Hiscutt told me it might have brought a tear to his eye as well.

I will make a brief contribution on this bill. There have been two debates on versions of this bill in the other place, so there is been plenty of opportunity for the position of the Labor Party to be on record. I acknowledge the member for Clark, Ella Haddad, because I know this is something that she has spent a long time working on and advocating for. I acknowledge her work as well, because there have been a lot of people that have advocated for this change over a long period of time.

On that note, I acknowledge Rodney Croome, who's here in the Chamber with us. Rodney is a familiar face, for many of us around this place. I really appreciate that Rodney takes the time to be here for moments like this, because it is a reminder for us of the significance.

Ms Forrest - He has to come down from the north-west.

Ms LOVELL - He has, and he often does.

Ms Rattray - He has to put on a tie.

Ms LOVELL - Well, I would argue he doesn't have to, but anyway. It is a really good reminder for all of us of the significance of these occasions and the fact that we should take them seriously, and pause and reflect on what we're doing in this place, to make sure that we are doing it in the best possible way. Thank you, Rodney, for not only your years of advocacy, but for being here and reminding us of that every time.

This is an important moment in our history in Tasmania. I am so glad that we are finally here. I'm not going to go into a great deal of detail around the bill. In fact, I'm not going to go

into the bill at all. Other members have done that in detail and I want to acknowledge particularly the contributions from the member for Murchison, the member for Elwick and the member for Mersey. I know others will speak and make very worthy contributions as well, but I do want to concur wholeheartedly with the comments that have been made already on why we are here, and what we're doing today.

I do, of course, support the bill, as I'm sure we all will. I know other members have mentioned that we were here almost 12 months ago. It's almost exactly 12 months ago, in fact, 20 November 2024, when we were debating the last version of this bill. At that stage, as members have outlined, it was referred to a committee for further work around the redress model and what that would look like. At that time, I voted against that referral to committee. I do want to acknowledge the work of the committee and acknowledge that good things can always come out of these committees.

Particularly, the member for Elwick spoke about some of the things she learned and took away from that committee work, around the use of language and how we can better use language in all of the work that we're doing. I will never say that good work doesn't come out of committees, but I would love there to be a day where we didn't need this committee. I felt like we were really close, and that's why I didn't support this bill going to a committee, because in November last year I felt like we were so close.

In fact, the government were certainly strongly encouraged to fix this before it needed to go to committee, because the biggest concern I believe that all of us had at that stage, was the length of time it had taken us to get here, and the fact that it was going to take more time. The government certainly gave that indication that they would look at doing that. I'm deeply disappointed that we didn't get to that point. I know there was an election that held things up, but we were already six months down the track at that point in time, before the election was even on the radar.

It had already been delayed six months longer than it needed to be. If the government had truly wanted to fix this, they could have and they would have. It is disappointing that this took far longer than it needed to. Yet, here we are. I don't want to dwell on the time it's taken, but I acknowledge the fact that it would be so wonderful if there was a day where we didn't need a committee to remind us how to use our language, to get us to this point where we can all agree on a scheme.

Ms Forrest - And that all things were equal?

Ms LOVELL - Yes, and that all things were equal. I hope that we see that day. I feel like every time we do something like this, we're chipping away at it. We're not there yet. I really hope that we get there and that we get there soon. I don't want to delay this any further. This should be a significant and a positive moment in Tasmania's history, for all of those who are impacted by this bill. There are many, some more than others, but there are many. I support the bill, the Labor Party supports this bill. Let's get it done.

[12.29 a.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on the Expungement of Historical Offences Amendment Bill 2025 with a full heart today. It's a wonderful day. This will be a good day in this place. There are so many days we don't get a chance to say that and today, we most certainly will be able to say it. I'm honoured to be here, as part of today, as we consider

and support this bill through our Chamber. Mr President, it is a bill on this sort of topic and work we do on it that puts me in mind of Martin Luther King Jr's quote, which I hold very close to my heart, and that's that 'the arc of the moral universe is long, but it bends towards justice' and I hold that to be true. In fact, I hold it as a North Star sometimes. Anybody who is active in advocacy on matters of social justice, on matters of human rights, on matters of human decency, that sentiment is something that is needed. To be tracking against effort, because sometimes effort comes again and again and it doesn't necessarily come to fruition as quickly as you would like or in the way that you would like but effort, over time, takes us towards justice and that's what's happened here.

Having said that, justice sometimes is far too long delayed and far too long coming. I would imagine there's been genuine concern and frustration about various delays of this work. I acknowledge we have been decades in the making here. Tasmania, again, quite incredibly and positively will have gone from being the last jurisdiction to decriminalise homosexuality back in 1997, when we were lagging everybody and then we stepped into a more proactive space with our anti-discrimination legislation being quite an exemplar. Then we moved forward, and I recognise previous premier, Will Hodgman, and his efforts with the *Expungement of Historical Offences Act* in 2017 and where that took us forward. Now, through continued work through the independent review of that bill, the recommendations made, we are now in a position to be considering legislation which will further improve the *Expungement of Historical Offences Act* and bring to fruition now all 13 of the recommendations from that act.

It has been efforts by so many people across time to get us to this point, not least Mr Rodney Croome, who's here with us today in the Chamber. I recognise him, along with other members, for absolute courageous persistence and effective advocacy over time with this and Equality Tasmania as the organisation that sits around him in these efforts. I also recognise the work done in this place by persistent advocates in a parliamentary and legislative sense, not least the Greens, who ensured that what we had in this bill was not just 12 of 13 excellent recommendations, but was all 13 of those recommendations to be addressed and brought to fruition.

Legislative activism is really important. It is an important element of making improvements to our governance in this state, to our statutes and to our policy and it should always be acknowledged when it has contributed to forward progress. It is disappointing that it wasn't adequately acknowledged formally, in the government's address on this bill, but I certainly put my acknowledgement here.

We only rectified the gaps and improved this bill because of the effort and the impetus thrown into it by the Greens and, I would note, by the opportunity presented by a minority parliament. Again, those efforts and advocacy still would have been brought forward by the Greens, I am sure, but in a majority parliament, would have been blocked in the other place and that would have been the end of it. They would not have been able to make amendments to the bill there.

My applause and thanks to all members of our parliament who look to be advocates and to be thoughtful in their pursuit of legislative activism and particularly who look to engage with the opportunity of a minority parliament. On that, I am appreciative of the expert work that's gone into that independent review by Melanie Bartlett and Taya Ketelaar-Jones and the fact that we are able to give effect to each of those recommendations now. I acknowledge the work

of the Gender and Equality Committee, who took the referral for the elements relating to redress and have done excellent work, as the member for Rumney, also pointed out and acknowledged. I also acknowledge the work of committees is incredibly fruitful, not just for what comes out the other end of it, in the report and recommendations, but in the process itself. It is always educative of the parliamentarians who are involved, of the broader parliament via the work that they present to us and also of the community, because the work of a committee is done in public, accountable, is on the public record. It becomes part of a parliamentary record.

There's real value in the process undertaken by the committee. At the time, I did not vote for it to go into Committee either because I was hopeful we could get this bill passed a year ago. In retrospect it has come out in an incredibly positive way to have undergone the process, to have had the recommendation from the committee and to arrive here where we are.

Having said that, my goodness, the two prorogations of parliament that have held this bill up in these latter stages have been incredibly frustrating. We now have a bill that's complete. We will have, through this amendment bill, a primary piece of legislation that is improved, that sets up appropriate processes. I am not going to go into each of them in detail, as the the government has covered in the second reading speech, other members have spoken in some detail about specific elements.

We have had it flagged with us there are maybe some future further elements for discussion, but there is not a need to hold this up further in looking to rectify some of those matters. I am particularly pleased to have drawn to my attention one of those matters for future consideration relates to families of deceased persons who can seek for an expungement of their family member's criminal record, but cannot access the redress element of what's outlined in this bill. There's a complexity around that needs to be looked at carefully before we think about how to take that forward and hope that proactive work is done.

I am incredibly pleased to hear expert stakeholders point to this Tasmanian approach now as given effect to in this bill as being best practise, as being nation-leading, as being a gold standard of human rights: All of those things fill me with pride for our state. When you think about the bookends in this particular situation, of decriminalisation in 1997 and here in 2025, another opportunity to be a gold standard, a nation-leader, to be the jurisdiction others can look to and seek to emulate is incredibly pleasing and fills me with pride.

While we can take that pride, I do also remain concerned though about what happens next. Once this is passed and once we have that approach laid out nicely, the thing that still concerns me about that is the challenge of how we make sure the people who need to benefit from this, do in fact benefit from this. We have heard throughout the numerous discussions on this bill as it has come and gone in this place about the fact that many of the Tasmanian men to whom this is relevant - who have those criminal charges and convictions there on their record - are now quite elderly.

They have also dispersed in many senses to various parts of our state, but also into other states and also internationally and sometimes that has actually been, in a sense, an exile because of what they suffered and what they were forced to endure via their criminal charges and convictions. One of the things that bothers me is we appear to be setting ourselves up to take a fairly passive approach to implementing and giving effect to what's in this bill, particularly the expungement and the redress elements of it. Often what we do with these sort of things is we put some ads in papers and say 'there's this thing that's happened and it might be relating to you

and please come forward,' that passive approach, where we expect people to come to us, as the state, in order to be able to access their rights is not acceptable. It is not good enough.

When we are talking about something with such a significant historical profile of active harm, active discrimination, and active cruelty that was embodied in the criminalisation of homosexuality and the charges and sufferings that resulted from that.

As part of appropriate justice and redress, we need to have an active, proactive outreach approach to ensuring that we give effect to what we hope can be a shadow of an offering from the state to say that we're sorry and say that we recognise that harm and the impact that it had on people's lives enduringly.

I believe it's unacceptable for us to do anything less than to, in good faith, seek to make contact, seek to find and seek to offer what's in this bill to the people who are affected by it. That won't always be possible. Certainly, we know it's not possible for those who have already passed away. However, we can also seek to reach out to their families. We can seek to, in good faith, find those who are still alive.

For a government to perhaps suggest that effort is too much effort, or too expensive an effort, I believe, is small. That's a small way to regard the fundamental principle and importance of that principle that sits behind this. I would like to see us have a good-faith, proactive effort to find the Tasmanian men who are relevant to what we're legislating here and to actively offer them their rights via this legislation. That would be compassionate and that would be right to do so.

Mr President, I will conclude my remarks by adding a broad acknowledgement, again. I offer my admiration and acknowledgement and my thanks on behalf of myself, but also those I represent in the community, for the enduring efforts of the LGBTIQA+ community advocates, experts, allies, and all those who've brought efforts to bear to move things forward across a whole range of areas. In this instance, on this matter of the expungement of historical offences and the proper redress for that.

As I said at the beginning, the arc of the moral universe is long, and it is through the true efforts of courageous, persistent advocates that that arc does, in fact, bend towards justice. Long may that continue. I wholeheartedly support this bill.

[12.43 p.m.]

Ms O'CONNOR (Hobart) - Mr President, on behalf of the Greens, I can warmly indicate that we will be supporting the Expungement of Historical Offences Amendment Bill 2024.

Any time we leave this building and we walk across to Salamanca, we walk past a recognition of this island's dark and damaging history. We walk over the words that are embedded into the sandstone paving: 'In the wake of your courage, I swim.' A few steps further on: 'Forgive me for not holding you in my arms.' Those artworks that acknowledge the history of this island, and the harm that was done to homosexual men and transgender people, were put in place following the Hobart City Council apology to members of the LGBTIQA+ community in 2008. Well they should have apologised, but I'll come back to that a little bit later in my speech.

At the outset I acknowledge the victims of a viciously draconian, judgmental and punitive time in Tasmanian history. The trauma of being arrested, charged, sometimes convicted, for the crime of of being who they are - homosexual or - is lifelong. All were affected. Many left the island; some never came back. For some, the suffering caused by exclusion, hatred and vilification at the hands of both the community, in parts - particularly in some parts of Tasmania - and the state was simply too much. I, on behalf of the Greens, extend my condolences to the families of those gay and transgender people who didn't make it.

Discrimination against minorities causes pain and suffering and trauma at the individual level. It harms the families and the loved ones of those affected, and it corrodes the very wellbeing of a healthy and inclusive society. Mr President, what a long way we have come since the dark days of the latter half of the last century.

I want to also acknowledge the presence in the Council today, and the relentless, passionate advocacy, of Rodney Croome. The first time I became aware of Rodney Croome's life and struggle was when I arrived here as a journalist in 1989. That was at the very time that the Hobart City Council had told members of the Tasmanian Gay and Lesbian Rights Group that they couldn't have their stall at Salamanca. What ensued were extraordinary scenes of people being arrested simply for standing up for their rights to be who they are and live free from discrimination and prejudice. From recall, over that period about 130 people were arrested within less than two months. It's those people in significant part, but not exclusively, to whom we speak today through this amendment bill.

There's a large body of clippings and information in the Parliamentary Library about some of the history of that time. It's quite gripping to read through it with a sense of something like disbelief that, as a society, we could respond to people on the basis of their sexuality or gender identity with such violence - and it was violence. We made national and international news. We had massive anti-gay rallies. A number of members will recall the rallies that were held, particularly in places like Ulverstone on the north-west coast, where that vile man - whose name slightly escapes me, but it might have been something like Rodney Cooper - had whipped up fear and loathing in the community, mostly towards gay men. As Rodney Croome was quoted at the time in an SBS story - and to acknowledge Rodney's courage, he went to Ulverstone as a counter-protest to stand up for his community:

> Hundreds of people would go along and listen to hatred and bile about us.
> I remember hearing those people shouting, 'Kill them! Kill them!'

Ulverstone at the time, Mr Croome observes, was labelled 'Australia's most homophobic town' in the international press. We were an international embarrassment.

I want to acknowledge at this point because it does need to be said that we are now in a period globally where it is now transgender people who are being targeted, who are having their rights ripped away from them, who are the subject of vilification, hatred and marginalisation, particularly in places like the United Kingdom and the United States. It is a hallmark of fascism to target minorities, and that is what we are seeing in the targeting of transgender people around the world. On behalf of the Greens, I again express our solidarity with our transgender friends, families and loved ones.

Back to the history of this place: in the early 1990s Tasmania's upper House had rejected legislation to decriminalise homosexuality so Mr Nick Toonen took a case to the United

Nations. It was the first such case from Australia and the first case about decriminalisation brought to the UN from anyone in the world. History tells us that the United Nations found in Mr Toonen's favour.

At the time I was working for the then-federal attorney-general, Michael Lavarch, and the justice minister, Duncan Kerr. There came a point of conflict between the Commonwealth and the State of Tasmania: the State of Tasmania at the time digging in, as it did, refusing to acknowledge the UN determination and refusing, effectively, to act to uphold the rights of homosexual men to be treated equally.

In April 1994, when the UN ruled in favour of homosexual people, Mr Croome understood that he needed to persuade Canberra to take action. That's where Michael Lavarch and Duncan Kerr came in.

I remember arriving with them on the VIP jet in Tasmania as they sought to help the Tasmanian Liberal government understand the reality of the situation that they were in. It was made very clear to the Tasmanian government that if they did not act, the Commonwealth would exercise its external affairs powers, as it did during the Franklin Dam, and make the Tasmanian government react. Quoting again from Rodney in the SBS article:

> We asked the federal government to use its powers under the federal Constitution, particularly in terms of observing international treaties, to enact a law that would override the Tasmanian law. That didn't invalidate the Tasmanian laws completely. The only body that could do that was the High Court. So after the federal law was passed, we went to the High Court. [TBC]

Again, where would we be today without the tenacity of advocates like Rodney Croome and the Tasmanian Gay and Lesbian Rights Group and Equality Tasmania? In all likelihood we would not be debating this bill. Rodney is quoted as saying:

> After that the Tasmanian Government knew the game was up. The Liberal Government at the time allowed a conscience vote and the law was changed. [TBC]

An interesting factoid: it got through the lower House but only scraped through this Council by one vote. Shortly thereafter, as other honourable members have mentioned, Tasmania then enacted the *Anti-Discrimination Act 1998*, one of the first and finest pieces of anti-discrimination legislation anywhere in the country. In 2001, cross-dressing, which is the crime that captured transgender people under the *Police Offences Act 1935*, was repealed from the *Police Offences Act*. In 2008, the Hobart City Council apologised for the harm and the trauma that it had inflicted on members of Tasmania's LGBTIQA+ community during those terrible days of the Salamanca protests. To Tasmania's great credit, we were the first parliament - upper and lower Houses - in 2016 to have passed in-principle motions to confirm our in-principle support for marriage equality, and the following year marriage equality became Australian law.

We led the way there again and this whole parliament, at some level understanding that there needed to be an expression of a will to deliver justice, stepped up and said we recognise the rights of same-sex people to have their love and commitment acknowledged through the sanctity of marriage. We led the nation on that, and for that we should be proud. We are leading

the nation today in establishing a redress scheme for people whose historical records are being expunged.

In 2017, the principal act, which we are debating and amending today, came into being. I acknowledge the work on that legislation of a former colleague of many members of this place: the former attorney-general and member for Pembroke, Vanessa Goodwin. It was Vanessa who undertook all the foundational work at a government level to bring to the parliament the *Expungement of Historical Offences Act 2017*. As the act was going through the parliament, she was watching from home because at that time she was very, very unwell.

It was a deeply moving day when that bill went through the House. Those debates are profound, where everyone agrees that a good thing needs to be done and that justice must be served. It was during the debate on the 2017 bill that parliament officially and formally, and with open hearts on all our behalves, apologised to people who had been harmed by the punitive and regressive laws of Tasmania's past. An apology is meaningful. It's also in some ways symbolic. It is what you do with your sorrow for wrong that matters, and parliament passed legislation in 2017 that gave effect to that expression of great sorrow.

Of course, it wasn't a perfect bill. It obviously needed some amendments and tweaking, and there was also a requirement that there be a review undertaken of the expungement act. That review was undertaken in 2020. I did forget to mention that the Tasmanian parliament also led in 2018 in reforming our birth, deaths, and marriages system that people could have their gender identity correctly conveyed on their birth certificate without the requirement to undergo surgery.

I personally was affected by this because of the difficulties that my beautiful transgender son, Jasper, was having in getting his birth certificate to reflect his identity without having to have highly invasive and challenging surgery for which at the time he was not ready. As a result of the advocacy of community members, Equality Tasmania, and incredible Tasmanian women like Martine Delaney, the fact that we had, with Sue Hickey in the chair, something resembling a minority parliament and we worked really closely with the Labor Party -

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

QUESTIONS

Bruny Island Bushfires

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

[2.30 p.m.]

I point you to the bushfire that's been blazing on Bruny Island, and it's estimated to cover approximately 750 hectares so far. If that number has increased, perhaps you could update the Council. It started in three locations in and around the South Bruny National Park on Friday afternoon. Has Parks established how these fires started? Can you confirm that Parks made the decision to bring forward a planned fuel reduction burn in this location in months to come, which was a bit early, because of the original bushfire?

ANSWER

Mr President, I will seek some advice. I thank the member for the question. I don't have a lot of detail on that at the moment, but we'll seek to get that for you by at least the end of the day, if not the end of Question Time.

Ms O'Connor - To avoid having to get up and down to ask questions, if I give you the list of questions that we have here, perhaps you could see if you could provide responses.

Mr DUIGAN - Is it all about the Bruny Island fires?

Ms O'Connor - It's the same fires. Are you happy with that?

Mr DUIGAN - Yes, fine.

Tasmanian Pharmacists - Scope of Practice

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

[2.32 p.m.]

I welcome the government's commitment to postgraduate training scholarships to allow pharmacists to receive the full scope of practice credentials. However, it is unclear whether the commitment extends to ensuring appropriately qualified pharmacists will be able to treat all conditions that they will be qualified to treat on completion of the postgraduate training. Can you please confirm whether Tasmanian pharmacists with these qualifications will be able to treat the full scope of conditions in line with the Queensland model of expanded practice, or whether there will be any limitations on the conditions that can be treated?

ANSWER

Mr President, before I give this answer to the honourable member for Rumney, I may need some help with the medical terminology that's going to be part of the answer, so I'm asking the honourable member for Murchison if she can be listening closely. Thank you.

The Tasmanian government accepted all recommendations of the Pharmacist Scope of Practice Review in September 2023, committing to enabling pharmacists to deliver a broad range of services. Considerable progress has been achieved since September 2023, and Tasmanians can now see their local pharmacist for more services, treatments, and vaccines than ever before.

Our government has announced postgraduate scholarships for community pharmacists to expand their scope of practice and enable them to treat 23 common health conditions. They're referred to in Appendix 1, and I will have a go at reading what I can, and I will certainly make sure the honourable member has a list. This is in line with similar reforms in other states and is the same model as Queensland.

The Tasmanian government is working closely with key stakeholders for treatment of additional conditions to be available in late 2026, once pharmacists complete the required training. There's an appendix that goes with this pharmacist -

Ms Lovell - Could the Leader table the appendix to make it quicker and easier?

Ms RATTRAY - I could. There are 23 of them. To not take up so much of Question Time, we know how important it is, I seek leave to have this Appendix 1 incorporated into *Hansard*.

Leave granted.

See Appendix 1 on page xx.

Bass Highway Upgrade - Funding

Ms FORREST question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

[2.35 p.m.]

With regard to the Bass Highway Wynyard to Marrawah upgrade, on 28 May 2025 you provided the following response to a question regarding these roadworks, stating the then current construction project sites were:

- Stennings Road Junction improvements;
- Back Line Road and Myrtle Grove Road Junction improvements and road widening at junctions;
- Fagans Road and Schuurings Road alignment improvements along Bass Highway, and
- Christmas Hills Road and Dunns Road Junction improvements.

You also stated that the detailed design sites are Back Line Road and Myrtle Grove Road Junction improvements and Brittons Road and Bacon Factory Road Junction improvements.

You also stated that cost estimates against individual projects will be prepared by the design consultants once the remaining funds are released from the Australian Government and designs finalised.

You also assured me the Australian Government funds are secure. I now hear from my community that this may not be the case.

(5) How much of the $60 million Australian Government contributions committed to the agreement has been spent?

(6) Are the remaining Australian Government funds, as committed to in the agreements, still secure and how much unspent funding remains?

(7) How much of the $40 million Tasmanian government contributions committed to in the agreement has been spent?

(8) Are the remaining Tasmanian government funds committed to in the agreements still secure, and how much unspent funding remains?

(9) Can you provide an update on the progress of these works and the likely commencement of these works that are still under design?

ANSWER

Mr President, I have some answers here. It mightn't cover everything there, but I am happy to go through the complete question and cover anything later that might not be covered in my answers here.

(10) As at 30 June 2025, $24.18 million of the $60 million Australian Government contribution has been spent.

(11) The remaining Australian Government commitment is secure. The balance of the Australian Government commitment is $35.82 million.

(12) As of 30 June 2025, $29.7 million of the $40 million Tasmanian government contribution has been spent.

(13) The remaining Tasmanian government commitment is secure, and the balance of the Tasmanian government commitment is $10.3 million.

(14) The design for the remaining works within the $100 million combined commitment for the Bass Highway Wynyard to Marrawah upgrade is currently underway and tendering of a further package of works is expected to be released in mid-2026.

If there's anything else you would like to know there, I am more than happy to seek that from the department.

Northern Suburbs Transit Corridor - Business Case Update

Ms THOMAS question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

[2.38 p.m.]

Last October, in budget Estimates, I asked a number of questions of the then Minister for Transport regarding the Northern Suburbs Transit Corridor, one of the most overstudied pieces of infrastructure in the history of transport projects. The response was that strategic business case approval is required to obtain the necessary funding and the business case will be delivered to government in early 2025. In April, in this place, I again asked for an update on the strategic business case, to be informed it was now expected to be completed in mid-2025. My questions now, heading into late 2025, are:

(1) Has the strategic business case been delivered?

(2) If not, when will it be delivered and why the delay?

(3) Can you provide assurance that the $52 million of state and federal funding for the Northern Suburbs Transit Corridor remains secure?

(4) Can you please provide a breakdown of how much of this money has been spent to date and for what specific purpose and outcomes?

(5) Will the government include advocacy for infrastructure projects along the Northern Suburbs Transit Corridor as a priority in its federal budget submission, assuming it makes one?

ANSWER

Mr President, it is interesting that there is a lot of work out that way. I have been out a few times lately to try to come to terms with parts of that project. In response to your questions:

(1) The strategic business case has been received by the Department of State Growth in draft form, and I expect to receive it before the end of the year.

(2) As above.

(3) A total of $54.4 million was made available

(4) A total of $54.4 million was made available for public transport planning in Hobart, including for Macquarie Point.

(5) This is comprised of $40.5 million from the Australian Government and $14 million from the Tasmanian government. No funding has been committed to delivery or operations.

Of this money, approximately $2 million has been spent on NSTC planning prior to the financial year 2024-25 and the total budget of $8.2 million is allocated to F 24-25 through to F 26-27 for the rapid bus and NSTC planning. The remaining funding, about $34 million, has not been allocated, but remains available.

A total of $3.3 million has been spent to date and this has involved a range of planning and design work, primarily to on the northern suburbs transit corridor but also encompassing work required to deliver the rapid bus networks strategic business case.

(6) It is expected that the government will consider the strategic business case by the end of 2025 and in 2026 the government intends to submit the strategic business case to Infrastructure Tasmania with the objective of the project being listed on the national Infrastructure Priority List. The detailed business case will be the basis for funding of the capital and operations for the project.

UTAS Land Sale Bill - Minister's Involvement

Ms WEBB question to MINISTER for EDUCATION, Ms PALMER

[2.41 p.m.]

Following up from a previous sitting week, I asked the minister with reference to the proposed rezoning and sale of University of Tasmania Sandy Bay campus land and noting this question previously had been agreed to be taken on notice by the minister on 10 April this year, can the government detail the following:

(7) Whether the minister sworn in as Minister for Education on 11 April 2024 had any involvement in the development of the University of Tasmania (Protection of Land) Bill 2024 after 30 September 2024.

(8) Whether the Minister for Education had any involvement in the last-minute amendment to the bill introduced on second reading on 28 November 2024, which provided for rezoning and sale of UTAS land? And if not, why not?

(9) If the Minister of Education was involved in the development of the 2024 bill and November amendment moved by the government, what was the nature of that involvement?

ANSWER

Mr President, in answer to question one, my answer is no. In answer to question two, which is on the involvement of the amendment to the bill, the amendment was a decision of Cabinet, of which I am a member, and in answer to question three, I refer to my previous answer.

Inadequate Housing

Ms O'CONNOR question to MINISTER for HOUSING and PLANNING, Mr VINCENT

[2.43 p.m.]

Anglicare's Social Action and Research Centre has released figures about housing and homelessness in Tasmania and they are both depressing and damning. The snapshot tells the tale of people living in inadequate housing and languishing on the housing wait list, which is at its highest level ever. It says a growing number of Tasmanians are living in conditions more commonly seen in developing countries, because there is no housing they can afford.

The report observes that compared to the same time last year, the number of Tasmanians seeking housing support has increased by 34 per cent. Anglicare recommends the government you're part of works for social housing and supported accommodation providers to improve social housing allocation, fund delivery of more crisis accommodation, transitional housing and social homes. Work with Commonwealth counterparts to scale up investment and long-term social housing, commit to reducing the harmful impacts of waiting for social housing and improve importing, reporting and measuring.

Have you read the SARC report and how are you acting on the advice of frontline providers like Anglicare to improve the welfare of Tasmanians needing a safe and permanent roof over their heads?

ANSWER

Mr President, I haven't read the full report, but I have read the article and pieces of it and I am meeting with Chris Jones next week to discuss in a bit more detail. I have had meetings with Chris and have known him through my mayoral duties for a number of years. I always enjoyed our discussions on a lot of different things. You're quite right, it is damning; and I think the part where we've been quoting 1 per cent rental rates, they have fallen now to about half that. That's quite a disturbing trend that really worries me, because it's next to zero.

There is also some movement, he mentioned, about a couple of the different packages that we have, including the private rental incentive and the family violence rapid rehousing. There is quite substantial growth in some of those areas: 34 per cent up on last year. I know it doesn't fix everything, but it shows we are addressing some of those issues. I look forward to talking to Chris about how we can address them a lot more in those areas.

I have stated in both Houses with my questions that most of the time as Housing minister is not spent with just the normal construction stuff - I think that takes care of itself, largely - but with the crisis care in youth, women in care, children, and so many different parts of that. There are some areas that we need to do better. Am I happy with the situation? Of course I'm not. It's on my shoulders now, and I will make every opportunity to improve these. I look forward to the discussions with the CEO of Anglicare to understand and improve the performance in that area.

Ms FORREST question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

[2.46 p.m.]

Aknowledging that motorcycle crashes are at record levels across Australia, the Motorcycle Riders Association of Australia (MRAA) has been lobbying to make entry-level rider training and testing more accessible and affordable. Noting that it is vital that all motorcycle riders on public streets and roads are properly trained and licensed to promote the reduction of road casualties, and given there are long wait times for the compulsory two-day pre-learner courses, available in only three locations: Prospect, Latrobe and Moonah, with course costs starting at $689, more on weekends, and further costs for pre-provisional testing, my questions are:

(10) Does the government acknowledge these challenges?

(11) Will any consideration be given to addressing challenges such as affordability, frequency and accessibility of courses, particularly in regional and rural areas, and if so, what measures will be considered and/or implemented to ensure accessibility is improved, including dealing with cost barriers?

(12) Have any measures been taken to ensure that there are enough experienced instructors to provide the required training; and if so, what measures have been taken?

ANSWER

Mr President, I thank the member for the question. It's something that I probably can't answer fully to you, but I will give you the definition behind it. I noticed the President has twigged to this, being a motorcyclist. Still got yours?

Mr PRESIDENT - Yes.

Mr VINCENT - Good. Mine's in the garage collecting dust. I'm not confident to get on at the moment, but we are both very passionate about our weekend rides, so this is something close to me. Part of taking on the transport division was a lot to do with the road safety numbers. As an office we are presently digging fairly deep into some of the causes there.

I have had amazing conversations with the CEO of RACT regarding some of the information that they have at their fingertips, being part of an international insurance body and everything like that. Mark had, I think, only a few weeks ago travelled to Europe to have a look at Norway, which has amazingly low accident rates and everything like that. We're due to catch up again shortly to discuss some of those things.

Ms Forrest - They've had a 'safe citizens' approach for a long time.

Mr VINCENT - It's a problem that everybody faces with the number of motorcycles in the world, so we need to look a little bit broader, I'm not sure how far we have looked abroad, but obviously connections with Mark I find exciting because they want to see the number of serious accidents and the number of deaths from motorcycles improve. Training is a big part of that. I was a mature-age student getting my motorbike licence, so I know how important the proper training was. I went and did the advanced training myself because I didn't feel the basic training was enough. As you build a bit of confidence, you also build a bit too much confidence at times, which can bring you undone. I'm fully aware of that. Now, I know that doesn't answer all your questions there, but all the people I've spoken to on the road safety committees take their role with great passion and commitment.

There is an underspend on the road safety money, when you look at the annual report which I've just received, and there are many parts to that that I think we could re-examine and look at some of these new programs. I know that's not answering everything that you wanted there, but it it's a work in motion for me over the next month or so to be a lot more articulate about road safety and motorcycles as part of that. I'm happy to keep you up to date as I progress with that thought pattern through the ministry.

Supplementary Question

Ms FORREST - Mr President, I have a supplementary question.

Mr PRESIDENT - The member for Murchison.

Ms FORREST - I acknowledge the minister acknowledged that he couldn't necessarily answer all of that, but I just wanted to specifically address whether the government is considering measures to assist particularly motorcycle riders or people who want to become motorcycle riders in our rural and regional areas, who face extraordinary barriers to actually getting a licence, particularly in the cost-of-living crisis where motorcycle transport can seem a preferred option in terms of fuel costs and other running costs.

Mr VINCENT - Thank you, Mr President. The best way to answer that is I will take that on board and look at that. It's probably a dimension of the issue that I hadn't thought about until you've just mentioned it there, even though I cover a lot of those country roads. I appreciate the thoughts on that and I will take that into consideration and make sure that it is part of my thought pattern in coming months with all the people involved, to try to do something more particular, and I'm happy to come back to you on that.

University of Tasmania Sandy Bay Campus - Land Transfer

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

[2.52 p.m.]

This is a question following up from April this year, and I think it's the Minister for Infrastructure and Transport, who's probably got the answers potentially, or maybe it's going to be the Leader for Government Business; we will see. The question is regarding repeated public statements made by the University of Tasmania (UTAS) that that it expects to receive $100 million for the Sandy Bay campus land designated for rezoning and sale, yet the STEM business case submitted by the Infrastructure Minister to the federal government on 26 March 2025 indicates on page 7 that UTAS's expectation of receiving $100 million may also relate to transfer of that land to the state government rather than an open-market sale. Noting the minister had agreed to take this question on notice on 10 April this year, can the government:

(13) Clarify whether the government has committed to providing funding to UTAS for land transfer to the Tasmanian government and, if so, for what amount;

(14) Detail whether, in light of earlier valuations of UTAS campus land indicating that the land in question has a market value significantly less than $100 million, either UTAS or the government has sought a current market valuation of the designated land, and if so, can this valuation be publicly released;

(15) Advise whether the government ever received any evidence or advice from UTAS that the cost of replicating the STEM facilities above Churchill Ave as part of the consolidation of STEM below Churchill Ave would be less than $100 million, and if so, please provide that advice; and

(16) Confirm whether the government has viewed the appendices to the UTAS STEM business case, which do not appear to have been published along with the business case document, and can the government please table the

appendices or arrange for UTAS to publish the appendices at the earliest available opportunity, and prior to any expected debate on the University of Tasmania (Protection of Land) Bill 2025.

ANSWER

Mr President. It appears that it has arrived in my lap.

(17) The government has not given a commitment to UTAS to fund the proposed transfer of campus land.

(18) The current valuation of the UTAS campus surplus land is subject to an education overlay under planning laws. It is expected that if the overlay was removed and the land was rezoned for residential, that the land value would increase. The actual increase to the valuation of the land if rezoned for housing is unknown. The business case identifies a preliminary estimated land valuation for the rezoned surplus land to be worth approximately $100 million, but noted that Tasmanian parliamentary approval is required prior to the land sale occurring.

Ms Webb - Was that a market valuation? The question asked about market valuation; is that what you gave me?

Ms RATTRAY - I will see

Ms RATTRAY - I will see if I can get that clarified, but not in this answer.

(19) The government had access to the UTAS STEM business case when it was submitted by the minister for infrastructure to the Australian Government for a funding bid. The business case had three options around building STEM at Sandy Bay. None of the options had a cost of less than $100 million.

(20) The last answer is the government received the business case's appendices when the minister submitted the UTAS STEM business case, including the appendices, to the Australian Government. UTAS is the owner of the business case, not the government. As government does not own the business case, it cannot publish the appendices. The government has been advised by UTAS that the appendices have now been published before any debate on the *University of Tasmania (Protection of Land) Bill 2025*.

I will get back to you as soon as I can on that market value question.

Draft Business Case - Timeline

Ms THOMAS question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

[14.56 p.m.]

You said that the draft business case has been received by the Department of State Growth and that you expect to receive it by the end of the year. I have three follow-up questions:

(21) From whom has the draft business case been received?

(22) Why not request to see the draft now and consider it as part of the proposed stadium planning?

(23) Given that previous answers to my questions about when the business case will be finalised have been that it will be finalised in early 2025, then mid-2025, how can I and the community trust that it will be finalised by end of 2025?

ANSWER

Mr President, I will seek some clarification on those points.

Certainly, the timeline is fairly tight now for the end of year and early next year because of our timeline that we need to have it submitted to Infrastructure Australia for examination. It was held up a bit because of the election and then me being only new into the ministry over the last couple of months. When we have it, it will be moved quickly to make those timelines to Infrastructure Australia. I can find out further for you, but that's about where we're at at the moment.

Appointment of University of Tasmania Vice-Chancellor to the Deloitte Board

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

[2.58 p.m.]

I am following up on some of the questions surrounding the University of Tasmania that have been asked today. Minister, you would be aware that the Vice-Chancellor of the University of Tasmania, Rufus Black, has accepted a private position to sit on the board of Deloitte, one of the big four consultancies, for which he is being remunerated on top of his generous salary as the Vice-Chancellor of a public education institution. Have you explored that matter with the Vice-Chancellor? Have you raised any concerns with him? Do you think it's appropriate that the Vice-Chancellor of the University of Tasmania is advising Deloitte instead of focusing on the work of restoring the reputation of the University of Tasmania?

ANSWER

Mr President, I will seek some advice.

I am advised the appointment was considered by the University Council, which is the appropriate place for such an appointment to be considered. I can also advise that there has been some work in this area federally, and federal recommendations have now been handed

down on roles within university. We will certainly be considering those recommendations aside our own legislation.

Ms O'Connor - Perhaps you could answer the question about whether you've raised the matter with the Vice-Chancellor?

Ms PALMER - I have not directly raised the matter with the Vice-Chancellor. As I say, that appointment was considered through the University Council, which is the appropriate place for such matters to be considered.

EXPUNGEMENT OF HISTORICAL OFFENCES AMENDMENT BILL 2025 (No. 51)

Second Reading

Resumed from above (page xx).

[3.02 p.m.]

Ms O'CONNOR (Hobart) - Mr President, before the lunch break, I was talking about the collaborative work that was undertaken in the House of Assembly in 2018, working with advocates for reform, the Labor shadow Justice spokesperson Ella Haddad, and indeed, to be frank, the then Speaker Sue Hickey, without whom we would not have been able to pass those amendments. We made nation-leading changes to strengthen the rights of transgender people, and that day in the lower House and out on the lawns was a very positive and happy day indeed.

We know the *Expungement of Historical Offences Act 2017* underwent independent review, and there's been a number of minor changes made to the act. I want to acknowledge the work of Melanie Bartlett and Taya Ketelaar-Jones, who delivered their recommendations. All recommendations were accepted by government, with the exception of the recommendation to develop a redress scheme.

In the recommendations of the independent review, it noted the 2017 legislation did not provide for any kind of redress for people whose lives were dramatically changed - not in a positive way - as a result of previous, now repealed laws. It precluded a right to compensation.

In the recommendations, it says the Community Legal Centres' submission noted that although the name of the act refers to the offences as being historical, in reality these laws persisted into the second half of the 1990s and indeed into the the latter part of the 1990s, which is quite recent. It was submitted that the lack of compensation(tbc 3.05)

> …significantly undermines the ability of the scheme to achieve its objectives of addressing the legacy of those historic laws.

Similarly, the recommendation says the Equality Tasmania submission referred to the issue of compensation and concluded that compensation would help our expungement legislation achieve its stated goal, and because compensation is ethically important in and of itself. The submission refers to the goal of the legislation, stating:

> The stigma of conviction and the damage of subsequent discrimination could be rectified more fully if the state were to provide financial compensation to those affected.
>
> Compensation would obviously help make good the financial losses of those who suffered conviction, stigma and discrimination. On top of this, it would show, more compellingly than anything else, that the state takes its conviction-related stigma and discrimination against LGBTIQ people very seriously, that this stigma and discrimination have no place in today's society, and that they must be never permitted again. [CHECKED]

It is a matter of record that the government chose not to accept that recommendation and indicated that there was another mechanism to make an ex-gratia payment to a person who'd had their conviction expunged. That's regrettable, because the evidence was laid out in that review for redress. It's a compelling case and it was quite miserly and limiting on the part of the government to put forward an amendment bill, which makes a number of important changes to the principal act but that did not contain a redress provision.

That is why the Greens worked with Equality Tasmania, Rodney Croome and other stakeholders in this area to create, with the opportunity that the original amendment bill gave us, a provision to insert a new clause 3A that would create a process for determining appropriate redress payments. It is a fact - and I feel it's important to put this on the record - that we would not be having this discussion about a redress scheme and amendments to the bill to finesse a redress scheme that is to the satisfaction of the parliament without the advocacy of Equality Tasmania, of course, but without the legislative activism and determination of the Tasmanian Greens. I'm not going to apologise for being annoyed about that this morning, because it is offensive to be written out of the record, or to have an attempt made to write the work of the Greens out of the record. That's what we heard in the speech that the Leader delivered in this place, and on behalf of the Greens, I won't have it. It's mealy-mouthed and it's petty to try to pretend that the Greens did not play a significant role in meeting the expectations of advocates for reform, as well as the spirit and intent of that recommendation.

We know that the government was not comfortable with our amendment. They thought that what it would cost, if you like, to establish that independent assessment process which would make a recommendation to the Premier outweighed any benefits that may be delivered. Effectively kicking and screaming because they'd been forced by the Greens, and ultimately by the House, to accept that there would be a redress scheme, the government came back with an amendment to put before this place that provided for miserable, paltry and offensive amounts of compensation as part of a redress scheme. Rightly so, the member for Murchison referred it to the Gender and Equality Committee so that there could be a broader examination of the outstanding question of what is an appropriate redress scheme. What funds, what amounts could possibly be even close to sufficient to acknowledge the state's wrong? On the one hand, you had an amendment that had been accepted by the House that would allow for an independent process of determining what those redress amounts were. The government wasn't happy with that, so it came back with small-change offerings and it is sent off to the Gender and Equality Committee.

I want to thank the honourable member for Murchison and the committee for the work that they undertook and coming back with amounts for redress in a scaled way, depending on whether it was arrest, charge, conviction, that supported, if you like, by Equality Tasmania.

My mother always told me it's important in life that you give credit where it's due and that you have the generosity of spirit to do so. I would encourage the government, and some other members of this place, potentially, to explore how much better it feels to have a generosity of spirit. It feels good - it certainly does to me - to be able to point to the work of other people and say, 'Isn't that good? We can make it better. Are you open to changes?' When you have that dialogue in a generosity of spirit, you often have much better and much more broadly accepted results. I want to thank the honourable member for Nelson for acknowledging the work of the Greens in this area.

As a result of the committee's work, we have redress figures that seem sound and as just as it's possible for them to be, given the profound damage and trauma that these arrests and charges and convictions caused to our fellow Tasmanians. It's great that the government has come around and accepted the reality of a redress scheme.

I'm very glad to be supporting this bill and we will support the amendments that will be put forward to replace our 3A amendment to establish the redress scheme. It is a good day, because I think what we're going to find in here is one of those delightful and too-rare instances in the parliament where we can all agree that what we're doing will go some way to repairing some of the damage that was caused by the state. As a result of this bill, once it passes through here amended and goes back to the House so those amendments are approved, there will be a measure of justice, of recognition, of redress and, we can only hope, of healing.

I'm very glad, on behalf of the Greens, to be supporting this bill and the amendment that we'll see in the Committee stage.

[3.14 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, it is a good day in the Chamber today because I feel like there's full support for this and I'm very pleased to be able to, on behalf of the government, deliver this. Before I answer a couple of questions, I acknowledge everyone who has been involved in bringing this to where it is today.

We've heard about the review panel and the work they had done, we've heard about the Gender and Equality Committee and the work they've done, and we've heard about work that is being done outside of this place by the Greens, by the Labor Party. From what I've gleaned, from listening to the contributions - and they were heartfelt - it certainly delivered the message loud and clear that it has full support and that there has been a lot of work over a long period of time. I acknowledge all that work.

Thank you particularly to all the members who have spoken. They were very thoughtful contributions. I feel sure that members who didn't make a contribution felt that everything had been said. I know that, in the past, that's often the line I took if somebody had already said it and you were going to vote with it, and you haven't anything else to add, then you support.

I particularly thank and acknowledge the work of the department, that's always important, and also representatives from the Deputy Premier's office in regard to this. They have been

very supportive and have worked hard on this. When you have people talk about 'gold standard' for a piece of legislation, that's very impressive. However, there is still more work to do.

I believe that is the thank-you out of the way. There are not many questions to answer, but if I may add some clarification regarding section 6 of the current act which allows applications to be made by family members after the person with historic charges has died - will a redress payment be provided in this instance? I will read from the notes that I have.

The proposed new section 19(b)(iii) of the bill provides that a redress payment will not be provided if at the time the application is made the eligible recipient was deceased. If an application to expunge is made by a family member of a deceased eligible person, that application can still result in a successful expungement, but no payment will be provided. While decisions on applications are made in a timely way, it is possible a person could die after the application was made but before a decision is finalised. In that case, the payment will become part of the person's estate due to the operation of estate law. This is consistent with the National Redress Scheme, under which a payment can only be provided if the eligible person is alive at the time of the application being made. These sections reflect the committee's recommendations that payments are made to individuals who have their record successfully expunged.

Will the government consider further reform in the future about providing payments to loved ones? The government appreciates and acknowledges the work of the committee. The committee did not take evidence on redress for families but suggested further consideration by the government on this issue. We acknowledge the words from Rodney Croome on this at an earlier time, and as mentioned in the briefing, the Deputy Premier as responsible minister can consider these matters.

Can you advise how the department has progressed recommendation 12 regarding promoting the expungement scheme? That was an important point. The draft communications plan has been created and is currently being reviewed for authorisation and implementation as soon as is practical. Given the introduction of compensation in the amendment bill, the government seeks to align communications with the commencement of the amendment bill in order to avoid going out with information that will be subject to change after the commencement of the amendment.

The government notes responsibility for delivering the EOHO scheme has been transferred within the Department of Justice from CBOS to Justice Support. This provides greater alignment with other like services within Justice. The Justice Support Services is reviewing early work by CBOS and will progress the communication plan and relevant activities in coming months.

This is a really important point I am going to make: the draft plan will be consulted on with stakeholders to ensure a trauma-informed and effective promotion of the scheme. It has to have that trauma-informed process. It is very important that the scheme is done right, and done right from the start.

I don't believe there were any other questions. I again acknowledge all contributions. I acknowledge all stakeholders, and certainly the victim/survivors of these historical laws. I am pleased this bill improves the accessibility and operation of the expungement scheme and importantly, provides a clear pathway to redress.

Bill read the second time.

EXPUNGEMENT OF HISTORICAL OFFENCES AMENDMENT BILL 2025 (No. 51)

In Committee

Clauses 1, 2 and 3 agreed to.

Clauses 4, 5 and 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9, subclauses 19(a) and 19(b) agreed to.

Clause 9, subclauses 19(c) and 19(d) agreed to.

Clause 9, subclauses 19(e), 19(f) and 19(g) agreed to.

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12 agreed to.

Title agreed to.

Bill reported without amendment.

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

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

Motion agreed to

SUSPENSION OF SITTING

[3.26 p.m.]

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

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

This is for the continuation of a briefing regarding the residential tenancy amendment bill.

Sitting suspended from 3.26 p.m. to 4.30 p.m.

RESIDENTIAL TENANCY AMENDMENT (PETS) BILL 2025 (No. 40)

Second Reading

[4.30 p.m.]

Mr VINCENT (Prosser- Deputy Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill be now read the second time.

This bill amends the *Residential Tenancy Act 1997* in relation to the keeping of pets in rental properties. As part of its first hundred-day plan, the government committed to making amendments to the *Residential Tenancy Act* to allow renters to have pets as a right. This bill fulfils this commitment. Under the changes, tenants can apply to the owner of the property to keep one or more pets. Owners can only refuse the keeping of a pet on reasonable grounds. The grounds for determining reasonableness are set out in the bill. An owner wanting to refuse permission must apply to the Tasmanian Civil and Administrative Tribunal to endorse this refusal.

The bill provides for a permission-based model. This was a model considered and endorsed by the previous House of Assembly. If a tenant applies for permission and an owner does not respond within 14 days, they are deemed to have consented to the application, and the pet can be kept at the premises. In determining whether a refusal of permission is reasonable, the tribunal may take into account that keeping the pet would cause a nuisance on the premises; keeping a pet would cause a nuisance on an adjacent or adjoining premises or other nearby premises; keeping the pet could cause damage that is more than reasonable wear and tear to the premises. Also, keeping the pet would pose an unacceptable risk to the safety of any person. Keeping the pet would pose an unacceptable risk to the safety and welfare of the pet or another animal on the premises or other grounds the tribunal considers reasonable.

The bill also provides an avenue for an owner to withdraw consent and to seek an order of TASCAT that a pet must be removed. The bill includes a definition of pet as a domesticated animal or an animal that is dependent on a person for the provision of food or shelter, that is not an exempt animal or an ineligible animal. The term ineligible animal is defined in the bill and covers dogs over six months of age that are not registered as required under the *Dog Control Act 2000*, or cats over six months that are not microchipped as required under the *Cat Management Act 2009*. Ineligible animals are not pets under the act and tenants cannot keep ineligible animals on the premises.

Exempt animals under the bill are guide dogs and assistance animals. The bill reiterates that guide dogs are not pets. Users and trainers of guide dogs can continue to have them at their property and this aligns with the anti-discrimination obligations already in place. The bill refers to the definition of assistance animals in the *Commonwealth Disability Discrimination Act 1992*. The act defines assistance animals as:

A dog or other animal:

(a) accredited and under a law of a state or territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or

(b) accredited by an animal training organisation prescribed by the regulations for the purpose of this paragraph; or

(c) trained:

(i) to assist a person with a disability to alleviate the effect of the disability, and

(ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place.

If an owner disagrees that the animal fits the definition of assistance animal, they may apply to TASCAT and the tribunal will have the power under the amendments to make an order determining whether an animal is an assistance animal for the purpose of the residential tenancy pet provisions.

The bill does not undermine legal frameworks already in place in relation to pet or animal ownership. The provisions do not override any pre-existing legal restriction or prohibition on the tenant having the pet. These may include council bylaws, strata title bylaws or other legal provisions such as animal welfare legislation. It also should be noted that if a tenant seeks permission to keep a declared dangerous dog on the premises, an owner may refuse permission without needing an order of the tribunal.

The Residential Tenancy Act continues to provide that a tenant has an obligation to return the property to the condition it was in that at the beginning of the tenancy, other than reasonable wear than tear. Therefore, any damage caused by a pet will need to be rectified by the tenant at the end of the tenancy or otherwise the owner can make a claim against the bond. The reforms will not affect the tenant's obligation under section 53 of the act to rectify any damage caused during the tenancy, and to return the premises to a condition the premises was in at the beginning of their tenancy other than reasonable wear and tear.

In the development of this bill, the Department of Justice undertook targeted consultation with a wide range of stakeholder bodies, as well as local government. The department received 16 submissions, and these provided the invaluable perspective of a variety of sectors of our community. I thank these groups that provided the feedback on this policy. The government considers that the reforms contained in the bill balances the rights and safeties of the tenants and the interests of the owner. The amendments commence on proclamation, and I commend the bill to the House.

[4.38 p.m.]

Mr HISCUTT (Montgomery) - Mr President, I have just a brief contribution. I've struggled with this bill considerably. Like many Tasmanians, I have a pet. In fact, our first pet was a cat, and we got the cat while living in a rental. At the time, I was unaware that this was not permitted under the lease. It was only through the goodwill of our landlord that we were able to keep that pet, and I reflect on that experience often. I understand the emotional connection people have with their animals, but if the landlord had insisted, I would have understood and made other arrangements.

I'm not a landlord, I do not have any tenants, but I feel for those who do, and who may be negatively affected by this legislation. Some animals, particularly large dogs, can cause considerable damage well beyond what a standard bond might cover, and often in a very short period of time. Obviously, a lot don't, but some can. While I acknowledge that landlords already operate under significant legal constraints, I believe this bill adds further burden and, in some cases, removes their ability to reasonably manage their own property.

I have genuine concerns that if this bill is passed, we may have current rentals no longer on the market. Some will be sold, which could be good for the housing market, but some will be boarded up, with landlords appreciating the property value instead of being in the rental market. This will cause further constraint on our rental market.

To my understanding, the bill does not properly define what constitutes an allowed pet and instead relies heavily on council by-laws and other strata title by-laws to determine what is acceptable. These by-laws could vary significantly across Tasmania. What is permitted in Hobart may be restrained on the central coast. This inconsistency creates confusion on both tenants and landlords and risks uneven application of the law depending on postcode.

There is also no provision for a pet bond. While tenants remain liable for damage caused by their animals, the absence of a dedicated pet bond makes it harder for landlords to recover costs for damages that exceed normal wear and tear. This is particularly relevant for properties with carpets, gardens, or shared spaces where damage can be substantially costly to repair. Reasonable grounds will not help after the fact, and a standard bond may not cover it.

I'm glad to see that clause 36U(3) of the bill allows the tribunal to impose conditions on the keeping of pets. This is a sensible inclusion. However, I note with concern that there is no provision for the landlord to set conditions themselves unless the tenant agrees. This removes the owner's ability to proactively manage risks. For example, a landlord may wish to require the dog to be kept outside or that carpet be professionally cleaned at the end of the lease, but under this bill the tenant will get to decide that.

One aspect I find particularly concerning is the burden of appeal. Under the proposed framework, tenants need only notify the landlord of their intention to keep a pet. If the landlord objects, it is they who must initiate the appeal to the tribunal. I would like to know how this decision was arrived at. In most circumstances, if you request something and are denied, it is on you to appeal that decision. The reversal of this responsibility is, in my view, unjust. I note the member for Launceston has proposed amendments to this section and I look forward to seeing how those proceed. Even with those amendments, I remain undecided on how I cast my final vote.

I understand the intention of this legislation - to ensure Tasmanians do not have to choose between a home and the pet they love. This is a noble goal, but legislation must balance compassion with practicality. It must protect tenants, but it must also protect property owners, many of whom rely on the rental income for their livelihoods. I look forward to further contributions and debate on this matter and remain open to persuasion, but as it stands, I have serious reservations about the bill in its current form.

[4.42 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I rise to speak in measured support of the Residential Tenancy Amendment (Pets) Bill 2025. To my mind, the bill is one which looks

good on paper, but the devil will be in the details - how it is going to work, how it will work in practice. I also appreciate the briefings and the information received at the briefings. I will possibly be asking some of those questions here, so they can be recorded in *Hansard*. I am also appreciative of those members who have put some amendments for us to discuss and debate; that's a good idea.

I am in favour of a sensible approach to balancing the interests of tenants with pets and those of landlords who may have concerns about a tenant with pets. Broadly speaking, the bill manages to achieve a balance. The bill also has clauses that would benefit from further clarification and some mechanisms that may cause teething problems when the legislation is enacted.

The bill reflects legislation developed in various Australian states and overseas. Moreover, it rebalances the power dynamic between tenants and landlords to give fair and reasonable outcomes to both sides in what can be an emotive issue.

Like many of us, I'm a lifelong pet owner and I couldn't imagine my life without them. They bring a natural companionship into my home and are very much part of enriching the family dynamic. I am also lucky enough to be a homeowner, so there's no issue of having pets in my home, other than with the enthusiastic agreement of my wife.

For those who rent their home, the right to have a pet has been dependent on the landlord's permission and goodwill to the tenant and very much on a discretionary basis. In past cases, permission has on occasion been unfairly refused. In others, permission has been abused by the tenant, resulting in damage to the property that infringes on the landlord's interests and can leave them seriously out of pocket.

The bill neatly amends the *Residential Tenancy Act 1997* to give a permission-based mechanism where the tenant can apply to their landlord to keep an eligible animal as a pet. The landlord has 14 days to raise objections and refer the case to an independent tribunal for a determination, but they must be reasonable. Otherwise, tenants will have the same automatic pet-owning rights as homeowners and the ability to be able to treat our homes truly as a home.

Moreover, the legislation is clearly attempting to strike a sensible balance between conflicting rights and interest. However, I seek clarification across a few issues that may otherwise have to be determined in a tribunal hearing. In this line of thought, one must question the definition of a pet under the proposed legislation. As it stands, the bill prescribes a pet as a domesticated animal, or an animal that is dependent on a person for the provision of food or shelter, if that animal is not an exempt animal or an ineligible animal.

This is quite a broad definition. I am concerned that is not enough guidance on what can or cannot be kept as a pet. For example, does a pig, a chook, a goat or a pony fit under this definition? Would a wildlife carer looking after rescued native wildlife be covered by it? Given the experience and use in other Australian states, it would make sense to me to have some further guidance on such terms.

As an aside, when I was a kid, I used to have a pet rock in a jar of water, but that wasn't a problem. It was just a phase I was going through. It made thousands of dollars for some guy who come up with the idea. However, I go on, in this case, the limits in the definition of a pet are likely to be unknown to those Tasmanians looking to abide by the rules.

Furthermore, I'd like to put to you two examples which may highlight some other anomalies in the bill. First, imagine the scenario inside in which a tenant owns an active and energetic dog which needs an outdoor space. Which party holds the responsibility to ensure that dog is contained by suitable and secure fencing?

Of course, dog proof fencing can be a fixture of a property that may not be necessary or wanted by the landlord. Therefore, is the landlord obligated to provide a securely fenced base for their dog? Or would the landlord have reasonable grounds to refuse permission for a tenant to keep a dog in such a case?

In the past, it has been the responsibility of prospective tenants to ensure that rental property is suitable for their animal before applying for a lease and seeking a landlord's permission. In this case, does it now become a landlord's responsibility to maintain dog-proof fencing? Or is it an effective barrier for landlords to ensure that certain pets cannot be kept on their rental property and quietly turn down such a tenant in their initial application?

Moving to a second example, say the tenant has a cat and the landlord is a keen protector of local wildlife. Would conditional consent allow the landlord to reasonably require the cat in question must be enclosed and not allowed to free roam and hunt the local wildlife? In such a case, would the tenant be allowed, under this legislation, to mitigate the landlord's concern by installing an enclosed outdoor cat run? If the landlord was happy for the tenant's cat to roam and the animal in question was to cause nuisance complaints from nearby properties, could the owner of the affected property have the right to take such a case to the tribunal? Each of these questions comes with a certain ambiguity for both sides, and it would be good to see some further guidance and advice on these points, and others that may arise in the debate, to avoid the unnecessary expense and delay with the tribunal.

Would the government be able to offer an interim advisory service or provide briefings to relevant industry bodies as support for landlords, agents and their tenants as best practice to navigate the proposed system? The government, with stakeholder input, could provide best-practice notes and guidelines for the most common scenarios, information that would help all sides to reach a shared understanding of the legislation and its operation.

Other Australian states and territories have already implemented this type of legislation, and I am sure Tasmanian renters are looking forward to the passing of our version, and maybe some landlords too, as it does provide structure to what has been a bit of a muddle. I fully support this bill as a prudent method of sensibly regulating what can be conflicting interests of renters and property owners. Pets can be a central part of our wellbeing and I could not imagine my life without them.

I believe, in closing, we think of our domestic pets as being cats and dogs; today's younger person is much more adventurous in what they consider as their animal or their pet. I believe that we need to take that into consideration when we are working on this bill to ensure that people have a different approach to a little pet pig or -

Mr PRESIDENT - A ferret.

Mr GAFFNEY - Be careful with the ferrets. You have to keep your pet ferret in the cage, Mr President.

Ms Forrest - Especially near the Mersey.

Mr GAFFNEY - I think it would be interesting to make sure that we do not include anything in this legislation that could be seen to be risky.

[4.50 p.m.]
Ms O'CONNOR (Hobart) - Mr President, I understand that pigs make very good pets, just putting that out there. If only there really was such a thing as a miniature pig instead of a small pig - us being told it is a miniature pig when in fact -

Ms Forrest - Don't they still have ferret races at the , though?

Mr Gaffney - No, they had pig races. They were allowed to have the ferrets after a while, but they do.

Mr PRESIDENT - Back to the honourable member for Hobart.

Ms O'CONNOR - Thank you, Mr President. Obviously, the Greens will be supporting the Residential Tenancy Amendment (Pets) Bill of 2025. It is long-standing Greens policy to strengthen tenants' rights, and that includes the ability to have a pet in a rental property, and we acknowledge that the animals in our lives, the domestic animals who choose us or who we choose in our lives, become something like family. There's an enormous body of research to show that pets can bring very significant health benefits and mitigate loneliness, and we know in modern society one of the greatest scourges, and the most damaging to health and mental health, is loneliness. I know people who are solitary types whose dog, for example, is their best friend and a huge source of comfort and support.

For any member who's travelled to Europe, for example, you will know they have a very different approach to domestic animals in Europe. It is very common to get onto a plane and there is a woman on the plane with her dog. People take pets into restaurants, into shopping centres, onto trains, in taxis; it's regarded as normal across the very old and longstanding cultures of Europe. Here in Australia, we haven't advanced to that extent; first of all, we don't adequately recognise the sentience of animals, but we are also pretty hardline, in some ways, about pets. Our *Residential Tenancy Act* for a long time has been pretty hardline. That's why advocacy for this kind of reform has been made by Shelter Tasmania, for example; St Vincent de Paul from memory, the Salvos: community-sector organisations who are working at the frontline and understand that, yes, people are having to make choices between being able to rent a property or have a pet. If you talk to the RSPCA or the Dogs' Homes, any number of the animals that are surrendered to them are done so by people with broken hearts, who had to make a choice.

The choices here are pretty limited on an island where you have too little housing, too few affordable rentals. You can talk to young people who go and look at rental properties in and around Hobart, and they will say there were 30 or 40 people there lining up and hoping to get this rental. At the moment, the system is stacked against tenants. Landlords, the property class in this country, really do have an edge. You get capital gains tax discounts; you can negatively gear a rental property. There are no controls in Tasmania on rent increases, and because affordable rental properties are in such short supply, landlords are able to ask high

rents. As we heard from the data that's out this week, the average rental is around $495. That's just the average rental.

We also have a *Residential Tenancy Act* which has weak standards for protecting tenants. There is, for example, no standardised lease form. There are too few minimum standards to protect the rights of tenants. That's another body of work that needs to be undertaken to reform this act, because at the moment when it comes to rights, landlords' rights dominate. That's the kind of society that we've created, where the property class and the interests of capital are prioritised over poor people, effectively, people on low incomes. This amendment bill is not a substantive change to the *Residential Tenancy Act*; it's a rebalancing, if you like, to some extent, without taking away landlords' rights. It's a rebalancing of the rights a little bit more towards tenants.

I remember my when my grandfather died, my grandma in her little unit up in Brisbane was very lonely. She was a social person, but she had had polio as a kid, so her mobility was somewhat restricted. Her life absolutely changed for the better when a cockatiel called George came into it. That bird was my grandmother's whole reason to be; in fact, we thought she loved George more than she loved her grandchildren. It was so uplifting to her and so important to her, in her little unit.

I believe it's really important, always on every piece of legislation that we come across, that we check our privilege in here. I don't know if anyone here rents their primary residence - and I don't need to know - but this is probably not a concern that any member of this place would have, where a member of your family who happens to have four legs and fur might have to be surrendered in order for us to have an affordable place to live.

I think that the potential negative effects of pets can be overstated. When we first got our dog Frankie from the Dogs' Home, she spent the first year digging up the garden, but that's all she did. She didn't scratch the walls, she didn't trash things. She was just a digger. You can fix holes in the garden. It's not that difficult. I believe that in the overwhelming majority of cases, pets are not damaging to a landlord's property. If you have a good tenant who's taking care of their pet, you should be just fine.

On the issue of the matters raised by the member for Mersey, I think we should give some credit to TASCAT here. If a tenant says to their landlord, 'I have a pet pig called Gertrude, and I would like to rent your property and have Gertrude in the shed out the back,' and Gertrude is a large sow in a small property, there's reasonable tests here for TASCAT to apply when assessing whether or not Gertrude the pig is an appropriate pet to have in that rental. Those reasonable grounds are pretty clear. When the tribunal is assessing a matter that's been put to it by a landlord over a prospective refusal of a tenant's request, in 36V of this amendment bill, TASCAT applies reasonable grounds, and it may take into account the following:

> Whether keeping a pet, specified in a request made by a tenant under section 36R(2) in relation to residential premises, would have any of the following effects:
>
> (i) cause a nuisance on the premises;

Well, if someone, for example, wanted to have chickens in a closely packed suburban area, depending on what the council by-laws are that apply to livestock, TASCAT could look

at that circumstance and say, 'Look, having half-a-dozen chickens on your small city block is going to cause a nuisance on the premises in your small city rental.'

(ii) cause a nuisance on an adjacent or adjoining premises or other nearby premises;

(iii) cause damage that is more than reasonable wear and tear to the premises;

(iv) pose an unacceptable risk to the safety of any person.

I note the dangerous dog provisions within this amendment, and that's not to say that someone can't necessarily keep a dangerous dog on a rental premises, but modifications would need to be made, and the dog would need to be under the effective control of their owner, so they didn't pose a threat.

Mr Gaffney - Mr President, do you mind if I ask, because this might help -

Ms O'CONNOR - I'm always happy for an interjection.

Mr Gaffney - For example, a miniature pig can be anywhere up to 25 kilograms to 40 kilograms, which is a smaller size than a big labrador or a rottweiler. It would be interesting to see if someone who had a pet pig that was a miniature would be allowed in a unit.

The other one is to do with the chickens. As patron of the local poultry club, there are a lot of purebred chicken ranges that actually do not go outside. They're kept in small cages and confined in an area. If a person has been showing for years in their backyard and has Japanese bantams and wants to take them into the house, would that animal be allowed to be in that unit? It couldn't be heard, couldn't be seen, but would the landlord have the right to say to the landlord, 'I don't want show bantams in my back area'?

Ms O'CONNOR - Yes. Thank you for that interjection, and for the not-necessarily unlikely hypothetical scenario. Again, it comes back to what TASCAT would regard as reasonable. If a landlord has said, 'It's a small rental property, and having a pig in a small rental property is not appropriate. I would like to refuse this request,' then TASCAT has grounds to do that.

Another one of the grounds in approving the application is whether the animal would pose an unacceptable risk to the safety or welfare of a pet or another animal on the premises, and any other grounds that the tribunal considers reasonable in the circumstances. This legislation trusts that TASCAT would apply that reasonable grounds test and make an informed judgment.

It's not that we're reinventing the wheel here, because as we know, nearly every other Australian jurisdiction has some sort of framework in place, but as we were told in the briefing earlier, Western Australia, Northern Territory, Victoria and the ACT have very similar frameworks in place as the one we are debating today. That is that there is, in law, a presumption that a person would be able to have a pet on a rental premises, and that if the landlord doesn't wish for there to be an animal on that property, they need to inform the tenant,

and within 14 days - I think - after being given the request lodge an application for a determination from TASCAT.

We regard this as a rights issue, and it's important that we do protect the rights of tenants. It is a fundamental human right to have a place to call home, or shelter. It's not a fundamental human right to own property. Some of us are lucky enough to do so, but that's our privilege, and usually the result of our hard work and all of that, but it's not a fundamental human right to own property. It's certainly not a human right to own rental properties.

I have no issue with landlords per se. We own a rental property, but I rent it to my brother (for full disclosure) at a discounted rent, because he has a disability and is priced out of the rental market otherwise - but we're lucky. Anyone in here who owns their own home, or owns more than one property, is very fortunate.

I hope that this amendment bill receives similar support to what it received downstairs. I note that some members have an issue with it and are concerned about the rights of landlords, but obviously the Greens want to make sure that tenants' rights are protected and strengthened.

One of the issues that's come up as a result of this debate is the question of strata titles and people who live in medium-density apartment blocks, for example, or low-density villas, where there's a body corporate in place. I read into the *Hansard* correspondence I received from one of my constituents, who I won't name.

> Hi Cassy,
>
> I live in Hobart in a unit where currently the prevailing opinion of the strata committee is that pets are not to be allowed on the property, even in owned units. This is completely unfair in the modern world, where the number of single people in units and houses continues to increase. Pets are a vital part of maintaining good mental health and provide companionship to us single people. I'm pretty sure I don't need to continue for long, but research consistently shows that living with a pet can have significant benefits for both mental and physical health. Studies indicate that pet owners often experience lower stress levels, reduced blood pressure, and improved heart health. Interacting with animals can increase levels of oxytocin and serotonin, which promotes feelings of calm and connection. Pets also provide companionship and routine, helping to reduce loneliness and depression, especially among older adults or people living alone. Overall, the human-animal bond contributes to greater emotional wellbeing and life satisfaction.

That's just the truth. Anyone in here who has a pet and someone to come home to with four legs and fur or two legs and wings, or no fur and four trotters, knows that they contribute enormously to our emotional wellbeing.

I understand that this act doesn't deal with people who live in strata title properties, whether they're the owner-occupier or a tenant. Hopefully, this change will have another positive effect, which is educative to soften attitudes a little bit towards having pets in apartment blocks. My grandson, the whippet Sparky, lives in an apartment in East Brunswick in Melbourne, and I was there to visit him last week. That modern apartment block has a number of animals in it. It's a fantastic thing. They've created green spaces in the middle of the

apartment block, green space on the roof, and it adds to the vibrancy and the life of those apartments, and in fact that whole precinct.

I hope that this legislation is supported by the Council. It will mean a lot to tenants who've had to make this choice, and it will change lives for the better. Particularly, among Tasmanians who probably won't ever be able to dream of owning a home. We live in a state where about a third of our population is reliant in some way or another on Commonwealth benefits. There are people who are economically a long way behind the eight ball and home ownership is just a fantasy. It is not something a lot of people who are in this situation even think is ever possible. Let us make sure when they are renting their homes - and let's not forget this, a rental property is a home to the people who live there - we should be doing everything we can to respect, protect, and strengthen their rights as tenants. I do hope there's an educative effect of this bill on body corporates, for example, most of whom, in my experience, just have a blanket ban on any sort of pets down here.

I am very happy to support the bill. I look forward to the Committee stage. I can indicate at this point I won't be supporting the member for Launceston's amendments and will be supporting the member for Nelson's amendments on covenant protections. I am very glad to see this bill and very happy to support it.

[5.12 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the Deputy Leader for bringing the bill forward today and for the briefings. I will make a few remarks.

This bill is set to amend the *Residential Tenancy Act 1997* to enable tenants to apply to the owner of a property they are renting to keep one or more pets, with the owner only being able to refuse the keeping of a pet on reasonable grounds. This is a permission-based model, as the Deputy Leader mentioned. Refusal by a landlord needs to be on reasonable grounds, taking into account things like whether or not the pets will cause a nuisance on the property or any adjacent ones, damage that's more than reasonable wear and tear, safety risks, and any other grounds which TASCAT might consider reasonable in the circumstances.

We are in the midst of a housing crisis and it's harder than ever for many people to obtain a place to live, pets or not, and it's important we are in fact making it easier for people to find rentals and not harder. I am not sure if this bill will necessarily achieve that. I will foreshadow I have an amendment I will be bringing forward. However, I will say at this time it's important to recognise that renters deserve, and in fact already have, many rights, and that landlords do provide a valuable service to our community, even though they can appear to be treated less than fairly at times, especially in the media.

It is important we legislate policies that facilitate good relationships between landlords and tenants, and that tenants pay their rent on time, keep their properties clean, tidy and in good order, that landlords stump up for essential repairs and maintenance, and that a fair price for rent is charged to tenants. It is important to remember even though it's difficult for many people to buy homes, rentals will always be essential. Not everyone wants to make the decades-long commitment to a mortgage and they value the ability to flexibly move away or move back as they need to. Therefore, not micromanaging the relationships that landlords and tenants form with each other through rental agreements is in my opinion quite important.

It should be the case that landlords and tenants have the flexibility to negotiate their own terms based on the individual characteristics of a rental property and the potential tenants' needs. We should be facilitating these sorts of good relationships and not putting people off providing rental properties in the Tasmanian market. That's why I have some reservations about this bill. I am not sure if this will be the result.

I have asked several people and several different groups in real estate. I am not going to name them even though they've said I can. One email I received today - after the latest iteration of the bill - was from a lady who runs a very large rental property. She has many properties and says:

> Without even reviewing the bill in detail, my understanding is that the onus will still fall on the property owner to apply for an order if they wish to decline a pet. This, in my opinion, is one of the key issues that will continue to drive investors out of the market. Many owners simply will not accept being dictated to when it comes to decisions about pets in their own properties. Our vacancy rate has been sitting below 1 per cent for more than 18 months, which is a critically low level. We're already seeing investors exit the market due to fluctuating interest rates, increased insurance rates, land tax, and all other outgoings, and this type of legislation will only add to the pressure. (tbc 5.16)

There are some good safeguards in the bill, including defining ineligible animals, such as unregistered, un-microchipped dogs and cats, and ensuring any unreasonable wear and tear on the property is recoverable by the landlord at the end of the tenancy. This is only fair, not just for the landlord, but for any subsequent tenants who may live at the property. As the Deputy Leader mentioned, the bill seeks to achieve a balance of rights and safety of tenants, along with the interests of the owner.

I have had pets. I don't have a pet at the moment, mainly because we live on a very busy main street. In all honesty, I couldn't trust Bruce to make sure our cat or dog didn't get run over when I wasn't home. Being totally honest here, I'm sure my little cat or dog could have a little bit more free time than I would like it to have when I'm in Hobart, so, unfortunately, I don't have a pet at the moment.

Ms O'Connor - Can you text him, member, to remind him to feed and water.

Ms ARMITAGE - I wasn't worried about feeding and watering. I was more concerned that it might get out through the front fence and get run over. That was more my concern, a little bit more concerning than feeding and watering. I am sure you remember that.

I do accept how difficult it is for people with animals. At the moment, I share a granddaughter dog when it comes to visit. I read on 11 June 2024 - the bill's been around for a while - about a family who finally found a home to rent. They got a dog and, unfortunately, discovered they actually couldn't have a pet on their property. As they say, it was heartbreaking. The dog had to go somewhere else. It simply couldn't be at the home.

I can understand that, particularly with children. My grandchildren have pets. They have a dog and a cat. While I was in Western Australia recently, my son rented out a property to people with two dogs and a cat and I was a little bit taken aback, but they said, 'hey, mum, that's

fine, the property will have to be in the same condition when we get it back as when they rented it'. It is just commonplace, and Western Australia obviously has the same bill or along similar lines to us.

Another comment from the Tasmanian Residential Rental Property Owners Association: [tbc 5.19]

> The removal of this fair right from owners will be too much for some, who will instead leave their property vacant, switch to visitor accommodation or sell. And while some may celebrate the sale of an investment property, it's twice as likely this property will be sold to an owner-occupier rather than returning to the rental market.

And I accept, okay, it's still going and someone's living in it, but a lot of people can't afford to buy a property and it's taking it out of the rental market. Another comment from a business that looks after rental properties: [tbc 5.20]

> Our primary concern revolves around the lack of adequate protection for property owners' assets. The fact is pets can cause considerable damage to rental properties, far exceeding normal wear and tear. The current process for claiming damages from the bond is insufficient and claiming damages from the ongoing tenant is either unsuccessful or slow due to affordability issues. The Tenancy Commissioner frequently rules against pet damage claims unless the property owner pays for repairs upfront with no guarantee of reimbursement from the bond. This places an unfair financial burden on property owners and creates a disincentive to allow pets.
>
> Increased cost for property management: managing the implications of this legislation will inevitably increase the cost for property management services. Agents will need to raise their management fees to cover the additional workload which will be passed on to property owners. This combined with rising interest rates, insurance costs, maintenance expenses will lead to higher rents, making it even more challenging for tenants in an already-tight rental market. Ultimately, the legislation will place renters in a far worse position.

I actually got a call from from a lady who owned a rental property, and she wanted to point out to me that it's not just dogs and cats or ferrets or pigs. She mentioned rabbits and she said that she actually rented a property to a couple who had rabbits and every time they did their checks the property seemed absolutely perfectly fine. But when they moved out, they discovered that all the rugs covering the floors and all the mats were actually covering all the holes where the rabbits had chewed the carpet and there are variety of holes throughout the house, plus in the in the wardrobes where they chewed the plaster on the corners.

Ms Forrest - They should have fed it.

Ms ARMITAGE - I also contacted the Real Estate Institute because when I was speaking recently to a government minister, it was pointed out to me that the Real Estate Institute was fairly happy with the bill as it was, so I thought I would check. Michelle Tynan, Chief Executive officer of REIT, says: [tbc 5.23]

> The Real Estate Institute of Tasmania (REIT) supports Rosemary Armitage's amendment to the pets in rentals bill, as it seeks to strike a fair balance between tenants' rights and landlords' ability to manage their properties responsibly. The amendment acknowledges the emotional and social benefits of pet ownership while maintaining reasonable safeguards for property owners. REIT believes this practical approach fosters greater cooperation and mutual respect between tenants and landlords.
>
> Equally important, however, is the scheduled 2026 review of the *Residential Tenancy Act 1997*, which provides an essential opportunity to assess how these changes function in practice. This review will ensure that emerging challenges, including those arising from pet-friendly policy settings, are properly addressed within a comprehensive framework that supports both property investment and housing affordability and accessibility as the national housing crisis worsens. Together, these initiatives aim to create a more balanced and sustainable rental market across Tasmania. [TBC]

I will mention, Mr President, that prior to the last election, when this bill had gone through the lower House, I had my amendment drafted and met with a representative from the government to see if they would support my amendment. Surprise, surprise, they said they absolutely would, and asked me if I'd go further with my amendments. Of course, at the time I told them no - it was my amendment, and if they wanted to do more, they could do more themselves. However, following the election, and with no significant changes to the bill - or none that affect my amendment - the government has had a backflip and no longer supports my amendments. I'm not going to guess why, but I'm very surprised that all of a sudden, an amendment they thought was absolutely fantastic, and 'could I do a little bit more', is out the window and not supported by the government.

It's probably just as easy to mention what my amendment is about, then I won't have to do it when it actually comes. My amendment, I believe, strikes a fairer balance between the rights of tenants and their pets and landlords. We need to be careful with this bill to ensure that it does not have the effect of landlords exiting the rental market and placing further pressure on an already volatile and hostile rental market. It's already difficult enough for people to get rentals. I know everybody has people coming into their offices with difficulty trying to find a rental property. I'm quite sure that having a pet would make an already difficult situation even harder.

My amendment seeks to relieve part of the burden placed on landlords under this act to place the onus on a tenant to seek orders from the tribunal in the case of refusal, rather than the landlord in the case of a deemed approval. This is modelled on the South Australian *Residential Tenancies Act 1995* which, under section 66E, states that if a tenant receives a notice refusing their application the tenant may apply to the tribunal for an order, which may involve the tribunal:

- confirming the refusal of approval to keep a pet,
- varying or revoking a condition of an approval for keeping a pet,
- permitting a pet to stay on the premises, or
- any such ancillary or other orders which the tribunal considers appropriate.

Similarly, my amendment permits and places the onus on a tenant in the case of refusal to apply to the tribunal for orders in the case that a landlord seeks to withdraw consent or in the case of a pet being on premises, in relation to which no consent has been given and which may not be kept on those premises.

This, I believe, empowers landlords a bit more in the case of a bill which seeks to quite significantly change the rights of landlords and tenants. It doesn't affect the factors taken into consideration about reasonable grounds for refusal, nor what the tribunal can and can't take into account. It simply ensures that landlords aren't saddled with too many additional burdens when we're already asking them to make additional accommodations under this bill.

I understand that, to many people, their pets are family - mine have always been family - and that pets and pet owners deserve homes. We are already operating in a rental market with oversaturated demand. While I understand this policy seeks to give people with pets more renting options, we don't want it to have the opposite, unintended effect of having fewer rental properties on the market as a result.

It's worth remembering that landlords take on significant risk and liabilities when they purchase properties to rent out, filling an important need, and I want to make sure that they still have some say over who and what resides in their properties.

I should mention that I have no conflict of interest. I don't rent property and I don't have a rental property, so it certainly doesn't benefit me one way or the other. I am really concerned that people may leave the rental market, and it will make the situation even worse for those people, particularly people with pets. I accept that. As I said, pets are like family, and I know from the past when I have had little dogs, they're like children. In fact, they probably behave better than your children. They're always happy to see you, they don't complain, and they don't ask for money, so there's certainly a benefit to having pets.

The only other question I have - and it was mentioned today in the briefing - is about TASCAT and the time lines for TASCAT; how long it may take for a decision. If someone does ask for a pet to be in a home, what happens with that pet in the meantime? I believe that's a consideration. If someone has a rental property and the owner has said no, the owner, under this bill, applies to TASCAT. Obviously, the animal can't be at the home, I assume, while the decision's being made. There could be quite a cost to having the animal in a cattery or a home for a dog. Some of those places are quite expensive. It might be very difficult for someone, if they can move into the home with their children and they have nowhere for their animal to go.

It's certainly a question that needs asking - what happens in the meantime? You can't expect the landowner to pay for the animal to be boarded. There's no guarantee that the tenant can afford for the animal to be boarded either. Depending on how long TASCAT can take, and I understand from the briefings today that they will be dealing with things fairly quickly, but we actually don't know, because it's untested water. I'm sure they have plenty of other things that they do.

I also wonder about resources - whether we'll be further resourcing TASCAT for the extra work they'll be doing so there aren't any great delays. I'm sure there are members here who have their cats or dogs go into boarding and would be aware of the costs, but I assume it's a reasonable amount to leave your pet somewhere. I wonder what is going to happen in that

interim, if it's a couple of weeks. The time line would be really interesting to know, too - how long it takes. Someone would have to apply to TASCAT, by the time you apply, it goes through the process with TASCAT, they get back to you - it could quite easily take two to three weeks, even a month. That's a considerable period if someone's actually able to move into the home but then has no answer about their pet.

They are a few questions I have. I will likely support the bill regardless, because I think it is really important. I support people with pets. I understand that they are like family. I still believe we need to be letting the owners feel that they have a bit of power back. They have purchased the home; it is their property. It might have been their home in the past that they're now renting out. While we do tend to give a lot to the renters, I feel we need to give a little power back to owners.

My amendment isn't a big amendment. It's simply changing the appeal rights from the owner to the renter, which I don't think is a huge change. However, my understanding is, from REIT and also from the other groups I've spoken to that work with rental properties, that it might be enough for some people to keep their rental properties rather than decide to turn them into Airbnbs or sell them, which I believe, in this difficult market, would be terrible for people who are looking for properties.

[5.32 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, for full disclosure, I do have a rental property. I rent to my daughter, who needs her mum to subsidise her in some way. Yes, she does have a pet, called Kevin D. We have a little Jack Russell, Kevvie. He receives a Christmas gift as well, so he's certainly part of our family. I want to make a full disclosure around that. Like the member for Launceston, I have some questions around the actual implementation of this, but I won't be voting against the principle of it. How could I, when I already have a pet in my rental property, but effectively, that's my daughter's home. She certainly makes it her home, and so she should.

I made some contact with a local real estate agent in Scottsdale and they came back with some interesting feedback, some a little bit surprising, saying that they have no issue or problem with the new pets in rental properties bill. The agent suggested that more often than not humans cause more damage than pets; I found that somewhat interesting. When it comes to pet bonds, they felt that they're insufficient as there's not enough bond that can be held, and we don't have pet bonds in Tasmania.

There is obviously an opportunity to take out insurance for pet damage, and I did a little bit of research. The insurance that you can take out usually pays up to around a maximum of about $30,000, but the average cost of a comprehensive pet insurance policy can range from $828 right through to $1560 per annum. It's not an inexpensive exercise to take out that type of insurance, but it is not readily available either. For those landlords who are making a decision about whether they do want to go down that path of trying to protect their property with insurance, that may well be a bit of a barrier.

Ms Armitage - Through you, Mr President, I imagine there would be an excess.

Ms RATTRAY - Well, there is on every other insurance policy, and of course the more excess, you can sometimes reduce the premium, but the other way round, the premium gets higher when the excess is lower. I know a lot of people use our local insurer RACT because

it's a Tasmanian insurance company, and we don't always see a lot of Tasmanian insurance companies in this state. They don't have pets in rentals insurance. They only have basic landlord insurance. It's quite a mix really, and whether people are able to source that type of rental insurance.

I want to put on the record the reason why I chose not to take the bill, and acknowledge the Deputy Leader's role in this today. I made some commitments prior to this role, and I wanted to honour those commitments. One was to the member for Launceston to support her amendment, which I think is fair and reasonable.

The other one was to a person who reached out to me when this was first put forward publicly as something that the Liberal government was going to proceed with. I want to share this person's comments with members because I made that commitment at the time. I said, 'Thank you, send it through and I will make sure that it gets on the public record.' I certainly support a lot of what the honourable member for Launceston said in regard to there being two different schools of thought when it comes to having pets in rentals. The person shared with me that they have a rental property in Lenah Valley and they have rented this since 2006. The property has usually been rented out at below market rent, taking into account the financial circumstances of tenants. I think that's pretty admirable. It goes on to say, 'My philosophy is that if the tenants do right by me, I will do right by them.' I think that's a reasonable approach.

Repairs and upgrades have been actioned in a timely manner without debate, and a long-term tenant recently left after six years of occupancy, fleeing domestic violence with a child, and had a dog and a cat. 'I had allowed her into the property without a bond as she did not have funds available for that.' A pretty decent person, and the tenant had always paid the rent on time. However, the impact of pet damage was considerable. Windowsills were permanently damaged and new carpets and blinds had to be installed, costing $8000. Windowsills were also varnished at a cost of $800:

> I can't do that every time a tenant comes and goes. It's not only the cost, but it's the time in terms of getting the property tenant-ready again. If pets are allowed in without the consent of landlords, the number of rentals available in the rental market will decrease and rents will go up.

This is a view from someone who's been in the rental market since 2006, who goes on to say that they will be looking at alternative options, and suggests that you think carefully about the consequences of allowing pets in rentals. A pet bond may be helpful, but it's unlikely to be enough to persuade most landlords. I acknowledge that I did receive that quite some time ago. I think we need to put both sides of the situation on the public record before we make a decision about whether to proceed with this.

Interestingly, in one of the pieces of feedback that I received from the local real estate in the town where I have my office, it said, 'It all comes back to putting the right tenant in the right rental property.' The people who run the rental market, if you like, would certainly be looking, they would possibly have had their rental property on their books for some time, or if it's a new property going into the rental market, they would have some idea of whether there was much flexibility on whether they're prepared to have pets in rentals.

They would make that judgment, I expect, around whether it's a small dog or a person in a unit. The member for Hobart talked about her nan with her cockatiel. When it comes to pigs

in rentals, the most famous pig is Priscilla at the Pyengana Pub, but she lives outside and drinks beer, as we know. I think it's about the 30th iteration of Priscilla. I don't think she would be still drinking all that beer and still be well. Priscilla, the beer-drinking pig, is very famous in our neck of the woods.

Ms Webb - If it's the 30th iteration, I'm worried whether it's the beer.

Ms RATTRAY - I'm not sure. She certainly draws a bit of an attraction when people visit the Pyengana pub.

Ms Thomas - I'm sure she drinks in moderation.

Ms RATTRAY - I'm sure she does, responsible serving of alcohol, absolutely.

I was also keen to understand the timeframes around TASCAT dealing with the application. It was suggested in the briefing that TASCAT would probably, or likely, indicate at the time of lodgement whether it was likely to be successful or unsuccessful. Now, I'm not sure whether that's exactly what was presented to us. I wrote that down at the time, so if the Deputy Leader can just confirm, because it's important that we have some idea of what length of time that it might take for a decision to be made. Obviously, if it is at the time of lodgement, then that's a terrific process, but if it takes longer - and the member for Launceston gave an example of a pet having to go into a boarding kennel or whatever might be likely for, or he might have to go and stay with friends or family or something. Well, then people need to know what that might look like. I am interested in that.

I certainly will be interested in any feedback that the Deputy Leader can provide on strata titles and body corporate. I know it's not covered in this, but how is that going to be dealt with in the future when people see this legislation and they think, I should be able to have my pet now. How is that going to to be managed?

I have a query on the short stay rental market. Some short stays are six months short stay. It's not really a short stay, but people moving into an area for a work commitment might take on a three-month arrangement. Not just two nights or six nights. What are the rules and how is this going to apply to the short stay rental market?

I want to indicate to both members who have proposed amendments that yes, I've had given the member for Launceston a previous commitment and I'm going to stand by that. I am going to support hers and also to support the member for Nelson's amendments. They are very reasonable in that context.

Everybody else has covered most of what needs to be said in regard to this. It is interesting in some respects the government has chosen the owner applies for the application through TASCAT as has WA, ACT, NT and Victoria and yet, the tenant applying, which is under the member for Launceston's amendment was SA, Queensland and NSW. Almost equal, there's not a lot of difference.

The government made a decision on what policy they were willing to progress and that's where we are today. This house will do its work, as it always does to make the best possible. I am not going to vote against the bill. It is what it is and people do have a strong attachment

to pets, and you would always hope they would consider the property they are calling home and treat it with respect.

It was interesting my local real estate company said often humans cause more damage than pets. I again want to thank that particular person who has a rental property in Lenah Valley that reached out. They are reasonable concerns, and we must always consider both sides of the debate.

[5.46 p.m.]

Ms THOMAS (Elwick) - Mr President, I wasn't planning to speak on the bill, but I've really appreciated the debate and the contributions from other members. I had some thoughts popping into my mind as I've heard the contributions and would like to put my view on the record as this is an important debate. I, too, from the outset declare, as my parliamentary disclosure will show, that I own rental properties together with my husband. As the member for Hobart mentioned, people work hard and make choices about how they spend their money. Hopefully that will mean we are self-reliant as we retire in the future. Also, hopefully it means we help by providing homes for people.

I like to think and hope we are relatively good landlords. We have been really fortunate in that we've had very good tenants, some who have had pets and who we've had no issue with in that regard.

I'm very supportive of the intent of this bill and, as I always do, come back to what problem are we trying to solve with this legislation. The problem is that it can be difficult for renters with pets to secure housing and, further, we know that people's wellbeing can be boosted by having pets. They can also sometimes cause us stress, can't they member for Rumney, as we've been discussing over the last couple of days. I acknowledge that pets provide an important source of company, comfort, and safety and security for people, particularly people living alone. I know in my electorate there are a lot of single-person households and pets are really an important source of company for people. In fact, 36 per cent of people in the Glenorchy Local Government Area are renters, which is 10 per cent higher than the Tasmanian average and 6 per cent higher than the national average.

I acknowledge, as I've alluded to, that most tenants, and most owners do the right thing. Most tenants, in my experience, treat rental properties as if they were their own. A lot of people won't have the privilege, as the member for Hobart referred to it, to own your own home or be able to secure a mortgage to purchase a property. We especially now see the stress and how difficult it is, particularly for younger people, to enter the home ownership market. Many people who rent do rent long term and do treat properties as if they were their own homes. I want to put that on the record.

We don't tend to legislate in this place for exception, so I found it interesting through the the debate to hear people talk about different types of animals. That may well be the case that someone may apply for an animal other than a cat or a dog or a bird or things that we commonly see people choose as domestic pets. That will be the exception rather than the norm. As legislators, absolutely, we must turn our mind to what could occur here and what could the challenges be facing people impacted by this legislation. Most of the time when people are requesting pets in rentals, it is going to be those common domestic pets - cats, dogs and birds.

I did turn my mind to the amendments proposed and, initially, I did think my concern was with the administrative burden of the process for owners in needing to apply to TASCAT, rather than the onus being on the tenants. I come back to the policy intent here, which is to allow tenants to have pets as a right. It would perhaps be contradictory to that policy intent of the legislation to flip the onus of burden back to tenants. That's where my mind is sitting at the moment. I will continue to listen to the debate. Of course, should we go into Committee stage, the debate at the time of the amendment being tabled. That is where my mind is sitting now, coming back to the intent of the policy here.

I feel bricks, mortar, carpet and curtains are all replaceable, but wellbeing and company are harder to come by and really that's what we're talking about here. Most property owners make long-term gains from holding property and owning rentals. Any damage from pets or otherwise is really the risk people who own investment properties take when they take them on. They can all be mitigated and managed through insurance and other measures. I come back to the the intent of the policy which I fully support, given the benefits that pets can bring to people's lives.

One of the other things, though, that did cross my mind was the burden on property managers who do a great job. Shout out to property managers across the state because they work hard and often end up providing all sorts of support to both tenants and landlords. It can be quite a complex job being a property manager, and this will impact on them because they will be, in some ways, the first port of call here when it comes through the application process, which they already are. When it comes to tenants' requests to owners, they won't be going directly to owners. I recognise they'll be going through property managers and then that's a conversation property managers have to have. I hope there will be some support and education provided for property managers, and that the government will support that, through the REIT, to be able to empower them to be able to assist with the change that's proposed here. Most owners and most tenants do the right thing, so I am fully supportive of the intent of this legislation, and I look forward to seeing it progress.

[5.53 p.m.]

Ms WEBB (Nelson) - Mr President, I have some relatively brief remarks on this bill. I'm rising to support the bill. It is certainly an interesting situation. I'm probably the person in the Chamber who is most comprehensively affected by this bill, as I am a renter who has pets and had to seek permission to have them. I'm also a landlord who has provided permission for my tenants to have pets.

Mr PRESIDENT - Perfect balance.

Ms WEBB - Indeed. Fundamentally, though, regardless of my personal circumstances, which really aren't relevant to the principles of this, I support the principle that tenants should have a right to have pets as the default position. There should be reasonable circumstances under which that might be deemed to be unsuitable in certain properties and certain pets and certain circumstances. I believe the bill largely does well with that balance, and to ensure that the eventualities that might need to be considered can be, so that nobody is unduly disadvantaged or impinged upon by what's in this bill.

We are certainly coming to this later than we should have, given where other jurisdictions are up to. We're coming to this at a time where we should have done a comprehensive review of our residential tenancy act far earlier than now. I know it's theoretically coming up, and to

begin and be done next year, but that's far too late. I was in the community sector the last time we did some substantial review and work on the *Residential Tenancy Act 1997*. At that time, we did make some good progress on a few issues, and many things were just kicked down the road. Here we are, probably more than 10 years later, I would think, still waiting for another comprehensive review of the act.

It would be good to have a range of other matters in that act addressed, which I believe are actively required to assist with the dire situation of our private rental market at the moment. It's a case of utter market failure to have a vacancy rate of well under 1 per cent. That is catastrophic market failure. In any discussion we are having about rights of tenants or rights of landlords, and what that power balance looks like, in the context of catastrophic failure of the market it is incredibly difficult to fully realise the rights of tenants, full stop. It doesn't matter what we have on paper and in statute, like this bill. It doesn't matter what we have on other aspects of tenants' rights on paper right now. In practice, in the context of catastrophic market failure, those rights cannot be protected and asserted. It's as simple as that.

While of course I support this bill and want to see it put in place, I believe that in practice, because of that context of an utter market failure, it's not going to help tenants too much right now, because of the level of competition with a vacancy rate under 1 per cent. We have so much work to do when we comprehensively review the *Residential Tenancy Act 1997* next year. I know the minister, I believe, will genuinely be interested in engaging on that work. There are some hard choices that need to be made if we want to make genuine progress. Thus far, under other ministers of this government, there has been absolutely no appetite for that. I'm genuinely optimistic and hopeful that this minister may have an appetite to engage genuinely on some of these things that will make tangible difference, to put us in a different setting than we are now. When I say that, I'm talking about things that are not just related to what's in our *Residential Tenancy Act 1997*, but what we do about things like short stay and what we do about things that are utterly eroding our private rental market.

Back to this bill: I know we're getting to the end of our day, and I don't want to take too long. I'm not going to go into blow-by-blow commentary on the matters in the bill, other than to say that I think it provides a very good list of grounds for reasonable refusal. I have an amendment in that space that I believe does pick up on an issue that has been raised with me that has come up in other jurisdictions. That's why I'm looking to pop it into our bill as a way to ensure there's clarity for people around the matter of nature conservation -

Ms O'Connor - Covenants.

Ms WEBB - Covenants - that is the word I was looking for. Thank you, member for Hobart. I'm hopeful, similarly, to the member for Launceston. I thought I'd made good progress with the government previously when we were thinking about this in the last parliament, that there was a receptivity there. It may be there's not so much a receptivity there, but I don't believe it contravenes the government's intent with this bill. I believe, if anything, the government thinks it's already covered, but I hope we can discuss it briefly, if and when we reach that stage of Committee, and members will consider my amendment as being clarifying and not obstructive.

I will add my thoughts, as others have done, on the importance of this from the perspective of quality of life for members of our community who are renters in the private rental market. There are 49,000 Tasmanian households in our private rental market, we were

informed at the briefing today. That's how many active rental bonds there are in our system. That's a lot of households, and the difference now is that while in the past for many people renting would be a phase of their housing tenure across a lifespan - people would rent as young people coming into early adulthood while they prepared to buy - that is less and less the common situation for members of our community. What we are facing now is whole generations of people coming behind us - all of us in this place - whole generations coming through who are facing what looks like a lifetime of rental.

Certainly, I've had conversations in my household with younger members of the household who face the fact that they won't be able to buy a house, or even think about buying a house, until we die, as parents, and leave something to them. That's a shocking situation. It's not an equitable community. It's a community based on inherited wealth in our enabling secure accommodation in terms of ownership of property, and that's awful.

That's not only the responsibility of a state government; there's a whole ecosystem of housing policy across every level of government that is needed to address that. In that context when we talk about what we're doing to promote tenants' rights and ensure that people who are renting can have a full quality of life in the same way homeowners can have, the matter of pets is a really significant one. It's no small thing to have a member of your family who is a furry one - a dog or a cat, or hopefully not a ferret but possibly a ferret, guinea pigs, fish, birds, whatever they might be, pets are really special. They do add to our life. They're important companions at a time that loneliness is a significant issue in our community. They can provide a great deal of security and safety for people who are vulnerable in our community as well. Quite frankly, I endorse the fact that we have a right to have pets. I'm pleased that this bill is going to be, at least on paper, helping to secure that right more broadly in our community.

One question I did have, and I've probably answered it for myself, but let's get it into the summing up so we can have it for clarity on the record. The bill comes into effect on proclamation. I presume that's for the benefit of either creating regs that need to sit under it or systems that need to be put in place for how applications are made and paperwork and that sort of thing. Maybe the government might like to take the opportunity to clarify why it's proclamation rather than Royal Assent. With that, I will just say I support the bill.

[6.03 p.m.]

Mr VINCENT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I appreciate the debate. Having had quite a few years as mayor, I know the most passionate subject ever talked about was dogs on beaches or anything to do with pets in the community. I think that's the same all round for all of us who have been involved with local government. It's nice to see the passion for pets. I probably also should declare that I have very loose rental agreements with family - a son, daughter and mother - the bank of dad - and my son doesn't get any rental, but two dogs are involved in two of those premises.

Ms Rattray - Do they get Christmas gifts, like mine?

Mr VINCENT - I don't believe so.

Ms Rattray - You need to lift your game, then.

Mr VINCENT - I would like to think that I'm Jan's pet, so I do have involvement in my home too.

Ms Rattray - That's nicer than what the member for Launceston says about her husband.

Mr VINCENT - Yes. I am very worried about the member for Launceston.

Mr Gaffney - We all are. Poor old Bruce.

Mr VINCENT - This legislation does not take care of Bruce or anything like that. The debate has been good and solid, with a lot of questions about the complexities of this. I could see where a lot of things in the bill actually do cover questions. I will just go through a lot of those questions and see if I can explain that to everybody.

First, the government appreciates the member for Launceston's contribution and proposed amendments. However, reversing the onus so that the tenants, rather than the owners, are required to apply to TASCAT will likely discourage tenants from seeking permission and undermine the bill's intent. The government is satisfied that the bill, as it stands, delivers on a mandate provided by the Tasmanian people in two successive elections. This bill delivers on the policy intent: renters shouldn't have to choose between having a place to live and a pet they love. From my own position, I would think that I would much rather be the applicant than the defendant, to have some control over that situation for the owner.

For the member for Nelson, the government doesn't believe this amendment is required, because such matters could already be considered reasonable grounds to refuse a pet under clause 36V(b): 'any other grounds that the Tribunal considers reasonable in the circumstances.' [checked]

In response to the comment from the member for Montgomery Mr Hiscutt, about the conditions for keeping a pet, I reiterate that there is the capacity under the bill for an owner and a tenant to negotiate conditions on the keeping of a pet. If the tenant does not agree to that condition, the owner can apply to TASCAT, refusing permission and identifying that without such a condition being in place, the keeping of that pet would be unreasonable. TASCAT then has the capacity to make a range of orders, including allowing the pet with that specific condition included. Also in relation to will there be a bubble of applicants; we don't expect there will be issues with this. It is important to note that a pet cannot come into the property until TASCAT rules on the application from the landlord.

In relation to a question from the member for McIntyre about the time frame for TASCAT to process, this will occur in TASCAT's normal processes. We expect most disputes will be mediated. I thank Ms Rattray for her comments in relation to the quantum of the bond. The government recognises that the current situation on security deposit or bond is four weeks' rent. This is not a insignificant amount for a tenant to make available at the start of the tenancy. The government does not consider it would be in the public interest to enable any increased amount to be payable.

Another one for the member for Nelson: the bill commences on proclamation to ensure that the industry and the general public can be advised of the commencement of the provisions ahead of time. This will also enable CBOS to prepare approved forms and also prepare TASCAT for the commencement of its new role under the legislation.

In relation to the management of applications by TASCAT, we envisage that there will be a mediation function and that the vast majority of matters will not require a hearing. This bill only applies to rental accommodation that falls under the *Residential Tenancy Act 1997*. This act does not cover short-stay accommodation, holiday accommodation, or motels and hotels. As a general rule of thumb, the RTA does not apply for rental agreements of less than three months.

The government fully supports the member for Launceston, Ms Armitage's comment that we should encourage constructive relationships between owners and tenants; this goes without saying. The bill establishes a clear and transparent process, including legislative parameters, for what is a reasonable reason to refuse consent to a pet.

The government is not of the view that this bill will lead to a reduction in rentals available. The demand in real estate industry indicates that even if some investors choose to invest in non-real estate investments, there is adequate demand for such properties either by investors or owner-occupiers. The government does not consider that the amendments proposed by Ms Armitage would fulfil the government's commitment to pets as a right for tenants.

TASCAT and timelines for TASCAT: what happens to the pet in the meantime? Under this bill, the pet cannot be kept on the premises while TASCAT is considering the application. There is no obligation on the property owner in relation to boarding or costs. This is a new jurisdiction for TASCAT; therefore no comment can be made on the time frame for consideration of these applications. There is no legislated timeframe under the bill.

The bill will also not affect existing bylaws under strata title arrangements. If a strata body corporate does not permit pets for residents, this bill will not alter restrictions on tenants. It is noted that owner-occupiers of a strata title property would also not be entitled to keep a pet in that situation. To the member for Hobart, a tenant must comply with a strata title body, just as an owner-occupier must.

To the member for Mersey, in response to Mr Gaffney's comments on the definition of 'pet' under the bill: there is obviously a lot of passion in this part of it, but the definition of 'pet' has been kept very broad. This enables this process to be useful in the broadest range of scenarios. However, pets being exotic, high-maintenance or disruptive can be considered by TASCAT when considering reasonableness. A properly-housed ferret may well be a more appropriate and easy pet for certain properties than more conventional cats and dogs. Congratulations, Mr President, your comments have been adhered to.

Mr PRESIDENT - Thank you.

Mr VINCENT - The government has sought to recognise in this bill that the variety of tenants, properties and pets warrants a flexible bill that can adapt to this diversity. In response to Mr Gaffney's question about dogs and fencing: there is no additional requirement for the owner to construct fencing once a tenant is enabled to have a pet. However, there is an existing requirement that an owner maintain a property at the standard and amenities that exist at the commencement of the tenancy. Therefore, it would not be in accordance with the current act to remove existing fencing during the course of a tenancy, simply because the existing tenant applies to keep a pet on that property.

TASCAT has significant discretion under the bill to assess reasonableness, considering the nature of the pet, both the species and breed, but also the specific animal. The nature of the property, for example, is there insufficient space or fencing? Are there concerns about the local wildlife? Will there be an impact on other people on on the property or neighbours? The government supports free applications to TASCAT for landlords for the first 12 months of the operation.

For the member of Elwick, there are quite a few here that had come through earlier, plus some additions. In relation to property managers, the government shares the sentiment that property managers have a large role. The role of consumer building and occupational services includes providing information advice in relation to residential tenancy matters.

This area will therefore continue to support tenants, owners and property managers in compliance with the act. CBOSS will collaborate with the REIT to roll out an education program for property managers and will also collaborate with the Tenants Union to ensure comprehensive information is available for tenants.

In relation to keep any type of animal as a pet: does the bill allow for tenants to keep any type of animal? No, proposed section 36Q limits pets to domestic animals and animals that are dependent on a person for provision of food and shelter, as we talked about before.

Section 36R says a tenant may keep one or more pets. How many is more? Heard that in many walks of life, but in relation to the pets, the bill includes the ability to apply to keep one or more pets to reflect that some people may have more than one pet. It would be illogical and burdensome to require a person to complete separate applications for each. However, the owner can consider and potentially consent or refuse consent, any or all of the applied pets. TASCAT can also make different orders in relation to various pets in an application.

Example here, if we live on the site and rent out a self-contained unit, will we have to accept pets? The bill requires landlords to make their objection through TASCAT, which will consider whether refusing consent or reasonably given the living arrangements. The process ensures transparency and protects both parties from unfair outcomes.

Again, the specific nature of the property as well as the specific nature of the tenancy and the pets in question will be considered in determining what route is reasonable in the circumstances. However, if a self-contained unit is rented out on an ongoing basis, it will most likely fall under the *Residential Tenancy Act 1997*, and this act creates rights and obligations for both tenants and owners in relation to a variety of matters.

The relation to analogy free and child friendly property, can we refuse pets to maintain this standard? The answer is you are able to refuse consent and refusal must be approved by TASCAT and the owner can apply to TASCAT that refusal in is reasonable and appropriate due to certain relevant factors about the property such as the nature of the furniture, furnishings, the proximity to the main residence and desire to advertise as an allergen free home TASCAT is able to then consider an application on its merits.

Can landlords increase the rent and bond? We touched on that a little bit before, but there's no additional bond or pet rent is allowed. No additional bond is allowed under the bill.

Will the definition of 'reasonable wear and tear' change? Under section 53 of the *Residential Tenancy Act 1997* a tenant is obliged to return the premise to the same condition that it was in the beginning of the tenancy, apart from reasonable wear and tear. If deterioration is or would be caused to the premises due to the act of the tenant that is within within their control, including by pets, then this would be unreasonable damage.

What about pets using vegetable gardens and lawns as toilets? Landlords may apply to the Tasmanian Civil and Administrative Tribunal for permission to refuse and the tribunal will assess whether the refusal is reasonable considering the nature of the garden and the potential risk. There is capacity under the bill for an owner to suggest conditions in relation to the keeping of the pet. There is also capacity for TASCAT to put conditions on an order allowing a pet to be kept. Such conditions could include, but are not limited to, that certain animals be kept inside or within a cage, tank enclosure, or that certain animals be kept outside. Again, it would depend on the circumstances and of the specific tenancy.

There are a few more to go. Experience odour and hygiene issues. In short stay accommodation, how will this be addressed? *The Residential Tenancy Act* does not apply to short stay accommodation such as Airbnb and tourist stays. The TASCAT process only applies to long-term tenancies regulated under the act.

Will landlords have to apply for an exemption every time a tenant requires a pet? The answer to that is yes.

We live in the same house as our tenants. Will we have to tolerate noise and odour from their pets? The answer is if a pet would cause a nuisance, an unreasonable interference with the peace, comfort and privacy of an owner living on site, the landlord may apply to TASCAT for permission to refuse consent. The tribunal can uphold a refusal on these grounds and may also set conditions, that is, pet containment and limits on size or number.

Is there a limit to the size and type of pet? That has been a question that's come up regularly during this afternoon's discussion. Not specifically under the bill, noting that large and numerous pets may be very reasonable on an acreage or rural rental property. However, an owner may object to animals they consider large or unsuitable in the circumstances - large dogs in small units - and apply to TASCAT for confirmation that refusal is reasonable.

Food hygiene issues or pests attracted by pet food: landlords may negotiate conditions with a tenant to require safe storage of pet food, cleanliness, and waste management. If these conditions are breached, the landlord may later apply to vary or terminate the pet's approval through the tribunal process.

Could this bill reduce the number of available rental properties? We've touched on that before and it's not expected to.

Have other states implemented similar laws and are they working? Yes, all other jurisdictions have introduced pet-friendly tenancy laws in Victoria, Western Australia, and Queensland. Landlords must also apply for their equivalent tribunal to refuse a pet. Data from these states show that over 90 per cent of applications are resolved without conflict. That is very important. TASCAT will perform the same role in Tasmania.

What will the pet application process look like? Tenants will submit a written request describing the pet's breed, size and living arrangements. Landlords will then have 14 days to either consent or apply to TASCAT for refusal. If no application is made in that period, consent is deemed granted and this ensures clear timeframes and certainty for both parties. If an owner has refused the consent and has applied to TASCAT, the pet or pets cannot be kept on the property until TASCAT has considered the matter and indicates that is reasonable for them to be kept.

What will it cost to apply? For the first 12 months, the government is happy for that to be free.

Can all landlords charge a pet rent or an ongoing fee? No, the bill does not allow for a recurring pet rent. Owners can claim on the bond for any damages.

Is the bill an invasion of privacy for owner-occupiers renting part of their home? We do not believe so. Again, it is noted that the *Residential Tenancy Act 1997* does not apply to short-term stay or holiday accommodation. If a person is renting out part of the property, such as a freestanding unit, on an ongoing basis, the tenant has certain rights under the *Residential Tenancy Act 1997*, and this includes the tenant's privacy and quiet enjoyment.

Can the owner-occupied premises be completely exempt from the bill? No, is the answer to that. Again, it is noted that the *Residential Tenancy Act 1997* does not apply to short stay or holiday accommodation. If a person is renting out part of their property, such as a freestanding unit, on an ongoing basis, the tenant has certain rights under the residential tenancy act.

With that, I hope that I have covered many of the questions that have been asked asked in today's debate. Mr President, I commend the bill to the House.

Bill read the second time.

RESIDENTIAL TENANCY AMENDMENT (PETS) BILL 2025 (No. 40)

In Committee

Clauses 1 agreed to.

Clause 2
Commencement

Ms RATTRAY - Chair, you may send me elsewhere. I will ask it here and if it is somewhere else then please direct me there.

In regard to the management of the transition arrangements for this, obviously the act commences on the day or days to be proclaimed, and there's quite a bit of work to be done in relation to implementing this. I'm interested in what is planned for that and is there some timeframe for us, or for the community, to get an understanding of when it will commence, proper? Also, will the real estate industry also be involved in having some understanding? They will be the ones seeing potential tenants and tenants that are already in properties more

regularly than anybody else, including TASCAT. Just a couple of questions around those transition arrangements, if I might.

CHAIR - I will allow it.

Mr VINCENT - Madam Chair, I will seek some advice.

We expect it will be about eight weeks for the proclamation, and the Real Estate Institute of Tasmania will be consulted as part of preparing for that to happen.

Ms Rattray - What about the community?

Mr VINCENT - The community would be part of that process. My belief would be that if the Real Estate Institute of Tasmania was accepting of the timeline, the community would be in that position too.

Ms RATTRAY - Thank you.

Clause 2 agreed to.

Clauses 3 and 4 agree to.

CHAIR - Before I ask the clerk to call clause 5, we will take the subclauses one at a time. We will deal with the amendments as we go through the subclauses and I will put the question at the end about the clause as amended or not. Are the members clear on that?

Clause 5 - 36Q agreed to.

Clause 5 - 36R agreed to.

Ms ARMITAGE - Madam Chair, it's just that mine said 36V. I will just do the first amendment. I can read the Chamber and I certainly don't want to waste anyone's time.

First amendment

Page 15, proposed new Part 3C, section 36.

Members interjecting

Ms ARMITAGE - I'm sorry, Meg, I'm reading yours.

CHAIR - Now I've figured out what you've done. You're moving the member for Nelson's amendment, or attempting to. The member for Launceston, could I just get you to read your first amendment?

Ms ARMITAGE -

First amendment

Page 9, proposed new section 36S, subsection (1), paragraph (b).

Leave out the paragraph.

Insert instead the following paragraph:

(b) Refuse to consent to the tenant keeping the pet specified in the request by giving written notice of the refusal and the reason for the refusal, in an approved form, to the tenant; or

Second amendment

Page 10, same proposed new section, subsection (3).

Leave out the subsection.

Should I just leave it at that? I don't want to waste the Chamber's time.

CHAIR - Yes, it's the only ones related to section 36S. If you could speak to those two amendments.

Ms ARMITAGE - The reason I was doing it is I felt it would give the owners a little bit more power back might make some owners continue to have rental properties rather than sell or go to Airbnb. It is really to hope that we do not actually lose rental properties to the market.

Ms RATTRAY - Madam Chair, I rise to place on the record my support for the member's amendment and thank her for the work she had done, particularly on the previous bill when there might be some strong support from the government. Congratulations.

In my contribution I talked about getting the balance right and still believe the member for Launceston, with the proposed amendment, is getting the balance right. I will be supporting the member's amendment.

Ms Armitage - Thank you. There might be a conscience vote.

Mr VINCENT - Madam Chair, as stated before, we do not support these proposed amendments.

Reversing the onus so that tenants rather than the owners are required to apply to TASCAT will likely discourage tenants from seeking permission and undermine the bill's intent. As we saw, the majority of states have similar, although it is pretty even on that, we support the fact of staying with the owners making that application.

Ms RATTRAY - Madam Chair, I appreciate the response given by the Deputy Leader regarding that, but given there is there is no fee attached to putting the application in, then there really isn't that much onus on the tenant. They only have to apply, but again, I think I can read the room like the member for Launceston. Just a point. No question.

Mr HARRISS - Madam Chair, I rise briefly to support the amendment. It is strikes a reasonable balance. I struggle to see the government's point on discouraging a tenant from doing that. We have heard throughout the debate that pets play a very important role, and their

owners are pretty passionate about them. I would be very surprised if an amendment like this, that I think strikes a balance, would discourage tenants from applying to TASCAT.

Ms WEBB - Madam Chair, to put an alternative view to that, I do not support the amendment, and tenants are absolutely god-awful scared to lose their tenancies, god-awful scared to be chucked out at the end of their tenancies. There is no protection for no-fault evictions in this state. When you put it back onto the tenants to have to be the ones to make a fuss in any way, shape or form, they will constrain their own rights in order to not make a fuss because of the vulnerability and the risk to them.

It is absolutely right the way it is in the bill. It does protect the rights of tenants better. It should be on the landlord to have to go seek an appeal if they need it. The landlord holds all the cards typically in our catastrophically failed market.

Ms THOMAS - Madam Chair, as I said in my contribution, initially I was planning to support the amendments, and I thank the member for Launceston for proposing them. I do understand the rationale behind them. The more I thought about the policy intent here, it is to provide the right to tenants to have pets. Typically, when someone is aggrieved, it is the person who is aggrieved who has to appeal to a court or tribunal. Some may put it that, well, it is the owner who would be aggrieved in this circumstance, but that is not the case given the policy intent here, because the policy intent is that it's their right for a tenant to have a pet. If the owner's aggrieved by the idea that they would, the onus ought to be on them to appeal.

Am I making sense? I was initially thinking the person being aggrieved would be the tenant, but actually when you consider the policy intent, it's the owner who is aggrieved by the situation. That's where my mind has gone with it. I wanted to explain that as my rationale for why I've landed in the position I have of not supporting the amendment.

Mr HISCUTT - Madam Chair, I rise to support the amendment strongly. There's obviously two schools of thought here and that's why we have a debate around the Chamber. I feel if you make an offer and that offer is rejected, then it's on the person who has received the rejection to appeal that offer. That's essentially how I see this situation. We've talked about the rights of the pet owner, but we also have the rights of the property owner. I would like to strongly support the amendment.

Ms ARMITAGE - Madam Chair, I thank everyone who has made comments. I do believe that landlords shouldn't be saddled with too many additional burdens, and basically for me the aggrieved would be the renter, because if they've been refused and they can't have a pet in the property, and that goes back to the landlord - but I can read the room. I know that with Labor, Liberal, the Greens and at least one Independent - there's more than one Independent - I certainly don't have the numbers, so I'm not going to waste the Chamber's time and [inaudible 6.39.28] but thank you very much for the support.

Amendments negatived.

Clause 5 - 36S agreed to.

Clause 5 - 36T agreed to.

Clause 5 - 36U agreed to.

Ms WEBB - Madam Chair, I might move the first amendment if that's alright, and we can have the conversation and, if necessary, I will move the others.

I move the following amendment -

First amendment

Page 15, proposed new Part 3C, section 36V, before "In determining".

Insert "(1)"

CHAIR - You should speak to the broader principle.

Ms WEBB - Yes, I will speak to the whole lot, and if we get through that, then I will move the others.

For members' information on why I'm bringing this proposed amendment, the purpose of the proposed amendments, as a whole, is to clarify quite explicitly a potential reasonable ground for consideration and then determination by the tribunal to refuse consent to keeping of pets would be incompatibility of the nature of the pet and any recognised conservation covenant which applied to the rental property.

To be clear, I don't think there's any fundamental incompatibility here with the intent of the bill at all; it's certainly aligned with that. It is not meant to be any sort of blanket situation where, if there's a conservation covenant, you can't have pets. Certainly not. The amendments are nuanced in that it just becomes something that could be considered as grounds for reasonable refusal if the particular pet and the particular circumstances of the nature conservation covenant are incompatible.

To put that in real terms, if a rental property with a conservation covenant primarily, for example, due to being a habitat for critically endangered swift parrots or endangered forty-spotted pardalotes, that may then be incompatible with the resident having pet cats on the property at large, but it wouldn't be a problem for having fish tanks or even a pet dog. It is very much a matter of being able to consider the specific pet, the specific nature covenant, and whether those are incompatible.

The reason I've brought it forward is because I heard from people in other jurisdictions who, when they had been bringing in similar arrangements, where it wasn't considered, there was some confusion and some question marks over whether a conservation covenant could be regarded as a reasonable reason for refusal in this sort of circumstance.

I have a lot of notes here, but hopefully that's enough information for people to understand the intent. I know the government believe that this can be covered by, on page 16, part(b) of 36V(b) where it says, 'any other grounds that the Tribunal considers reasonable in the circumstances'. It's a bit of a coverall. It could cover this. The reason I'm trying to put it in here as something explicit was primarily based on the feedback from the other jurisdictions that I had received.

Just for clarity or completeness, I've checked with the tenants' union to see if they had any issue with this amendment going in as a part of the reasonable grounds part of the bill, and they said they didn't as long as it wasn't a blanket 'no', that wasn't a reason for a blanket 'no' for pets. From their point of view, it would make sense that it's part of a set of considerations for reasonableness in refusal. I will leave it at that, and we can have a conversation if we need to about it.

CHAIR - Before I put the question, I encourage members to speak to the broad principle on this, as the member for Nelson has, rather than just focus on the first amendment she has moved.

Ms O'CONNOR - Madam Chair, I'm very happy to support this considered amendment, and in fact it's a really important insertion into this bill. If we're serious about protecting natural values, it should be a reasonable ground for refusing a pet in a tenancy. I will just make a couple of observations. The establishment of conservation covenants in Tasmania really has slipped off governments' radar.

The covenants programme is not well supported by government, and the processes for establishing covenants are not funded. In terms of the impact of dogs - and cats particularly - on native wildlife, while the threat to threatened and endangered species from domestic animals, particularly cats, is real, and there's a whole range of species that could be on covenanted land.

We know that dogs that get off the leash or out of the property where they live and attack native animals. We know that dogs all over the coastline have been responsible for killing fairy penguins. Cats will eat bandicoots, all manner of birds, lizards and snakes. It is an important inclusion into this amendment bill and I hope it's supported by members. Just in closing I will note that according to the scientists, the single greatest immediate threat to the swift parrot is Forestry Tasmania and the loss of habitat from native forest logging and burning.

Amendment agreed to.

CHAIR - If the member for Nelson would like to read the rest of the amendments. All of them, because they're all related to the same clause.

Ms WEBB - Yes, thank you, Madam Chair.

I move the following further amendments-

Second amendment -

Page 16, same proposed new section, after subparagraph (v).

Insert the following subparagraph:

(vi) be inconsistent or incompatible with -

(A) a conservation covenant, to which the residential premises is subject, or is in the process of being assessed for suitability to become so subject; or

(B) a conservation program in respect of the residential premises -

(a) in which the owner of the residential premises participates, or of which the owner of the residential premises is a member; or

(b) in relation to which the owner of the residential premises is in the process of being assessed for suitability to participate in, or be a member of.

Third amendment

Same page, same proposed new section after paragraph B,

Insert the following subclause:

(2) In this section -

"**conservation covenant**" includes the following:

(a) a conservation covenant that is registered under the *Land Titles Act 1980*;

(b) a conservation covenant in force under Part 5 of the *Nature Conservation Act 2002*;

(c) an agreement or covenant made in respect of land, with an organisation formed for conservation purposes, for the purposes of protecting and preserving wildlife and biodiversity on that land;

"**conservation program**" means a program run, by an organisation formed for conservation purposes, for the purposes of protecting and preserving wildlife and biodiversity.

CHAIR - Do you want to speak to it at all?

Ms WEBB - No, I don't think I will.

Amendments agreed to.

Subclause 36W and 36X agreed to.

Clause 5, as amended, agreed to.

Clauses 6 and 7 agreed to.

Title agreed to.

Bill reported with amendments.

[6.50 p.m.]

Mr VINCENT (Prosser - Deputy Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill as amended in Committee be taken into consideration tomorrow.

Motion agreed to.

ADJOURNMENT

[6.50 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, before I move that the Council do now adjourn, I remind members of briefings for tomorrow morning.

The first one is starting at 9.30 on the Public Accounts Committee Amendment Bill 2025, and that's a departmental briefing. Then that is followed by a briefing in relation to the Dangerous Criminals and High-Risk Offenders Amendment Bill 2025, again a departmental briefing at 10 a.m. The final briefing is the Justice Miscellaneous (Explosive Offences) Bill 2025, and that starts at 10.30 a.m. and that is a departmental briefing. Thank you, members.

Mr President, I move -

That the Council at its rising adjourn until 11 a.m. on Thursday, 6 November 2025.

Motion agreed to.

Macquarie Point Stadium - Conscience Vote

Meeting with AFL

Ms O'CONNOR (Hobart) - Mr President, I rise to make a brief contribution on the adjournment, in part in response to the honourable member for Mersey's contribution last night, where he made it clear that the leaders of the three political parties should give their members a conscience vote on the stadium order. He did state in his contribution, and I'm here to confirm, that the Greens do in fact have a conscience vote on every issue in every parliament in which we're represented in this country.

The journalists today out the front of parliament picked up on the story and a really good idea, and asked our Leader, Dr Rosalie Woodruff whether she would give Greens members a conscience vote on the stadium order to which she said, and I am paraphrasing, we have a conscience vote on every issue, and of course the Greens members in both Houses will be voting on the stadium order with their conscience. I can very clearly indicate to all honourable members of this place that our conscience tells us that we should vote against the order.

I also wanted to fill members in on the meeting that we had with the AFL last week. This follows a letter from 21 signatories that was sent to the AFL seeking a meeting with the CEO some weeks ago. Then another letter when we got no response to that letter signed by 18 members of both Houses and local government, including the mayors of Hobart and Glenorchy, where we again asked for a meeting with Mr Dillon, we were again ignored. Instead of letting it go there, we persisted and secured a meeting with Tom Harley, the Chief Operating Officer of the AFL.

Last Wednesday, Greens Deputy Leader Vica Bayley, Independent member for Clark, Kristie Johnston, and the Independent member for Franklin, Peter George, and I were a small delegation who went to AFL headquarters and had a very cordial and frank meeting with Mr Harley and a number of other executives from the AFL.

We laid out to the gathered executives what our constituents are telling us about this stadium and how fierce the opposition is across Tasmania to the construction of a stadium which we simply cannot afford. We also made it really clear to Mr Harley that a team which Tasmania has earned and deserves should be uniting us but the issue of the team itself has become quite divisive because of the overlay of a stadium that is being, or trying to be forced onto the Tasmanian people and the people of my community of Hobart. It is a damaging debate to the Devils.

I have sat down with the terrific Brendon Gale and Kath McCann and expressed that concern to them. We also said to Mr Harley that this issue, this stadium is creating resentment towards the AFL. Mr Harley was really clear. The AFL's position is that without a stadium there is no team and we expected him to restate that. He said it's a matter for the 18 club presidents to decide, but we did put it to the gathered meeting. We asked what are the presidents going to do? You have 200,000 signed up members for the Devils, about half of them are on the mainland, players for the Devils in the AFL and AFLW teams who are contracted, and Tasmania entering the VFL next year. I did ask Mr Harley if anyone would be Tasmania's champion should the stadium order fail by a democratic vote of the Tasmanian Parliament? It was a question that he couldn't answer.

The final message that we gave to Mr Harley and the gathered executives is that Tasmania has a long and proud history of civil society standing up against the excesses of governments and corporations. We have done it with the pulp mill, Ralphs Bay, and our forests. In Tasmania we are hardened to protest and we are good at it. I hope that we left the AFL executives with some very serious food for thought to chew on.

Again, I want to say we are thankful we were finally given that meeting with the AFL, but I remind members of something that we all surely know, and this gets back to the question of whether we will exercise our conscience in voting for this order. It is a huge decision. The future of the state will be significantly affected by this decision whichever way parliament ends up voting. We should all exercise our conscience, as the member for Mersey said last night, when we vote on the order in December.

The Council adjourned at 6.57 p.m.