PARLIAMENT OF TASMANIA

DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Thursday 3 September 2026

Preliminary Transcript

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Thursday 3 September 2026

The President, **Mr Farrell**, took the Chair at 11.00 a.m., acknowledged the Traditional People and read Prayers.

QUESTIONS ON NOTICE - ANSWERS

No. 60 - Firmus AI Factory Deployments in Tasmania

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

With reference to the Firmus AI Factory deployments in Tasmania that have led to a great deal of community discussion and speculation, and seeking objective information regarding the Government's understanding of the current state of play -

(1) Noting the Minister for Business, Industry and Resources' declarations in a 3 November 2025 media release entitled 'AI Island: Driving economic growth for Tasmania's future', and his description in that media release of an '*AI investment mandate*' together with the role of the Tasmanian Development Board in the new Economic Diversification and Investment Strategy, which is currently out for public consultation:

(a) The media release stated that the Tasmanian Development Board will consider how it can use its loan book to back strategic investments that help local businesses adopt AI and digital tools to improve productivity and competitiveness. Does its 'loan book' include strategic investment to support the development of various Firmus projects and other potential AI infrastructure projects, and if so by how much? and

(b) Page 25 of the new strategy paper includes the statement: '*The Advanced Technology Strategy is exploring cluster-based approaches to support the growth of emerging domains of capability*'. Following this are six illustrative areas of strength which includes: '*Energy-intensive digital infrastructure, including AI computing*'. As a result of these statements:

(i) What modelling has been completed to support the inclusion of that area of strength in terms of the limits posed by available power?

(ii) What levels of surplus power generation are available in Tasmania for energy-intensive digital infrastructure projects, both now and what is planned to come online over the next five years? and

(iii) Is there sufficient generation capacity in Tasmania to ensure that existing domestic and industrial users of power will not be disadvantaged by the development of energy-intensive digital infrastructure projects and if not, will there be regulation to ensure existing consumers will not be disadvantaged by such developments?

(2) When the Premier appeared before Legislative Council Estimates Committee B on 2 June 2026, he was asked how the government assesses and determines what businesses or industries receive intervention or financial support and what is the threshold of the government stepping in to assist. In his response the Premier spoke of a process involving the Tasmanian Development Board, threshold issues where it relates to a major industrial that consumes a lot of power that may well have impact on other GBEs, such as TasNetworks, and the role of major industrial steering committee of Cabinet.

(a) Where do the current Firmus AI factory projects sit within those parameters?

(b) With an anticipated stable power demand of 440MW from the current and proposed Firmus sites that it states will need 1,700MW of reserve capacity from renewables to ensure a continuity of supply, does Hydro Tasmania currently have the capacity to meet the 440MW base load of stable power demand?

(c) The ACEN Australia North East Wind Project (NEWP) is being seen as a key to the St Leonards and Longreach AI factories. Given that Hydro Tasmania currently has a 25% interest in the Cape Portland wind farm, is the government (through Hydro Tasmania) seeking an equity stake in the NEWP to support the establishment of the Firmus business case?

(d) Firmus has a declared commitment to support the development of new renewable energy projects to the tune of 2 - 2.5 times of that which it consumes. Does the government have an understanding of how it will be achieved, by when, and what guarantees are in place to deliver it?

(e) The time it will take to build and commission new renewables means long lead times to bring online the Longreach and Wesley Vales AI factories. The closure of Liberty Bell Bay releases 125MW back to the market and with Rio Tinto Bell Bay's 335MW up for negotiation later this year, will Firmus' ability to pay more for power than major industrials guarantee its priority supply, and is there a risk that higher power costs will affect the viability of Rio Tinto Bell Bay with its 550 direct employees and potentially affect a further 1,000 linked positions in indirect and supply chain businesses? and

(f) ABEL Energy is another potential large-scale user of power for its methanol plant with its CEO, who is quoted on page 97 of the Joint Select Committee on Energy Matters interim report tabled on 21 May 2026, as stating that it needed 300MW. Has that requirement been factored in to Hydro Tasmania's modelling of renewable power generation, and where will it sit in terms of its industrial power supply balancing and priorities?

(3) Given the increasing levels of community concern with AI factory developments, the pressure being placed on local Councils and the implications of the Economic Diversification and Investment Strategy which raises the issue of accelerated planning processes for industrial developments:

(a) Where do the AI factories and data centres fit within the Tasmanian Planning Scheme?

(b) Has the government considered, or is seeking to, give energy priority to Firmus over Rio Tinto to help support both the ACEN Australia wind farm projects and Marinus Link, which in turn would help to support the development of further renewables and AI factories in Tasmania - in other words who or what is in control of what comes first: an available large surplus of power seeking an end user or an AI factory or other large scale consumer seeking power that drives the development of new generation capacity?

(c) With the anticipated power requirements and water usage will linked projects such as the Firmus AI Factories be subject to examination as a Major Project or Project of State Significance (POSS)? and

(d) Does the Government have any modelling or an understanding of what Tasmania's overall capacity for AI factories and data centres might be in terms of power demand, number, size, location and future expansion?

(4) Firmus is in an obvious concurrent establishment and expansion phase as a private equity partnership, and one that is expected to be floated in the near future on the ASX as an Initial Public Offering (IPO) which is anticipated to be in the order of $15.5 billion, with multiple billions of dollars of investment and debt already committed to the company which suggests a degree of investor confidence. As a contrast there are a number of professional money managers/investors who are apparently refusing to invest in Firmus because of either the structure of the business or a lack of information at this stage:

(a) What formal due diligence has the government done on Firmus Technologies which is positioning itself to become Tasmania's largest energy customer?

(b) There is apparently no escrow period for pre-IPO shareholders for a Firmus Technologies IPO which is a standard 12-24 month moratorium that prevents early investors from engaging in what is colloquially known as a 'pump and dump' scheme. Does the Government have any concerns with such an anomaly and does it have any assurances from Firmus in this matter?

(c) With the formal prospectus rollout delayed until its full end-of-year accounts have been finalised and some other matters have been dealt with and given the potential implications on the power generation infrastructure and supply in Tasmania, has the government seen a copy of the Firmus Technologies draft prospectus, and if not why not? And

(d) Given that there are a number of international AI companies looking to expand their reach and operations, and in terms of the Government's perspective, does Firmus' position as an early adopter or beta tester for AI factories in Tasmania give it an exclusive licence for future expansion of its operations in Tasmania?

ANSWER

I've had a conversation with the honourable member as it's a very lengthy answer. I seek leave to table the document and have it incorporated into *Hansard*.

Leave granted; document tabled.

See Appendix 1 (page 73).

No. 65 - Theft of Metal Infrastructure from TasWater Sites

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

Regarding the reported spate of recent thefts of metal infrastructure from TasWater sites, can the government:

(1) Detail the extent of TasWater metal infrastructure which has been stolen, including:

(a) The nature of each asset stolen;

(b) Estimated replacement costs for each stolen and or damaged asset item;

(c) Estimated time for TasWater crews to repair and replace damaged and stolen assets?

(2) Detail whether similar targeting of other publicly-owned or placed on public sites metal or aluminium infrastructure, for example sporting facilities, has been identified, and if so :

(a) The nature of such asset thefts;

(b) Estimated costs to those respective organisations suffering such thefts?

(3) Please provide an update as to what the government is doing to track and respond to this apparent pattern of thefts targeting metal and aluminium assets?

(4) Has the establishment of a specific Tasmania Police taskforce to address this emerging pattern of metal infrastructure theft been considered, and if so:

(a) When was that established; and

(b) What is its scope?

ANSWER

(1) (a) In late July, TasWater had the following items stolen from sites in Greater Hobart and the Derwent Valley:

- Six air valve covers.
- Two ladder/rescue hatch/rescue covers.
- One meter cover.
- Around half of the railings surrounding a reservoir in the Derwent Valley.

(b) Collectively, TasWater estimates it will cost around $30,000 to replace the stolen items or damaged assets.

(c) TasWater estimates that between two and three operators inspected the sites, made them safe, completed police reports, and undertook additional site visits, over an estimated three to four days. This diverted crews from other scheduled or emergency maintenance.

TasWater also had security guards on site overnight at both the Domain and Peppermint Hill Reservoir in the Derwent Valley to monitor the locations until they could be secured.

(2) Tasmania Police has not identified any notable increase in metal thefts from government-owned sites across Tasmania in the last six months.

(3) The government is progressing its commitment to develop legislation to address scrap metal theft, including the theft and disposal of copper, aluminium and other metals. Legislation and regulations are being drafted now and will be released for public consultation.

The government has consulted extensively with industry to progress these reforms to appropriately target theft of stolen metal.

(4) Based on current intelligence and reported offending, there are no immediate plans to establish a dedicated taskforce to address aluminium thefts.

Tasmania Police remains committed to preventing and investigating theft offences across all commercial, industrial and government sites and will continue to deploy resources in line with identified risks and emerging trends.

TABLED PAPERS

Public Accounts Committee Report No. 54 of 2026 - Follow-Up of the Report of the Auditor-General on Improving Outcomes for Tasmanian Senior Secondary Students (No. 1 of 2022-23)

[11.11 a.m.]

Ms FORREST (Murchison) - I have the honour to present the report of the Parliamentary Standing Committee of Public Accounts, No. 54 of 2026 - Follow-Up of the Report of the Auditor-General on Improving Outcomes for Tasmanian Senior Secondary Students (No. 1 of 2022-23).

Mr President, I move -

That the report be received and printed.

Report received and printed.

Mr President, I move -

That consideration of the report and its noting be made an Order of the Day

Motion agreed to.

Government Administration Committee B - Special Report on Resolution to Establish Inquiry

Ms ARMITAGE (Launceston) - In accordance with Legislative Council sessional order No. 514, I have the honour to present a special report of Government Administration Committee B in relation to an inquiry initiated by the committee on its own motion.

Mr President, I move -

That the report be received.

Report received.

TAXATION AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 21)

Third Reading

Ms RATTRAY - I move -

That the bill be now read the third time.

Bill read the third time.

SHORT STAY LEVY BILL 2026 (No. 13)

Second Reading

Continued from 2 September 2026 (page 96).

[11.13 a.m.]

Ms WEBB (Nelson) - Thank you, Mr President, I believe I had concluded my contribution on the bill and adjourned last night. I have completed now and won't be adding anything further today. Thank you.

Recognition of Visitors

[11.14 a.m.]

Mr PRESIDENT - As the honourable member for Hobart makes her way to the lectern, I'd like to welcome the Making It Happen community group who are joining us in the Chamber today. Welcome to the Legislative Council and we hope you enjoy your time here.

Members - Hear, hear.

Ms O'CONNOR (Hobart) - Mr President, I rise to speak, not at too great length, on the Short Stay Levy Bill of 2026. As honourable members may know, we supported this bill in the House of Assembly, and we will be supporting it in here today, Mr President. We recognise it is an imperfect piece of legislation.

We recognise that it is highly political. We recognise that it will do very little, if anything, to ease the reality of the housing crisis, the availability of affordable housing. It's unlikely to do anything to bring down soaring rents or to improve vacancy rates in Tasmania.

We recognise the deficiencies in this piece of legislation. We recognise that this is the government pretending that it's doing something to rein in short-stay accommodation, an issue that they've failed to get on top of ever since it surfaced in Tasmania, an issue that they have abandoned councils on as well. But we made the decision to support this bill because it is a revenue-raising measure and, at the moment, the state needs to raise all the revenue that it can and to make all the efficiencies that it can without impacting on the delivery of services in Tasmania. We know that the government's cuts to 1700 jobs across the State Service will impact on services.

I want to thank the departmental officers who briefed us on this bill. I know it's going to raise a modest amount of income for the state into the public account for the purposes of the first home owner grant, somewhere in the vicinity, as we are told, of $8 million a year. It was going to be up to $11 million a year until the Greens successfully moved an amendment in the House of Assembly at the request of people in rural and regional areas who are primary producers, but who also let out a property for short-stay purposes. This bill doesn't even pretend to be a credible measure to address the loss of whole homes to short stay.

I do want to take this opportunity to note that the Legislative Council 2019 inquiry into short-stay accommodation, which was a timely inquiry, and which released a series of only six recommendations, has had all those recommendations ignored. Recommendation 3 from the Legislative Council inquiry is that:

> For properties other than a principal place of residence, local government authorities be provided with discretionary powers to issue permits regarding short stay accommodation.

Obviously short stay and the impact on housing availability is different depending on where the accommodation is. In my community of Hobart, we have the highest saturation of short-stay accommodation properties of any capital city in the country. It is a huge issue here and it has unarguably driven up rents as well as making fewer homes, hundreds of fewer homes, available to Tasmanians. I have a specific concern about the impact of short stay because my community of Hobart is specifically detrimentally impacted by the failure to regulate short-stay accommodation and make sure that we're not allowing more whole homes onto the short-stay market.

After many years of trying to get some action from government on short stay - our feeling that it did not have sufficient powers - the Hobart City Council on 27 August voted to seek a planning scheme amendment to ban new applications for homes to be used as short-stay accommodation. What we know now from the latest CBOS data is that across Tasmania there are 4750 whole homes being used as short-stay accommodation. We undertook some analysis that showed one in four applications to Hobart City Council to convert a home into short-stay accommodation in the past six months were previously properties that were available to rent on a long-term basis. So, it is unarguable that Airbnb and other short stays are stripping rental homes, whole homes, out of the market here in Tasmania, and particularly in Hobart, where the impact is very significant, and that is having a corrosive effect at a societal level.

The Hobart City Council has recognised the impact of Airbnbs on renters and other short stays and voted to ban new applications for Tasmanian homes to be used as short-stay accommodation. But this is Hobart City Council going out on a limb and seeking to use what powers it has to rein in the excesses of short-stay accommodation because of a failure of leadership on the part of government. It shouldn't be up to individual councils to try to work through the planning arrangements to tailor a specific response to short stay, because there are some municipalities, obviously, where the impact of short stay is more positive than negative. But there are also places like St Helens - and in a parliamentary inquiry not that many years ago we were talking to people who worked in the Neighbourhood House in St Helens, as well as other community leaders there, and it became pretty clear to me anyway that because whole homes in St Helens had gone onto short stay when medical professionals were looking to come and work in St Helens, for example, there's a real issue there with available housing, so I don't think this is an issue that's just specific to our major centres. That's why the state government needs to show leadership and allow councils to really take matters into their own hands and tailor their responses according to the demographics and the needs of their municipalities.

Mr President, it is absolutely shameful that the government has failed to act on short stay. It is shameful that there are now more than 5500 Tasmanians sitting on the housing waitlist. It just keeps climbing, and I understand that we have a relatively new minister for Housing who's actually doing his best to turn things around. I have, on a personal level, although the minister is not here at the moment, some real faith in minister Vincent, particularly given his background in local government, that he may be able to reorientate the state towards a higher provision of social and affordable and medium-density housing. Wouldn't it be great if at the same time, even though it's not specifically his portfolio - it is in some ways because it's a local government issue - but minister Vincent was able to engage with the Treasurer, the minister for Planning, he could talk to himself, for example, and make sure that we have a more tailored response to short-stay accommodation.

We need to have a capacity to rein in rents and have a model like the Australian Capital Territory which caps rents at CPI plus 10 per cent unless the landlord can argue a good case for raising rents above that level. There's nothing here to rein in rents and the more we have a government that fails to rein in short-stay accommodation, the bigger the problem will become.

It is regrettable that the government didn't take the opportunity provided to it by the community sector when it had a look at the Short Stay Levy Bill. The Tasmanian Council of Social Service's (TasCOSS) recommendations are echoed across the community sector in many ways; I'll read them in:

TasCOSS recommends the Tasmanian Government:

1. Mandate revenue allocation to social housing.

2. Implement a higher levy rate of 7.5%.

3. Amend the draft Bill to introduce an exclusion or exemption for primary-residence short-stay rental accommodation.

4. Collaborate with local government to allow councils to develop local responses to short-stay rental accommodation in their LGAs.

5. Require annual public reporting of revenue collected by region, number of registered properties and platforms and expenditure of the Short Stay Levy on social housing.

6. Strengthen data collection and reporting about short-stay rental accommodation to inform policy measures.

I note on that last point, an amendment was made in the other place that provides for stronger data collection, so at least we have a clearer picture of the scope of the problem or the opportunity, depending on which way you want to look at it, Mr President.

Shelter Tasmania and the Tenants' Union of Tasmania, in their consultation submission on the draft bill, recommended that government:

1. Redistribute revenue from the Short Term Levy to increasing the supply of new social and affordable rental dwellings with a guaranteed 25% commitment to regional areas; and/or

2. Redistribute revenue raised from the Short Term Levy to bolster funding of Tasmania's homelessness services.

3. Increase the Short Term Levy from 5% to 7.5%, in line with the Victorian model.

4. Commit to a review of the broader regulation of [short-term rentals], so that the permit system delivers sufficient funds to ensure monitoring and compliance with permits and exemptions.

5. Empower local councils to manage and limit the use of entire homes for [short-stay rentals] where there is a shortfall of homes for residents and essential workers.
6. Create a data matching system monitoring the number of dwellings currently available as [short-term rentals] that were previously

available in the long-term rental market [and this would be led by CBOS].

7. MyBond to report monthly on total bond lodgements by [local government area] and/or region, so that the size of the long-term rental market can be monitored.

8. Amend the definition of 'short stay in relation to the premises' to capture the purpose of the stay rather than the duration and include stays in excess of 28 days.

9. Ensure that the examples referenced in relation to the **status** of individuals/organisations accessing short stay accommodation are provided for within the Bill.

10. Include an additional clause to the Bill to provide for a review and release of the findings after a prescribed period.

And I note we may have some amendments to consider in relation to that, Mr President.

Anglicare, in its submission, recommended to government that it call on the government to directly target the benefits of this levy to Tasmanian's least able to afford housing, better address the negative spillover impacts of the short-stay rental market on rental affordability and avoid further escalating house prices by three recommendations:

1. directing 100% of revenue from the levy to fund the construction of social housing and homelessness services

2. imposing a levy of 7.5%

I note here that an amendment was moved in the other place and rejected that would have raised the levy to 7.5 per cent. And -

3. ensuring that revenue from the levy does not assist the purchase of existing homes.

Now, regrettably, the government has chosen not to accept those recommendations from the community sector, so I note the comments by the honourable member for Montgomery yesterday about the government having a mandate for this. I'm always very sceptical about talk of mandates because governments can claim a mandate to something that they never specifically really engaged with voters on in an election campaign. They can claim a mandate simply because they were re-elected and they think that gives them a mandate to do everything they want, but in this instance this is something the government said it would do in an election campaign. It has been consulted on, unlike, I might say, the Macquarie Point stadium in any meaningful sense, apart from the Tasmanian Planning Commission process.

I heard yesterday the honourable member for Nelson suggest that maybe this bill doesn't need to go into Committee and I was really quite taken aback, because the proper process would be, even if you have issues with this bill, that you take it into Committee and have a look at it and perhaps you can talk through those issues and there may well be amendments that mitigate concerns. The fact of the matter is we're dealing with a bill that was passed by a majority of members in the House of Assembly, so I think taking it into Committee is the least we can do. As we know, a number of members, including myself, have foreshadowed amendments that we - and I can't speak for my colleagues in here - but I would very much like the opportunity to have discussed and debated, so whatever your views on this bill, I think it is appropriate that we take it into Committee so we can thrash out some of these issues.

I listened very carefully to the really excellent contribution by the honourable member for Mersey yesterday and he made some extremely strong, unarguable points. The one that really resonated with me was that somewhere between 15 per cent and 20 per cent of short-stay users, for want of a better term, in Tasmania are likely to be local.

I don't think we can know the impact of a 5 per cent levy on local people, but let's be clear, Tasmanians are not the wealthiest people in the world, so it would have, I am sure, some level of impact.

In terms of the broader impact, however, people who come here from the mainland and overseas, I think we sell ourselves short if we believe that a 5 per cent levy on short stay would dissuade anyone from coming to enjoy this beautiful island, its rich heritage, its wilderness and its extraordinarily unique character.

Obviously we're dealing with a bill that is based on a lack of solid data; I accept that too. But we're in a situation where the government has dug a massive black hole, not for itself but for the people of Tasmania, to have to fill. That black hole sits out there in the contaminated soils of Macquarie Point. Now, of course, what the government should be doing is looking at real revenue-raising measures like increasing mining royalties, for example, taxing big salmon, for example, but it hasn't shown the courage to be able to do that. In fact, we haven't seen any real evidence of government taking the revenue-raising side of its responsibilities seriously, so this bill is some tinkering. But $8 million into the public account is no small number, and it is on that basis that we have decided to support this bill. I go back to the things I said at the beginning: we know it's not perfect and we know it's cynical, but it is a revenue-raising measure.

I think the Council is going to have to, and this will probably come up again, work out what kind of revenue-raising measures on the part of government it's prepared to support because what we're looking at here is a government that took what it thinks is the easy option; that is to slash public services, to, for example, cut millions of dollars out of Legal Aid funding and to gut 1700 jobs from across the State Service. Even today in the paper, we've got the Secretary of the Department of Justice telling hard-working public servants in Justice that the cuts are real, just work to rule, basically. I'm slightly paraphrasing the secretary's comments, but I'm sure if you worked in the Department of Justice, you'd have found that message incredibly dispiriting, remembering that across agencies, relative to its size, the Department of Justice faces one of the biggest cuts of them all.

Just before I go, we moved an amendment in the other place that sought to look after the interests of farmstay, agri-producers, and the amendment added an exemption for farmstays, provided that the accommodation is exempt if it's located on land that is primarily operated as a primary produce business within the meaning of the *Primary Produce Safety Act 2011* or on land that is primarily used as part of a business that is associated with primary produce business. Having subsequently engaged with the government on that amendment and particularly with

Treasury, we have amended our amendment, which is the amendment I'll be moving today and I'll just go to that shortly.

We saw this move as important to diversify business opportunities in rural and regional areas which are very much subject to seasonal fluctuations, to help to diversify regional economies, to diversify accommodation options and to connect people to, in a meaningful way, primary producers, farm animals on the land and nature itself. It would allow for the utilisation of disused or surplus accommodation on farms and, in some cases, it could lead to, on the part of the private owner of those properties, the restoration of heritage buildings. Out on our farms, in our farmlands, there are some of the most beautiful old buildings and they're part of our shared European cultural heritage. We're very keen to see farmers have some way to be assisted to look after the buildings they've been looking after for a very long time.

Our new amendment, very similar in scope and identical in intent, is that clause 5 be amended so it provides the exemption from the levy to 'accommodation on land where the land is primary production land within the meaning of the *Land Tax Act 2000*'. Our advice is that this works. The government accepted the logic and the motive behind our House of Assembly amendment and has come back to us with this proposed amendment, which ultimately is less about producing food under the primary produce act and is about the zoning, really. It reduces the risk of any loophole being there. For example, someone could have a few apple trees in their backyard out the back of Spreyton, and they produce a few bags of apples in a year and they describe themselves as a primary producer. It is a question of scale, I guess, but there's not much primary production about that.

So, I'm not stoked to be standing here saying we'll support this bill. I hear the arguments for why it's a flawed piece of legislation and a flawed approach, but we recognise it is a revenue-raising measure and we recognise that it gives a nod to the impact of short stay on the availability of affordable housing, particularly rentals. So, we are prepared to support this piece of legislation. The government said it was going to do it, took it to an election, presented a bill and consulted on it. The consultation, it would be fair to say, wasn't overwhelmingly positive, but it's a bill that's been consulted on and we're prepared to support it through slightly gritted teeth.

[11.38 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I have a series of answers to matters that were raised and questions that were posed during the course of the debate. There were multiple members who cut across some of the same issues. I won't necessarily attribute answers to each particular member.

Ms Webb - You might mess it up like I did.

Ms RATTRAY - I think it was a pretty good attempt by the honourable member for Nelson to share it around the Chamber. I think we all wanted to take some credit during the course of her contribution. I want to, on behalf of the government, thank all members for their contributions. I'd also like to say a sincere thankyou to the advisers who have done an enormous amount of work on bringing these responses back in a very readable fashion. I thank you for the work that has been done.

The government appreciates engagement from the Expedia Group on the bill and has had ongoing conversations with Expedia. The government position relevant to the correspondence was set out in a letter sent to Expedia that I will read as follows:

> Dear Mr Curry,
>
> The government welcomes Expedia's support for the introduction of a short-stay levy and its acknowledgement of the impacts that visitor accommodation can have on the Tasmanian community. Expedia has raised concerns about circumstances where one entity facilitates a booking request and another entity is involved in accepting that request. However, I can confirm that the government does not consider that the bill as drafted creates a material risk of revenue leakage or results in any significant part of the short-stay accommodation sector falling outside the levy framework. The bill assigns liability to the provider whose service facilitates booking requests and arranges or facilitates the acceptance of those requests on behalf of the short-stay accommodation provider.
>
> The intent is that bookings are captured regardless of whether they involve local agents, intermediaries or major online booking platforms. In the example provided by Expedia, where a large online booking platform supplies accommodation inventory and facilitates the acceptance of bookings, I'm advised that it could reasonably be argued that the large online booking platform is also facilitating the booking request and, therefore, satisfies the definition of a booking platform under the bill. Accordingly, the government's view is that in any booking arrangement, a party will ultimately meet the definition of a booking platform and be liable for the levy. We, therefore, do not consider that the current drafting would result in bookings falling outside the scope of the levy.
>
> As I have indicated in previous correspondence, the Commissioner of State Revenue has undertaken that, were the bill passed in its current form, he will ensure guidance material is published to ensure there is no doubt on this matter. For these reasons, the government remains satisfied that the existing framework appropriately allocates liability and is capable of capturing bookings made through a range of commercial arrangements, including those involving intermediaries.
>
> I'm advised that, in effect, the amendment proposed by Expedia would instead shift liability to the entity that collects payments from the guest. While that represents an alternative policy approach to that implemented by the government's bill, the government does not consider it necessary to ensure comprehensive coverage of the letter. Indeed, it may have the consequence of relieving larger booking platforms of levy collection and remittance obligations in situations where other intermediaries receive payment from the guest which is inconsistent with the government's policy intention.

I again thank Expedia Group for its engagement on this matter. The government values the contribution of industry stakeholders in developing policy settings that are both effective and administratively workable.

Yours sincerely

Honourable Eric Abetz MP
Treasurer

In response to defining 'booking platform providers', as outlined in its response to the Expedia Group on this matter, the government does not consider that the bill, as drafted, creates a material risk of revenue leakage or results in any significant part of the short-stay accommodation sector falling outside the levy framework. The bill assigns liability to the provider whose service facilitates booking requests and arranges or facilitates the acceptance of those requests on behalf of a short-stay accommodation provider. The intent is that bookings are captured regardless of whether they involve local agents, intermediaries or major online booking platforms. The government's view is that in any booking arrangement, a party will ultimately meet the definition of a booking platform and be liable for the levy.

With regard to matters raised about farmstays and the examples provided, to be clear, farmstays have now been excluded from the levy and direct bookings have also been removed from the levy. Therefore, the issue raised has been catered for in the bill before the Council. It is also important to reiterate that the primary purpose of the levy is to raise revenue to support first-home buyers, noting that there may be a secondary benefit of making more houses available for long-term rental.

There was a question about the cost of administering the levy. As outlined in the briefing by the Commissioner of State Revenue to honourable members yesterday, the cost of administration and compliance responsibilities associated with the short-stay levy will be absorbed within the State Revenue Office's existing budget and resources. No additional resources will be required to administer the levy.

There was also a question about the estimated revenue from the levy. Based on Treasury modelling, the government expects to collect around $7.3 million in revenue per year. As the levy's impact on price and demand for short-stay accommodation is unknown, no growth rate has been applied.

Ms Forrest - Was that the original bill before it was amended downstairs? I'd imagine so.

Ms RATTRAY - I'd expect so, but I will confirm that.

The modelling excludes direct bookings, principal places of residence, farmstays and agritourism properties. The modelling uses CBOS short-stay accommodation data and Inside Airbnb data to estimate the number of Airbnbs and Inside Airbnb data for the average number of nights booked per property and average price per night. Based on Inside Airbnb data, the average price of short-stay accommodation in Tasmania is $210 per night. The 5 per cent short-stay levy would increase the average price per night by $10.50 - and I will check that for the honourable member.

There was a question around why is the revenue not legislatively - what's that word?

Ms Forrest - Hypothecated.

Ms RATTRAY - That - to increasing housing supply, social and affordable housing and other measurable housing outcomes. History has shown that the government of the day has undertaken a variety of policy measures that are time limited, so costing more, some costing less to target first-home buyers. Creating a structural link reduces the flexibility of the government of the day to respond to policy pressures as they emerge. At the end of the day, there is an adequate scrutiny by the parliament to make representations as to whether or not the government is providing enough money in a certain area.

Around specific programs that the levy will fund: the levy will fund only programs that specifically support first-home buyers. At this time, the First Home Owner Grant is the sole program that would be funded by the levy. The grant is available for new homes only, has a base level of $10,000 and is currently boosted to $20,000 for the 2026-27 financial year.

The question relating to Treasury: has Treasury assessed the average period between a guest paying the levy-related amounts and the platform remitting the corresponding liability platforms that are required to identify, segregate or hold those amounts on trust or may they retain interest of other benefits earned while holding them? Requiring booking platform providers to hold collected levy amounts in a trust account and remit any interest earned to the government would impose a disproportionate administrative and compliance burden relative to any likely benefit.

The short-stay levy will be collected by a diverse range of entities including major online booking platforms such as Airbnb, Booking.com and Stayz, as well as smaller online booking platforms, boutique websites and real estate agents. A trust account requirement would necessitate additional accounting, reporting, reconciliation and audit processes to separately identify levy funds, monitor balances, calculate interest earnings and ensure compliance with legislative requirements. These obligations would create additional compliance costs for liable entities, many of which may be relatively small businesses with limited administrative resources.

The amount of interest generated is expected to be modest, particularly where levy amounts are remitted regularly and held only for short periods of time. Any additional revenue to the government from the remittance of interest earned on levy collections is therefore likely to be minimal when compared with the compliance costs imposed on businesses and the resources required to administer and enforce the requirements.

The government considers that the costs and complexity associated with the proposed trust account requirements would substantially outweigh any revenue benefit arising from the remittance of interest. Accordingly, the government does not support the amendment.

The question around why was a mandatory property register not included and will the government support property level reporting and explicit data sharing with councils: the *Short Stay Accommodation Act 2019* was enacted for the specific purpose of facilitating the collection and use of information relating to short-stay accommodation and assisting the enforcement of planning permit requirements under the *Land Use Planning and Approvals Act 1993*. The act already establishes a framework governing the collection, protection and disclosure of information for those purposes.

A proposal to impose an ongoing reporting or data sharing obligation on the Commissioner of State Revenue in favour of local councils represents a broader policy change concerning government reporting and information-sharing arrangements. Such a change should be considered holistically and, if pursued, would be more appropriately dealt with through the amendments to the *Short Stay Accommodation Act*, which is the principal legislation governing the collection, use and disclosure of short-stay accommodation information. Introducing a reporting requirement through this bill would extend beyond the purpose and operation of the existing legislative framework and risk creating inconsistency with the information management and disclosure provisions already contained in the *Short Stay Accommodation Act*. The government's position is that the existing act is the appropriate vehicle for considering any expansion of data-sharing arrangements with local government, including the scope of information to be shared, privacy protections, administrative impacts and the intended use of the data.

The question around why are large platforms not required to remit monthly from commencement or at least quarterly in the first year: the remittance period in the first year of the levy was designed to provide levy payers and the State Revenue Office with the maximum amount of time to prepare for the introduction of the levy. Following the first year, remittance of the levy and associated reporting is based on the total relevant booking fees in the preceding year with annual or quarterly reporting based on that figure. This minimises the administration and compliance impacts on booking platforms as much as possible.

The question around how many and what proportion of short-stay bookings that would have attracted the levy in the most recent year made by Tasmanian residents: the government does not have access to the necessary data to provide that information.

Furthermore, what evidence does the government have that directing the proceeds to first-home buyer assistance will improve affordability rather than add to purchasing demand and be absorbed into higher land or dwelling prices? The government considers the impact of home ownership to be outweighed by the benefit of assisting first home buyers into the housing market. Regardless, it will not have the impact of housing prices to the extent of other national factors, such as the cost of building and the cash rate.

The question: what is the estimated annual levy contribution from Tasmanians travelling within Tasmania? The Department of Treasury and Finance has not specifically modelled levy contributions by guest residency. However, as an indicative calculation based on information released as part of the government's 2024 election commitment, around $1.24 million of the estimated $7.3 million annual levy revenue could be attributable to Tasmanians travelling within Tasmania.

There were questions raised by a number of members regarding the lack of economic modelling supporting this levy. Economic modelling was not undertaken because the levy is small in the context of the overall travel expenditure and is not expected to significantly influence visitation decisions. Tourism demand is driven predominantly by factors such as transport costs, consumer confidence and destination appeal. While research identifies the economic contribution of visitor spending to regional operators, this does not establish that a modest levy would result in a measurable reduction in travel. The government considered existing evidence and determined that the cost and uncertainty of bespoke modelling would outweigh its likely value and impacts will be monitored following implementation, particularly in the context of the key parameters of this policy that was taken to two elections.

The question: does Treasury intend to evaluate the levy's actual effect once it's in operation? Yes, the government proposes to move an amendment to provide a review of the levy after two years, to be completed within three years after commencement. The minister is to cause a copy of the written report to be tabled in each House of parliament within 15 sitting days after the report is given to the minister.

The question of: how does the government know that 83 per cent of short stays in Tasmania are used by non-locals? The statement of 'the levy will be paid overwhelmingly by interstate and overseas travellers, with 83 per cent of short stay in Tasmania used by non-locals' was featured in the 2024 election campaign announced by the Tasmanian Liberal Party. As members suggested, this is not based on a publicly available statistic. I'm advised the figure was supplied by an industry stakeholder in the campaign period. However, this is not to suggest that this is an inaccurate estimate, noting various quantifications of short-stay accommodation use in Tasmania in the public domain are attributable to interstate and overseas visitors. Accordingly, the levy is expected to be borne predominantly by non-resident travellers.

The question on what is the communication strategy within the booking platform providers that will be used to ensure that those platform providers, accommodation operators and the broader community are well informed: the State Revenue Office is currently developing a communication strategy to inform stakeholders. This will include relevant guidance, documentation and website materials. This guidance material will be released following the bill receiving royal assent, if that occurs.

Definition of a booking platform is a person or business that takes short-stay bookings on behalf of accommodation providers. A booking platform can be a global online booking platform, a travel agency, a local real estate agent or a property manager that handles short-stay properties.

Booking platforms don't need to be online or based in Tasmania. They also don't have to take payment; they only need to take bookings. An organisation that advertises short-term accommodation but doesn't actually take bookings is not a booking platform and does not need to pay the levy; for example, a website that lists local short stays but redirects guests to another platform to make a booking.

Some members have commented that this bill is a mess, pointing to the circulation of multiple amendments, the fact that there were amendments in the other place, and that this demonstrates the government's bill is dysfunctional.

Mr President, respectfully, on behalf of the government, I'd like to make the opposite point. This is not evidence of dysfunction, rather, it's evidence of the parliament working. Members clearly are seeking to improve and strengthen the bill through amendments. And whilst the government accepts the genuine intention, the government is also recognising that it will not secure every outcome it seeks, making compromise where it can to help secure the passage of the bill. And isn't that what MLCs have been calling for on the government to do? Recognise that this is a minority parliament and work with members in both places? That is not a failure of the parliamentary process. It is the parliamentary process functioning as intended.

Ms Webb - I wasn't saying it was a failure of parliament. It's a failure of government to bring a good bill.

Ms RATTRAY - Mr President, I will just confirm the answer to the honourable member for Murchison's interjection.

Mr President, just any of the amendments that were put forward in the other place and accepted, have been factored into the bill that we have before us. There's also an additional -

Ms Forrest - You are saying the modelling effects that? That was the question about modelling.

Ms RATTRAY - The modelling. Apologies. The costings include the amendments passed in the other place. I'm not going to re-read that.

Mr President, I commend the bill to the Council.

Mr PRESIDENT (Mr Farrell) - The question is that the bill be read the second time.

The Council divided -

AYES 9	**NOES 5**
Mr Duigan	Ms Armitage
Ms Forrest	Mr Edmunds (Teller)
Mr Gaffney (Teller)	Ms Lovell
Ms Glade-Wright	Ms Thomas
Mr Hiscutt	Ms Webb
Ms O'Connor	
Ms Palmer	
Ms Rattray	
Mr Vincent	

Mr PRESIDENT - In a fitting tribute to Dolly Parton, the result of the division is ayes 9 and noes 5.

Bill read the second time.

SHORT STAY LEVY BILL 2026 (No. 13)

In Committee

Clause 1 agreed to.

Clause 2 -
Commencement

Ms ARMITAGE - The act commences on a date that we have proclaimed. I've discovered recently that many acts never get proclaimed, so is there any idea when that might be?

Ms RATTRAY - The government is committed to carrying out its intention that this particular piece of legislation should have passed the Council and will start on 1 July 2027.

Clauses 2 and 3 agreed to.

Clause 4 -
Meaning of *booking platform*

Ms GLADE-WRIGHT - I move the following amendment in my name -

Page 6, subclause (3).

Leave out that subclause.

Insert instead the following subclause.

(3) Despite subsection (1), a service is not a booking platform if the service -

(a) refers a person to another service for the purposes of the person using the other service to do one or more acts referred to in subsection (1)(a) or (b); or

(b) only enables a person to book a short stay in short stay accommodation -

(i) directly with the short stay accommodation provider; and

(ii) without the booking being arranged or facilitated by any other person; or

(c) only relates to bookings in respect of a single short stay accommodation provider.

This is a very simple amendment. It does not change the policy at all. It just clears up some confusion in the drafting. During consultation on this bill, I received feedback from several booking platform providers who were genuinely convinced that direct bookings would be captured by the levy, and I had to explain that the government's intention was that direct bookings would actually be exempt.

For example, Short Term Accommodation Association Australia told us in their briefing that their legal advice had advised that clause 4 does not deliver the direct booking exclusion the Treasurer had announced.

When a provision can produce such differing interpretations among stakeholders and legal professionals, there is an issue.

In my view, taxation legislation must be clear, certain and easy to understand, so following the drafting of my original amendment, I met directly with Treasury to discuss that amendment. Treasury raised some concerns about some of the wording in that original amendment, so I authorised the Office of Parliamentary Counsel to work with Treasury on a revised drafting so that any issues could be addressed and the amendment could reflect their feedback. So, I thank them for their collaboration on that. I hope that members can see that this is a commonsense amendment; it's just fixing up some ambiguity, and I hope that they will provide their support.

Ms RATTRAY - The government acknowledges the member for Huon for her engagement on this amendment and has given it careful consideration and will support the amendment. The government's intention that direct bookings are excluded from the operation of the levy has been made clear throughout consideration of the bill in both Houses. The government understands that the purpose of the amendment is to put beyond doubt that direct bookings are not subject to the levy and is supportive of efforts towards that goal.

Ms WEBB - Madam Chair, I'd like to get up to speak on amendments just to put on the record my view on the proposed amendment. In this case, I think this is a good amendment and well done to the member for Huon and for bringing it to help clarify what had been stated as an intention but not actually appeared accurately or with enough clarity in the bill. It's a good clarification.

I'll just take the opportunity to ensure that the verballing of me in the Leader's summing up is corrected. I never suggested that it was parliament that was untidy or not acting appropriately in amendments being brought to this bill in such a robust fashion. It was a comment in my second reading speech about the government bringing such an untidy bill. I would never cast aspersions on this place doing its job well, which this amendment is an example of, quite frankly, and others will be, too, no doubt.

Amendment agreed to.

Clause 4, as amended, agreed to.

Madam CHAIR - Just before we call clause 5, because there are two amendments, it's the member for Montgomery's amendment that will be considered first.

Ms O'Connor - Can I just ask the Chair why that is?

Madam CHAIR - That's the advice from the Clerks because apparently it's the order in which they will appear.

Mr Hiscutt - Would it not be the member for Huon's first? Because that is -

Ms Thomas - That's the order in which they appear.

Clause 5 -
Meaning of *short stay accommodation*

Ms GLADE-WRIGHT - Sorry, I've still got my training wheels on. I move the following amendment to clause 5 in my name -

Page 7, subclause (3), paragraph (c), after 'dwelling is also'.

Leave out 'usually occupied by'.

Insert instead 'the principal place of residence of'.

Currently the bill excludes accommodation in a dwelling where the dwelling is also usually occupied by the owner. I would argue that a person may be capable of usually occupying more than one dwelling, whereas a person can only have one principal place of residence. Or another example, someone could say my holiday home is usually occupied during the holidays, and I would still be able to argue the case for the exemption. The amendment replaces 'usually occupied' with 'principal place of residence', which is what appears in the Victorian legislation and, in my mind, makes it a lot clearer. I've also talked this one through with the department and they have indicated their support, so I'm happy to hear others' contributions.

Ms RATTRAY - Madam Chair, the government will support this amendment. I'm advised that the phrase 'usually occupied' was adopted in the original drafting of the bill rather than 'principal place of residence' to avoid creating an unintended link between the operation of the levy and concepts used for land tax purposes. In practical terms, most people would likely regard there being little, if any, difference between a dwelling that is usually occupied by a person and that person's principal place of residence. However, a concern about adopting the 'principal place of residence' terminology was that it could imply a connection between the levy and land tax concepts and classifications or administrative arrangements that was never intended. In particular, the principal residence classification has an established meaning within the land tax framework that results in a nil rate of land tax. I provide that context not to oppose the amendment, but to explain the rationale for the government's original drafting approach. The government acknowledges the reasoning behind the amendment and the desire to align the terminology with a concept that is familiar and well understood. Accordingly, the government will support the amendment.

Ms WEBB - Madam Chair, just to put on the record that I support this amendment. It does provide clarity. It was a matter that came up in briefings, and I felt that 'usually occupied by' was too ambiguous because you could usually occupy a number of dwellings, as the member for Huon has stated in her explanation for the amendment. Thank you to the member for Huon for bringing an amendment to help clarify the bill.

Amendment agreed to.

Mr HISCUTT - Thank you, Madam Chair. I move the following amendment -

Page 8, subsection (3), after paragraph (c).

Insert the following paragraph.

(x) accommodation on land where -

(i) the owner or occupier ordinarily resides in a dwelling on the same land; and

(ii) the land is zoned for the agricultural purpose or is zoned for a rural purpose or as a rural area in the Tasmanian Planning Scheme within the meaning of the *Land Use Planning and Approvals Act 1993*.

Madam Chair, I move that amendment as I think it will provide fairer treatment for the exemptions provided for in the definition of short-stay accommodation in the bill. As I discussed in my second reading speech, why should someone providing the same short-stay accommodation on one side of the road be treated differently under this act to someone on the other side of the road just because that side grows a field of carrots or runs a few heifers or perhaps bags some apples? This amendment would add an exemption that applies to properties on rural and agricultural zoned lands where the owner resides on the property and provides additional dwellings for the use of short stay. It is similar to the Greens' amendment but goes a little bit further as their amendment only applies to those who are defined as primary production under the duties tax - which may be coming into effect in a moment - so, essentially, only properties that use their land to make money through primary produce. This also only applies to multiple dwellings on the one parcel of land. To me, to include one section of the road and not the other for this arbitrary reason does not make sense, and this amendment hopefully goes some way towards assisting with recognising the problem. It may not be seen on the state revenue list as particularly easy to identify, but on inspection these types of properties would be very easy to identify.

I recognise that the data may be difficult to gather, but if the government is able to give some indication of the properties that are considered short stay in rural and agricultural zoned lands that are not currently defined as primary production, that would be useful, although I know that that information may be difficult to gather or validate. Perhaps if this information is not able to be given, I could receive a commitment that if the government's amendment for statutory review is successful this question can be answered and inform future exemptions to the bill in the future when this review takes place. I recognise that if you carve out everything you have nothing left, but I feel that the government hasn't quite got this one fair and I think the Greens' amendments improve the situation. This amendment strengthens it further. I look forward to the government's response.

Ms RATTRAY - Madam Chair, the government acknowledges the honourable member for Montgomery's engagement on this issue and appreciates the intent underpinning the amendment and supports the amendment. And in response to that, the government notes these concerns and recognises that accommodation provided on rural and agricultural properties often operate in different circumstances to more commercial short-stay accommodation offerings. The amendment seeks to recognise those differences by excluding accommodation located on land where the owner or occupier ordinarily resides, and which is zoned for rural and agricultural purposes.

Preliminary advice provided to government indicates that the financial impact of the amendment is expected to be relatively modest, with the cost estimated to be in the low hundreds of thousands of dollars per annum. While this will reduce levy revenue to some extent, the government considers that impact manageable, in the context of overall operation of the levy.

The government remains committed to the implementation of a statewide short-stay levy. However, it also recognises the importance of ensuring that the levy is appropriately targeted, and takes account of circumstances of rural and agricultural accommodation providers. Again, the government therefore supports the amendment, Madam Deputy Chair.

Madam DEPUTY CHAIR - The honourable member for Murchison.

Ms FORREST - Thanks, Deputy Chair, I just have a question, since we've just agreed to a previous amendment around removing 'ordinarily occupies or resides', because you could come across the same situation here. I think we've changed the terminology in one. Why wouldn't we use consistent terminology in this as well? I may well have a rural property. I might live on the farm and work on the farm and have another property that is let out and always intended to be a farmstay property. But I may also have a holiday shack or something that I let out, but I still use that ordinarily during the holidays, as the member for Huon used to describe the intent that sat behind that, was afforded by the government in making that the principal place of residence. So, I think we're creating a problem here by having two different definitions now, which are at odds. So, I can't support this as it is. Because of that, we've now created another conflicting term that then - so what does this mean? Then I'll say, well, actually, I normally reside the shack. Or I don't normally reside at the shack. Or whatever it is, I think we need to be consistent in that terminology, and this doesn't do that. So, as it stands, I can't support it. I'm surprised the government haven't been concerned about that, since they supported the first amendment.

Ms RATTRAY - Seeking some advice, if the honourable member is looking for a government response.

The honourable member for Murchison has pointed out a very apt matter here. If the honourable member who has moved the amendment is of a mind to withdraw the amendment, then I suggest that we report progress so that amendment can be redrawn to make it consistent with the previous amendment.

Mr HISCUTT - I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Ms RATTRAY - I seek to report progress and seek leave to sit again at a later hour.

Progress reported; Committee to sit again.

SUSPENSION OF SITTING

Redrafting of Amendment

[12.28 p.m.]
Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I move -

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

This is to enable the facilitation of a new amendment.

Sitting suspended from 12.28 p.m. to 2.30 p.m.

QUESTIONS

Tungatinah Power Station Fire

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

I note the media overnight and the Ministerial Statement talking about a tragic fire at the Tungatinah Power Station, with Tungatinah Power Station being a significant power station in our system, and note that Poatina and others are mostly out of action and under maintenance and repair.

In the minister's Ministerial Statement that was provided to members, he makes the point that Hydro Tasmania says they have sufficient generation network capacity available to maintain reliable energy across the state and notes that Hydro Tasmania storage is at the highest level seen in 10 years.

My question to the minister is: isn't the amount of water in storages irrelevant if so much generation is offline? Aren't we going to have to rely on gas more and more during this period - because it is quite a bad fire by the look of the footage and the media reports on it - to actually maintain the necessary energy supply in the state, let alone export when there may be high-price periods?

ANSWER

I assume all members are aware of overnight developments around 9 p.m. last night, the fire reported at Tungatinah. Having just recently spoken to the CEO of Hydro, who is up there at the moment, you can imagine it's still a pretty live situation and circumstance.

I think we're at a point where the fire is - as I understand it - fully extinguished and the site is likely to be transferred from Tasmania Fire Service back to Hydro in the relatively near future. There is quite a bit of loose cladding and stuff around the site. It's a challenging environment.

I take the opportunity, obviously, to thank first responders who were there last night and, of course, over the course of the last 18 hours, also Hydro staff and TasNetworks staff. There are still 300 people in that area who are without power. We're hopeful, as I understand it, the switchyard at this stage looks largely untouched, so there is the expectation that those 300 people will be back online in the not-too-distant future. I would ask them to bear with us and thank them for their patience.

In terms of what it means, it's one of our mid-range power stations. Tungatinah has a capacity of 142 kilowatts. It is offline and will be offline for some period of time. Again, we're waiting to see what the impact is. Certainly, the building is destroyed. Whether that is the same for the machinery which was contained within the building is yet to be determined. I'm advised by Hydro Tasmania that its power stations are insured and there will be a call on insurance in due course if that's the way we need to go.

In terms of Poatina, which the member mentioned, I am advised that Poatina will be back online early October, so that's helpful. I'm advised that the Tamar Valley Gas Power Station, which hasn't been running for the last little bit, will be fired up again today. That's probably in train. It takes a little while to get that up and going but we have some resilience in the system. We have a portfolio of generating assets - 30 power stations in the system - and it's not unusual for one or other to be offline at various times for maintenance and so on. So, this is not a circumstance which is entirely unusual, in terms of a station going offline. Obviously, one burning is very unusual, but I'm advised that systems security is not an issue; that we have the generating assets and the water in storage that powers those generating assets to deliver power for Tasmanians, be they mums and dads at home or our major industrial customers. But this is a big day for Hydro and in many ways a sad day because a lot of these stations are old. That one is more than 70 years old and there are lots of people and families who have had interactions with it and memories of working at Tungatinah. So, it's not a great day, but we will rebuild.

Wellington Park Action Plan - Minister's Role

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

[2.36 p.m.]

This question relates to the document Our Mountain's Future: Kunanyi/Mount Wellington and Wellington Park Action Plan. Minister, given that the Parks and Wildlife Service is the largest landowner in the park, with some 18,500 hectares for which it is responsible, what role did you play in the development of this action plan? It's also, however, a damning indictment, in many ways, of the Parks and Wildlife Service, which you manage, given that there are findings around a lack of coordination over land management and bushfire prevention.

So, my first question is: given that you're minister for Crown lands and Parks and Wildlife Service, the largest landowner in the park, what role did you play in the development of this action plan? Is it your understanding that, should the trust be abolished and the managing authority set up, the managing authority would become a single landowner and would that mean that the park was vested ultimately in the Crown?

ANSWER

I thank the member for the question and her interest in Mount Wellington/Kunanyi, our second-most visited tourist attraction in Tasmania, receiving well beyond half a million visitors a year. And, of course, Wellington Park provides significant tourism and recreation opportunities, contains important natural and cultural values, and is an important source of drinking water for Greater Hobart.

The Tasmanian government, as indicated in the question, has completed a comprehensive strategic review of the mountain and the broader Wellington Park. In June last year, the community vision and supporting documents were released following an extensive public consultation phase, which received more than 9000 responses. The final report, released yesterday, sets out a pathway to delivering on the vision and addresses concerns relating to land management, infrastructure, access, cultural experiences, fire management and overall visitor amenity. And each action is connected to the community's aspiration as set out in the vision.

Ms O'Connor - Will you answer the question at a certain point?

Mr DUIGAN - The action plan we have released draws on consultation with the Wellington Park Management Trust -

Ms O'Connor - The one you're going to abolish.

Mr DUIGAN - of which I have responsibility as minister for Parks, local councils, tourism stakeholders and fire management agencies. The key recommendation is to establish a new landowning managing authority to provide more effective -

Ms O'CONNOR - Point of order, Mr President. I asked the minister two quite specific questions. What we're being read out is his ministerial brief and that's fine, but this is information that's already on the public record. I'm hoping you can direct him to answer the question.

Mr PRESIDENT - I cannot direct him to answer the question.

Ms O'Connor - I'm hoping you can propose he do.

Mr DUIGAN - The managing authority will include skills-based appointments with appropriate expertise such as fire management, financial, natural values management, Aboriginal and tourism. The park will continue to have its own special governing legislation, and the management plan will remain the management and planning framework. This will ensure management is consistent and adapted to the diverse needs and values of the park.

The review found the current funding model is not sufficient to maintain infrastructure, manage risk and support future investment. It places a disproportionate burden on Hobart, Glenorchy and the state government. The new managing authority will have the authority it needs to implement a fairer funding model while maintaining access for all those who visit the park.

Ms O'Connor - Will you answer the questions?

Mr DUIGAN - I believe I have.

Ms O'Connor - Nope.

Wellington Park Action Plan - Future Plans

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

[2.41 p.m.]
The minister has chosen to read out his brief and not answer the question, so I'll re-ask the questions until he answers them. Minister, what role did you have, as minister, in the development of this document, Our Mountain's Future, which most of us can discern is a vehicle, in significant part, for the cable car? Can you confirm that should the Wellington Park Trust be abolished, which is the agenda within this document, and a managing authority be set up as a single landowner, that managing authority would hold the land on behalf of the Crown?

ANSWER

Thanks, Mr President, I'm just seeking advice.

Our Mountain's Future was a piece of work overseen by the Office of the Coordinator-General through minister Ellis's office, so it was the lead agency.

In terms of the land management and the land sitting with the Crown, that would be, I think, my expectations, yes.

Wellington Park - Parks and Wildlife Expenditure

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

[2.42 p.m.]
Last question for now on the mountain. I don't know whether it matters whether it's your expectation; it's whether or not it's a fact that it's vested in the Crown. Are you able to provide to Council some information about Parks and Wildlife expenditure on land management inside the 18,500 hectares in the Wellington Park, given what we hear about the poor state of land management in the park, expenditure on bushfire prevention and other land management in the Wellington Park over the past year? I understand you may have to take that on notice, but we're particularly interested and concerned about how much Parks has been spending on bushfire prevention in the park.

ANSWER

Thanks, Mr President, and I appreciate the question and would note that fire management in the park is a responsibility of Parks but also of the Tasmania Fire Service and other agencies, but I think we can probably take that question on notice.

AFL High-Performance Centre - Fairbrother Contract

Ms WEBB question to MINISTER for SPORT, Mr DUIGAN

[2.44 p.m.]

My question is to the Minister for Sport while he's in a mood to answer questions. It's following up, perhaps unsurprisingly, on a question from yesterday, and it goes again to the nature of the primary construction contract for the AFL high-performance centre in Kingston - lovely part of the world.

Minister, we know the construction contract is between the club and Fairbrother, but we also know that the Tasmanian government, which has contributed on behalf of the Tasmanian people $105 million towards the centre, has an oversight role on the project steering committee. So, the question I wanted to put to you today and hope to get an answer to fairly straightforwardly is: can you confirm whether the government knows whether the contract between the club and Fairbrother is in fact a fixed-price or a cost-plus contract? Further, if the government does know that detail in light of taxpayers' financial stake in the whole enterprise, does the government have any legal advice against providing that information here to us just in terms of the nature of that contract?

ANSWER

Thank you, Mr President. I would like to do my big football speech again. On Saturday, 11.05 a.m., the Tasmania Devils against Essendon. It's very exciting. However, in the interests of brevity, we have passed the questions. I am able to confirm that it is a fixed-price contract between the Tasmania Football Club and Fairbrother.

Ms Webb - Thank you, I appreciate that answer.

Third-Party Use of Student Images

Mr EDMUNDS question to MINISTER for EDUCATION, CHILDREN and YOUTH, Ms PALMER

[2.46 p.m.]

For some time, I've been concerned about the conduct of specifically elected members at school assemblies where they take photos of children without seeking any kind of permission at all, particularly on the eastern shore, and members of my local council. During the Estimates process, minister, we had a good conversation about this, and you endeavoured to seek some information. Today, I'm just asking for an update on what actions you might have taken considering the considerable safety risk and family choice around how children and their images are shared online. I'm interested in what work is being done within your department to protect those young people and their exposure to the world, because of the concerns that I think a few of us have probably seen firsthand and feel a bit powerless to stop. Thank you.

ANSWER

Thank you very much, Mr President. I thank the honourable member for the question and his interest in this matter. Our government is committed to celebrating student achievements.

That's a wonderful thing for us to do. Sometimes I think our young people get hit pretty hard in mainstream media and it is absolutely joyful when we have the opportunity to celebrate what they're doing. But, of course, that has to be balanced with ensuring the appropriate consent and privacy protections and student safety measures, making sure that those are in place. We also very much must respect that families have different preferences around the publishing of images or indeed videos of their children.

I understand the Department for Education, Children and Young People obtains parent and carer permissions regarding the use of student images as part of its annual enrolment and consent processes. While many families welcome opportunities for their children to be featured in education-related media, we also understand and recognise the concerns of some families who choose otherwise and that certainly is their right.

I'm advised that where a third party intends to photograph, film or record students, additional and specific consent may be required beyond the permissions that are collected by the department around that annual enrolment and consent process that usually happens at the beginning of each year. I understand third parties are responsible for obtaining appropriate consent from families before using student images, video or audio recordings for their own communications, publications or social media channels.

The department works closely with schools to promote community understanding of student privacy requirements and encourages individuals attending school events to only photograph or record their own child wherever possible. Very regularly when you attend school assemblies or presentations, there is nearly always a request at the beginning of any of those events - 'Please do not record or photograph other children other than your own.'

Individuals are also encouraged to respect the privacy of other students and not share images or footage of children on social media without appropriate consent. My office has asked the department to strengthen school procedures by incorporating photo permission reminders into site sign-in processes. The department has also been asked to provide a verbal reminder about photo permission and publication expectations at the commencement of events attended by families and other external visitors.

TT-Line - Decision to Remove Fuel Levy - Government Funding

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

[2.50 p.m.]
Minister, I asked you a couple of questions yesterday - I think it was yesterday - regarding TT-Line's decision to remove the fuel levy on passengers and vehicles. I apologise; I haven't sent anything further in writing as I had a few other things on.

My question to follow up with is based on what the minister said yesterday, and he may have some more information today about how the costs are being managed and how this will affect cash flows and profitability of the business. According to the budget, the company receives and will continue to receive significant financial support from the government. Is this a wise decision to reduce their revenue when we're just handing them money to make up the shortfall that they have already?

ANSWER

I haven't had an opportunity also since the questions yesterday to get exact details, but we have highlighted that we would certainly like to have a larger conversation. I do have slightly more information. I don't think any of this is repeated over the top of yesterday but between 1 March and 30 August, the total fuel price increases totalled $13.5 million, and 70 per cent or $9.4 million of the price increase was attributed to passengers between the passenger and freight side of things. TT-Line collected $6.9 million from passengers, leaving a $2.5 million shortfall, as we said yesterday.

Even though the original intent was for 100 per cent recovery, the company believes the movement surcharge before fully recovering additional costs is in the best interest of the Tasmanian visitor economy, mindful of its impact on Tasmanian visitors to the state. As the company heads into the busy high season, the board believes the time is right to remove the surcharge. And I should just say fuel is the second highest expense that TT-Line has.

I might just add to that as well so people are aware, I've spent nearly all my life in business and very rarely can I think of any other occasions where I found a CEO and chair combination in a company that I've probably had more faith in than Chris and Ken and what they do and how they do it and how open they are in their conversations. And I can say that when we do have our meetings, especially anything that doesn't contradict board confidentiality, is an open and frank discussion.

I have highlighted your question from yesterday for further discussion and as further information comes, I will certainly be talking openly and honestly about that. As you can see from the numbers they have, there's nothing hidden there and their style has been very open, as mine is, and will continue to do so. Thank you.

SHORT STAY LEVY BILL 2026 (No. 13)

In Committee

Resumed from above (page 23)

Clause 5 -
Meaning of *short stay accommodation*

[2.58 p.m.]
Mr HISCUTT - Madam Chair, on this call, I speak to the clause and the nature of the amendments. As you know, I think that they haven't quite got the balance right, but I'm happy for Treasury to have a bit more time to properly look into the issue that I've presented. I'm seeking a firm commitment that the government will undertake a targeted review of the intent of my original amendment and within the next six months consult with me at the conclusion of the review and, if agreeable, seek to exempt this proposed class of accommodation from the definition of short-stay levy by order under section 21, as allowed for in clause 5(3)(p). I recognise that, for me, it would be better to have this in the bill, but if I have a commitment, then I'm satisfied that it will be considered and I trust the government will endeavour to carry

out the commitment as per its intent. I also note that under section 21, as I understand it, it would be disallowable by parliament if there is concern within the parliament on this action.

Ms RATTRAY - Madam Chair, in response to the honourable member for Montgomery, and as I indicated in my previous contribution, the government acknowledges Mr Hiscutt's withdrawn amendment and expresses its in principle support for the intent underlying it. Throughout the debate on the bill, concerns were raised about the potential impact of the levy on small-scale short-stay accommodation providers in rural Tasmania. The government notes these concerns and recognises that accommodation provided on rural and agricultural properties often operates in different circumstances from more commercial short-stay accommodation offerings.

In recognition of these concerns, the government commits to undertaking an assessment of this cohort of accommodation providers and committing to the member for Montgomery's request as made in his contribution. This assessment will be undertaken as a standalone review within six months of royal assent rather than waiting for the statutory review to be conducted from two years after commencement. This approach reflects the government's intention to move a separate amendment relating to the statutory review provisions of the bill. I trust that's adequate.

Ms O'CONNOR - Thank you, Madam Chair. I might just say, before I read in the amendment, I thought that the way the honourable member for Montgomery has handled this is extremely gracious and good, and I look forward to seeing the result of the review.

I move the following amendment -

Page 8, subclause (3), paragraph (e).

Leave out the paragraph.

Insert instead the following:

(e) accommodation on land where the land is primary production land within the meaning of the *Land Tax Act 2000*.

I made some reference to this in my second reading. But it would replace the amendment made by my colleague, Mr Bayley, and ultimately by the House, to this clause and the amendment that we made was that there be an exemption for accommodation on land where the land is primarily operated -

(1) as a primary produce business within the meaning of the *Primary Produce Safety Act 2011*; or

(2) as part of a business associated with the primary produce business within the meaning of that act.

It's been quite encouraging to be able to work well with government on tidying up the amendment that the House made, and we now have a proposed amendment that is less about producing food and is more about zoning. I'm unsure whether honourable members have access to a document that was in my bill pack from downstairs, the ministerial briefing for the

Treasurer with the subject: Short Stay Levy Bill 2026 Member Amendments. It's a summary of the amendments and it makes this observation of the Greens amendments:

> The following amendment was passed - Greens. Details of the amendment: Treasury recognises the policy intent of the Greens' amendment but considers it could be simplified by replacing it with the definition below.

The definition given by Treasury is entirely consistent with the proposed amendment. Treasury goes on to say:

> The proposed amendment, that is the second version of this amendment, is in keeping with the Greens' principle that -
>
> - farm stay and agritourism accommodation should be excluded from the levy;
> - references taxation legislation administered by Treasury, reducing the risk that unrelated changes to the *Primary Produce Safety Act 2011* have consequences for the operation of the levy;
> - reduces the risk of levy avoidance by -
>   - ensuring that the exclusion applies to genuine businesses carrying on primary production in a business-like manner with a reasonable expectation of profit;
>   - removing businesses associated with the primary produce business from the definition; and, importantly,
>   - is simple to understand, apply and administer by the Commissioner of State Revenue.

If any honourable member would like me to provide a copy of this Treasury document, if they don't have it already, I'm happy to do so. There's a comparative table that has been prepared with great clarity and care by Treasury. I understand that the government is quite comfortable with the wording of the revised amendment. It is in response to representations that were made, I think to all members, by primary producers who may operate a tourism short-stay business on their land. We think it's a responsive and targeted amendment. I hope that honourable members support it.

Ms RATTRAY - Thank you, Madam Chair. The government acknowledges the honourable member for Hobart for her engagement on this point.

In relation to the amendment moved by the honourable member, the government recognises the policy intent of the Greens' amendment in the other place to exempt farmstay and agritourism accommodation from the levy. The government considers the amendment proposed by the honourable member for Hobart is consistent with the Greens' principle that farmstay and agritourism accommodation be excluded from the levy. It references taxation legislation administered by Treasury, reducing the risk that unrelated amendments to the *Primary Produce Safety Act 2011* could have unintended consequences for the operation of the levy as outlined by the Treasurer in the other place. It reduces the risk of levy avoidance by ensuring the exclusion applies to genuine businesses carrying on primary production in a business-like manner with a reasonable expectation of profit and removing businesses associated with a primary production business from the definition and provides a definition that is straightforward to understand, apply and administer by the Commissioner of State Revenue. Madam Deputy Chair, the government supports the amendment.

Ms FORREST - Madam Deputy Chair, what we're doing here for these amendments is trying to seek to carve out a number of businesses, and what we risk doing is creating an entirely inequitable system where, in rural communities - down the Huon, in Mersey, Montgomery, McIntyre, Murchison and many others that have got pockets of rurality about them - Prosser, sorry - you could have a business, if this is agreed to, that is primary production land for the purposes of land tax, that's exempt from paying it. I know there was that matter raised that we don't want farmstays caught up in this, but that was not the intention.

Then when you go back to the member for Montgomery's proposed amendment that he has withdrawn, there could be land right next door that is on agricultural land that may have some agricultural activity but it's not considered primary production land for the purpose of the *Land Tax Act*. They may do some activity, but they're not with a reasonable expectation of profit. There is a test that's applied to that. It may be their principal place of residence, but they may have several properties like little pods or glamping arrangements or something on that property, they will pay it and these ones won't - they could be right next door to each other.

In these rural communities - I'll use Stanley as an example - where you've got just inside the town boundary an Airbnb or short-stay accommodation property, and then just outside the boundary you've got primary production land providing, yes, primary production, but also two or three properties that they're using for farmstay or accommodation - they'll be exempt but the house right over the fence, just there, will pay it.

When you get exemptions of this number, the principle may be right, but what we're doing here is creating quite a mess. I go back to my point I made in my second reading contribution, that a levy or tax, whatever you want to call it, should be low rate, broad based. It's much simpler, much more equitable and then would not adversely impact consumer behaviour. So, I think we're creating problems here by trying to carve out certain things because we don't like them, reducing the revenue that can be raised, which is allegedly one of the primary purposes of this, is so we can help first-home buyers - arguably that won't, but that's a separate point - whilst seeking to fulfil an election commitment that creates all forms of inequity. That's not good law. That's not good policy.

When you create inequitable situations between people in rural communities, some who may live in town and some who may live just outside doing pretty much the same sort of thing and having a very different taxation arrangement - I'm not opposed to this amendment as such but it makes a bit of a mockery of what we're trying to do.

Ms THOMAS - I'd like to add my voice to this debate and indicate that I support the amendment, but overall, on the clause, I have real concern, like the member for Murchison does about the carve-outs that are being written into this bill through this particular clause. I particularly have concern with (p) in this section:

> accommodation that is declared, by order under Section 21, as exempt premises.

And I note the member for Montgomery has withdrawn his amendment but his withdrawal is contingent on clause 21 actually being passed. I'm minded, Madam Deputy Chair, to speak against members voting for clause 21 because I don't believe the minister should be able to declare premises as exempt premises because what that could well lead to - there's a risk here that this bill goes through, the government promotes that it has, in it's first 200, however many days, of its 2030 Strong Plan, ticked something off and then next week the minister might decide to declare another person's property as exempt premises. The minister might get a letter from someone else asking for their property to be declared as exempt premises. I know that's a very simplistic view, Madam Deputy Chair, but that is a risk here, so I'm minded when it gets to clause 21, to again, stand up and speak and recommend members vote against that clause, but that will have an impact then on this clause as well because it'll make that paragraph (p) redundant, which makes it look like a pretty silly part of the bill.

If that's the way it goes, that's the way it goes, but it will also then impact on the member for Montgomery's decision to withdraw his amendment because there won't be that provision available, in which case, should the bill pass through, the member for Montgomery would have to perhaps bring an amendment to the bill to bring into effect what he's trying to achieve or seek the government to do that.

This is just again how messy this bill is and the fact that there are so many carve-outs. It just goes to show, yes, the government may have been willing to work with members of the parliament, good on them to try to get their bill through, but it's just made an absolute mockery of it. It absolutely decimates the revenue that it was intended to raise, which is the stated purpose, and it just creates confusion for accommodation providers, creates an extensive amount of work for the State Revenue Office off the side of their desk, already stretched - probably also like every other government department because of budget cuts.

I have a real concern with this clause overall. I have concern now for the member for Montgomery withdrawing his amendment on trust of the government, and I signal my intent that I will stand and recommend that members vote against clause 21 for the reasons I've set out.

Ms O'CONNOR - The honourable member for Elwick makes some very good points and perhaps we could collectively, as a Council, just move to remove (p); but I'm hoping that honourable members will examine the amendment that I'm putting forward, recognise it'll help to fix up a part of the bill where the House amended it, and the advice from Treasury is that that amendment is too imprecise in broad terms, so fix the clause through my amendment and then when we get to the end of the bill, Madam Deputy Chair, vote for or against the bill. Obviously, I still think that the amendment that I'm putting forward is aligned with the requests that were made to us by agricultural producers and farmstay operators, so I hope that the amendment is supported.

Ms WEBB - Thank you, Madam Deputy Chair. I think you can draw a breath, member for Hobart. I don't think anyone is actually speaking against the amendment, which is good, because it's sensible to fix up something that's already in the bill. Potentially, at least it's tidying up an amendment already made. If we don't pass this amendment to tidy up what's already there, then we're left with the bit that has been identified as being less precise than it would otherwise warrant being. I'm not going to speak against your amendment. I will support the amendment, because it would simply do that.

However, I'm in thorough agreement with the member for Elwick and the matters raised by the member for Murchison that this is absolutely ridiculous. We have a clause that is carving out at least 16 categories of things from this levy, which is highly confusing. We're looking at adding more potentially, although we haven't ended up adding more because the member for Montgomery has not put his forward. I share concerns about (p) and what that means. I share concerns about clause 21, and the power that provides to the minister, who, lo and behold, I would almost guarantee will make an announcement - whoever the minister is at that time - before the next election or during an election period, saying we're going to include *x*, *y* and *z* categories now into this as an election promise made. And the minister can do that under this act. Yes, members are clear about my view of this bill overall. This is a particularly problematic clause of the bill with all these exemptions, 16 at least. I'm supportive of the amendment, and we can deal with clause 21 when we get there, potentially.

Ms O'CONNOR - Just quickly -

Madam DEPUTY CHAIR - It's your third call. Do you -

Ms O'CONNOR - I understand that. I mean the number of exemptions has been highlighted a number of times. We need to be really clear here. The exemptions, sensibly, if you go through them, exclude things like existing accommodation businesses, hotels, caravan parks and the like. They're logical exemptions to exclude from a short-stay levy. I'm not sure it's reasonable to cite the exceptions to the levy as a reason that this bill is flawed. There are many reasons that this bill is flawed. But the exceptions themselves, with the exception of (p), are not unreasonable, Madam Deputy Chair, and -

Ms WEBB - It points to the silliness of the policy underneath it.

Ms O'CONNOR - Yes. No, I do hear you. But, you know, I hope that there's a way that we can remove (p) from this list of exceptions, and I'm not exactly sure how to do that, having had my third call.

Mr EDMUNDS - Thank you, Madam Chair. I couldn't have spoken to you before time.

Madam DEPUTY CHAIR - I don't -

Mr EDMUNDS - Okay, no worries. Look, I agree with the member Hobart. To try to fix a clause based on advice, so obviously I will be supporting it. But I guess what this sort of whole conversation has pointed out is the bill is a bit of a disaster, let's be honest. It's a complete mess. Perhaps, we should have amended the short title to be the Swiss cheese bill, frankly. There are many holes and exceptions in it, frankly, Chair. But it's a good amendment, but I will still be voting against the bill.

Ms THOMAS - Thank you, Madam Deputy Chair. I guess back on the clause as a whole, and we've had heard a number of references to (p) in this particular section, (3)(p) in this clause. I just want to be clear. I haven't prepared an amendment for it to be removed. My assumption would be that if we vote down clause 21, (p) becomes just redundant. I don't know if the Leader has any comment on whether that would be the case.

I also just want to take the opportunity to put on the record that, whilst yes, there's been a lot of criticism and talk about the flaws in this bill, I know that staff have worked very hard on this bill. I want it to be made clear that this is no reflection on the staff who have been working on this bill. Often in this place, we can make criticisms, and we have to be mindful of who they might impact on. I just wanted to take the opportunity to make that point, Madam Deputy Chair -

Members - Hear, hear.

Ms THOMAS - that we are criticising the government's formulation of this bill and the policy, not the staff at the Table.

Ms WEBB - Thank you, Madam Deputy Chair. Hear, hear to that. Thank you, member for Elwick, for saying that on behalf of all of us, I think.

I'm just going to point out, none of us have prepared an amendment to remove (p) from this clause, although it would be a straightforward amendment. But I would just point out that we've already amended this bill; it's going back to the other place. So, if we were to vote down clause 21, for example, and it went back there and that made (3)(p) here a nonsense, the other place has it available to them to consider tidying that up when they are addressing the bill - just to point out the process that's available there, so we can still, in fullness, consider clause 21 when we get to it.

Ms RATTRAY - Madam Deputy Chair, I've appreciated trying to get to my feet six times, but it must be something to do with Swiss cheese and nine to five and all the other things that have been going on today.

Members interjecting.

Ms RATTRAY - Just a couple of points to make. The first point is that the government doesn't disagree with the honourable member for Murchison, but I just want to restate that in recognition of these concerns, and this was provided to the honourable member for Montgomery when he made his decision not to proceed with an amendment. The government commits to undertaking an assessment of this cohort of accommodation providers and committing to the request that was made in his contribution, so that will be picked up through that assessment.

In regard to clause 21, yes, (p) would become redundant if clause 21 was voted down.

Also, an additional piece of information: the advantage of a ministerial order is that it allows the Treasurer to add to the list of excluded types of premises in a timely manner when and if required. But, importantly, a ministerial order is a disallowable instrument. This means that the parliament retains the ultimate decision on additional excluded types of premises as it has the power to disallow the order if it sees fit.

Ms FORREST - Madam Deputy Chair, I'm glad that the government doesn't entirely disagree with me. That's very encouraging. But that said, I don't have the same level of faith as the member for Montgomery, actually. Regardless, even if there's an amendment along the lines of what the member for Montgomery was putting in, it still doesn't deal with the situation I talked about, where you've got a property inside a town boundary that's not on primary production or rural land or however described, and there's property just inside, in the same rural area where the same challenges are with tourism, et cetera, and they're being treated differently.

That's the point. So, even if that's fixed, this problem still doesn't go away. It might go away between two rural properties right next to each other or two properties - one on primary production land under the meaning of the *Land Tax Act* and whatever the member for Montgomery's one sought to do, like rural land under the *Land Use Planning and Approvals Act*, or whatever it might be after the government has had a look at it, assuming that they do.

The point remains, in regional areas, in rural areas, there will be tourism operators being treated differently: some having to pay a levy and some not, within spitting distance of each other, closer than a bull's roar. That was the point I was making; it wasn't just about the issue with the different categories of rural land, it's bigger than that. I go back to the point that a much more fair, effective and reasonable approach would be to have a low rate, broad base. Anyway, that's the point I was making, so I don't want to have that misinterpreted, as this will all be fixed if we get an order through this place, which I think is a terrible way to go about legislation. We've got the problem here now - anyway, I'm disappointed with this approach. I think it's fundamentally wrong.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 13 agreed to.

Clause 14 -
Registration for payment of short stay levy

Mr HISCUTT - This question was just a side question on Clause 5, but it will make sense here as well. As people need to register for the payment of the short-stay levy, I noted in the Leader's second reading speech the statement regarding:

> Subject to the Commissioner of State Revenue's assessment of particular circumstances, this may include boutique hotels, tourist lodges, resort complexes and lodge-style hotels and other accommodation operating in a manner compared to a hotel, motel or inn.

I seek some clarification at what scale that takes effect. I feel like some of the situations we encountered may have been considered resort complexes or tourist lodges might be something on rural land. Could I get some clarity on what the government's intention for those words were?

Ms RATTRAY - I am seeking some advice with regard to the honourable member's question for clarification.

Thank you, Madam Chair. To the honourable member's question, these examples were provided referencing accommodation in a hotel, motel or inn as referenced in clause 5(3)(a) The definition will be interpreted by the commissioner but may incur regulation and compliance costs that do not apply to short-stay accommodation, such as payroll tax, and be subject to building compliance and fire safety regulations and abiding by licensing, planning and zoning approvals.

Clause 14 agreed to.

Clause 15 -
Return period for levy

Mr GAFFNEY - Thank you, Madam Chair. I do apologise if we've been given a reason for this. I just can't remember, but could you explain - and it's good to know - why the amount of $75,000 was chosen as the annual threshold? I think people would be interested to know that. I can't remember that being raised. The question is: why was $75,000 chosen as the annual threshold? Is that in perpetuity? Or is there a process that might change in five years' time or 10 years' time or whatever? How is that worked out?

Ms RATTRAY - Thank you, Madam Chair. The $75,000 was chosen because it's in line with the Victorian model and, also, it's intended that it will be in perpetuity.

Clause 15 agreed to.

Clauses 16 and 17 agreed to.

Clauses 18 and 19 agreed to.

Clause 20 agreed to.

Clause 21 -
Minister may declare premises as exempt premises

Ms THOMAS - Thank you, Madam Chair. I think I made my feelings on this clause pretty clear when I spoke on clause 5. To briefly reiterate, I would encourage members to vote against this clause. I don't believe it's appropriate to give the minister the power to declare premises as exempt premises, regardless of whether it may be a disallowable order by this place. From my experience here - in my short time I've been here so far - it appears very difficult for a disallowance order to be successful in this place, so I caution members as to providing the minister with this rather wide-ranging power whereby we may see a number of different types of accommodation declared by the minister to be exempt from paying this levy. Under this clause, the minister is to ensure that a statement that specifies the reasons for the exemption and the intended scope of the exemption is tabled in the House of Parliament. Although, as the Leader said, it would be disallowable, I still don't believe it's necessary or appropriate to give the minister this power. I think it's safer to require that should there be evidence to demonstrate that more than the 15 already prescribed exemptions in this bill be required or necessary or appropriate, the government should have to come back and argue its case for an amendment to the bill. That would be my preferred option, so I encourage members to vote down this clause.

Ms RATTRAY - For the sake of restating that the ministerial order is a disallowable instrument, I also take on board the honourable member's assertion about that and that she would rather see it come back to parliament. Obviously, that's at the will of the House and the government will have to wear whatever it does wear.

Clause 21 negatived.

Clause 22 -
Certain information to be published annually

Ms RATTRAY - I move the amendment on behalf of the government -

Page 25, subclause (1), paragraph (a).

Leave out that paragraph.

Insert instead the following paragraph.

(a) the total number of premises in respect of which the short stay levy was payable during the financial year;

In speaking to that, while noting the government did not support the addition of clause 22, Certain information to be published annually, in the other place, the amendment is a minor change to the amendment to reflect the intentions of the honourable member in the other place who moved the clause. Without this amendment, Treasury would be required to report on the number of registered short-stay levy payers during the financial year, which would result in a number of registered booking platform providers being reported. The amendment will instead have the effect of this provision requiring the number of premises subject to the levy to be published, which I'm advised was the intention of this specific provision and which is consistent with the honourable member in the other place's contribution relevant to the amendment in *Hansard* from 7 May 2026 that can be summarised as: to collect reliable data relevant to the Tasmanian short-stay market.

Clause 22, as amended, agreed to.

Clauses 23 and 24 agreed to.

Clause 25 agreed to.

New Clause A -

New Clause A to follow Clause 23.

A. Review of Act

(1) The Minister is to cause a review of this Act to occur, in accordance with subsection (2), no sooner than 2 years after the commencement of this Act.

(2) A review under subsection (1) is to be on such terms, and conducted in the manner, determined by the Minister before the review commences.

(3) Within 3 years after the commencement of this Act, the persons who undertake the review under subsection (1) are to -

(a) complete the review; and

(b) give the Minister a written report on the outcome of the review.

(4) The Minister is to cause a copy of the written report prepared in respect of the review to be tabled in each House of Parliament within 15 sitting-days after the report is given to the Minister in accordance with subsection (3).

Ms RATTRAY - Madam Chair, I move -

That New Clause A be read the second time.

The government brings this amendment in response to representations that it would be appropriate to include a statutory review clause in the bill were the inclusion of a review clause at the will of the Council. As to why this provision is not in the bill, as advanced through the other place, Treasury routinely reviews the state's taxes and levies to ensure they remain contemporary, effective and fit for purpose. Treasury also provides both periodic advice and advice on request to the government on the state taxation system. Consequently, the short-stay levy would ordinarily be considered as part of these ongoing processes and reducing the need for a legislated review requirement.

Mr EDMUNDS - I support this and just to go full circle with this, this provision is the reason why I voted against going to a committee to look at the bill. I think it's a good practical step forward and I will support it.

Mr HISCUTT - Thank you. I think I'll ask for a formal commitment from the government. Perhaps if my review they are committed to could be done in this review to the same extent, I'd appreciate that a lot. Thank you.

Ms RATTRAY - The government is definitely committed to that, honourable member. You have my word and apparently you have the government's word.

New Clause A agreed to.

Schedule 1 agreed to.

Title agreed to.

Bill reported with amendments.

[3.44 p.m.]
Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I move -

That the bill as amended be taken into consideration tomorrow.

Motion agreed to.

CHARTIES AND ASSOCIATIONS LAW (MISCELLANEOUS) AMENDMENT BILL 2025 (No. 65)

Second Reading

[3.45 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I'm pleased to bring forward the Charities and Associations Law (Miscellaneous) Amendment Bill of 2025 before the Council, on behalf of the Tasmanian government. I move -

That the bill be now read the second time.

The bill before the Council makes a series of important but measured amendments to Tasmania's charities and associations legislation. Its purpose is straightforward: to make it easier for legitimate charities to operate across Australian jurisdictional borders, to modernise fundraising frameworks to reflect contemporary practice, and to strengthen the protections in place for Tasmanians who donate their money or time to charitable causes.

Charities play a vital role in Tasmanian communities. They deliver services, provide support to vulnerable people, strengthen civic life and give Tasmanians opportunity to contribute to causes they care deeply about. When Tasmanians choose to donate, they do so in good faith and are entitled to expect that their generosity will be treated with respect and accountability. At the same time, the way charities operate has changed significantly over recent decades. Many organisations now operate nationally, fundraise online and engage third-party providers to assist with fundraising. The legislative framework must keep pace with these changes. This bill updates Tasmania's law in a way that recognises these realities, while maintaining appropriate safeguards for the community and reducing regulatory burden through a national alignment.

A central objective of this bill is national consistency. All Australian jurisdictions have agreed to work towards aligning the regulation of charitable fundraising. The aim is to reduce unnecessary duplication, while ensuring clear, consistent standards apply across the country. This is particularly important for small and medium charities that may lack the resources to comply with multiple overlapping regulatory regimes.

The bill supports that national approach by recognising the role of the Australian Charities and Not-for-profits Commission (ACNC) as the primary regulator of registered charities. Under these reforms, charities that are registered with the ACNC will no longer be required to obtain separate approval to fundraise in Tasmania. Instead, ACNC registration will be recognised subject to local notification and compliance with Tasmania's fundraising standards. This change reflects a cross-border recognition model that has been endorsed nationally. It makes life simpler for charities operating in more than one jurisdiction, while still ensuring that Tasmanian authorities have visibility of fundraising activity occurring within the state. Importantly, the Commissioner for Corporate Affairs will retain the ability to impose conditions where necessary, and to take compliance action where obligations are not met.

Another key feature of the bill is the introduction of a new mandatory code of practice for charitable fundraising. This code will give effect to 16 nationally agreed fundraising principles. These principles set clear expectations about ethical conduct, transparency and fairness in fundraising activities, regardless of whether fundraising occurs in person, by phone or online. In practical terms, the principles require fundraisers to clearly identify who they are, the organisation they represent and the purpose for which funds are being raised. They require honesty and accuracy in communications with potential donors and prohibit misleading or deceptive conduct. They also recognise that fundraising must be conducted respectfully. Individuals must not be subject to undue pressure, must be able to refuse a request to donate, and must be able to limit or stop future solicitations. The principles include specific requirements relating to ongoing donations, ensuring that donors understand the nature of their commitment and how it can be cancelled. Where commercial fundraisers are engaged, there are additional transparency obligations so that donors are made aware that a third party is involved and how that fundraiser is remunerated.

The bill provides that the code of practice will be made by regulation following public consultation. This approach ensures that the sector and the community have an opportunity to comment before the code is finalised, while allowing the standards to be updated over time as fundraising practices continue to evolve.

Maintaining clear protections for donors. While the bill removes some duplication in the existing legislation, it does not weaken core protections. The long-standing requirement that funds raised for a charitable purpose must only be used for that purpose is retained. I'll repeat that: the long-standing requirement that funds raised for a charitable purpose must only be used for that purpose is retained. Reasonable administrative expenses and payments remain permissible, but the underlying obligation to respect donor intent is unchanged. Limits on solicitation times are also preserved, ensuring that fundraising activities occur within reasonable hours and do not intrude unduly on people's private lives or into people's private lives. By consolidating conduct requirements within the code of practice, the bill provides greater clarity for charities, fundraisers and donors alike.

Updating reporting and audit thresholds. The bill also makes sensible adjustments to reporting requirements under the *Associations Incorporation Act 1964*. Specifically, it increases the audit exemption threshold for incorporated associations from $250,000 to $500,000 in annual revenue. This change aligns Tasmania's threshold with those used by the ACNC and reflects nationally agreed reforms. For small associations, many of which are run by volunteers, audit requirements can represent a significant cost. Lifting the threshold reduces that burden while maintaining appropriate financial accountability for larger organisations. The bill also clarifies the commissioner's ability to determine the form and content of annual returns, improving flexibility and consistency in reporting.

Strengthening compliance and enforcement tools. Public confidence in charitable fundraising depends not only on good intentions but on effective oversight and enforcement. The bill strengthens the enforcement framework under the *Collections for Charities Act* by providing the Commissioner and the Director of Consumer Affairs and Fair Trading with more practical compliance tools. These include the ability to issue infringement notices for prescribed offences rather than relying solely on court proceedings. This allows for a more proportionate and timely response to noncompliance and encourages early correction of issues.

The bill also clarifies investigation powers and provides for court-based remedies, including Magistrates Court orders and injunctive relief through the Supreme Court where serious or ongoing breaches occur. These powers mirror those available under other consumer protection legislation and are designed to ensure that charities and fundraisers who do the right thing are not undermined by those who fail to meet their obligations.

Consultation and continuity. The measures in this bill are the product of consultation with the sector and with other jurisdictions. Feedback received during that process helped refine the approach and ensured that reforms are both workable and proportionate.

This bill strikes a careful balance. It reduces red tape for charities, especially those operating across state borders. It modernises Tasmania's fundraising framework to reflect contemporary practice, and it strengthens the protections in place for donors and the wider community. Above all, it supports a charitable sector that is trusted, accountable and able to focus its resources where they matter most, delivering support, services and care to Tasmanians in need.

Mr President, I commend the bill to the Council.

[3.55 p.m.]
Ms ARMITAGE (Launceston) - Mr President, I thank the honourable Leader for bringing this bill forward again and I note -

Ms Rattray - It has taken a while to get to the Council.

Ms ARMITAGE - Well, I'll be asking you about proclamations as well. I note that this is not the first time we've actually seen it. I know that certain circumstances have intervened, but I'm glad that we're finally getting the opportunity to examine the bill and implement the changes it seeks to make to charities legislation and policy.

As the honourable Leader said, this bill will help to align Tasmania with national registration and harmonisation reforms when it comes to undertaking charitable collections and other associated activities. Importantly, it further seeks to improve enforcement powers, boost public trust in charitable institutions and organisations, and make regulatory burdens on charities a little easier and lighter. Given the important work charities do in our communities, it's only fair and reasonable that, as far as possible, we get out of their way and let them get on with their work. Therefore, we need legislation that's relevant, contemporary and fit for purpose.

It's very clear that in the past couple of decades, the ways charities collect donations, particularly money, has changed. What were once one-off donations now look a bit more like ongoing pledges and involve far more use of electronic funds than things like cash or cheques. Moreover, many charitable collections take place online and there's an increasing use of third parties to collect and distribute donated funds. The whole nature of fundraising has changed quite a lot, and public policy and laws need to reflect and properly facilitate that. At a recent fundraiser I went to, I tried to give a cheque and they don't accept cheques anymore, so all of a sudden we discovered it's all very different.

The administration of charities has also changed and a consequence of that is ensuring that funds that are donated to charities are being used for their intended purposes. People who make donations to charities rightfully expect that the funds they donate go towards the causes they were told about when making their donation. Updated legislation is, therefore, required to ensure that more funds being donated go towards their intended charitable cause than are spent on compliance, administration and management of those funds. These two things are closely linked.

The honourable Leader mentioned the bill's support of the national fundraising principles that require charitable organisations to ensure that their employees, volunteers, contractors and anyone else who they engage to raise funds on their behalf adhere to the principles. This will be implemented through a new mandatory code of practice to be made as regulations under the *Collections for Charities Act 2001*. The national fundraising principles are a set of 16 nationally consistent conduct requirements agreed to by the Commonwealth, state and territory governments in February 2023. The purpose of these principles is to streamline fundraising rules across Australia by reducing administrative work for charitable organisations and making it easier for them to comply with different state-based regimes.

These principles include:

- Purpose: ensuring that the representatives of a charitable organisation clearly explain the purposes of their fundraising activities and that those representatives are clearly and individually identifiable, including names of individuals and appropriate contact details;
- ensuring that written records are properly made and kept;
- that solicitation requests are made respectfully and that representatives comply with requests to refuse a donation, stop future solicitations and marketing, to contact a person at a different, better or more convenient time, and to limit the number, type or frequency of solicitations;
- acknowledges that things like door-to-door and telephone fundraising is prohibited outside of sociable hours and limited on weekends; additionally, fundraising activities are not permitted on public holidays unless the public holiday is closely related to the fundraiser's purpose, such as the example the honourable Leader gave us earlier;
- ensuring that the representatives of charitable organisations adhere to the truth and do not mislead, deceive or use false or inaccurate information;
- that representatives don't place undue or unreasonable pressure on a person, or act unconscionably to obtain a donation from a person;
- ensuring that vulnerable people are protected and that representatives never exploit a donor's trust, lack of knowledge, capacity, or vulnerable circumstances;
- that it's made clear to people whether a donation is a one off or ongoing, and including clear instructions on how to end in the ongoing commitment;
- mandating that commercial fundraising organisations must explain their role, and if and how profits from fundraising are being obtained before a donation is made to them;
- that due diligence must be conducted by charitable organisations when engaging third parties for the purposes of fundraising;
- that charitable organisations must maintain written records of total funds raised and how they are applied;
- requiring charitable organisations to take reasonable measures to protect the health, safety and wellbeing of both fundraisers and the public;

- requiring charitable organisations to establish and maintain a complaints process that allows for proper investigation and redress accessible to the public;
- ensuring that Commonwealth privacy legislation is complied with; and
- charitable organisations ensuring that remuneration paid to commercial fundraisers are not excessive.

These are all very reasonable, but also necessary, to implement through a mandatory code of conduct. There are many charities operating in Australia, all of different sizes. Having these principles ensures that they are all operating to the same expected standards.

Additionally, this bill seeks to adopt cross-jurisdictional recognition for charities. As we know, many charities take donations for people all over the country, even though their activities or purposes might only be geographically limited. As the honourable Leader said, this cross-border model means that registration with the Australian Charities and Not-for-profits Commission will automatically authorise a charity to fundraise in each participating jurisdiction. This does not affect the ability of individual state-based regulators to require such organisations to comply with local financial auditing requirements where applicable.

In addition, this legislation seeks to harmonise the reporting thresholds for all charities. This includes changing the auditing exemption threshold from the current $250,000 to $500,000, which also aligns with ACNC reporting thresholds, which reduces the regulatory burden on small organisations.

I've just asked the Leader with regard to solicitation. Under the interpretation, 'solicit' means to seek a donation by a request communicated in person by mail, facsimile, telephone, email, by the internet, by a document left on premises, or by any appeal through the media. But actually, I'm looking at the interpretation and the term 'solicitation' and I'm just wondering about the term 'digital solicitation,' because I noticed that 'digital' also includes things like Txt2Give, SMS campaigns, mobile donor apps, QR codes, and contactless donation kiosks at live events. So, I'm just wondering, is that captured by the interpretation that's in the current act? Because I just noticed there appears to be a difference between 'internet solicitation' and 'digital solicitation', and I don't see 'digital' actually in the current act. I'm just wondering whether that might be something that needs to be there, or whether it's actually already incorporated, if that could be explained.

Finally, I'll comment on the improved enforcement and compliance provisions contained in the bill. The bill empowers the commissioner to undertake several functions that will ensure that charitable organisations are working properly, effectively and fairly. Importantly, it includes a provision giving effect to an infringement notice regime that pairs with improved investigative abilities for potential offences or contraventions of the *Collections for Charities Act* or the *Consumer Affairs Act 1988*. This may include allowing an authorised officer to issue infringement notices for breaches and the construction of a framework for Magistrate Court orders and potentially Supreme Court injunctions.

As the honourable Leader mentioned, these measures are designed not just to ensure that all charitable organisations operate on an even playing field, but to enhance public confidence in them. This is necessary if we want charities to continue doing good work in our communities, as they're important and needed. We want people to donate to these sorts of organisations and causes if they're able to, and it's in everyone's interest to ensure that those funds are going where they're supposed to go.

As mentioned at the beginning of my contribution, Leader, I do note this act is to come into effect on a day to be proclaimed, and as I have mentioned here, I found a very large number of acts that have been through this place that are yet to be proclaimed - some of them dating back over 10 years, a great deal of time. If I could have some advice as to when this is likely to be proclaimed, and I certainly will keep an eye on it as well, now that I realise that everything that goes through this House receiving royal assent isn't necessarily proclaimed. Thank you.

Ms RATTRAY - I will seek advice on the honourable member's questions.

I'll make a start to respond to the honourable member for Launceston, and I'll start with the most important part of her question, which was around proclamation.

Your significant interest is certainly noted. I recall, Mr President, that the honourable member has been absolutely determined to have a focus on board appointments, and now this is a new part of her absolute approach.

Ms Armitage - I have many points that I'm looking at. They're just two of them.

Ms RATTRAY - These two particular ones are well in front and centre of my mind and now they'll be in the government's mind.

Mr PRESIDENT - It's very important in a house of review, I would think.

Ms RATTRAY - Absolutely. Every aspect is important.

Before I give the answer, I want to preface my answer by saying that the government is very focused on the recent Residential Parks Bill. That was a really important piece of legislation, so that is taking priority.

Ms Armitage - You can't proclaim both.

Ms RATTRAY - Well, there's work to be done. I'm giving you the really honest answer here. I don't want to not provide something that's absolutely certain, so it'll be in 2027. It'll be next year before this bill will be proclaimed.

Ms Armitage - I will take a note of them and see when they're proclaimed.

Ms RATTRAY - So will I. It is imperative for the successful implementation of the changes that the bill will give effect to. An extensive educative and consultation process is undertaken so that charities and other organisations are aware of what the reform initiatives are and how they will affect the operation of their organisations, so by commencing an act on proclamation, the necessary steps for its implementation can be undertaken, reducing the potential impact on individuals, groups and organisations that the act applies to. In addition, implementation of the 16 high-level national fundraising principles in Tasmania will be through a new mandatory code of practice to be prescribed through regulations under the *Collections for Charities Act*, and this cannot occur on royal assent.

To ensure no regulatory gaps, the new scheme, including amendments to the act and the code of practice, will commence at the same time. That's in response to the honourable member and I'll go again to the second part of that question, Mr President -

Ms Armitage - Around solicitation?

Ms RATTRAY - Yes, around the solicitation that the honourable member asked.

In response to the honourable member's question around 'solicit', the *Collections for Charities Act* provides that 'solicit' includes to seek a donation either in person or by request, such as through the mail, or by fax, internet, email, telephone, a document left on premises, or any appeal through the media.

'Solicit' requires a positive act to request, by some encouragement, or -

Ms Armitage - What about digital?

Ms RATTRAY - I'm getting to that. The making of a donation.

I'll start again with that answer. 'Solicit' requires a positive act to request, by some encouragement, to the making of a donation deliberately directed at, and brought to the attention of, a person or persons in Tasmania. 'Digital' is captured by internet services, including online payment machines. Then it goes on to say if a person -

Ms ARMITAGE - Sorry. Can you tell me where that is in the act? Because I'm just looking at the actual - where you've said through online.

Ms RATTRAY - I will complete my answer, Mr President. By that time, there may well be a follow-up response.

If a person is soliciting for charitable purposes, as defined in the act, they are required to comply with the *Charities Act* and regulations. Determining whether the act applies requires consideration of the specific factual scenario. For example, what is the nature of the request and what are the purposes? With the introduction of the National Fundraising Principles, the department will be working with the Commonwealth and other jurisdictions on consistent approaches to other online activity. If online activity is not soliciting, it may still be subject to the Australian Consumer Law. These obligations apply to a range of fundraising which fall within the requirements on trade or commerce. I will again seek further advice.

Ms Armitage - Mr President, If I could ask further questions -

Mr PRESIDENT - The Leader is still on - yes, yes.

Ms ARMITAGE - It's not quite the answer that I was after. It's a simple answer. They need to put digital in there.

Ms RATTRAY - Furthermore, 'solicit' includes internet request and payment websites, and electronic payment machines or kiosks are online or internet-connected. So they are connected. Also, the reference to 'telephone' includes telephone-based messages. That's the response on messages. I trust that -

Ms ARMITAGE - Is that added in the act somewhere?

Ms RATTRAY - Well, that covers it. Even though it doesn't specify it, that's what it covers.

The honourable member might like to progress that particular area through the Committee stage.

I commend the bill to the Council, Mr President.

Bill read the second time.

CHARITIES AND ASSOCIATIONS LAW (MISCELLANEOUS) AMENDMENT BILL 2025 (No. 65)

In Committee

Clauses 1 to 6 agreed to.

Clause 7 -
Section 3 amended (Interpretation)

Ms ARMITAGE - I'm not going to vote against the bill, Leader, because of this but I do believe that there should have been an inclusion with 'digital'. Digital fundraising for solicitation is more encompassing than internet solicitation in the act. Had I noticed it earlier, I probably would have done an amendment, but I hadn't noticed it until I was just going through it that it doesn't include things like QR codes. And you might say a QR code can be written on something, or it can cover a telephone, but I think there's not really a definition there. It's probably a little bit outdated and I would have thought with the bill coming through perhaps and seeing it's been delayed so many times that 'digital' would have been more encompassing and covered it.

More so than just asking a question, I'm really making a statement or asking whether in the future consideration might be made of updating, perhaps, 'solicit' to encompass certainly more things that come out and 'digital' would be, I believe, more in that path.

Ms RATTRAY - Madam Chair, I'm just seeking some written advice to further add to the questions that I answered in the summing up of the second reading contribution.

Ms Armitage - It doesn't really matter. I didn't agree with it before.

Ms RATTRAY - It is important, Madam Chair.

Ms Armitage - Okay, but I am not going to delay things, do an amendment.

Ms RATTRAY - The government understands the member is interested in the coverage of digital solicitation. That's very clear. The bill does not amend the act in this way and as the members are aware, 'soliciting' in the act includes internet, e-mail and telephone requests;

'internet' covers digital systems such as payment websites and electronic payment machines or kiosks, as they are internet-connected systems.

Obviously, the member's point is appreciated, and we are continuing to discuss with the national regulator all forms of collections so we can have a consistent approach. This could lead to further justice miscellaneous changes, if required.

I think you've just put this on the radar, honourable member, for a further discussion.

Clauses 8 to 17 agreed to.

Title agreed to.

Bill reported without amendment.

[4.25 p.m.]
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.

INTEGRITY COMMISSION AMENDMENT (MANDATORY NOTIFICATIONS) BILL 2025 (No. 69)

Second Reading

[4.26 p.m.]
Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move -

That the bill be read the second time.

This bill proposes amendments to the *Integrity Commission Act 2009* to establish a mandatory notification framework. The proposed amendments arise out of recommendations made by the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings and the 2016 Independent Review of the *Integrity Commission Act 2009* undertaken by the honourable William Cox, often referred to as the Cox Review.

The commission of inquiry considered the role of oversight bodies, including the Integrity Commission, in dealing with complaints and concerns about child safety matters. In its final report, the commission of inquiry noted that the reportable conduct scheme established in the *Child and Youth Safe Organisations Act 2023* will not capture all departments and organisations and that this may leave a role for the Integrity Commission in overseeing the management of allegations of child sexual abuse in some situations. To ensure that the Integrity Commission is aware of such matters, the commission of inquiry recommended at Recommendation 18.11 of its final report that the Tasmanian government should implement

Recommendation 11 of the Cox Review, which would oblige public authorities to notify the Integrity Commission of any allegations of serious misconduct.

The Cox Review made a number of recommendations for amendments to the *Integrity Commission Act*. The government has previously accepted the majority of the Cox Review recommendations, noting that further consideration and analysis was required in relation to a number of recommendations. There is a large body of work underway to develop legislative reforms as a result of the Cox Review recommendations, as well as potential reforms arising from other reviews and consultation processes. A bill to address the majority of the Cox Review recommendations, along with various matters raised by the Integrity Commission, was introduced in the other place in June.

In recognition of the importance of providing oversight and monitoring of allegations, particularly in relation to child safety, the government decided to address Recommendation 18.11 of the commission of inquiry by implementing Recommendation 11 of the Cox Review as a preliminary step in advance of the broader body of reform work. Recommendation 11 of the Cox Review recommends:

> That the Act be amended to require mandatory notification by public authorities of serious misconduct and misconduct by DPOs [designated public officers] to the Commission in a timely manner.

The Cox Review made clear that there should be a mandatory notification of serious misconduct by all public officers. Further, both misconduct and serious misconduct by designated public officers must also be notified.

Designated public officers (DPOs) are specified in the act and include commissioned police officers, senior executive officers, statutory office holders, principal officers of public authorities, members of parliament, and council members. In its submission to the Cox Review, the Integrity Commission submitted that in addition to mandatory notification of serious misconduct by public officers, notification should also be extended to any misconduct by DPOs, given their important role in the management of public authorities and their seniority within the respective authorities. This was accepted by the independent reviewer and incorporated into recommendation 11 of the Cox Review.

In accordance with that recommendation, the bill introduces a mandatory requirement for principal officers of public authorities, known in the proposed new provisions as 'mandatory notifiers', to notify the Integrity Commission of any matter or information that the principal officer suspects on reasonable grounds involves or may involve misconduct or serious misconduct by a DPO, or serious misconduct by a public officer.

Misconduct is a broad term defined in the act that encompasses a wide range of conduct, including breaches of codes of conduct such as the State Service Code of Conduct; sexual misconduct, such as child sexual abuse and sexual harassment, and other matters. Therefore, the mandatory notification requirements will apply in relation to reasonably suspected sexual misconduct.

Principal officers are set out in Schedule 1 of the act. They include heads of agencies, the Commissioner of Police, the general manager of a council, and the CEO of a government business enterprise or state-owned company. Where no principal officer is specified in

Schedule 1, the bill provides for the public authority to nominate a person or the holder of a position in the public authority to be the mandatory notifier.

A mandatory notifier is obliged to notify in respect of public officers and DPOs of the public authority that the mandatory notifier is responsible for. For example, the Secretary of the Department of Justice must notify of any matter or information that they suspect on reasonable grounds involves serious misconduct by an employee of the Department of Justice. The mandatory notification obligations apply to conduct that occurred while a person was a public officer or DPO whether or not that person is still a public officer or DPO at the time of the mandatory notification. Therefore, the provision extends to historical conduct that has not already been dealt with or finalised by way of legal or disciplinary proceedings.

The mandatory notification obligations are paramount. A mandatory notifier must make a mandatory notification despite the provisions of any other act or any confidentiality obligations and whether or not the matter has been referred to another person or public authority, such as the police or an independent regulator. There is an exception if the mandatory notifier knows that another person has notified the Integrity Commission of the matter or information. A mandatory notifier is also not required to make a mandatory notification if they know that legal, disciplinary, administrative or investigatory proceedings or actions in relation to the misconduct or serious misconduct were concluded prior to the commencement of these amendments.

The Integrity Commission will be able to issue guidelines in relation to mandatory notifications to provide guidance on the form, content and method of making a mandatory notification, and the types of matters and information that require notification.

Under the proposed new provisions, there are a number of options for how the Integrity Commission can manage a notification. On receipt of a notification, the Integrity Commission may exercise its powers under section 8 of the act, including to receive and assess complaints or information relating to matters involving misconduct:

- to refer complaints or any potential breaches of the law to the Commissioner of Police, the DPP or any other person that the Integrity Commission considers appropriate;
- to initiate an investigation into any matter related to misconduct;
- to assume responsibility for and complete any investigation into misconduct commenced by a public authority or integrity entity if the Integrity Commission considers that action to be appropriate;
- to receive reports relating to misconduct from a relevant public authority or integrity entity, and take any action that the Integrity Commission considers appropriate;
- to monitor or audit any matter relating to the dealing with and investigation of complaints about misconduct.

In addition to the powers conferred by section 8 of the act, the bill also enables the Integrity Commission to seek progress reports on what action a public authority is taking or intends to take in relation to a mandatory notification, and to provide advice in relation to the conduct of an investigation into suspected misconduct or serious misconduct. These powers will facilitate the Integrity Commission in undertaking an important oversight role. Should the Integrity Commission decide to assume responsibility for an investigation into suspected misconduct or serious misconduct, it can direct the public authority to stop its own investigations or actions that may impede the Integrity Commission's investigation.

The bill also includes a compliance provision. This allows the Integrity Commission to inquire about a failure to comply with the mandatory notification requirements with the mandatory notifier, or report the failure to a person or body with the power to inquire into that noncompliance. For example, this could include the head of the State Service or a minister.

It is important to note that, upon commencement of the provisions, a mandatory notifier will be required to make a mandatory notification of any suspicion formed prior to that day, unless the matter has already been concluded by way of legal or disciplinary proceedings.

The bill also addresses two other related Cox Review recommendations. It was considered necessary to deal with these recommendations in this bill to facilitate the operation of the mandatory notification provisions.

The first relates to the definition of serious misconduct, which is defined in the act as misconduct by any public officer that could, if proved, be:

(a) crime or an offence of a serious nature; or

(b) misconduct providing reasonable grounds for termination.

The term 'offence of a serious nature' is not defined in the act. Recommendation 9 of the Cox Review recommends:

> That the interpretation section of the Act be amended by adding a definition of 'offence of a serious nature' as one punishable by X years' imprisonment (or a fine not exceeding Y penalty units, or both).

In accordance with this recommendation, the bill proposes an amendment to section 4 of the act to include a definition of 'offence of a serious nature'. The new definition is an offence punishable by imprisonment for a term of 12 months or longer. The 12 months was chosen as the relevant minimum period of imprisonment, as it is consistent with a number of other similar provisions across Tasmanian legislation. For example, in the new *Judicial Commissions Act 2024*, a judicial officer may be suspended if charged with an offence that is punishable by a term of imprisonment of 12 months or more. Conviction of a crime or an offence punishable by imprisonment for a period of 12 months or longer is a ground for suspension or removal from office of various statutory officers, including the Anti-Discrimination Commissioner, the Ombudsman, and the Chief Commissioner or a member of the board of the Integrity Commission.

Following feedback on the consultation draft of the bill, it was decided to include this definition to provide clarity around the term 'serious misconduct', given that this is a key component of the mandatory notification obligations.

The second related Cox recommendation addressed in this bill is recommendation 32"

> That an order be made under section 104(1)(b) to insert the University of Tasmania and under section 104(2) to insert the Vice Chancellor as principal officer into Schedule 1 of the Act, with a consequential amendment to Part 2 of Schedule 1 if required.

While the University of Tasmania is a public authority for the purposes of the act, it does not have a principal officer specified in Schedule 1. The Cox Review clearly identified this as a gap to be remedied and the government has previously accepted this recommendation.

The amendments proposed by this bill have been through two separate consultation processes. In the first consultation process, mandatory notification amendments were included in a Justice Miscellaneous Amendments Bill which was released for consultation in November 2024. Feedback was received in relation to the proposed amendments to the *Integrity Commission Act* and as a result of that feedback, further work and drafting took place. Following the state election last year, it was decided to progress these amendments in a standalone bill to be released for a further period of consultation given the changes to the original provisions.

The most recent consultation process took place from 26 September to 25 October 2025 with nine responses received. Some of those responses made no comment or simply expressed support for the bill. A few submissions sought clarification or suggested further amendments to the bill.

Some concerns or suggestions raised by submissions relate more generally to the act or procedural matters and are being considered further as to whether any amendments may be made in the future tranches of reforms. One amendment was made to the tabled bill to clarify the exception to making a mandatory notification in the new section 32C(2)(a) by changing the test from 'believes on reasonable grounds' to 'knows', to provide a more objective basis for this exception. As I will further address, this provision was subsequently removed in amendments made during debate in the House of Assembly.

The government would like to thank all those who took the time to consider this important bill and make submissions.

There has been extensive consultation with the Integrity Commission throughout the development of this bill and in relation to the second bill which has been tabled in the other place.

The government is most grateful for the assistance that the Commission's officers have provided and continue to provide to the department throughout the legislative reform process.

In conclusion, this bill makes significant changes to the *Integrity Commission Act* to introduce mandatory notification requirements. The proposed amendments are in line with recommendations from the Cox Review and the commission of inquiry and form an important step in enhancing the Integrity Commission's ability to oversee and monitor the way in which misconduct and serious misconduct are dealt with in the public sector.

I also acknowledge that the bill before us today was amended in the other place, and for the benefit of members, I will outline those amendments and the need for them.

Section 32A of the act was amended to include members of parliament as mandatory notifiers. This is in addition to a principal officer of the public authority and a person of or the holder of a position in the public authority who is nominated under section 32B(1) as a mandatory notifier for the public authority.

Principal officers are set out in Schedule 1 of the act and relevantly included the following:

- The Clerk of the House of Assembly as the principal officer for a person performing functions or exercising powers under the *Parliamentary Privilege Act 1898* in the House of Assembly.
- The Clerk of the Legislative Council as the principal officer for a person performing functions or exercising powers under the *Parliamentary Privilege Act 1898.*
- In the Legislative Council: a Clerk of a House of parliament as the principal officer for a person performing functions or exercising powers under the *Parliamentary Privilege Act 1898.*
- For Legislature-General: a minister as the principal officer for a person employed in that minister's office; a parliamentary secretary as the principal officer for a person employed in the office of that parliamentary secretary; a member of parliament as the principal officer for a person employed in the office of that member of parliament.
- The President of the Legislative Council as the principal officer for the Clerk of the Legislative Council.
- The Speaker of the House of Assembly as the principal officer for the Clerk of the House of Assembly.
- The Premier as the principal officer for a minister or parliamentary secretary.

The bill, as amended, means that all members of parliament will be mandatory notifiers and must notify the Integrity Commission of reasonably suspected misconduct or serious misconduct in relation to the Parliament of Tasmania and persons employed in the office of a minister, parliamentary secretary or other member of parliament.

There was also an amendment made to the proposed new section 32C(2). In the tabled bill, section 32C(2)(a) provided that a mandatory notifier for a public authority is not required to make a mandatory notification under subsection (1) in respect of misconduct or serious misconduct if the mandatory notifier knows that some other person has notified the Integrity Commission about the misconduct or serious misconduct. This exemption was removed by an amendment in the other place. This means that a mandatory notifier will still be required to make a mandatory notification regardless of whether they know that a notification has already been made by someone else in respect of that misconduct or serious misconduct. The government does not expect that it will lead to an unreasonable duplication of notifications, and the Integrity Commission has previously indicated that it would be able to deal with duplicate notifications in this situation and consider them as a single matter.

Mr President, I commend the bill to the Council.

[4.47 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I rise today to speak to the Integrity Commission Amendment (Mandatory Notifications) Bill 2025. The bill is obviously a considered response to recommendation 11 of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings and the 2016 Independent Review of the *Integrity Commission Act 2009*, otherwise known as the Cox Review.

The commission of inquiry exposed profound failures in reporting and accountability within parts of our public sector. In examining those failures, the Cox Review resolved that Tasmania must strengthen its mandatory notification framework to ensure that suspected misconduct can no longer be ignored, minimised or left unaddressed.

This bill delivers that reform. It strengthens the duty to notify, clarifies expectations, and ensures that the Integrity Commission receives timely and reliable information on which it can determine its next course of action. At the same time, it embeds safeguards to ensure the system operates fairly and free of bias. It also contains inherent safeguards in its operation to pre-empt any attempt to misuse the reporting process in a vexatious manner.

Going back to the review, recommendation 11 of the Cox Review is clear, and I quote it here in its succinct entirety:

> Strengthen mandatory reporting obligations to the Integrity Commission so that senior officers must notify suspected misconduct or serious misconduct.

The review concluded that Tasmania's existing framework, in laypersons' term, was a complete muddle. It found that senior officers were often uncertain about when to report, how to report, or whether they were even required to report at all. In some cases, concerns were mishandled and not raised at all in the appropriate manner. In others, matters were handled informally or internally when they should have been referred to the commission for an independent determination.

The bill introduces a clear statutory duty for prescribed public officers to notify the Integrity Commission when they suspect, on reasonable grounds, that misconduct or serious misconduct has taken place. It ensures that senior officers cannot simply choose whether to report. Where there are reasonable grounds, they must act; they must ensure that their concerns reach the body empowered to properly assess them.

The phrase 'reasonable grounds' is central to this reform. It is an objective legal standard and was subject to debate in the other place. Whilst it is at a lower threshold than what might be termed a 'reasonable belief', it still requires evidence, not speculation.

I would like to share an excerpt of the Attorney-General's contribution on the matter, one in which he quoted a threshold example from the Western Australian guidelines. Those guidelines are *Notifying Misconduct - A Guide for Principal Officers of Notifying Authorities*, which could equally be applied here in Tasmania and in other jurisdictions. It states:

> 'Suspicion on reasonable grounds' is not a high threshold. It means a Principal Officer has formed a suspicion of the existence of serious or minor

> misconduct after making an assessment that is fair, sensible and based on sound judgment.
>
> Information about the alleged misconduct does not have to be in the direct knowledge of the Principal Officer, who should give consideration to the reliability of the information sources.
>
> Suspicion on reasonable grounds requires some factual basis but does not require definitive proof, it merely requires a stronger level of knowledge than mere speculation, rumour, gossip or innuendo.

Mr President, I'd like to think that that definition can help to define the essential guidelines that will become part of the bill's enactment - guidelines that the Integrity Commission will be required to issue under section 32F. They will provide additional clarity on how suspicions should be formed, what information is relevant, and how notifications must be made and will hopefully clarify any uncertainty that may arise. I'd like to think they will be the first point of reference to ensure any prescribed public officer can get it right first time and avoid any misinterpretation of the intent of the legislation. I would like to think that they will be available at the commencement date and perhaps the honourable Leader can advise us accordingly.

Mr President, it is important to emphasise whilst the commission of inquiry revealed failures in reporting misconduct relating to child sexual abuse, the Cox Review concluded that the underlying problem was structural and a system-wide issue across the public sector.

The review found that Tasmania's reporting framework lacked clarity. It found that senior officers were uncertain about their obligations in a range of different contexts. It found that the absence of a clear statutory duty created inconsistency, hesitation and, in some cases, complete inaction. The bill therefore applies to all forms of misconduct and serious misconduct as defined under the *Integrity Commission Act 2009*. That includes breaches of codes of conduct, misuse of authority or position, improper or corrupt decision-making, misuse of information, serious neglect of duty, conduct that undermines public trust, and criminal conduct. By strengthening mandatory reporting across all these categories, the bill can hopefully rebuild public trust in the integrity of our public sector - and that perhaps includes all of us in parliament as politicians too, be they the government, opposition, the crossbench and Independents.

Mr President, the bill has come to us with an amendment, and I'd like to note that the Greens amendment that makes a member of parliament a mandatory notifier of another member of parliament. Perhaps it was a simple oversight in the initial draft, but it's an essential amendment if the goal is to restore public trust in us as politicians.

I'd also like to note the amendment moved by an Independent member in the other place. It's one that removed the exemption for mandatory notifiers to make a report if they knew that the misconduct had already been notified to the Integrity Commission. It removes the possible risk of a delay in reporting in case one person is waiting for another to act first. It also allows the Integrity Commission to have a more fulsome background on which it can deliberate. Both amendments strengthen the bill that's before us today.

I would add that while the bill strengthens the obligations around mandatory reporting, it also strengthens safeguards. It ensures that the system operates fairly and responsibly.

Mr President, we cannot ignore the other context in which this bill arrives. In recent and not so recent times, Tasmania has seen both government ministers and opposition members resign or step down from their roles due to ongoing legal matters or allegations of possible misconduct. I would like to think that the bill can provide an objective framework in which reasonable concerns can be addressed properly and fairly by the Integrity Commission, ideally long before an unfair trial by media or to stymie a possible political vendetta. I have to ask if the government has factored these considerations into its drafting of the bill. On the other side of the coin, would I be right in understanding that a finding after the Integrity Commission assesses a notification can be subject to review or an appeal?

However, Mr President, I assume the commission itself retains full authority to assess notifications. It can dismiss matters that do not meet the reasonable grounds threshold. It can determine whether further action is required. It can ensure that the system operates fairly and independently. These safeguards will ensure that the clarified and strengthened reporting framework is effective and appropriate.

Mr President, the bill is one more step in implementing the recommendations of the Cox Review. Whilst I understand there's further legislation on its way to address more of those recommendations, the bill before us today does what it says on the tin. It fully implements recommendation 11 of the Cox Review. In the current febrile climate of rapidly dissolving public trust in the government and political processes, and one that's concurrent with the rise of populist opportunists that's not a bad thing.

Mr President, I fully support the bill and congratulate the government and those people who've worked on the legislation.

[4.56 p.m.]
Ms WEBB (Nelson) - Mr President, I rise to speak on this bill. It's very pleasing to see a bill come to us that is giving effect to implementation of some of the very long-awaited Cox Review recommendations. That is, of course, now past a decade that we've been waiting for the implementation of some of these. This bill will be followed by another bill not too far already in the pipeline and then we're anticipating a third bill coming through, hopefully early next year, to do some further implementation of the Cox Review recommendations - finally, Mr President. Of course, not only is it the Cox Review recommendations, some of which have been given effect to in this bill, it also relates to recommendations arising out of the commission of inquiry.

In some sense, I think it's probably quite accurate to say that the commission of inquiry process and the recommendations that came out of it, and the government's real intent to grapple with and implement those, have kicked along the Cox Review recommendations as well and brought them to fruition, thank goodness. It needed that extra impetus, it would appear because otherwise that work was languishing. That's not a reflection on any of the people within the department who were working on those, it was a reflection on the government's commitment to actually bringing them forward one day. So, here we are and it's really pleasing to see this.

I won't go into detail. I appreciate the detail that was provided in the second reading speech; it was quite extensive and I appreciate the member for Mersey going through again some of the detail of the bill.

One of the things that this puts me to mind of that I just wanted to note in my contribution is that the commission of inquiry process highlighted so many ways in which our systems of dealing with problematic behaviour, with potential misconduct, with allegations of abuse, had so many holes in them. There were so many gaps through which these things could fall. There was no comprehensive accountability there and that was really clearly identified through the commission of inquiry process, so what we've done through committing to and then implementing the recommendations is we've begun to build a much more robust and comprehensive system to ensure that those gaps can't be there to fall through anymore. This is a really important ingredient in building that system. In some sense it means that the Integrity Commission will now have a clearer overarching line of sight through these mandatory notifications that are made to it, under this bill, of instances in which there are potential misconduct or serious misconduct matters that arise across government agencies of all kinds. It can no longer be discretionary about what line of sight the Integrity Commission might have because of what's been either reported or not reported to it, and that's a really important thing. We've done a similar thing.

Certainly, there's a lot of resonance across the reportable conduct scheme that we put in place as a response to the commission of inquiry, and with the Child and Youth Safety framework, and we have the Independent Regulator, who is the overarching line of sight for that system, so that any of the funded agencies that come under the Child and Youth Safe organisation framework CYSOF. If instances of reportable conduct arise, while they deal with it themselves initially at the agency level, they have to report it to the Independent Regulator, who then has a line of sight and ultimately provides some quality assurance that these matters are being investigated and dealt with properly and, if necessary, can step in and do that investigation or that work as well.

In a similar way, this is empowering our Integrity Commission to have that same catch-all and overarching line of sight about matters to do with misconduct arising in particular agencies that will now be reported through. The Integrity Commission will have the ability to monitor, in some sense, to check in on whether things are being investigated and followed up on properly, and will be able to step into that process if they deem it to be required.

I'm very interested that what it allows the Integrity Commission to do will be to have the ability to note patterns or particular common areas of concern. That sort of overarching visibility and monitoring will allow us to better design things like training, how we do professional development in these areas and further improve our monitoring, reporting and investigating systems. So, I think there's such a lot of opportunity here for building a more robust system and process around how we deal with matters of misconduct of all sorts. So, this is really pleasing to see.

As the member for Mersey mentioned, I think, the bill was made even stronger and better by the amendments made in the other place. It is particularly important that the aspect was removed where if people felt that something had already been reported by another person they didn't then have to report it. That needed to go, of course; everyone has to meet the obligation. You can't escape it just because you think somebody else might have reported it in the first instance. It doesn't hurt to have things notified through twice; if that's what happens, that's what happens.

There are a couple of things I wanted to ask and they can either be addressed in the Leader's summing up or, if there's not enough time to address them in the summing up, we can readily address them just briefly in the committee stage because they're not large things.

One related to the commencement on proclamation. The member for Mersey, in his contribution seemed to question a similar thing that I was thinking as well. He wondered whether the guidelines, for example, would be available at the time that the act is proclaimed and comes into effect. My question was broadly in that area as well. It was that, given that it is on proclamation rather than on royal assent, presumably that's to give some time for systems to be put in place, I'm wondering what detail can be provided to us about what is required in terms of a system development to be put in place, prior to it being ready to be proclaimed and brought into effect. Maybe the Leader could be provided with some description on that. If not for the summing up, then I'm happy to put the question again during the Committee stage.

Then, once we understand what system development we're anticipating to be in place before proclamation occurs, what timeline do we have in mind for that? That may have already been mentioned and I've missed it somewhere, but I wouldn't mind it being repeated, if possible. And what was the other question I had, Mr President? Let me just refresh my memory.

The other thing that I wondered about was - I'm assuming and perhaps it can just be confirmed - that once this becomes part of the role of the Integrity Commission, and we are providing funding to the Integrity Commission, it would appear from the government, in order to undertake this new function when it comes into effect, we are also expecting, I assume, the Integrity Commission to be able to report on this fairly comprehensively in its annual report, I'm imagining. I'm interested to have some confirmation of that - obviously not in a specific, identifying way, but in terms of data and reporting of trends or patterns or analysis that comes out of that from the Integrity Commission. I'm assuming that's going to be information that becomes available in the public domain through Integrity Commission reporting, so perhaps that could be touched on by the Leader, again either in summing up or at some point during Committee stage.

One of the other areas that I'm interested in is there's some element of backdating I think that can occur here where things that have arisen prior to this coming in to effect can be notified into this system. I'm wondering what we're anticipating in terms of a potential initial surge or backlog that might be brought forward once this is in place and available and required. Perhaps, there could be some comments around that.

Other than that, I'm just very pleased to see this bill and supportive of it coming to us, and I hope there isn't too much time lag before it's actually proclaimed and in place. I certainly support the bill.

[5.06 p.m.]
Ms O'CONNOR (Hobart) - Mr President, all the Greens will, obviously, be supporting the Integrity Commission Amendment (Mandatory Notifications) Bill 2025. The bill provides for certain persons to be mandatory notifiers in respect of misconduct and serious misconduct, and it would be nice to think that we didn't have an issue here in governance in Tasmania of misconduct or serious misconduct but, clearly, at some level we do and that is why

recommendations have been made by former Justice Cox, the commission of inquiry, the Weiss Review, and the Integrity Commission itself in a priorities document that it released in 2022.

The amendment bill provides that the principal officers of public authorities are mandatory notifiers and if a public authority doesn't have a principal officer, it needs to nominate a mandatory notifier. Mandatory notifiers are required to notify the Integrity Commission of misconduct or serious misconduct by a designated public officer and serious misconduct of a public officer. The notification requirements only apply to a designated public officer or a public officer in respect of the mandatory notifier's own public authority. Generally speaking, in this context, designated public officers would be the mandatory notifiers themselves, as well as senior executive office holders.

The framework was, unfortunately, quite weak when it came to us, members of parliament. The principal act effectively sets an MP as the head of their own public authority. This means in respect of this amendment bill, each MP is a mandatory notifier in respect of their staff but until it was amended in the other place by the Greens with the agreement of the House, there were no persons who were mandatory notifiers for members of parliament themselves and, clearly, that is not an ideal situation. The framework in the Australian Capital Territory provides that each MP and the chief of staff of a minister and the opposition has mandatory notification obligations in respect of any MP or staff member, so we did move to amend the legislation that we're debating here today to reflect the Australian Capital Territory model.

This bill implements a single recommendation from the 2016 Cox Review, and I note at this point, there is another bill in the other place that implements the overwhelming majority of the recommendations of the Cox Review 10 years after former Justice Cox handed down his very carefully considered and reasonable report and recommendations. It has been a source of frustration to people across the community - and stakeholders and the Greens - that government has sat on the Cox Review for a decade. I believe it is the work of the commission of inquiry in many ways, and the Weiss Review, as well as advocacy from the community that has driven the Attorney-General in this case, and the government, to deal with those many recommendations for tightening up our integrity and ethical framework here in Tasmania. It's taken two reviews, a discussion paper, a commission of inquiry, and years of pushing this government to finally get there.

Of course, you can tighten up the provisions around mandatory notifications - and it is very important that we do - but there remains an outstanding question of adequate funding for the Integrity Commission. The Integrity Commission is the lowest-funded integrity body of any jurisdiction in this country. They've been kept on starvation funding ever since the Liberals came into government. I say shame on them, because you starve your integrity body of enough funds to conduct inquiries and investigations. It does say something about your motives. To me it is unarguable that this government has been at war in many ways with the Integrity Commission for a long time. We've seen two government ministers fall on related matters.

We're dealing with 10 years for very basic provisions requiring mandatory reporting of misconduct, provisions that other jurisdictions have had for years. Knowingly or unknowingly, we've allowed almost a protection racket for ourselves to be in place by not having appropriate mandatory reporting provisions for members of parliament, ministers and senior staff. This amendment bill is a welcome step. It's good to see that this bill and the other bill, which gives effect to the Cox Review recommendations, have been developed, but again, the government has never really explained why it's taken so long - and never properly explained why it continues to underfund the Integrity Commission.

I remind honourable colleagues of a resolution of this place - I think it was in late 2024 - a motion that I brought on that called on the government to appropriately fund the Integrity Commission so that it could effectively undertake its statutory duties and make sure that we had the highest standards of ethical governance here in Tasmania. The Legislative Council passed that resolution, and indeed at the time, the government did not oppose it. The Council made its position clear: the Integrity Commission needs adequate funding. The funding that it's being provided with is not adequate. We had the former Chief Commissioner, Greg Melick, before he left - and I want to thank him for his service - making some very pointed comments to government about how the shortage of funding is impacting on the Integrity Commission's capacity to do the work that parliament, back in 2009, entrusted it to do in establishing the commission.

The bill reflects recommendation 11 of the Cox Review that the act be amended to require mandatory notification by public authorities of serious misconduct and misconduct by designated public officers to the commission in a timely manner. The commission's submission to the review included this proposal back in 2022. From the commission's perspective at the time, the primary purpose of this amendment was to improve the commission's understanding of the misconduct landscape. Wouldn't we all like to understand it more clearly. The commission noted at the time:

> Notifications are not complaints and do not trigger a Commission investigation. Rather they provide valuable intelligence to the Commission to help staff better understand misconduct risk in the Tasmanian public sector and enable the Commission to assist public authorities to respond to misconduct as it arises and to improve their ethical framework.

This is the other side of the coin. It is essential that we have robust legal measures in place to identify, report and potentially investigate misconduct and serious misconduct.

It's also essential, though, that there be education and training not only about these changes but on ethical standards in public office - and that's not just across agencies and other public authorities, it's something that members of parliament, in our day-to-day work, should understand very well: what is the highest standard of ethical governance. I like to think, when I look around this Chamber, that there's a good understanding of what ethical conduct as an MP is. But of course, if you want to have sustained cultural change across parliament and the public sector in Tasmania, you will need to have a focus on what is good conduct, ethical conduct in the public interest. I do know that the Integrity Commission undertakes some really great work in this area with the limited resources that it has. Of course, that's the carrot part of the equation and the amendments we're dealing with here today are clearly the stick.

The reviewer did, however, note that they were troubled by this comment by the commission and observed that there should be no reason that the commission couldn't use this intelligence to form an own-motion investigation. To be fair to the commission, they also noted:

> The Commission would not, unless appropriate to the particular circumstances, seek to assume responsibility for investigating matters which are notified.

So, there was some allowance for them doing that, but they did make it clear that, from their perspective:

> The main role of notifications is to allow the Commission to monitor misconduct across the state, and to provide public authorities with advice and assistance where required.

Of course, there is also the investigatory capacity of the Integrity Commission.

The bill provides such a framework. It outlines that the commission, having regard to the principles of their operations outlined under the act, may require a report from the public authority, provide advice to the public authority or exercise their powers in respect of the matter, and that is where you may have an initial inquiry or an investigation. So, the formalisation of a framework for notifications is very positive.

The Integrity Commission noted in their submission that they received 275 notifications between 2010 and 2016. Now that's either a system that's working well because people feel comfortable notifying or it's a system that points to some serious ethical shortcomings in public office in Tasmania. It is possible that the number of notifications, now that they will be mandatory, should parliament pass this legislation, will be higher through the passage of time. Again, I go back to the issue of the Integrity Commission's resourcing, because you don't want to hobble the watchdog under any circumstances, and that's what's been happening here for the last 12 years. I understand that the Integrity Commission doesn't have the will, the capacity or the resources, and it's not necessary to treat every notification as a complaint. The framework in front of us provides for that advice, oversight or taking over of an investigation, which is probably a reasonable balance in this respect.

In terms of the shortcomings of this bill, before it was amended by the Greens in the other place, the bill as it was originally drafted and tabled provided that each MP is a mandatory notifier in respect of their own staff and the Premier is a mandatory notifier in respect of his ministers, but there are no persons who are mandatory notifiers in respect of MPs.

By contrast, as I mentioned earlier, the Australian Capital Territory framework provides that each MP and the chief of staff of a minister and the opposition has mandatory notifications obligations in respect of any MP or staff member. So, we moved an amendment to implement the Australian Capital Territory model by stipulating that an MP, a chief of staff for a minister, a chief of staff for the opposition and a chief of staff for the leader of a political party with three or more members in parliament are mandatory notifiers in respect of any MP and their staff.

It has been pointed out to us, Mr President, that the Australian Capital Territory model applies to serious corrupt conduct or systemic corrupt conduct, which is distinct from the model in this bill, that is, it applies a graded application of serious misconduct and misconduct based on the seniority of a role in the amendment bill that we're dealing with today.

This is a fair distinction, but it should be noted that the Australian Capital Territory model provides it is an offence to fail to report, whereas this bill does not.

The Australian Capital Territory model also treats mandatory notifications in many respects the same as complaints. In our view, moving the Australian Capital Territory provisions to Tasmania, the wider scope of reporting in the Tasmanian framework is balanced out by the lack of offence provisions and penalties in the Tasmanian framework, as well as the fact that the Tasmanian framework provides that a notification is not treated as a complaint.

We also note, Mr President, that we're somewhat constrained to an extent to work within the framework of this amendment bill and the act as it currently stands.

The amendment provides what we think is a reasonable balance and a reasonable framework to make sure that members of parliament are captured by the mandatory notifications process.

Ms Forrest - Which clause has this? Because I'm struggling to see which one we're directly referring to here.

Ms O'CONNOR - I'm pretty sure it's 32C. I don't have the amendments in front of me.

Ms Forrest - Yes, it's in 32C somewhere but what sub-part of it?

Ms O'CONNOR - Mr President, to be clear, the bill, and by virtue of the bill, this amendment that we have moved does not require the making of a complaint but rather a notification.

We're pleased to support this bill.

I note the comments of other members that our amendment, as well as the other amendment by an Independent member of that place, have tightened up the legislation.

I'm very much looking forward to the debate we have on the larger Integrity Commission amendment bill. I note that in the consultation draft there was the recommendation from the Cox Review that section 92, which provides for a right to silence for a person who's the subject of an Integrity Commission inquiry, that section 92 removal was in the draft bill and then it was not in the final bill, as it was tabled in the House. I think there are still some ongoing negotiations with government about making sure that people who are the subject of inquiries made by the Integrity Commission in relation to potential misconduct or serious misconduct cannot hide behind the right to silence and refuse to assist an investigation, and one could speculate that section 92 of the *Integrity Commission Act* has been applied in recent times, Mr President, by certain public officers; one could speculate that.

With those few words, I'm glad that we have this bill before us, Mr President. I'm glad that the University of Tasmania will be appropriately captured by this bill, and that's no slur on the University of Tasmania, but they do sort of operate in a slight legislative and oversight vacuum over there, so it's good to see that the vice chancellor of the University of Tasmania will be a designated public officer for the purposes of the *Integrity Commission Act*, should this amendment bill pass.

[5.24 p.m.]

Ms ARMITAGE (Launceston) - I thank the honourable Leader for bringing forward the bill.

The bill seeks to implement and legislate recommendations made by the commission of inquiry, which we all know was a watershed moment in Tasmanian policy and law. As part of its role, the commission of inquiry considered the role of oversight bodies, noting potential gaps in a reportable conduct scheme for some departments and organisations. It was therefore considered that the Integrity Commission could have a role in overseeing the management of allegations of child sexual abuse in some situations.

Recommendation 18.11 of the final report for the COI stated that the Tasmanian government should implement recommendation 11 of the Cox Review, obliging public authorities to notify the Integrity Commission of any allegations of serious misconduct. The commission of inquiry was a broad and comprehensive review of existing systems, procedures, structures and institutions. The commission of inquiry revealed both the depth of abuse which occurred against children and vulnerable people in public institutions, and it's been our mandate to ensure that the recommendations of the commission of inquiry are implemented. This bill addresses one of them.

Recommendation 11 of the Cox Review recommends that the *Integrity Commission Act* be amended to require mandatory notification by public authorities of serious misconduct and misconduct by designated public officials to the commission in a timely manner. As the Leader mentioned, designated public officers are specified in the act and include commissioned police officers, senior executive officers, statutory office holders, principal officers of public authorities, members of parliament and council members. To this end, the bill introduces a mandatory requirement on principal officers of public authorities to notify the Integrity Commission of any matter or information that the principal officer suspects on reasonable grounds involves or may involve either misconduct or serious misconduct of a designated public officer or serious misconduct by a public officer. This requirement captures a number of matters of conduct and doesn't limit notification requirements to issues of things like abuse against children. It includes a broad definition of misconduct, which encompasses a wide range of matters including sexual harassment, sexual misconduct and other matters.

Principal officers are already defined within Schedule 1 of the act and include heads of agencies, the commissioner of police, the general manager of a council and the CEO of a government business enterprise or state-owned corporation.

The obligations which this bill replace on a mandatory notifier are important and necessary to ensure our systems and institutions robustly and proactively detect and deter misconduct. The honourable Leader stated that notifications must be made, even if there are other existing confidentiality notifications, and whether or not the matter has been referred to another person or public authority. Moreover, it operates historically and captures events or conduct which have occurred in the past.

I further note that a mandatory notifier is also not required to make a mandatory notification if they know that legal, disciplinary, administrative or investigatory proceedings or actions in relation to the misconduct were concluded prior to the commencement of the amendments contained in this bill.

The bill provides that the Integrity Commission will be able to issue guidelines in relation to mandatory notifications to provide guidance on the form, content and method of making a notification and the types of matters they involve. The bill further contains ways in which the Integrity Commission can exercise its powers, which the honourable Leader has already spoken on.

I'd be appreciative if the honourable Leader could please advise how the commission will be resourced to ensure these requirements are met. I note they have considerable requirements. These are additional tasks and obligations which are being placed on what I believe is an already under resourced organisation that has already undertaken a lot of important work, and if the mandatory notification scheme contained in this bill is to be implemented, it needs to be done properly.

Mr President, I note that this bill further addresses two other Cox Review recommendations in order to facilitate the operation of the mandatory notification provisions. While the honourable Leader has already gone through these, I note the additional recommendations of the Cox Review are incorporated into this bill. This includes adding a definition of 'offence of a serious nature' to the Interpretation section of the principal act as an offence punishable by imprisonment of a term of 12 months or longer, which provides clarity and certainty for mandatory notifiers, and a decision which certainly makes a lot of sense.

The bill also makes the vice chancellor of the University of Tasmania the principal officer for the university. This is another clause which will help to clarify and facilitate the bill.

This bill represents another step forward into fully implementing the recommendations made by the commission of inquiry. It's the result of the hard work of many who took the time to make submissions and provide their expertise and experience, and will improve Tasmanian law and help to ensure that institutional abuse and misconduct are identified and stopped.

I thank the honourable Leader for bringing the bill forward and I certainly indicate my support for it. I noticed the member for Nelson also mentioned proclamation and as I have said - many bills - I have an answer from this House that one bill from 1997 still hasn't been proclaimed. It is something that is really worth noting now and it would be really important to know the timeline of when this is likely to be proclaimed. As I said, it's great to pass these bills, but it's really important to make sure that they are proclaimed and the acts do come into effect. I would really be interested in the timeline of when it's likely. I do appreciate Leader, that sometimes it can take some time, particularly if regulations have to be put in place, but I think it's really important as well that we do have a timeline. I would hate to ask this question in a couple of years' time to find out what acts haven't been proclaimed and find that this was still one of them. Thank you.

[5.31 p.m.]

Ms FORREST (Murchison) - Thanks, Mr President. Just before I start, I'm not sure that the Leader's second reading speech was circulated to all members because it had a lot of new information in it. The only one that I could find - mind you, my inbox is a bit of an interesting space right now and I could have missed it - but I thank the Leader's staff for sending through a version of her speech, which contained all the new additional parts in it, which was helpful but actually raised some more questions for me.

Mr President, I wish to speak on the Integrity Commission Amendment (Mandatory Notifications) Bill 2025, and just in broad terms, I just want to speak broadly about the bill. It does implement recommendation 18.11 of the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings, which in turn directed the government to give effect to recommendation 11 of the 2016 Cox Review of the *Integrity Commission Act* on its 10th birthday.

It's a bill built on that foundation and the commission of inquiry finding and reinforcing independent review that has sat on the shelf for a better part of a decade. Anyway, it's good to see that it has actually progressed, but it is disappointing it has taken so long to attend to. If it was deemed important during that review, it should have been probably dealt with more promptly.

At its core, the bill inserts a new part into the *Integrity Commission Act 2009*, establishing a mandatory notification framework. I note there are other bodies of work being done on the *Integrity Commission Act* and we will no doubt get to those later, but just in this bill, in summary, as I understand it, a mandatory notifier, ordinarily a public authority's principal officer or nominated alternative where no principal officer is specified or the office is vacant, must notify the Integrity Commission of any matter they suspect, on reasonable grounds, involves or may involve misconduct or serious misconduct by a designated public officer or serious misconduct by any public officer.

The obligation is triggered as soon as practicable after the determination is made that this needs to be reported or should be reported. The obligation is expressed as paramount, overriding confidentiality obligations and reporting duties under other acts. The commission gains express power to require action reports from public authorities to direct that a public authority stands down its own investigation when the commission assumes carriage to the issue, guidelines on the form, and content of notifications.

It also tightens the definition of serious misconduct by defining 'offence of a serious nature', as one carrying a penalty of 12 months imprisonment or more. That threshold is consistent with statutory removal provisions addressing the Cox recommendation 9.

It also gives effect to Cox's recommendation 32, that Schedule 1 be amended to add the position of Vice Chancellor of the University of Tasmania as the principal officer for the university, which is sensible; there should be a principal or responsible person there too.

I note, as the Leader referred to in her contribution, that the bill was amended in the other place to make the fact that members of parliament themselves are mandatory notifiers in relation to conduct of other members, including employees. The Leader read a list of positions to who that refers to. She talked about principal officers as set out in Schedule 1 of the principal act. Relevantly, she referred to the Clerk of the House of Assembly as a principal officer. I won't read the whole thing because it's in the act. The Clerk of the Legislative Council is the principal officer performing functions under the *Parliamentary Privileges Act* in this House and also a clerk of the parliament acting under the *Parliamentary Privileges Act* for Legislature-General.

As I understand it, the Clerks aren't public officers. They're appointed under letters patent by the Governor and are here beholden to the House, effectively. Also in our House, we as members do not employ staff. So, I ask: what consultation was done on those amendments downstairs with the Clerks, but particularly the Clerk of our House, and you as the presiding officer here, as listed up in the Schedule - not you by name, but you know.

I'm just interested, was that consulted with our House? Or have yet again amendments been made in another place with no consideration of whether it actually works in this House? Is this an appropriate mechanism? This is not a criticism of the bill. It's a criticism of an amendment being put in downstairs. It may well be right in its intent, but was it consulted and does it work? Will it work? The Clerk is not employed by the President. I'll not be happy to proceed with this bill until we get some clarity around that. If there has been no consultation, then perhaps we should put this off until next week to enable some consultation and make sure it does work for this House.

Maybe we need to make sure it works with the other House, too, for the Clerk there, because that Clerk is appointed in the same process. The Clerk there is not an employee of the Speaker.

Again, we're seeing changes being made to legislation either at the outset with no consultation with the House, when it directly affects this House, or by amendment in the other place without any recourse to this House.

I do have some concerns about that. I was struggling to work through how it would actually apply, referring to Schedule 1 of the principal act, where it lists out who the principal officers are. I'm trying to understand who is the public official. Clearly, the Clerks are not public officials, they're not state servants, they're not staff. I'm not saying our Clerk needs to be referred anywhere, but the fact is, this legislation, if we're going to make it right, we need to make it right. A bit of consultation just would not go astray. It's not a big ask. But here we are again, saying the same thing. Maybe I'm wrong. Maybe there was consultation. I'm pretty certain there wasn't.

I would like some really clear answers around that. I was trying to keep up with the Leader's second reading speech and understand what she was saying, and I do appreciate the hard copy of it, but I don't think it makes it any clearer. In fact, it doesn't make it any clearer. It probably makes it a little bit more confusing.

Moving on from that, I don't have a problem with members being required to mandatorily report. In principle that's not a problem, it's how this amendment will work, and will it work as intended?

That said, I do support the principle of this bill. A culture in which suspected serious misconduct, particularly misconduct bearing on the safety of children and vulnerable Tasmanians, goes unreported because no-one was under a positive obligation to report, led to the very matters that the commission of inquiry found we could no longer allow to continue. Whilst that showed up the true horror of what had gone on in many of our institutions, it's relevant to all of us.

Whilst I accept and acknowledge where these amendments came from, like the 10-year-old Cox Review and also from the outcome of the commission of inquiry into child sexual abuse in our institutions, I also acknowledge that there have been amendments put in that don't reflect that necessarily. Some do; some don't, but I want to raise a broader caution on the actual architecture of integrity regulation.

As I said, I do support the bill's principle, but I wanted to speak a little bit more broadly about the direction we have headed regarding integrity regulation more generally, and this is one part of it. There's another, much larger part to come and there may be further ones, I guess.

The former chief justice of Western Australia, the honourable Wayne Martin AC KC, in his 2013 Whitmore Lecture, raised concerns about integrity agencies and bodies such as anti-corruption or, in our case, integrity commissions, ombudsmen and auditors-general, for example, coming to be regarded collectively as a kind of fourth arm of government sitting alongside the legislature and executive of the judiciary.

His concern was that treating these agencies as a unified block risks distracting from the specific distinct functions parliament conferred on each of them, and risks eroding the checks and balances that probably exist between the three recognised branches of government.

Former New South Wales Chief Justice Spigelman had made a related point in a 2004 paper arguing that integrity had effectively become a universal function of modern government, equivalent in significance to the legislature, executive and judicial branches.

Mr President, I raise this not to undermine the case for the bill but because in 2013 the independent review of Queensland's *Crime and Misconduct Act 2001*, conducted by former High Court justice Ian Callanan AC and Prof Nicholas Aroney, took a considerably more sceptical view of where this trajectory could lead us. That review was highly critical of the proliferation of integrity bodies, describing the resulting arrangements as an integrity industry or regime. It found, and this is the point I think that's most relevant to us today, that the tendencies of agencies to formalise referral and cooperation arrangements between one another is itself a symptom of a lack of clarity in the understanding statutory framework, not evidence of a well-functioning system.

The way I interpret that is that, effectively, every matter that may or may not be appropriate is referred without responsibility being taken by departmental heads or agency heads where meaningful education and training may have prevented the issue at the outset. It's just like, 'we don't need to deal with this, we'll just refer it'.

The broader concern of Callanan and Aroney was that it can become easier and more attractive for an agency to refer a problem on to the integrity body rather than confront and address the bad behaviour within its own walls. We do need to be really careful of that because we want to prevent this and not just say, 'Oh, well, bad behaviour here, refer it over here', rather than trying to prevent it over here. That is a caution I think it's worth keeping in mind for this bill, but also for the second tranche of the Integrity Commission reforms that may be being debated this week downstairs, or will be shortly, I believe.

A mandatory notification scheme is, in my view, the right response to the specific failure that the commission of inquiry identified. But as we layer reporting obligations onto more bodies, we should stay alert to the risk of creating an incentive for public authorities to treat notifications to the Integrity Commission as a substitute for dealing with misconduct themselves, rather than as a backstop as it's intended to be. It should remain with this parliament to ensure clear and considered laws that define where responsibility sits; not an expanding web of interagency guidelines, memoranda, referral practices that grow up around it, which runs the risk of making those things easier to occur because the upfront education and preventive piece is not done. I know I'm not making much sense here, Mr President, but I know what I'm trying to say.

We need leaders of our organisations and entities to take responsibility for preventing harm. As we know, our integrity bodies can easily be overwhelmed and, when under-resourced, such as they are, investigations then take far too long, reputations can be unreasonably harmed or besmirched, and there is no timely outcome either way. That's the problem; we should really be looking to prevent these problems happening - put far more investment in that front end.

Ms Webb - Our whole act is built that way.

Ms FORREST - Sorry?

Ms Webb - Our whole act is built to be oriented for that.

Ms FORREST - Well, it is.

Ms Webb - In fact, the criticism is it's too oriented for that. But it's interesting. It's always worth asking.

Ms FORREST - Yeah. But the people who have raised this are more expert than me.

Ms Webb - Not necessarily about the Tassie situation, but yes, I accept it that we should always be monitoring that for sure.

Ms FORREST - Yeah. I'm supporting the bill; I'm not saying we shouldn't do it. I'm just saying to be cautious about how we approach these things and don't make it just an easy pathway that then absolves others of taking responsibility.

Ms Webb - Yeah, just doesn't do that, I don't think.

Ms FORREST - I just think we need to be very aware of this trend and conscious of that when we are dealing with legislation in this area.

Just a few things I'd like the Leader to respond to besides from what I've already asked and it has been raised by, I think, every other speaker today so far. The first is to do with resourcing. A mandatory notification scheme is only as good as the commission's capacity to receive, triage and act on the volume it generates. When they could be getting multiple notifications of the same incident, it may not be apparent right up that it's the same incident; it may take some work to figure out that it is the same incident, all those things. But once you open up the door, people step through. I ask what the commission's budget and staffing have been adjusted to, or have they been adjusted accordingly? Because this was one of the things, I believe, that was a commitment made regarding the stadium bill, that the Integrity Commission be properly funded along with the Audit Office.

Ms Webb - It was examined in Estimates.

Ms FORREST - That was one of them.

Ms Webb - Yes, and it was looked at in Estimates. Hopefully the government will confirm.

Ms FORREST - The member for Huon had put that in his list.

A well-intentioned reporting obligation can simply overwhelm an under-resourced regulator, and that serves no-one. In light of the concerns I've just raised, no royal commission is also likely to fall back on exactly the kind of informal referral and guideline-based practice that reviewers elsewhere have found symptomatic of a system under strain.

The paramountcy provision and privacy is another issue I'd like the Leader to provide a little more clarity on. Subsection 32C(7) overrides confidentiality and statutory obligations, which I mentioned previously, including the privacy obligations. I accept there's a reason for that and I accept that it's not inappropriate, but I would like the Leader to provide more detail on how the interaction with the *Personal Information Protection Act* and sector-specific secrecy provisions, for instance in health and child safety legislation, have been considered and what safeguards attach to information handled by the commission once notified. I'm sure the Leader's staff are listening to that and they'll provide a response.

Much of the practical application of this scheme and what must be reported, I think is important, too. In what form, within what timeframe is 'as soon as practicable', and I assume that'll be a determination by - I mean, as soon as practicable, is that open to interpretation? The commission's guidelines may further clarify that, I don't know. I know it's a commonly used term, but it's one of those things, how do we measure that?

I also ask whether there is an expectation of broader consultation on the guidelines that will be developed by the commission, or is that a matter entirely for the Integrity Commission itself? The guidelines will be important. They're not going to be a statutory document, I don't believe, but I'm just interested whether there'll be consultation on them.

With those points made, I will support the bill and I restate that it does convert a decade-old recommendation and a much more recent and harrowing set of findings into a positive, paramount legal obligation to report. It's something that seemed to take quite a long time to be responded to. However, I will reiterate that this can only be fully effective if the Integrity Commission is adequately resourced to undertake its important work in a timely, efficient and effective manner. If this parliament keeps a close eye on the overall shape of the integrity architecture in building this bill by bill, we may be able to take some pressure off that system because, in my view, we do need to take a greater approach to taking responsibility within departments to ensure that people are very well aware of their obligations, that they're well aware that misconduct won't be tolerated and it will be reported. Hopefully, if people are more aware of their obligations, there's less chance of that occurring. I know we're never going to stop. Sadly, we're never going to stop. All these inappropriate behaviours, despite the best efforts of all. Ideally, we wouldn't see the need for referrals. But, I accept, sadly, that it's not possible to prevent all unacceptable behaviour or misconduct or serious misconduct, and there will always be a need for referrals or avenues for referral. I think when it comes to particularly the safety and protection of children - not just children, but particularly children - mandatory referral, mandatory reporting is critical. We've seen it expanded over the years in a range of areas. In principle, I do support the bill, but I am concerned about the amendments and the lack of, I would say, consultation, and are we sure that this is okay as it is? Or do we need to hold off and get some further advice?

[5.53 p.m.]

Ms GLADE-WRIGHT (Huon) - Mr President, I have a very short contribution because others have given such full summaries of what the bill does. We heard some really great history as well, which I really appreciated hearing from other members. But, I have risen to indicate my support for the bill and to make one point, and that is also something that has been raised by others: that is on the resourcing.

First, I acknowledge the stakeholder support for this bill. Community Legal Centres Tasmania and TasCOSS supported strengthening protections against child abuse and implementing the mandatory notification recommendation. They also supported provisions clarifying historical matters, removing privilege as a reason not to notify, specifying how the commission may deal with notifications, allowing follow-up on noncompliance, and defining an offence as a serious nature.

The key concern that they raised, and the concern I want to emphasise, is the resourcing. They warned that the bill is likely to add to the Integrity Commission's workload and urged the government to ensure sufficient additional funding. The Australia Institute and the Centre for Public Integrity have also raised concerns about the commission's funding and the need for adequate, stable support for integrity bodies.

My support for this bill, therefore, comes with a clear caution: a mandatory notification regime will increase the flow of information to the Integrity Commission. If we require more matters to be reported without ensuring the commission has the staffing, investigative capacity, legal support, data systems, triage processes and operational funding to respond, we risk creating a bottleneck rather than an accountability mechanism. So, I support the bill, but I do so with a clear call that the Integrity Commission must be properly resourced in its budget, staffing systems and operational capacity. If we ask the commission to do more work, we must give it the means to do that work. Integrity cannot be delivered on goodwill alone. I support the bill, but with that caution.

[5.56 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I've listened carefully to the contributions from honourable members and it's very much appreciated. There is quite an extensive list of responses to be provided. There was also a commitment given to members of this place that we would adjourn at around 6.00 p.m. In light of that, and to allow the department some time to perhaps type up some of those responses, I move -

That the debate stand adjourned.

Debate adjourned.

SENTENCING AMENDMENT (GOOD CHARACTER) BILL 2026 (No. 28)

First Reading

Bill received from the House of Assembly and read the first time.

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

> That the second reading of the bill be made an order of the day for Tuesday next.

Motion agreed to.

TEACHERS REGISTRATION BILL 2026 (No. 27)

First Reading

Bill received from the House of Assembly and read the first time.

Ms PALMER (Rosevears - Minister for Education) - Mr President, I move -

> That the second reading of the bill be made an order of the day for Tuesday next.

Motion agreed to.

ADJOURNMENT

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

> That the Council at its rising adjourn until 11 a.m. on Tuesday 8 September 2026.

In doing so, I'd like to acknowledge that those members who had made themselves available and made that contact through the Leader's office around the quorum call requirement for tomorrow morning, it's very much appreciated, but given that the Teachers Registration Bill that the honourable minister has just asked be read for Tuesday next, that quorum call is not required. So, that's the explanation.

Motion agreed to.

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

> That the Council do now adjourn.

The Council adjourned at 5.59 p.m.

Appendix 1

Official

Answer to QON Firmus AI Factor deployments in Tasmania

Vania Rattray
T. Rattray
Tabled & Incorporated into Hansard

MLC
Leader for Government Business

DATE
3.09.2026

QUESTION ON NOTICE

Question No. 60 of 2026

Legislative Council

ASKED BY: The Hon Mike Gaffney MLC

ANSWERED BY: Leader for the Government in the Legislative Council, the Hon Tania Rattray MLC

QUESTION:

1) Noting the Minister for Business, Industry and Resources's declarations in a 3 November 2025 media release entitled 'AI Island: Driving economic growth for Tasmania's future', and his description in that media release of an '*AI investment mandate*' together with the role of the Tasmanian Development Board in the new Economic Diversification and Investment Strategy, which is currently out for public consultation:

   (a) The media release stated that the Tasmanian Development Board will consider how it can use its loan book to back strategic investments that help local businesses adopt AI and digital tools to improve productivity and competitiveness. Does its '*loan book*' include strategic investment to support the development of various Firmus projects and other potential AI infrastructure projects, and if so by how much? And

   A: The Tasmanian Development Board has not provided any financial support to Firmus Technologies or any other AI infrastructure project.

   (b) Page 25 of the new strategy paper includes the statement: '*The Advanced Technology Strategy is exploring cluster-based approaches to support the growth of emerging domains of capability'*. Following this are six illustrative areas of strength which includes: '*Energy-intensive digital infrastructure, including AI computing'*. As a result of these statements:

      (i) What modelling has been completed to support the inclusion of that area of strength in terms of the limits posed by available power?

   A: The inclusion of energy-intensive digital infrastructure, including AI computing, as an illustrative area of strength reflects existing and emerging investment in digital infrastructure and Tasmania's relevant comparative attributes. This includes Tasmania's

Official

established renewable energy platform (including the pipeline of new renewable energy generation projects in development) and cool climate.

The draft Economic Diversification and Investment Strategy recognises that energy is a finite resource and that decisions must balance the needs of households, existing industries and new energy-intensive investment. It highlights the need for careful planning and sequencing, and consideration of costs, benefits and opportunity costs, along with the need for future growth in energy generation.

(ii) What levels of surplus power generation are available in Tasmania for energy-intensive digital infrastructure projects, both now and what is planned to come online over the next five years? and

(iii) Is there sufficient generation capacity in Tasmania to ensure that existing domestic and industrial users of power will not be disadvantaged by the development of energy-intensive digital infrastructure projects and if not, will there be regulation to ensure existing consumers will not be disadvantaged by such developments?

A: 1(b)(ii)&(iii):

Tasmania's electricity supply and demand is presently broadly balanced and is influenced by a range of factors. The Tasmanian Government recognises the importance of our existing Major Industrial customers and has made a clear commitment for Hydro Tasmania to prioritise the provision of electricity contracts to existing load ahead of new industry.

Tasmania has legislated targets to increase the amount of installed renewable energy generation capacity by 2030 and 2040. In line with the Tasmanian Government's existing position, all new load, including data centres, should partner with new energy generation projects to support their electricity demand.

There is a pipeline of more than 5 GW of new renewable energy generation projects in various stages of development across the State. If all were to be developed, this would far exceed the State's energy targets. It is projects in this pipeline that energy intensive digital infrastructure projects will need to bring on through contractual arrangements.

(2) When the Premier appeared before Legislative Council Estimates Committee B on 2 June 2026, he was asked how the government assesses and determines what businesses or industries receive

intervention or financial support and what is the threshold of the government stepping in to assist. In his response the Premier spoke of a process involving the Tasmanian Development Board, threshold issues where it relates to a major industrial that consumes a lot of power that may well have impact on other GBEs, such as TasNetworks, and the role of major industrial steering committee of Cabinet.

(a) Where do the current Firmus AI factory projects sit within those parameters?

A: Firmus Technologies has not requested financial support or intervention from the Tasmanian Government.

(b) With an anticipated stable power demand of 440MW from the current and proposed Firmus sites that it states will need 1,700MW of reserve capacity from renewables to ensure a continuity of supply, does Hydro Tasmania currently have the capacity to meet the 440MW base load of stable power demand?

A: A proposal of this scale would require additional energy supply in Tasmania, such as new wind and solar developments. This aligns with the Tasmanian Government's position that new load developments must support new energy generation.

Firmus has published a policy objective of supporting approximately two megawatts of new renewable generation capacity for every one megawatt of contracted demand.

Hydro Tasmania is considering whether it can support Firmus' full energy requirements. This includes assessing the level of new generation required, which Hydro Tasmania does not anticipate being as high as 1,700MW, along with considering how energy could be supplied while any new wind and solar generation is being built.

(c) The ACEN Australia North East Wind Project (NEWP) is being seen as a key to the St Leonards and Longreach AI factories. Given that Hydro Tasmania currently has a 25% interest in the Cape Portland wind farm, is the government (through Hydro Tasmania) seeking an equity stake in the NEWP to support the establishment of the Firmus business case?

A: As noted above, Hydro Tasmania is currently assessing Firmus' requirements and what variable renewable generation would be needed to support these.

Hydro Tasmania advises it is not considering taking an equity stake in NEWP.

(d) Firmus has a declared commitment to support the development of new renewable energy projects to the tune of 2 – 2.5 times of that which it consumes. Does the government have an understanding of how it will be achieved, by when, and what guarantees are in place to deliver it?

A: The Government is aware that Firmus are currently in discussions with Hydro Tasmania regarding the potential for a power contract for Project Southgate. These commercial negotiations remain ongoing, and the Government expects that appropriate details will be announced, should a contract be executed.

The Tasmanian Government is currently developing a Statement of Expectations for Data Centres and AI Infrastructure, which will outline clear expectations for proponents. This includes the requirement that new data centre load partners with enough new energy generation projects to support their electricity demand over the long term.

The Australian Government has recently announced the development of mandatory standards for AI which will set out clear rules for large data centres. The Tasmanian Government is engaged with this work.

(e) The time it will take to build and commission new renewables means long lead times to bring online the Longreach and Wesley Vales AI factories. The closure of Liberty Bell Bay releases 125MW back to the market and with Rio Tinto Bell Bay's 335MW up for negotiation later this year, will Firmus' ability to pay more for power than major industrials guarantee its priority supply, and is there a risk that higher power costs will affect the viability of Rio Tinto Bell Bay with its 550 direct employees and potentially affect a further 1,000 linked positions in indirect and supply chain businesses?

A: The Tasmanian Government has made a clear commitment for Hydro Tasmania to prioritise the provision of electricity contracts to existing load ahead of new industry.

(f) ABEL Energy is another potential large-scale user of power for its methanol plant with its CEO, who is quoted on page 97 of the Joint Select Committee on Energy Matters interim report tabled on 21 May 2026, as stating that it needed 300MW. Has that requirement been factored into Hydro Tasmania's modelling of renewable power generation, and where will it sit in terms of its industrial power supply balancing and priorities?

A: As previously stated, Tasmania's energy system is currently in balance, and new large-scale industries are expected to bring on renewable energy generation projects sufficient to meet their power requirements.

ABEL Energy states that its Bell Bay Powerfuels projects will enable up to 700MW of new renewable power build.

(3) Given the increasing levels of community concern with AI factory developments, the pressure being placed on local Councils and the implications of the Economic Diversification and Investment Strategy which raises the issue of accelerated planning processes for industrial developments:

(a) Where do the AI factories and data centres fit within the Tasmanian Planning Scheme?

A: Tasmania has a strong and well-established framework for managing new developments, and this applies to AI and data centre facilities. Any proposal for an AI or data centre facility must go through the same robust planning approvals process as any other development in the State.

In Tasmania, data centres and AI infrastructure developments are assessed under the Tasmanian Resource Management and Planning Scheme (RMPS).

The RMPS is a framework of legislation, policies, plans and strategies governing land use and development in Tasmania. The RMPS is primarily administered by local councils, the Tasmanian Planning Commission and/or the Environment Protection Authority.

(b) Has the government considered, or is seeking to, give energy priority to Firmus over Rio Tinto to help support both the ACEN Australia wind farm projects and Marinus Link, which in turn would help to support the development of further renewables and AI factories in Tasmania – in other words who or what is in control of what comes first: an available large surplus of power seeking an end user or an AI factory or other large scale consumer seeking power that drives the development of new generation capacity?

A: Refer to response to 2 e).

New load proponents should partner with new energy generation projects, including variable renewable energy projects, to support their electricity demand. This delivers increased certainty to both parties, allowing new load and new generation to develop in tandem.

(c) With the anticipated power requirements and water usage will linked projects such as the Firmus AI Factories be subject to examination as a Major Project or Project of State Significance (POSS)? And

A: Firmus has not requested that its project be considered under the Major Project or Project of State Significance framework.

(d) Does the Government have any modelling or an understanding of what Tasmania's overall capacity for AI factories and data centres might be in terms of power demand, number, size, location and future expansion?

A: Tasmania's potential growth in electricity demand, including from data centres, is considered through the TasNetworks Annual Planning Reports and through the Australian Energy Market Operator's Integrated System Plan and Electricity Statement of Opportunities reports.

There will be practical limitations on load growth due to several factors including electricity network capacity, the State's electricity supply / demand balance, the ability to deliver new VRE generation, and firming availability.

(4) Firmus is in an obvious concurrent establishment and expansion phase as a private equity partnership, and one that is expected to be floated in the near future on the ASX as an Initial Public Offering (IPO) which is anticipated to be in the order of $15.5 billion, with multiple billions of dollars of investment and debt already committed to the company which suggests a degree of investor confidence.

As a contrast there are a number of professional money managers/investors who are apparently refusing to invest in Firmus because of either the structure of the business or a lack of information at this stage:

(a) What formal due diligence has the government done on Firmus Technologies which is positioning itself to become Tasmania's largest energy customer?

(b) There is apparently no escrow period for pre-IPO shareholders for a Firmus Technologies IPO which is a standard 12-24 month moratorium that prevents early investors from engaging in what is colloquially known as a 'pump and dump' scheme. Does the Government have any concerns with such an anomaly, and does it have any assurances from Firmus in this matter?

(c) With the formal prospectus rollout delayed until its full end-of-year accounts have been finalised and some other matters have been dealt with and given the potential implications on the power generation infrastructure and supply in Tasmania, has the government seen a copy of the Firmus Technologies draft prospectus, and if not, why not? and

(d) Given that there are a number of international AI companies looking to expand their reach and operations, and in terms of the Government's perspective, does Firmus' position as an early adopter or beta tester for AI factories in Tasmania give it an exclusive licence for future expansion of its operations in Tasmania?

A-D: Firmus Technologies is a private company that is not seeking funding from the Tasmanian Government. Decisions around its capital structure are a matter for the company. The Tasmanian Government is not seeking to take an equity position in the *company and therefore has no involvement in the company's potential Initial Public Offering (IPO).*

The Tasmanian Government welcomes investment in digital infrastructure and does not seek to provide preferential treatment to any one proponent or project. We are supportive of projects that can demonstrate they will deliver positive economic and strategic outcomes for the state.

APPROVED

Minister for Business, Industry and Resources
Minister for Innovation, Science and the Digital Economy

Dated 2 September 2026

APPROVED

Minister for Energy and Renewables

Dated 1 September 2026