

PARLIAMENT OF TASMANIA
DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Thursday 10 September 2026

Preliminary Transcript

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UNCORRECTED PROOF

Thursday 10 September 2026

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

QUESTIONS ON NOTICE - ANSWERS

No. 63 - Government Response to Questions on Arts Funding

[11.11 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Thank you, Mr President. It was lovely to see the parliament hosting a rally out the front, the Support Our Farmers rally. Now we're actually hearing that rally as well, Mr President.

Ms Forrest - They're not happy with the forest practices matters, I can assure you.

Ms RATTRAY - They will get their message through, I'm sure.

Mr President, I have an answer to the question from the honourable member for Murchison, question No. 63, 2026. With her approval, Mr President, I seek leave to table a document and have it incorporated into the *Hansard*.

Leave granted; document tabled.

See Appendix 1 (page xx).

TABLED PAPERS

Gambling Advertising at State-Owned and State-Funded Venues Motion

[11.11 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) (by leave) - Mr President, I table the document Government Response to the member for Nelson - Gambling advertising at state-owned and state-funded venues motion.

Joint Standing Committee on Integrity - Annual Report

Ms ARMITAGE (Launceston) - Mr President, I have the honour to present the Annual Report 2026 of the Joint Standing Committee on Integrity. I move -

That the report be received and printed.

Report received and printed.

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

Third reading

Bill read the third time.

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 22)

Consideration of Bill as amended in Committee of the Whole Council

[11.13 a.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - Mr President, I move -

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

Motion agreed to.

Amendments read the first time.

Amendments read the second time.

Amendments agreed to.

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 22)

Third Reading

Bill read the third time.

HOUSING LAND SUPPLY (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 15)

Second Reading

[11.18 a.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - I noticed you had music playing when you did your prayers earlier on. Now I have just conversations, and I will be able to concentrate a bit differently and not start to jig or anything like that.

Mr PRESIDENT - It was tempting to dance, wasn't it?

Ms Rattray - Support our farmers.

Mr VINCENT - Support our farmers. I could hear Lindsay's voice out there earlier on.

Mr President, I rise today to talk about the Housing Land Supply (Miscellaneous Amendments) Bill. Mr President, I move -

That the bill now be read a second time.

This amendment bill proposes to amend the *Housing Land Supply Act 2018* to introduce efficiencies and time savings to the current process for rezoning land through Housing Land Supply Orders.

It also proposes a minor amendment to the *Community Housing Providers National Law (Tasmania) Act 2013* to correct outdated references to other legislation.

The *Housing Land Supply Act* was developed following the then-premier's Housing Summit in 2018. The introduction of this act was unanimously supported by both Houses of Parliament as a more direct process for rezoning and modifying planning scheme requirements for eligible government land to facilitate housing, particularly for social and affordable housing developments. The *Housing Land Supply Act* targets land which is suitable for residential purposes and replaces the normal planning scheme amendment process under the *Land Use Planning and Approvals Act 1993*. It maintains the same rigorous assessment criteria from the normal amendment process along with specific criteria for determining the suitability of land for housing.

It also provides a more comprehensive public consultation process, with more stakeholders directly notified and more locations available to view the draft order and supporting documents during the consultation period.

The main benefit of housing land supply order process is to focus on social and affordable housing. The making of a housing land supply order vests the land with Homes Tasmania for delivery through the *Homes Tasmania Act 2022*. This ensures a share of new housing construction is allocated to those most in need. I acknowledge we are in the process of transferring Homes Tasmania into a new Building Tasmania entity. This will result in legislative and administrative changes that will be resolved in the near future.

To date, 18 housing supply orders have been made for land across all three regions in the state and more than 70 hectares have now been rezoned for housing purposes and transferred to Homes Tasmania for delivery, which could deliver around 1000 new homes. More draft orders are currently being processed and are partway through the assessment process under the act. I understand Homes Tasmania is preparing several others.

We have amended the *Housing Land Supply Act* twice in recent times. Firstly, to allow Homes Tasmania to bring forward newly acquired land, and most recently in 2023 to extend the period for making housing land supply orders until the end of 2032. The success of this act for rezoning land underpins the need to further improve its operations. With the continued demand for housing, more is being done across a number of sectors, with interventions ranging well beyond the planning scheme.

Most importantly, the bill will allow housing land supply orders to be finalised sooner to rapidly rezone suitable land where there is a distinct need. This gives Homes Tasmania the confidence to continue to identify new areas of land suitable for residential development and provide more housing options for Tasmanians.

The other proposed administrative savings reduce unnecessary administrative tasks, providing savings to the departments.

Currently the process requires a five-sitting-day disallowance period and must be completed in both Houses of parliament before a housing land supply order can be made. This process works fine when we have the available sitting days; however, since 2018, there has been seven times when an order has been ready to be made, but we have had to wait up to three months until the parliament resumes after the summer break. This has caused considerable delays in getting land rezoned, particularly at a time of increased housing demand. Eighteen housing supply orders have now been made with scrutiny by this parliament, with no disallowance motions put forward. We all should have the confidence the process is being appropriately handled.

I propose to move an amendment to the bill, and the amendment rolls back the proposed change to the disallowance provisions in the act, but adds the provision for a positive motion to be tabled and debated in both Houses, which, if passed, enacts the order rather than it waiting for the disallowance period. This creates an allowance provision that doesn't exist in the current act. This proposed amendment will result in the same outcome of delivering land for housing faster through a different mechanism. I'd like to thank members for their input on this amendment. The change, importantly, maintains parliamentary scrutiny but does not unnecessarily delay the making of the order.

The bill also introduces a variety of other efficiencies for making housing land supply orders, and I will now outline these key elements. Currently, the making of a housing supply order involves the State Planning Office liaising with the Office of Parliamentary Counsel several times to prepare a draft order ready for public consultation and tabling in parliament, and to make and give effect to the order. Each stage of the process requires redrafting, which only adds an administrative task for the OPC and the State Planning Office. The bill cuts down on these administrative steps by enabling the State Planning Office to draft the orders. This is achieved by not requiring an order to be a statutory rule for the purpose of the *Rules Publication Act 1953*. The bill also provides a more streamlined process for making and giving effect to an order, instead of the current two-step process with different Gazette notices having to be published. This further reduces unnecessary administration for all involved in the process.

The bill also enables a housing land supply order to clearly express the proposed planning requirements as they would appear in the planning scheme, such as the induction of a specific area plan. This is particularly important in circumstances where modifications to the planning scheme requirements are proposed and assist the public consultation process, providing greater clarity on the proposed changes. Currently, orders must contain a schedule listing planning provisions, which are later redrafted by the Tasmanian Planning Commission to create a specific area plan for inclusion in the planning scheme. This is a further administrative saving. The bill also removes a reference in the *Housing Land Supply Act* to an old planning scheme that is no longer in effect.

Finally, the bill proposes amendments to clarify who the relevant minister is for the proposers of the *Community Housing Providers National Law (Tasmania) Act 2013*. This act currently references the former *Homes Act 1935*, which has been replaced with the *Homes Tasmania Act 2022*. The bill updates this reference to the current legislations. Further

amendments will likely be put forward in the near future to correspond with the transfer of Homes Tasmania into the new Building Tasmania entity.

The bill proposes to improve the efficiency of the process, reducing cost to government to administer the process, and enables housing land supply orders to be made sooner, all without reducing the rigour and scrutiny of the process. I commend the bill and again, thank members, sincerely, for their collaboration on this bill. Thank you.

[11.28 a.m.]

Mr GAFFNEY - Mr President, I rise to speak on the Housing Land Supply (Miscellaneous Amendments) Bill 2026. It was quite pleasing to receive the proposed amendments from the government yesterday; they have made this speech significantly shorter. I'd like at the outset to take the opportunity to thank the minister for his work in this space and the receptiveness of his department and the government at large in briefings, which has been exemplary. Indeed, I would also like to thank those working on the legislation and proposing rational last-minute amendments. I've been very impressed with the professionalism and receptiveness of those individuals involved with this legislation.

By way of serious attempts to fix the Tasmanian housing crisis, this proposal is an in-good-faith, modest attempt to rectify current legislative inefficiencies and reform identified hindrances to supply. For that I commend the bill. Indeed, it is quite pleasing to see that alongside the main headline item of supply order changes, the bill contains smaller changes designed to smooth an operation, promote good practice and ensure that the *Housing Land Supply Act* is working as intended. These iterative amendments are generally well appreciated and represent good lawmaking. I'm broadly supportive of all the changes that aim to streamline the process and fix issues that have arisen since the inception of the *Housing Land Supply Act*. It is worth noting that the cross-parliamentary support that has underpinned the inception and much of the history of the *Housing Land Supply Act* is a good representation of parliamentary effort in a positive, appropriate direction.

Of course, the largest change is that to supply orders. Prior to the proposed amendments, I had mixed feelings regarding this change. On the one hand, it is important that well-considered and realistic legislation put forward by the government is given weight and supported where appropriate. On the other hand, it is important that increases to the power of the executive are both proportionate to the measure they intend to solve and appropriate in the context in which they are made. We recently heard from the honourable member for Murchison on the short-stay levy proposal that fiscal measures should be, and I quote: [tbc 11.30.20]

Well designed, evidence-based, and properly targeted at the problem it purports to solve.

While housing supply is not inherently a fiscal measure, I view these criteria as quite important for these changes to the housing land supply orders as well. From the outset, I appreciate that the changes to the housing land supply orders and what the government wants to do make sense. It is targeted at supply, making it easier to free up land for development. We have heard from the government and indeed in the consultation pack it was noted that there have been examples of housing land supply orders being tabled in late November that can't be made until after March the following year. Of course, as the honourable member for Prosser noted in the other place, some 18 orders have already been made, with several more in the pipeline.

I appreciate hearing those facts and it's good to hear from the lower House regarding the impact of the current tabling system on process and efficiency, because they demonstrate a real problem that is generally making it a slower process that it needs to be. What I do wonder, of course, is whether the simple answer to this is a better sitting schedule or better planning when creating the supply orders. Nonetheless, it is a noted concern, and this amendment bill is geared towards rectifying that concern. In this sense, there is also a real evidence base for this change.

Where my key concern lay prior to yesterday's events was that the bill might not have met the 'well-designed' criteria. I was concerned that removing parliamentary control over supply orders in the first instance may indeed have made it harder to provide proper oversight. Land use changes and housing zoning can become quite controversial and for good reason. Of course, while I understand that no supply orders have yet been disallowed, a controversial supply order is more than likely to present.

I'm also aware that there are questions to be had regarding whether the availability of suitably zoned land is a barrier to housing supply. I note that while space has yet been rezoned for some one thousand houses, very few have been built as a result of the supply orders. What I was concerned about regarding the initial proposal was the interaction between an order that was once allowed and then down the line disallowed. Yesterday's amendments appropriately addressed that concern.

More than addressing that, the proposed system will actively promote better practice by clarifying the ability of the government to put forward a positive motion that can be passed in both Houses rather than waiting out the disallowance period is an appropriate way to ensure that these orders receive adequate oversight while still rectifying the identified inefficiencies. Anything otherwise risks legislating uncertainty into the minds of developers and people who would otherwise go ahead with development activities. The potential for retroactive disallowance of such an order would have caused hesitation, uncertainty, and difficulty for those involved in the process. It was pleasing that a better solution was identified and has been proposed.

It was also quite pleasing to read the submission of the Council on the Ageing Tasmania, as they made various recommendations that would support community involvement, protection and representation. Notably, they recommended that supply orders be published with information regarding why the order was made, how disallowance would be managed if it occurred, and how submissions were considered and responded to.

While I can appreciate that the process is not currently being abused or used controversially, land use proposals and changes can become very controversial very quickly. The proposed allowance provision, as it was described to us, also gives a strong mechanism for public engagement with legislators. I'd be grateful to hear commentary from the government on how they intend to engage with and involve communities in the making of these orders from here on out.

It was also quite pleasing to read the submission by the Tasmanian Chapter of the Australian Institute of Architects regarding the risks that the current and proposed process for housing supply orders hold. Indeed, by way of fire risk concerns with housing outcomes, environmental outcomes, and urban design, it is worth noting, as the institute does, that these

supply orders give an opportunity to better our housing and development process. To quote the institute: [tbc 11.34]

Prioritising density, infrastructure efficiency, biodiversity, and architectural quality will lower housing costs, reduce public spending, improve community outcomes, protect future generations, strengthen climate resilience, and better align development with Tasmanian statutory planning objectives.

To achieve this, the institute recommended the following:

The process could more clearly reinforce consistency with regional land use strategies and the forthcoming Tasmanian planning policies to prevent peripheral sprawl and ensure growth occurs near centres, services and transport.

A simple 15-minute access check, minimum net density targets in serviced areas, baseline lot mix requirements and concept layouts demonstrating connected street networks would help avoid car-dependent expansion. Supporting measures such as a template urban design guide, state council memoranda of understanding and early servicing coordination with infrastructure providers would improve consistency and deliver outcomes while maintaining the streamlined intent of the reforms.

The intent of accelerating affordable and social housing delivery is strongly supported; however, it's equally important that reforms do not unintentionally embed structural urban sprawl outcomes, infrastructure inefficiencies, environmental risk exposure or architectural mediocrity that undermine the objectives of the resource management and planning system set out in Schedule 1 of the *Land Use Planning and Approvals Acts 1993*, of LUPAA.

To my mind, if there is time to amend the primary legislation and entrench best-practice planning procedures in the process, it is now. I appreciated reading the submissions and concerns of those stakeholders involved in the drafting and consultation process.

I was also interested in reading the suggestion in the submission of Heritage Tasmania on behalf of the Tasmania Heritage Council. The submission raised a concern that the 28-day exhibition was potentially insufficient. Heritage Tasmania recommended either a provision for the minister to accept submissions beyond the 28-day period if reasonably necessary, or to circulate draft orders in advance of the formal exhibition to the Heritage Council if the order effects a Tasmanian heritage registered place. If the government would respond to these concerns in its closing, that would be appreciated.

I have often found - putting on the record, Mr President, I do have a heritage listed home - myself concerned with the government's attitude in how it changes and deals with the planning process in recent times. I have stated this or similar sentiments many times in this place. However, the approach taken to this bill has been one of great improvements and problem solving - that is greatly appreciated. Nonetheless, it should also be recognised that this bill would not significantly ease or support our housing crisis without much more work from

the government in this space. That's not to say either that such legislative changes are not important or worth doing.

What is important, though, is that they are done alongside bigger structural changes and genuine attempts to solve our housing issue. When I say 'genuine attempts', I do not mean [inaudible 11.37.54] levels that misdirect and give more image management than real progress. Legislation will support in this place, if it is appropriate, well thought out and address its concerns and community input. Helping the housing situation is not controversial; what is, is bad ideas.

To step back slightly, it is quite damning to see the cost of housing, the enormous waiting list for social housing and the realities that face those who need social housing. It isn't getting better and the best-case version of this bill is only a step in the right direction. There's far more work to be done in this space and, while I appreciate and recognise the work and genuine thought put into this bill, I must call on the government to do as much as it can to support Tasmanian housing. We need a government that takes decisive action, not weak or performative legislation. We need to avoid wastefulness, avoid bad practice and avoid improper legislative changes made for the sake of looking good.

I would like to acknowledge the input from stakeholders, government employees and indeed from members in this place and the other. I also appreciate the efforts of the government with this bill and the positive amendments that have been put forward. I welcome the input of other members and indeed the government.

[11.39 a.m.]

Ms THOMAS (Elwick) - Mr President, I rise to indicate my support for the Housing Land Supply (Miscellaneous Amendments) Bill 2026. At its heart, this bill seeks to improve the efficiency of the process for rezoning suitable government land for housing through housing land supply orders. The *Housing Land Supply Act* was introduced before my time in this place, in 2018, but I understand it was introduced to provide a more direct pathway for rezoning eligible government land, particularly where that land can contribute to the delivery of social and affordable housing and, of course, this remains an important objective.

As we all know and we discuss a lot in this place, Tasmania continues to face serious housing pressures. We need more housing supply and particularly more social and affordable housing, and we should remove unnecessary administrative delays where we can without compromising proper planning, assessment, public consultation or parliamentary scrutiny. The government has advised that 18 housing land supply orders have been made since the act commenced, and together these orders have rezoned more than 70 hectares of land with the potential to support approximately 1000 new homes. The bill makes several largely administrative changes intended to simplify and streamline that process. It removes the requirement for housing land supply orders to be statutory rules, for the purposes of the *Rules Publication Act 1953*, simplifies the process for preparing, making and giving effect to an order, including reducing the need for repeated redrafting and multiple Gazette notices. It allows an order to set out proposed planning requirements in the form in which they will ultimately appear in the relevant planning scheme. And they should provide greater clarity during consultation, particularly where a specific area plan or site-specific qualification is proposed.

I note the bill also removes an obsolete reference to the former Flinders Planning Scheme 2000 and updates the *Community Housing Providers National Law (Tasmania) Act 2013* to replace a reference to the former *Homes Act 1935* with the *Homes Tasmania Act 2022* and I support these administrative improvements, Mr President. If a process can be made clearer and more efficient without weakening the quality of assessment, consultation or oversight, then that is sensible reform.

However, I did have a significant concern with the bill as it was originally presented, as the member for Mersey has conveyed that he did. Under the existing *Housing Land Supply Act*, a proposed order is laid before both Houses of Parliament and is subject to a five sitting day disallowance period. The minister cannot make the order until that process is concluded, and neither House has disallowed it. The bill, as introduced, proposed to change that sequence. It would have allowed the minister to make a housing land supply order after completing the consultation process, with the order subsequently tabled and subject to the ordinary disallowance provisions under section 47 of the *Acts Interpretation Act 1931*. While parliament would technically have retained the power to disallow the order, the order and the associated changes to the planning scheme could have taken effect before parliament scrutiny had concluded, and that raised a practical concern for me. A planning application for development or subdivision could potentially have been submitted in reliance on the new zoning or planning provisions during the parliamentary disallowance period. If either House subsequently disallowed the underlying order, that could create considerable uncertainty. What would happen to an application that had already been lodged? What rights or statutory time frames might have risen, and what position would that leave the applicant, the planning authority and members of the community affected by the proposed development in?

The bill contained provisions dealing with planning scheme amendments, becoming void where an order was subsequently disallowed, but I wasn't satisfied that this adequately addressed the position of an application lodged during the intervening period. I therefore sought advice and had an amendment prepared by the Office of Parliamentary Council. My proposed amendment would have prevented a planning application that depended on a housing land supply order from being made or accepted, while that order remained capable of being disallowed by the parliament. I thank the Office of Parliamentary Council for its assistance in preparing that amendment and for identifying the various legal and procedural considerations that needed to be addressed.

My objective was not to frustrate or unnecessarily delay housing development, nor to prevent Homes Tasmania developers or planning authorities from undertaking preparatory investigations, surveys, design work or consultation. My intention was simply to ensure that no formal planning application could enter the statutory assessment process in reliance on an order, until the parliament had completed its opportunity for scrutiny of that order. I raised these concerns during the briefing process, and I want to acknowledge and thank the minister and the minister's office for listening carefully and responding constructively.

As we've heard, the government has now prepared its own amendment. Rather than addressing the issue by preventing planning applications from being lodged during the disallowance period, as my amendment proposed, the government's amendment addresses the concern at an earlier point in the process. The way I understand it, it rolls back the proposed removal of the existing parliamentary disallowance safeguard, so the current process will be retained. An order will ordinarily remain subject to parliamentary scrutiny before it can be made. Importantly, however, the government's amendment will also introduce a new positive

approval mechanism. A motion may be brought before both Houses seeking approval of an order. If both Houses positively approve that motion, the order can proceed without waiting for the full disallowance period to expire. That is a sensible compromise, Mr President. It retains meaningful parliamentary scrutiny because an order cannot simply take effect before parliament has had the opportunity to consider it. At the same time, it provides a way to avoid unnecessary delay when parliament is sitting, the relevant information is available, and both Houses are satisfied that an order should proceed. This is particularly relevant given the government's advice that on seven occasions since 2018, orders have been ready to proceed but have been delayed for up to three months because parliament was not sitting. Under the government's amendment, an order may proceed sooner if both Houses expressly agree. When that positive approval is not obtained, the existing disallowance process and safeguards remain. That's my understanding. The government's amendment, therefore, addresses the substance of the concern I raised, although it does so in a different, and I accept, more direct way, because the order itself will not take effect before parliamentary scrutiny has occurred unless both Houses have positively approved it. The risk of a planning application being lodged in reliance on an order that remains open to disallowance is also addressed. Accordingly, I'm satisfied that it's no longer necessary for me to proceed with the amendment that I had prepared.

Mr President, this has been a constructive process. I want to acknowledge that. Members raised a concern about the possible unintended consequences of the bill as introduced, not just me, but other members as well. The minister and the minister's advisers listened to that feedback, considered an alternative approach and prepared an amendment that preserves the bill's objective, while retaining the authority of the parliament. This is how the briefing and legislative scrutiny processes should work. This is the House doing some of its best, most constructive work. We all want suitable land to be made available for housing as efficiently as possible, but efficiency should not come at the expense of proper consultation, certainty in the planning system, or meaningful parliamentary oversight. The government's amendment strikes an appropriate balance between these objectives; retaining the administrative efficiencies elsewhere in the bill, it provides a mechanism for orders to be approved more quickly where both Houses agree and preserves parliamentary scrutiny where that agreement has not been obtained. I really thank the minister and the minister's office for engaging constructively with members on the concerns raised. I also thank the Office of Parliamentary Council for its assistance with the amendment I had prepared. With the government's amendment addressing my principal concern, I'm pleased to support the bill.

[11.47 a.m.]

Ms FORREST (Murchison) - Mr President, before I start, I want to thank the minister and his team for listening during the briefing, and I appreciate the briefing - having a proactive approach to addressing the real concerns raised by members was refreshing. I will deliver the speech I prepared based on the bill before us, but I accept there will be significant change and that's very welcome. We shouldn't be changing an agreed parliamentary process that was agreed by the parliament when the housing land supply bill originally came to this place without good reason. There are a few other questions that I hope the minister can respond to in his reply. I speak to support the bill in intent and I think I will be in a position to support the bill into the Committee stage to enable those amendments to be put and, I assume, supported, because there seems to be broad support for that approach. Without them I don't think I could have supported the bill and certainly not the vast majority of it.

When I first looked at this bill, it appeared relatively straightforward in that it sought to amend the *Housing Land Supply Act 2018* to streamline the process for making housing land

supply orders and makes what are called 'minor consequential amendments' to the *Community Housing Providers National Law (Tasmania) Act 2013*. That's not controversial, that last bit and I fully support it. However, these are matters I believe did need far greater scrutiny and detail and some of the matters raised in the public consultation didn't appear to be addressed in the bill that's before us. The *Housing Land Supply Act 2018* was the product of the 2018 Housing Summit - members who were around at the time will remember that - and it was unanimously supported by both Houses at the time. I'm not sure it has really fulfilled the objective set at the time, as we still have very real housing shortages, many causing great distress, and I appreciate the government's attempt to streamline processes where appropriate to address this very real challenge. The bill and the second reading speech that was originally presented, et cetera, does give the minister a faster pathway and with the amendment will still be a faster pathway, but it won't entirely disrupt the parliamentary process that the bill before us would have. It is a faster pathway than the standard *Land Use Planning and Approvals Act 1993* process for rezoning eligible government land, principally Homes Tasmania land and for housing, while retaining the same substantive assessment criteria as the ordinary rezoning process - that's the intent of the original act.

Since 2018, the act has already been amended twice. Once to allow newly acquired Homes Tasmania land to be brought forward and again in 2023, to extend the sunset for making orders out to the end of 2032. As at the time the bill was introduced, we were told 17 housing land supply orders have been made across - I think it was 17 or was it 18?

Mr Vincent - It says 18 on mine.

Ms Rattray - Yeah, it's been amended.

Ms FORREST - Yeah, that's right. Anyway, I think it was 18 - we were told at the briefing, wasn't it? - housing land supply orders have been made across all three regions of the state, rezoning more than 70 hectares - land that the government says could ultimately support around 1000 new homes. I'd be happy to hear from the minister how many homes have actually been built and occupied through that process. This was the problem identified in 2018. But anyway, it'd be interesting to see. I know, for example, Huntingfield has been rather slow, but that's all outside of this minister's control, because that was well before he was even in this place.

Mr Vincent - Fixing it.

Ms FORREST - That said, the central change to this bill, as it's drafted and that we're debating before we get to the Committee stage, is the disallowance mechanism. In the bill, a housing supply order cannot be made until it's first been tabled in parliament and a five-day day sitting period has run in both houses - that's the way it works at the moment.

This bill seeks to flip that sequence; the minister will be able to make the order first and disallowance will then operate after the fact, treated for the purposes of section 47 of the *Acts Interpretation Act 1931* in the same way a regulation is treated. This is the matter I raised in the briefing, that regulations are different beast; they sit as subordinate legislation under a principal act. If the regulation-making power is in the act, that's one of the things that the subordinate legislation committee look at to make sure that there is a regulation-making power. So, the principal is in the principal act.

When parliament dealt with this bill, the very clear direction of the parliament was that the order would come to the parliament first. It wasn't as a subordinate piece of legislation. I appreciate the minister and his team listening to that because they're not the same and unless parliament has completely changed its view, and I hear from other members in the briefing that most of us haven't, that is the appropriate way to deal with it. This is public land and though there hasn't been a problem to date, from what we heard from the minister in the briefing, there have been parcels of land that have been quite contested and have been handed appallingly, and I go to the Wilkinsons Point land for a start. We do need to be very cognisant to the fact that public land has public interest; and a front-end process, in my view, is far more important. That was a bit of an aside, Mr President, but a fact.

In exchange, this disallowance period has lengthened from five to 15 days, consistent with the treatment of regulations generally - that's the bill that's before us. The government's case for this was that since 2018, there have reportedly been seven occasions where the order was ready but parliament was in recess, sometimes for up to three months. Well, hello, Mr President, that happens every year at the end of the year.

Ms O'Connor - Get your act together.

Ms FORREST - It's no surprise that November is November and November is the end of the year. I don't know why anyone would be surprised by that. So, the claim was that delays rezoning at a time of acute housing need. Well, that may be the case, but surely, and as I said in the briefing, there's always more than one way to fix the problem, and what I was asking myself looking at this bill was: is this the right way? I believe there are other alternatives, which I'm really pleased to see the minister has taken on board.

Of the 18 orders made to date, none of them had attracted a disallowance motion in either House. And that's a positive thing, because when we have that information upfront, we can make that decision before the public land is handed over for development.

The bill also makes a series of administrative changes that are less contentious. So, under this bill before us, I understand that orders will no longer be drafted by the statutory rules, allowing a planning officer to prepare them directly, rather than OPC. I'm just trying to be clear, minister, on this, with your - and this can be asked in committee, too, I guess - but, with the process that we're engaging, will OPC or the State Planning Office be drafting those orders, and what change does that actually make? In the briefing we were told that this was a request from OPC because the State Planning Office do this work all the time. I just want some assurance around the rigour, with no disrespect to the Planning Office, is this still the case, and what will that mean?

New sections 13A and 13B set out publication obligations that require the minister to publish reasons on the department's website. Some of that is retained in the minister's amendments to make it clear, for at least six months, whether an order is made or not, including copies of its submissions and the minister's response to each. I think that's really important for the parliament to make decisions about public land.

A new section 25A deals with what happens if an order is disallowed after the fact. Well, that won't be a problem with the minister's amendments because it requires the actions of parliament first. But, under the bill as it stands, the relevant planning scheme amendments are voided, the Tasmanian Planning Commission must be notified, and must unwind the changes,

though actions already undertaken under the order in the meantime remain valid. To me that was a really difficult thing to work my head around and to understand what it actually meant. I must say that was quite an unusual approach, in my view, and it seemed contrary to current processes. Whilst I acknowledge the rationale given for that, I really did seek to understand what problems could occur. It seems that work could actually commence in that time if parliament was not sitting for some time. And sometimes we're not sitting for six months, because if there's an election held in March, say, which is when the usual sequence of elections happen, in the past, you know, some years ago - that's been all disrupted of late - but we finish sitting in November and if there are elections in March, we don't return to parliament before that, because parliament's prorogued during that pre-election period. If there's a change of government particularly, or if there's a bit of a shuffle around to find who actually is in charge, we might not sit until April or May. So that's five to six months, okay? So that's not unusual. It shouldn't happen every year, I admit, and ideally it won't.

Clause 23 in the bill before us inserts a transitional provision so any order proposed before this bill commences, that is already through public consultation but not yet made, would continue to be processed under the old rules, including the pre-making disallowance period. Under the amendment that will disappear as well. I had a question about that, but it's a little bit irrelevant, well it will be irrelevant, hopefully.

I also mentioned that clause 4, sorry, clause 5 updates the reference of the *Committee Housing Providers National Law (Tasmania) Act 2013* and the defunct *Homes Act 1935* to the *Homes Tasmania Act 2022*, so the relevant minister for that act is correctly identified. I note that in the minister's speech, he flagged that this is likely to be revised again, once Homes Tasmania is folded into the new Building Tasmania entity. I'm interested in how and when that will happen and if they change Building Tasmania to something else, next year - maybe we need a more adaptable model here, I don't know.

Just in regard to the stakeholder feedback on this bill, unsurprisingly, there was support from the housing and development sector. The Property Council of Australia (Tasmania) provided unsurprisingly strong support for the change, arguing that the ability to disallow remains intact and the order will simply no longer be necessarily held up waiting to be tabled or I'd say debated. Of course, I might accept their view, but don't agree with the process.

Uniting Vic.Tas Hobart, which delivers social housing itself, commended the bill as unlocking land for community benefit. Homes Tasmania supported the intent but pushed for the reforms to go further, as I read in the submission proposing the act be expanded to cover local government land, that a line of touch process be created for minor amendments to existing orders as distinct from substantive rezonings that eligibility for alternate zonings such as central business zone be clarified and that subdivision approval be able to proceed in tandem with rezoning rather than sequentially.

Mr President, none of these recommendations appear to have been picked up in the bill, possibly being outside the scope of the review on the intent of this. I would ask the minister if he's contemplating any of those and what would the plan be?

The two councils, Launceston and Devonport City Councils, raised no objection, though Launceston Council submission is quite a detailed submission and it wanted Homes Tasmania to keep engaging with council at the early scoping stage. I know the member for Launceston's

mentioned in the briefing that there'd been some challenges there that the Launceston Council perhaps felt they weren't given enough time, but I'm sure she will speak to that.

The Launceston Council argued that a specific area plan is no substitute for genuine neighbourhood/structure planning, where an order is more than a straight rezoning. I believe they are valid points, Mr President, and if the minister has a response to those matters and concerns raised by the Launceston City Council, it would be helpful to hear them. Launceston Council did point to its own experience in this matter with orders at Newnham, Ravenswood and Kings Meadows and its concern about a further proposal at Rocherlea.

As with all use of public land, we must be very aware of community concerns and expectations, including the need for safe, accessible and affordable housing. It's about finding that balance but ensuring you take the people with you.

The Tasmanian Planning Commission, TasWater and DECYP all indicated they had no comments or concerns. I do note a lot of these, these areas that are being considered are previous DECYP land, like schools that are no longer operating; Penguin Primary School, we saw Somerset Primary School. There are a number of school sites that are no longer utilised school sites that can readily fall under this.

COTA supported the objective but sought explicit guard rails. They're representing an older section of our community, and they actually suggested a plain English published statement at the time an order is made explaining why it's made, how submissions were addressed and importantly what would actually happen if disallowance later occurred. Well, that won't be such an issue with the amendment that's been proposed.

They talked about offline access to consultation documents and a phone contact option to give older Tasmanians who are overrepresented among those with limited digital access a chance to engage. They recommended embedding age friendly design expectations in any bespoke planning provisions and published guidance on what counts as a significant change requiring re exhibition. That was what they suggested.

The Planning Matters Alliance Tasmania went further and opposed the process change outright, arguing it hands the minister the ability to make an order and for the TPC to give effect to it and a council to issue a planning permit, all before parliament's disallowance period is even run, and that once a planning permit is issued and substantially acted on, it stands regardless of a later disallowance. Again, that concern has been dealt with by the minister's amendments.

Mr President, the Australian Institute of Architects submission did not oppose the streamlining but warned that removing procedural steps should not be allowed to remove design and sustainability rigour by default, and it proposed a suite of built form and settlement plan safeguards including walkability and a 15 minute access checks, minimum density targets, biodiversity and urban heat considerations that appear to sit outside the scope of this bill in my view. They are really important things that should always be considered when we are developing public and social housing and affordable housing. We saw the terrible experiment we did many, many years ago with putting public housing out in the fringes with no access to services and limited transport, so they are really important considerations. There were other submissions, but I won't go into any more. I think, generally, there was broad support for trying to deal with this. It was about the mechanism, that was the problem.

The other concern that I have is there did not seem to be a specific disallowance safeguard clause prohibiting any works - whether it's clearing or other earthworks or progress being made on a site - that may later be disallowed. That concern will be removed by the amendment that's made, but it was a legitimate question posed.

I think the member for Mersey might have spoken about Heritage Tasmania's concerns. They didn't oppose the bill, but they did ask for a 28-day exhibition period to be capable of extension where the proposed order affects a place on the Tasmanian Heritage Register and requires specialist heritage input. Alternatively, for early circulation to the Heritage Council at least 14 days before an exhibition opens. I just wondered whether the minister considered that, in order to try and facilitate what can be more complex areas.

Mr Vincent - Heritage people are consulted in the early stages of it all before we go ahead with anything.

Ms FORREST - So, that will happen - they will be consulted early? That was one of their options.

When I looked at this bill as it stood before us, it was not an uncontested legislative change, and it did carry real risk to the process. To reiterate, first on the disallowance sequencing, moving scrutiny to after the fact is a real change of established process and what was agreed by the parliament. These, in my view, when I looked at this bill, these changes went well beyond an administrative tidy-up that it was indicated was the case. It was fundamentally changing an agreed process. The government's justification was a clean track record over 18 orders. It is a valid point, however, it didn't actually make the case for a need for completely changing the process.

I won't go to some of these other matters, I'm just reiterating some of the concerns that were raised. I have covered them off, and I did send the minister some questions on this that, hopefully, he will be able to respond to as well. Basically, I've included them in my speech.

Despite the lack of apparent opposition to the bill when it arrived in this place, it seems to me that there was real genuine concern amongst members here. I do thank the minister and his team for briefing the Legislative Council, listening to us and actually acting on that. It was very much an act of good faith, and I think it will see favour of the House, where it might not have seen favour of the House without it. So, I do thank the minister for that, and look forward to the committee stage, so we can present a bill that actually does meet the objectives.

[12.09 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Mr President. I thank the honourable minister as well for bringing this forward and for the briefings that we've had. It was really good to have so many briefings, just to clear up different issues. The bill contains a number of technical amendments which could have wider implications for local planning bodies and councils, and does seek, in my opinion, to vest additional powers into the minister.

The objective of the bill is to shorten the amount of time it takes for the release of land for the purposes of constructing public and affordable housing. We're all aware of the need for timely release of land for housing construction projects, and we should be minimising any delay for this. These have been referred to as efficiencies. The release of land is one of those many

factors that feed into the time it takes for housing to be built, and we do need it now more than ever.

I note the minister's comments that the bill seeks to reduce unnecessary administrative tasks and that currently the process requires that the five-sitting-day disallowance period must be completed in both Houses of Parliament before a housing land supply order can be made. Further noting that since 2018 there have been seven times when an order has been ready to be made, but a period of up to three months have sometimes resulted in a delay, such as over the summer period. To this end, the bill proposes to move the disallowance period to after the making of an order, therefore treating it as if it were a regulation under the *Acts Interpretation Act 1931*.

Additionally, I note that a total of 18 housing land supply orders have been made with scrutiny by the parliament, with no disallowance motions put forward. I understand this, but that doesn't mean we shouldn't have the option, if a member of parliament feels it's needed - and I do note the amendment, and I will mention that shortly. We all know that once power is handed over to the executive, it's very difficult to get it back.

Questions this bill raises for me are whether this bill will actually achieve the goal of quickly releasing land for the purposes of housing construction, whether this vests too much power in the minister, whether local planning authorities are being bypassed and power is being taken away from our communities to have a say what actually gets built in their localities, and how difficult this legislation would be to undo, if it's found to provide too much power for the minister.

While I thank the minister's office for providing information on an amendment which they intend to move relating to the disallowance provision, I note the email distributed to members advises this amendment rolls back the proposed change to the disallowance provisions in the act, but adds the provision for a positive motion to be tabled and debated in both Houses which, if passed, enacts the order, rather than it waiting the disallowance period. The intention is to provide a practical middle ground by creating an alternative pathway when an order is required urgently or during periods when parliament is not sitting. I believe this is an improvement, and does provide some certainty for the bill, and I thank the government for taking seriously the concerns that have been raised. There will be some questions about it and how it operates in practice, but at this stage we will consider what other members' views on the amendment might be.

Regarding submissions, I have consulted a number of the submissions made on this bill and just found the following relevant, and important to note. As was mentioned by the honourable member for Murchison, the City of Launceston did put in quite a detailed submission. Launceston Council welcomed a streamlining process, but they noted their critical function as partners in delivering the release of land and the delivery of housing, stating councils administer local planning schemes, deliver infrastructure and ensure proposals align with the Tasmanian Planning Policies, regional land use strategies, and the resource management and planning system on a whole. This local knowledge provides essential insight into infrastructure capacity, servicing constraints and local conditions. Early collaboration is therefore key to achieving well integrated, high-quality outcomes. The City of Launceston made a number of recommendations, including the ongoing engagement with local councils, supported technical amendments contained in this bill, and recommended that housing land supply orders are prepared in alignment with existing or emerging structure plans to ensure

land release occurs within a coordinated, strategically informed framework. They also mentioned, and it says:

Council notes that the exhibition period remains the sole formal opportunity for local government input under section 12(1) of the *Housing Land Supply Act*. This period is just 28 days, excluding any days on which the Council office is closed during normal business hours, such as public holidays. Given the potential complexity of proposals, particularly where servicing transport, infrastructure provision, or developing sequencing issues arise, this limited timeframe further emphasises the importance of early engagement. [TBC]

None of this appears to be mandated or required in the bill, so I would like to know how the government and the minister will ensure that these recommendations are adhered to, should this bill pass, particularly with regard to early engagement with councils.

The Tasmanian Planning Commission advises that it 'understands the aims of the draft bill' and had very few comments to make on the draft bill, whereas Planning Matters Alliance Tasmania did not support the bill, for the following reasons:

- (1) They believe it increases ministerial power over the planning system;
- (2) The lack of parliamentary scrutiny undermines the integrity of the planning rezone process as a Housing Land Supply Order can be implemented before the parliament has given its approval.
- (3) The lack of parliamentary scrutiny undermines democratic scrutiny, reduces the community voice, makes it difficult to reverse the decision, and risks inappropriate land use.
- (4) Public land can be used for market rate housing rather than for the people who need it most.
- (5) The success to date of delivery of social and affordable housing via the Housing Land Supply Order processes are unclear.
- (6) Rezoning must follow the standard and existing thorough strategic planning procedures rather than being fast tracked.
- (7) Fast tracked land rezoning can have many negative consequences.

Mr President, I would appreciate the minister's response regarding the concerns of PMAT. It's worth putting it on the record, particularly some of the submissions, and I acknowledge that we actually received a document which gave some comments from the submissions, but obviously they're not on the public records. It's worth having it in one spot where people can actually read it.

Mr President, the Devonport City Council also provided a detailed submission supporting the stated aim of the bill to improve the efficiency of the process set out in the *Housing Land Supply Act* and further recognise the demand for affordable and social housing is more acute now than when the *Housing Land Supply Act* was introduced in 2018. The

Devonport City Council provided an additional recommendation that the draft bill be expanded to provide for S5 of the *Housing Land Supply Act* to be applied to eligible local government land which would allow for local government land to also contribute to the accelerated supply of land for housing under the *Housing Land Supply Act* process. I note there were some comments in the literature supplied to us about why that wasn't supported, and perhaps that could be mentioned in the response, minister, so that anyone reading it has an understanding of what the response is, rather than having to try to seek out the information that we've had sent to us.

Homes Tasmania understandably supported the bill, specifically the intent to reduce delays in bringing forward affordable and social housing, reducing administrative burdens regarding the making of orders and clarifying alignment with state planning provisions. It further recommended, like the Devonport City Council, to consider expansion to local government land, streamlining processes for existing orders, clarifying eligibility for alternate zoning and incorporating subdivision approval in conjunction with rezoning provisions.

The Council of the Ageing provided an important and interesting submission emphasising the fact that Tasmania has the oldest age profile in Australia, and this cohort of people aged 65 plus would continue to grow in the coming years. The inevitable consequence of this COTA states will be a growing number of households will need homes that support ageing - step free access, safe bathrooms, proximity to services, public transport, walkable streets and community connections, not simply more dwellings in anyone location. On reading that, I don't know about the member for McIntyre, but I don't think my house at the moment meets any of those conditions, so I might need to be looking for something along those lines myself as we get older. Certainly not step free, I have three flights.

Ms Rattray - You could actually just live on one level, you'd be fine. You have plenty.

Ms ARMITAGE - Well, I do you like to access all amenities, that's the only thing.

Ms Forrest - Better than roughing it.

Ms ARMITAGE - Yes. COTA also highlights the growing rental stress amongst older Australians. Overall, COTA supports the notion of streamlining processes to accelerate housing supply and faster delivery of social and affordable housing but emphasises that speed should not reduce genuine opportunities for community input. That really the important one. Exclude people who are not digitally connected or lead to housing outcomes that are not appropriate for older people.

It would be interesting, minister, if you just could explain. In the past when sometimes opportunities have come for people - I think it might have been the flood - when they were giving out flood resources and flood money. We had people coming into my office that weren't digitally connected, didn't have an e-mail. Some of the things they had to do, they actually had to have emails to do it. I particularly remember one elderly gentleman, who might have been in his early 90s or late 80s, and of course, we created an e-mail address for him and did things for him. But he knew to come into our office. But I wondered about people that actually don't have those resources and don't know who to go to because everything seems to be digital now, and I'm just wondering about people that don't have the ability.

I can remember with the latest one in Launceston, the Kings Meadows and the Youngtown development, I had a lady that lived at Youngtown who was extremely concerned about some of the land behind her that was being redeveloped. I had many visits to her to try to relay her concerns and help her put in the concerns that she had because she had no understanding or no idea of how to do it. I'm just wondering about people that don't know to contact us that get these letters or get the information provided to them but realistically are not digitally able; they don't have mobile phones, they don't have a smartphone, they don't have a computer or they don't have an email address. I think sometimes that does leave these people at a disadvantage and quite concerned. I know the lady at Youngtown was extremely worried about what was happening behind her and I visited her on several occasions to try to get information and just to help her. She knew to contact us, but I wonder about the others that don't. Whether the minister can advise whether everything basically is digital or how you look at informing some people that really have no idea of what to do and do get really worried and concerned.

TasWater and DECYP - I noticed they did not provide any comment on the bill.

Heritage Tasmania provided a submission on the bill, noting the bill's objective to improve government administrative efficiency and streamline the rezoning of eligible government land to support timely delivery of social and affordable housing by Homes Tasmania. They emphasise that the compression of timeframes may pose constraints for the Heritage Council where land proposed for housing land supply order includes a place entered on the Tasmanian Heritage Register and the proposed order contains complex specific area plans (SAP) or site specific qualification (SSQ) provisions involving protection of a heritage place's setting, management of archaeological potential or management of other aspects of cultural heritage significance.

They further noted that under the draft bill, the Heritage Council's only opportunity to comment on the proposed order is during the public consultation period, which is, in practice, a 28-day exhibition. They noted that this may be insufficient for the Heritage Council to prepare submissions containing complex SAP or SSQ provisions, especially where external specialist heritage advice is required or other exceptional circumstances. They therefore recommend a provision that enables the minister to accept submissions beyond that 28-day period where reasonably necessary. So, if the minister could also please provide a response to this, it would be really appreciated to see if there is an opportunity in those circumstances because we all know how important our heritage is. I think it was mentioned, by it might've been the member for Hobart, yesterday about Launceston and the amount of heritage that we actually have in -

Ms O'Connor - Such a beautiful city.

Ms ARMITAGE - Yeah - in the north of the state.

Ms O'Connor - I wouldn't want to live there again necessarily, but it is a beautiful city.

Ms ARMITAGE - You really shouldn't encourage - I have been encouraged, Mr President, it was the member for Hobart who mentioned it yesterday.

Mr PRESIDENT - Yes.

UNCORRECTED PROOF

Ms Forrest - Just watch, you'll dig a hole if you're not careful. Don't provoke a quarrel with the member for Launceston.

Ms ARMITAGE - Not a quarrel; I'm agreeing. I'm sure everyone realises the amount of heritage we have, but I think heritage is important and it's worth addressing the concerns of the Heritage Council, if the minister could in his response.

I also note that the Property Council of Australia supports the bill, stating in their submission that they acknowledge the role that the *Housing Land Supply Act* has had in attempting to introduce additional land to the market and drive down costs. This process aimed at speeding up the development of eligible government land for affordable and social housing is laudable because it does speed up land development for much-needed housing. They further stated:

While [the *Housing Lands Supply Orders Act's*] effectiveness to date has been marginal, the [Property Council] believes that the proposed changes in the Bill will assist in expediting a pipeline of housing.

While this bill raises some questions for me, I understand the important issues the bill is trying to address. We do need more social and affordable housing, and we need it quickly; however, we all know that capability and capacity to construct public and affordable housing goes far beyond just approval processes and extends right down the chain to tendering, finding suppliers, contractors and builders to commence construction and other legal and practical processes. This is one part of a very large scheme, and I entirely agree that we should not be standing in the way of approvals. I just question whether or not this is the best, most efficacious way to do it, and I wonder what risks it might present down the track. I'm wary of anything which hands over too much power to the minister, and that's certainly nothing against this minister. I think you're doing an absolutely fabulous job, and I think that I haven't heard anything bad from anyone. I think everyone accepts that you really are doing a great job here, minister. I'm not trying to pump your tyres up, but I just think it's -

A member - But you have.

Ms ARMITAGE - No, I think it's only fair too -

Mr Vincent - I will accept it.

Ms O'Connor - I think he needs it.

Ms ARMITAGE - Everyone's always ready to criticise and it's only fair to actually say when things are good.

Mr GAFFNEY - Is it his birthday as well?

Ms ARMITAGE - I've lost my spot now. I have to start that sentence again now. As I said, I'm aware of handing anything -

Mr Vincent - Go back to the start and start again.

Ms ARMITAGE - Go back to the very start. I won't go over an hour, but that's alright.

Mr Vincent - No, just the compliments.

Ms ARMITAGE - As I said, I am wary of anything which hands over too much power to the minister and potentially takes existing planning processes out of the hands of planning authorities and communities. I do look forward to hearing from other members on their view. I've been involved in council for a good number of years prior to coming to this place. I'm always a bit wary - almost like when government says 'trust me' - but I'm happy to listen to other members.

[12.26 p.m.]

Ms GLADE-WRIGHT (Huon) - Thank you, Mr President. I too had to rewrite my speech this morning quite quickly, and it's also a lot shorter than it was. Like many members here, I support the objective of getting more housing built. We know Tasmania needs more homes, particularly social and affordable housing, and we should always be willing to look at ways of removing unnecessary delays where they genuinely exist.

When I first considered this bill, I had concerns about the shift in the balance between parliamentary oversight and executive decision making. In particular, I was uneasy about housing land supply orders taking effect before parliament had the opportunity to scrutinise them. Those concerns were echoed by a number of stakeholders who made submissions. It is important to acknowledge that those concerns were legitimate and were worthy of serious consideration. I also want to acknowledge the government's willingness to listen. The amendment that has now been put forward by the government goes a significant way towards addressing the concerns that were raised. That collaborative approach has undoubtedly improved the legislation.

That said, it is still worth putting on the record that questions remain about how much practical difference this change will make to housing delivery. Looking at projects such as Huntingfield, it is not obvious that parliamentary scrutiny has been the primary source of the delay. In many cases, the real challenges arise later in the process through infrastructure delivery, servicing, subdivision works, approvals and construction. Housing delivery is complex and there is rarely a single bottleneck. However, with the additional safeguards now included through the government's amendment, I'm satisfied that a more appropriate balance has been struck between enabling projects to proceed and maintaining parliamentary oversight. For that reason, I will be supporting the bill. I hope the government will continue to monitor how these provisions operate in practice, because, ultimately, the measure of success will not be how quickly an order can be made, but whether more Tasmanians are actually able to access the housing they need.

[12.29 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Thank you, Mr President. I took the advice of my colleagues and I'm never going to give up. That's exactly right. I rise to make a fairly brief contribution to this Housing Land Supply amendment bill, because pretty much most of it's been said. But I feel sure that the member for Hobart will have something to add, and I thought I will get mine out of the way before she adds hers to the debate. Mr President, I've appreciated all the contributions and they're very well articulated and outline the intent of this particular amendment bill. I absolutely support that intent. I expect that there isn't anybody in this place, and certainly out in our communities, that

don't want to see a better process for delivering housing for those people in our state who are desperately in need of it.

I know the honourable member for Murchison asked a question, I think, about the 70-plus hectares that have been rezoned for housing purposes and transferred to Homes Tasmania for delivery. Then it talks about 'which could deliver around 1000 new homes'. I'm really interested in some numbers around that, if it's possible, because regrettably, and this is absolutely no reflection on anybody here in the Chamber today, it's just around the fact that it's been very slow. I drive a lot around the place, and the only real significant housing development that I've seen of late is that in the Newnham area. There's a large subdivision housing complex. When I head out to the north-east through Newnham, it's on the right-hand side next to where I think there used to be a brick place.

Ms Armitage - It might have been our friend Mr Dick's previous -

Ms RATTRAY - I think it's had a few iterations over its journey.

Ms Armitage - I think it was Les Dick's.

Ms RATTRAY - There are a lot of different styles of homes - there are some two-storey, some single-storey houses, some large and small. Certainly, no-one is living in them yet.

Mr Hiscutt - It will cater for everybody.

Ms RATTRAY - It will cater for everybody. That could well be a little bit of a problem at times, too, when you are trying to cater for everybody. I'm always concerned that when we talk about those most in need that we don't always choose, if you like, off the list, those who are also going to take care of the opportunity that they've been given.

Recently, a nice complex in the main street of Scottsdale, or off the main street, had three very nice units and they were for people over 55 years of age. I thought, that's fantastic. I think they'll be well looked after. What did they do? They put a young person in the back unit and now it's completely wrecked - a brand-new unit. Those in need - but there has to be some tightening up of how we decide whether somebody is going to care for those very expensive units, because we know that they have significant energy ratings; we know that they don't just apply normal glazing. It's all very expensive building these homes and units now. I get very, very disappointed when I hear that that's been the case.

I'm not sure how you would filter through that process, but surely, you only need to pick up the phone or have a look at a previous history, in many cases, to see why they are not living in the property that they were prior to coming into - and in this case and regularly now - very new properties. I just wanted to share that. I know the minister can't solve all these problems. From some of the comments from the Chamber over the last couple of days, I almost thought he was walking on water there at times. I do acknowledge that he has a bit of a halo happening around him. I only wish that we could all get that.

It is an issue that I would really like to see some progress on. I've made decisions in this place over many years now attempting to support initiatives that have been put forward to make inroads into that housing wait list, and to be able to deliver those really important properties we need in the state. Whether it is some of the infrastructure that the honourable member for

Launceston and the honourable member for Huon spoke about - those infrastructure issues - and I don't want to point to anyone in particular, but we well know that some of our energy supply bodies, and also our water and sewerage delivery, are very slow when it comes to development - very slow. Every time we have a public works hearing, I ask the same question: have those particular utilities been contacted? If you're not on their list, look out, because I don't think they prioritise some of those big projects. I only just read in the media today that they were doing some work in a particular street in Hobart, and it was meant to be, like, a window of one month, and the restaurant is now coping with a three-month impact on their business. How do you get that so wrong? How do you get a one-month project roll into a three-month project when you're affecting a business?

Ms O'Connor - Well, it's because probably they didn't do it 10, 15 or 20 years ago when it should've been done, so it's a bigger problem now.

Ms RATTRAY - Well, I know that they have machines that go underground, and they can see what the problem is, and they can assess that before they give a business an indication that you're going to struggle for one month with customer access.

Ms Armitage - We had a business that was two years, I think, in Brisbane Street. Two years.

Ms RATTRAY - Two years? There we are. As I've said, I absolutely acknowledge that this is not something that the minister is going to be able to address in any short time, but I just felt like it was important to raise these matters during this opportunity we have today. I know that there was, I believe, a question asked by the honourable member for Murchison, so I'm really interested in the response the minister may be able to provide. If it's not today, another time is fine, because I won't be standing in the way of progressing this amendment bill.

I also want to acknowledge the amendments, the suggestions through the briefing, and acknowledge the people that are in the Chamber have been part of that briefing process. One of them, Sean, has been with us for days. It feels like days. So, a very big thank you to those people who have been involved in the bills that have been coming forward over the last couple of days and previous time. It is something that does benefit, and particularly I know it benefited the minister to be able to hear the concerns, have those amendments drafted and then receive the positive feedback that we have in this place today.

That's my brief offering on this, but we will always listen to all contributions, because it's really important to have that full understanding. I support the bill.

Mr PRESIDENT - Honourable member for Hobart.

[12.38 p.m.]

Ms O'CONNOR (Hobart) - Mr President, the Greens supported the Housing Land Supply Order bill when it went through the House in 2018, and I went back to have a look at the second reading debate on behalf of the Greens, as their housing spokesperson. I expressed strong support for the bill, noting that it was a different way to achieve a rezoning, which would normally go through the normal planning process provisions. I still believe that it's a really important part of the toolkit for Homes Tasmania and the delivery of social and affordable housing. It does allow for the rapid rezoning of government land, whether it be Crown land or Homes Tasmania land, to facilitate the delivery of extra homes for Tasmanians.

However, the bill as it is currently drafted, the unamended bill, was not something that we were prepared to support, because it sought to - not remove parliamentary oversight, but provide for a belated process of oversight once the housing land supply order had been enacted and it would come into effect immediately. The government's solution to the concerns that have been raised by this place is very reasonable and it's well done. I don't mean to sound matronising, but it is good to see -

Ms Forrest - 'But' she says.

Ms O'CONNOR - But I will - it is really good to see the process in here of engagement with government before a bill comes on where, generally, endeavours are made in good faith to incorporate concerns that have been expressed by honourable members. So, now that we have the removal of those clauses that allowed for the order to come into effect immediately, like a regulation and the existing process, as well as a positive allowance order process, we're very comfortable supporting this bill.

I note that it makes a number of other administrative changes to the process, a bit less back and forth between the minister and the TPC, a little bit less engagement potentially with publication and allows the department to draft orders instead of using the resources of the wonderful people in the Office of Parliamentary Counsel. I'd imagine now that they're pretty much a template anyway, now that we're on our 17th or 18th housing land supply order. Other members have noted that parliament has never sought to disallow one, but it is appropriate, as parliament determined in 2018, that parliament has oversight, a capacity, to disallow housing land supply orders.

One of the original concerns that was expressed, I think, about the bill as it is before us before the amendment, was uncertainty over what the status of a project would be if a planning permit had been approved or works had been commenced and the order was subsequently disallowed - an impossible situation.

I just note that at the time the original Housing Land Supply Order Bill went through the parliament, the housing waitlist sat at 3190 individual applications, and they could be applications from families, but 3190 individuals or couples or families waiting for housing assistance and to be provided with social or affordable housing. Eight years later, in 2026, it's climbed by more than 2200 applications; so, it's sitting now at about 5500 people on the housing waitlist. It very much now feels like another time and place as it was.

When we were in government with Labor, between 2010 and 2014, we delivered more than 2000 social and affordable homes. The reason that we could do that, in significant part, was because when Kevin Rudd became prime minister in 2007, one of the first things that he committed to doing - because all new prime ministers want to make a big statement - was to end homelessness. So, money was directed towards the state, who are responsible for the delivery of housing as well as for specialist homelessness services, and we had some reasonably substantial funding there to enable the state to deliver more public housing. There was also some spare change left in the housing fund by previous Labor premier, Paul Lennon, and that's what enabled us to deliver more than 2000 new homes. It included two common ground facilities in Hobart, the wonderful Thyne House in Launceston and housing for the homeless in Ulverstone. It was a real time - we upgraded Stainforth Court into Queens Walk. It was an exciting time, I think, in housing and I think it's been a lot more difficult since then.

Part of the problem - there's a few components of the problem - but there's been winding back of funding by Commonwealth and state governments. We've got this sort of corporatised funding model now that's come through the Albanese government. Back in the days of the Commonwealth State Housing Agreement, the state would receive in the order of \$20 million a year and we'd send back \$15 million to pay historical debt, but the Commonwealth was contributing, on an annual basis, funding towards the maintenance of the existing housing stock, but there was sometimes a little bit leftover out of that money to build new homes. We just don't do that in the way that we're used to and the social consequences of that are there for us all to see.

Another reason, of course, and we've had this debate in here in recent times, is the unchecked growth of whole homes being put onto the short-stay market in Hobart. It's nearly 500 homes that have gone over to short stay. Where we used to live in West Hobart, right next door to us was a short-stay accommodation. It could be fantastic, because you'd have people staying there from all over the world. You could have some delightful temporary neighbours. Personally, I'd rather probably have a permanent neighbour, but the proliferation of short-stay accommodation in the Hobart municipal area has unarguably created adverse housing outcomes for the people that I represent.

Other members, in solid contributions, have laid out the concerns prior to the amendment that we'll debate before too long on the original bill, so I don't need to read them in again.

I thank Planning Matters Alliance again for helping us to come to terms with the bill as it is before us, through the submission that they made as part of the submission process between January and February this year. I believe that the Planning Matters Alliance will be more comfortable with this bill now.

As I said, when I began, the Housing Land Supply Bill is an important enabler for the delivery of social and affordable housing. We have in Tasmania a really great organisation and great group of people who've been buffeted around a bit lately in Homes Tasmania, but it is my experience and my strong belief that Homes Tasmania is well run, which I believe under this minister, it almost certainly is - and I mean run from a portfolio and administration point of view, I'm sure the minister is not in Homes Tasmania everyday checking out their accounts and work plan. We need to make sure that Homes Tasmania is well administered, has strong leadership, that it is well resourced to deliver that mix of housing or to work with community housing providers to deliver that mix, and that it is supported by this parliament.

These amendments, through this amendment bill we're debating today, are part of that. Now that Council, through negotiation with government, has reasserted parliament's authority in the land supply order process, I think what we're looking at here is a pretty good bill. I hope that Homes Tasmania has already got its eye on some really good land that has amenities nearby, and that we see a good housing land supply order come back through this House before too long.

On behalf of the Greens, I want to wish Homes Tasmania all good and positive progress. I want to thank the people from the State Planning Office, who I suspect will be glad to see the back of this place at the end of this week. It has been a really excellent education to be able to question the State Planning Office about what - I mean, this bill today is not complex, but this is a bill of consequence for the people that we represent. So, we're lucky to have access to those

briefings. It's one of the benefits of this place, the way we do that, and I think it makes a real difference to the quality of the legislation that we end up passing. With those few words, I'm very comfortable supporting the amended bill, should the amendments pass in the committee stage.

[12.50 p.m.]

Mr HISCUTT (Montgomery) - Mr President, a very brief contribution. I'm not going to quite get 10 minutes, I don't think. The arguments on what the bill does have been prosecuted well by others. The submissions that others have made and what they mean for the bill have been prosecuted by others, so I won't go across them. Just wanted to say I would not have supported the bill as it was presented. I put amendments and I wanted to put on the record my thanks to OPC for writing those amendments and also my thanks to the government and staff for working with that working with the Council to come up with a great solution. I think this has gone from a bill that I was unlikely to support to a bill that I can support. I just wanted to put those thanks for how it got to that point on the record. Thank you.

[12.51 p.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - Mr President, there were a lot of questions there. I appreciate all the comments and I might start by saying that my ambition was to bring a different way to being a minister when I had the opportunity in this government and appreciate the support from members around the House and the comments, but I must also say that my chief of staff, Tim Lovibond, and all my staff have adopted my way of thinking and openness and trying to make a positive difference every day we're in the role. I certainly couldn't do what I do with the number of portfolios and GBEs that I have without good people around me to make sure these things happen. I really acknowledge that.

This is a lengthy reply because of the number of questions that have been asked and answering them will give me the opportunity to touch on some things that I'd probably love to do a briefing on sometime for the members about housing as well. There are so many different paths to this and quite often I sit in this Chamber or listen at Question Time in the other place, and I'm amazed by the lack of knowledge sometimes, but you get privileged when you're able to go and see things for yourself and you expect that everybody knows that sometimes. But there are some absolutely amazing things happening in housing in this state that I will touch on as I work through these. I'll get started now before lunch.

For the member of Mersey. Recognises the purpose of the bill and supports [Inaudible]. I note several members also said we need to do more and the housing and land supply orders are for us all to make sure things happen correctly. Tasmania has recorded the strongest social and affordable housing growth in Australia. When you hear a lot of the commentary going on, you wouldn't think that but, according to the report, The Revival of Social Housing Construction in Australia 2020-30, Tasmania has delivered a 14.8 per cent increase between 2021 and 2024-25, ahead of every other jurisdiction and well ahead of the national average of 5.4. In terms of social housing supply, we have been strong in growth with a net increase of 309 dwellings in 2024-25 and 1547 added to that date since 2020, which represents 11.2 per cent growth compared with the national average of 4.4 and we've got a \$900 million forward Estimates budget over the next four years to continue that program. I should also say, in amongst here, the working relationship with the federal minister, Clare O'Neil, is extraordinary really. She's a person of a similar thought pattern to myself on just needing to get things done and different and it's refreshing to have that working relationship, and I pay the minister a lot of accolades on a regular basis about the way she goes about her ministry.

Recent project completions including Huntingfield, which I think a few people touched on, stage one house and land packages; there are also 9 new social housing dwellings in Smithton and 15 in Berriedale. Maintaining that strong pipeline has been a major issue for a couple of different reasons and that's funding and combining with federal funding packages that align for different segments, and that might be to do with RSL, it might be to do with Aboriginal - it can be in all different facets that also need us to change our scope at various times to match in with housing providers [Inaudible], Loreto, Mission, Housing Choice, depending on where that grant and who works with Homes Tasmania to do that. So, it's not always just the numbers of our blocks. A proposal has also been lodged for 52 new social and affordable homes at Mornington, as well as refurbishing and improving the 12 existing homes.

Projects on track for completion in the coming months include new homes across multiple projects in areas such as Romaine - there are actually two going on there at the moment - Smithton, Somerset, three in Devonport that I'm aware of, a big one in Latrobe that I visited a few weeks ago, Wynyard, Ulverstone, and ModHomes and backyard units statewide as well. That's proven to be a consistent thing, with the one- and two-bedroom side of things. A significant increase in delivery is expected to continue all the way through now and I must congratulate Homes Tasmania's CEO, Ben Wilson. His ability to enormously escalate the number of places being looked at, the number of places being bought, the amount of ones under construction and also the number of extra builders coming in wanting to work not just for Homes Tasmania, but also housing providers, has made an enormous difference to how Homes Tasmania is working.

We're also helping more Tasmanians realise their dream with the first home buyers, first homeowners also, with MyHome. In addition to that, Homes Tasmania are also, we must remember, putting \$50 million a year into homeless services. I would like to talk to members more about some of those services and what I see from youth through to women in domestic violence to a growing number of above 50-year-olds, especially women, who, through various circumstances, need a roof over their heads. It does make it awkward with a broad range of age of children, but I must say, the systems we do have in place through Anglicare, through Housings Choice, cater for some amazing different circumstances that most of us people who live normal lives would never have to deal with or appreciate and I take my hat off to those people.

Continuing on, I think a few people asked about and raised the thing with the letter from COTA. The matters raised by COTA Tasmania can be addressed administratively without reports that have been made public through the process. In all cases, disallowances of an order would mean that the land cannot be rezoned and did not develop the housing by Homes Tasmania, and the bill does not change this outcome. Proposed orders are provided in hard copy to the relevant local councils and the nearest Service Tasmania office, so they have a place to go for that sort of thing to enable inspection of the proposed order, and the bill does not change this procedure. So, information is provided in hard copy and digital form.

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

QUESTIONS

School-Based Apprenticeships Team

Ms LOVELL question to MINISTER for EDUCATION, Ms PALMER

Minister, you tabled an answer in the other place yesterday in relation to a question about the school-based apprenticeship team, which was far from clear. You said the teams travel and the accommodation budget had not been cut but the costs were being managed prudently. To be extremely clear, has the budget for this work gone down or been reduced in any way? Or has the team been instructed to spend less, yes or no?

ANSWER

Thank you, Mr President. I thank the honourable member for the question. I'm advised that the travel and accommodation budget for the school based apprenticeships team has not been cut. Costs are however, being managed prudently in accordance with the Department for Education, Children and Young People's Travel and Accommodation Policy. This means prioritising travel, overnight stays and evening information sessions where it is most important in directly supporting schools and students to explore apprenticeships and vocational education pathways. The school-based apprenticeships team is still supported to engage with schools, students and their families to provide information on school based apprenticeships and in fact I understand that there was a school based apprenticeship team that actually conducted an information session at Newstead College one evening this week and I think that was between 7:00 p.m. and 9:00 p.m.

Vocational and applied learning pathways continue to be a priority for our government as demonstrated through our additional \$9.3 million commitment over four years in the 2026-27 Budget to expand vocational education and training, work based and flexible learning.

Birrallee Road Upgrade - Budget and Timeline

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

[2.33 p.m.]

Minister, the Birrallee Road upgrade is a project that has been promised for years. Your department now says only one further package will begin construction this month, while the remainder from Brushy Rivulet to Frankford Road is still being designed and requires property acquisition and TasNetworks agreements.

Exactly how much money will be spent on Birrallee Road in 2026-27 and when will the entire promised upgrade from Brushy Rivulet to Frankford Road actually be completed?

ANSWER

I certainly haven't any of the details to hand, but we will try and get that ASAP for you. I do know the road very well. I lived at Westbury for several years and it was a nice little motorbike ride out there to Exeter and down that way, so I knew every corner pretty well. We

have had some issues since taking on that road with a lot of the old titles and as with a lot of those old roads where the titles go out onto the road or the road cuts across the corner of a paddock. A lot of that's been sorted out. It is essential now because of the industrial estate at Westbury as there is a lot more traffic on that road heading through to George Town. I am very much aware of that from my years of living there and the growth in that industrial area and still knowing quite a few of the businesses in the area. As soon as I can get those details, hopefully in the next half-hour, but if not, during this afternoon, I will pass them on to you.

Supplementary Question

[2.35 p.m.]

Ms LOVELL - Supplementary on that, just given that the minister has committed to get more detail - if I can just add to that, because this will probably be something you need to get as well. The Commonwealth project timetable still says the broader Northern Roads Package is expected to be completed in 2026. In addition to my earlier question, how much Commonwealth funding allocated to this project remains unspent, and will every dollar be able to be spent on the road upgrades it was provided for?

Mr VINCENT - If I could say tongue in cheek, I don't think I've seen a road project yet that's come in with less money, so I could pretty confidently say that all money will be spent. But thank you for that extra information, and we will source some more information on that, and I apologise for not having it here at hand at the moment. Thank you.

Wilson Family Lease at Melaleuca

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

[2.36 p.m.]

My question is to the minister for Parks. Minister, in recent weeks I've asked you on behalf of the Wilson family about the status of the lease on the place that's been in their family for generations at Melaleuca. As you'd be aware, the orange-bellied parrots are about to start arriving, towards the end of September. The Wilsons haven't heard from Parks, they haven't received an update, and in the Greens' view, their treatment has been less than respectful. If you could provide an update to the House about that longstanding lease, the outcome of the negotiations, and some sort of timeline for when the Wilsons might hear from Parks, that would be good.

ANSWER

I will take on notice providing an update. I believe the Tasmania Parks and Wildlife Service have been dealing with the granddaughter of the Wilsons, so I understand some conversations are happening, but we will take on notice and come back to you with -

Ms O'Connor - Today?

Mr DUIGAN - some information. Look, I don't know about today.

Mr PRESIDENT - We can't have two on their feet.

Mr DUIGAN - No. I'm on my feet.

Ms O'Connor - Well, we're about to be away for six weeks.

Wilson Family Lease at Melaleuca

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

[2.38 p.m.]

I ask the minister that, because the information would be available to you. Parks will have that information. It's not yet 3 p.m. If you could please bring that information, which will be readily available with a text or an email from your advisers to Parks, to be brought before the House before we rise for some six weeks.

ANSWER

I'm very happy to work with you, member for Hobart, to get you the information you seek. We will endeavour to put that in train.

Tungatinah Power Station - Insurance

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

[2.38 p.m.]

Minister, you have committed to rebuilding Tungatinah Power Station, and the Premier confirmed that the plant was insured. What was Tungatinah's insured replacement value? Does that insurance cover rebuilding to modern standards, loss generation and the cost of replacement generation?

ANSWER

I think it's important to say at the outset that the Tungatinah Power Station, which we sadly lost last Wednesday night, has only very recently, as I understand it, been transferred back to Hydro, so TFS transferred the site back to Hydro. Now that has occurred, and I am advised that Hydro Tasmania has a panel of specialist insurers who are based across the London and Australian insurance markets. Hydro Tasmania's insurance broker, Aon, has notified all insurers/underwriters, through formal channels, of the potential for a claim relating to the Tungatinah fire. Chubb, Hydro Tasmania's lead property insurer, has appointed a loss adjuster, and insurers are expecting to visit the site in the coming weeks. It's important to recognise Hydro doesn't insure through the Tasmanian Risk Management Fund. It's still a bit premature in the process for any details that are outlined in your question, though when we do come back it's likely we will have proceeded, to some extent.

Tasmanian Planning Scheme and AI Data Centres

Ms O'CONNOR question to MINISTER for LOCAL GOVERNMENT, Mr VINCENT

[2.41 p.m.]

During the debate on the Land Use Planning and Approvals (Miscellaneous Amendments) Bill 2026 yesterday, you responded to some concerns that had been raised about AI data factories and the capacity of the planning scheme to cope. In your response you indicated strong support for the planning scheme and effectively denied, or dismissed or downplayed, concerns about the capacity of the scheme to deal with AI data factories following the George Town approval. Only in the last day or so, the Latrobe Mayor, Peter Freshney, has come out - because that council is also facing an AI data factory DA - and said the Tasmanian Planning Scheme (TPC) is not fit for purpose for these kinds of developments. He indicated there was a large amount of material that councillors don't have available to them.

Do you stand by your claim, as I recall it yesterday, that the Tasmanian Planning Scheme is fit to deal with AI data factories, despite the fact that the scheme does not seem able to incorporate very strong community concern about these developments?

ANSWER

Yes, I do still stand by those claims. The planning scheme is one thing and community concerns are another, not necessarily related to planning. When you put your planning hat on as a councillor, it is not purely the emotion of the community or the emotion of the developer, or anybody involved - even the emotion of the individual as a councillor - that determines it. It is very much what the planning scheme is there to assess. If you break it apart, quite simply you've got a building and its use of the land, which is under the land use strategy that the planning scheme adheres to. That's the TPC's main focus - making sure the land use strategies that are in place are adhered to. Water goes very much to TasWater or what other body it might be. Power goes very much to TasNetworks and Hydro, to make sure that those boxes are ticked off. A lot of people have thrown around the EPA in this case, and in one of the other cases available, the EPA had been notified but didn't feel there was anything that was of need for them to be involved with, one of the other projects that they've approved.

As I also touched on yesterday with the planning scheme, one of the most awkward things that we've all had to deal with in our capacity as either councillors or in this Chamber is very much about understanding those points in the planning scheme but taking the emotion out of adding it all up and then blaming the planning scheme. All the evidence before me at the moment indicates that the planning scheme still is in a position to be able to deal with these. The emotion of the community, which I can fully understand - because we've all been in those sorts of positions before - but blaming the planning scheme is not the way.

Ms O'Connor - They're not all blaming the planning scheme. They're blaming your government, actually, a lot of them.

Mr VINCENT - Once again, we know technology is changing. Every state in Australia, or almost every state in Australia, is facing this question from a section of the community about AI. We all use AI. Everybody uses it in some form.

Ms O'Connor - I don't. I do not. Never will.

Mr VINCENT - It is there in our everyday walks of life. We have received a letter from the Latrobe Council, and there is a process that goes to the State Planning Office that we're working through at the moment. At any stage during this, should the discussion change or the need to look at things differently, I would take advice from those who know and read things a lot smarter than what I do. As always, my mind is open to any discussion and, as a community person and a mayor for 14 years, I do fully appreciate the emotions of the community for or against and would always work through that as best I can.

But on the information available to you at the moment from the State Planning Office and others, the state planning scheme is still okay to assess AI centres or AI factories as they stand at the moment.

AI Data Factories - Tasmanian Planning Scheme

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

[2.45 p.m.]

Minister, you talked about the community's feeling as one of emotion, and I take issue with describing emotion as something that's external to assessment processes. The way people feel about place is actually really significant to our planning scheme. I think on reflection, you might agree with that.

Minister, now that we know that there are nine AI data factories in the pipeline and we also know that the Tasmanian Planning Scheme, State Planning Provisions and the Local Provision Schedules have not been adjusted or adapted to accommodate these kinds of developments, will you commit to at least having a look at or seeking some advice on whether there are strengthening and improvement processes that could be made to the planning scheme so that the community's voice is properly heard around these developments, resource use implications of these developments are better understood and there's more information upfront, and that the implications for the Tasmanian brand are also considered as part of planning considerations for these kinds of developments?

ANSWER

Thank you, Mr President, and thanks for the first side of the question, the bit around emotion - I'm a pretty emotional sort of bloke, so I understand emotion pretty well - and having dealt with all sides of that in the community, it is and can be place-based for many, many different reasons. But the planning scheme is there for a dead-set reason to deal with certain things.

As I also said, always happy to take further advice. There are a lot smarter people than me to deal with the intricacies on this. But as I've said, the advice before me at present is that the planning scheme is there and can adjust to handle this.

Ms O'Connor - Just by approving them all. Just by rubber-stamping them.

Mr VINCENT - Once again, if there is different advice, I will take that advice and, as always, be open and honest with this and the other House as well.

Ms O'Connor - So, rubber stamp for those factories?

Dowsing Point - Land Sale - Update

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

[2.48 p.m.]

Minister, back in May this year in this place, I asked some questions about the government's proposal to develop the land at Dowsing Point, which is owned by the federal government and used currently for Defence purposes. After a long round of questioning, I think we got to a point where you agreed that the government's proposal is in concept phase and that discussions were ongoing with the federal government. I just wondered if you had any updates on the status of negotiations with the federal government on the potential purchase by the state government of that land, and also whether you've had any conversations with RSL or Tasmanian Defence personnel in relation to their concerns about the divestment of that land?

ANSWER

Thank you, Mr President. Having signed a letter at lunchtime, heading back into the federal sphere, on similar sorts of queries to what you just raised, member for Elwick, there is no further advancement from my part at this stage. I'm not aware of any through the Premier's office due to what was in the letter. It is something that is still being worked through on the federal side of things. There are certainly a lot of people, or a regular flow of people, with different conceptual ideas and how they think that Dowsing Point could work for Tasmania and the Hobart community; very similar to what we all say, that it needs to be inclusive and take in many aspects of the community and taking advantage of the significance of the site. But in two of the federal government deals with some of the event things - I was lucky a few weeks ago when we announced at Glenorchy the RSL homes out there, with the state president, I had a brief discussion with him about it. He and other RSL members have mentioned to me, informally, that they understand where it's going. They're saddened about some things, concentrating on the personnel that are still home there and some of the facilities that are there, but I have not heard of any other definition to the situation where the defence people are housed there or any of the services, they've still got there on site. I'm sure that it'll develop quickly over the next 6-12 months. We've been given no extra timeline or a different timeline other than the federal government and defence need to work through those issues before the state gets involved.

ANSWERS TO QUESTIONS

TasBuild Board - Gender Balance

[2.51 p.m.]

Ms PALMER (Rosevears - Minister for Women and the Prevention of Family and Sexual Violence) - Mr. President, I rise to answer a question I took on notice for the honourable member for Nelson. I contacted the member for Nelson to ask if she wanted me to wait the six weeks before I did this, considering she's not here today, but she has asked me to put it on the record for her. It's in relation to the board of TasBuild. I thank the honourable member for the

question. In responding to the question, I sought advice from the Minister for Small Business, Trade and Consumer Affairs as the minister responsible for the *Construction Industry (Long Service) Act 1997*. I am advised that TasBuild Limited operates independently from government as a private trustee company. The government does not appoint its directors and has no role in the appointment of directors. Under its articles of association, TasBuild directors are appointed by the nominating organisations, which include Master Builders, TCCI and BISCO representing employers, and the CFMEU, CEPU and the AMUW representing the workers.

The Tasmanian government is committed to gender-balanced boards and committees. Our gender-equality guidelines for Tasmanian board and committee appointments support government agencies to maintain the government's target of 50 per cent representation of women on boards and committees; design inclusive, transparent and merit-based appointment processes and implement practical strategies to identify, appoint and retain women. Tasmania reached its gender target for the first time in March 2025. While non-government organisations are not required to follow the Tasmanian government's gender-equality guidelines, the guidance and principles outlined may be adopted by non-government organisations. I certainly encourage any organisations seeking to strengthen gender equality in governance, recruitment and board practices to consider the guidelines as a useful resource. Gender balance on boards matters because better decisions are made when different voices and lived experiences are represented around the table. Ensuring women have an equal voice in leadership and decision-making leads to stronger governance and better outcomes for our community. Boards are at their best when they bring together a diversity of perspectives, skills and experiences, and gender balance is an important part of achieving that.

In 2026, it is reasonable to expect organisations to consider how their boards reflect the communities they serve, and a board without diversity should prompt careful reflection on recruitment, succession planning and leadership pathways. Mr President, my office has spoken with the CEO of TasBuild and shared the Tasmanian government gender-equality guidelines. I encourage the organisation to consider opportunities to strengthen gender balance in its governance arrangements.

The Nut at Stanley - Infrastructure Improvements

[2.54 p.m.]

Mr DUIGAN (Windermere - Minister for Parks and Heritage) - Mr President, I am just rising to provide an answer I took on notice yesterday for the member for Rumney in relation to infrastructure improvements at The Nut in Stanley. We are improving the visitor experience at The Nut, and I am pleased to confirm that the Parks and Wildlife Service is well advanced with design and investigations for upgrades to tracks and improved seating, barricades and viewing facilities on top of The Nut. This is part of our government's four-year \$2.3 million commitment to improve safety and accessibility at The Nut State Reserve. Earlier this year we saw the completion of the track connecting Godfreys Beach to The Nut. In addition, an all-access track featuring handrails, widened paths, and more gradual slope has been built from The Nut Cafe to the base of the zigzag track. I understand upgrades to the cafe involving cladding and guttering works are imminent, as are improvements to the existing carpark ahead of the upcoming summer. The zigzag track and lookout stage is expected to go to tender by the end of the year. The Nut draws about 50,000 visitors to the region each year and that is helping

to inform our overall precinct plan, and we look forward to our continued work with local tourism operators enhancing the visitor experience at this fantastic Tasmanian natural asset.

Birralee Road Upgrade

[2.56 p.m.]

Mr VINCENT (Prosser - Minister for Infrastructure and Transport) - Mr President, on the Birralee Road situation, I only have part of the answer at this stage, but there is a section that is starting during this month - 26 September - which we expect, weather permitting, to be finished mid-2027. As for the details on the finances and which section that is, they've gone away to find out and find out a little bit more detail. They didn't have it off the top of their head. They will come back to me, and I'll pass that on as soon as I can.

Wellbeing of the Minister for Education

Mr HISCUITT question to MINISTER for EDUCATION, Ms PALMER

Minister, are you okay?

ANSWER

I could seek some advice. I am okay and it's very kind of you to ask and a good reminder for all of us to check in on our colleagues on a regular basis. Thank you.

Recognition of Visitors

Mr PRESIDENT - I would just like to welcome Megan Hosking[TBC] who's joining us today in the reserve there who is a library master's student and doing a 10-day placement in the Parliamentary Library. I encourage all members to make themselves known to Megan and make sure she's very welcome for a 10-day stay in parliament.

Members - Hear, hear.

HOUSING LAND SUPPLY (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 15)

Second Reading

Resumed from above (page xx).

[2.58 p.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - Mr President. Before we were interrupted for a break, I was talking about COTA and some of the items that they put in their submission. For any re-exhibition of a proposed order that has been significantly altered,

the documentation provided to the public would explain why the alteration was considered significant and needed to be re-exhibited as required by section 9(3)(e). Currently, ministerial reports that are given to parliament include a section to address any alterations to the order and explain why these alterations do not require re-exhibition. In other words, there is an explanation given as to why they are not considered to be a significant alteration. I might say in relation to the aged and COTA's comments on things like that, having visited countless new developments now, the standard that these homes are built to, be it a one-bedroom, two-bedroom, or very conventional detached, is quite significant. Showers are very much open-planned - if you're in a wheelchair or have any other disabilities, they can be used. Same with bedrooms, access door widths - the way the open plan of the lounge room/kitchen allows for it to either be elderly people with limited sight or other mobility disabilities, and the same right throughout the community. Of course, when you get into major health needs, specific design of kitchens and other areas is done then, but the design of a lot of these homes and how many aspects of the community that are covered is quite amazing. Certainly, even the allowable slope on the concrete of paths is part of the design of these homes now.

To date, no orders have undergone re-exhibition due to the making of any significant alterations to the proposed order. Also, each order is different, so the circumstances of how that particular order may undergo a significant alteration would also be different, notwithstanding that any change to the order that would introduce new impacts to adjoining resident properties or add more land to the proposed order, would most likely trigger the need to re-exhibit the proposed order.

I have questions here from Mr Gaffney and Ms Forrest about the Australian Institute of Architects. Homes Tasmania have an internal designed housing design policy to manage these issues, which means the bill does not need to cover these additional matters. The main purpose of a *Housing Land Supply Act* is to rezone land and enable bespoke planning provisions to apply to the land in cases where a more refined approach is required beyond that of what the Tasmanian Planning Scheme provisions provide. Biodiversity matters are also covered by the Tasmanian Planning Scheme.

The *Housing Land Supply Act* includes specific criteria in determining the suitability of land for housing, which very importantly includes proximity to public and commercial services, public transport and places that may provide opportunities for employment. I have seen first-hand where developers have offered to sell a parcel of land to Homes Tasmania, but if it doesn't fit a lot of that criteria and can't be made to work, they don't always take up the option.

The state planning office also has a work program underway reviewing residential standards of the State Planning Provisions aimed at improving options for medium-density housing in the right locations, which is likely to include improved provisions for landscaping to reduce heat island effect.

Further to this, recent orders at Penguin and Huntingfield have sought to introduce special housing provisions through specific area plans to produce the outcomes sought by the Australian Institute of Architects.

For reference, the Homes Tasmania design policy establishes design standards for the construction of homes for social housing, incorporating the contemporary design principles from the Living Housing Design Guidelines, the residential development strategy prepared in

2013 and the Universal Design and Sustainability Guidelines from Victoria. So, there's a fair bit they tick off and go through.

For the member for Launceston, the public consultation is the sole consultation process, and the answer is: Home to Tasmania ensures they engage early with councils during the preliminary stages of the housing land supply order process. This occurs at multiple points as an order progresses through the process. Homes Tasmania also consults with the community during this phase. A recent example of the community consultation was the early engagement with the community in Penguin, for the Ironcliffe Road Penguin Housing Land Supply Order. This allowed the proposal to be refined with comprehensive public input. These actions are over and above the statutory requirements that are set out in the HLS Act. I also saw that first-hand with Kensington Park in the Derwent Valley, where discussions have been quite comprehensive already, even though we've only just announced the takeover of the site.

Should Heritage Tasmania be given extra time to make a submission? This has been a regular occurrence and the answers have been pretty consistent from Homes Tasmania and the SBO. Homes Tasmania would engage with Heritage Tasmania during the preliminary site suitability assessment stages if the site is listed on the Heritage Register. No orders to date have involved a property listed on the Heritage Register or any council local heritage list. It is obviously one of the things they checked first up by the sounds of it. Homes Tasmania has engaged with Heritage Tasmania on potential future land supply orders at Rocherlea in Launceston and further specialist heritage work was undertaken to investigate heritage trees in the archaeological potential of the site. Heritage Tasmania was satisfied with this work. An engagement will also continue as the project progresses on a regular basis, additional to the Tasmanian Heritage Council, specifically listed under a Section 11 of the *Housing Land Supply Act* as interested persons that are consulted in every housing land supply order. If Heritage Tasmania requires more time to make a submission on a proposed order, they certainly can request it.

For Ms Forrest and Ms Rattray - How many homes are actually being occupied as a result of the 18 housing supply orders made to date?

Advice from Homes Tasmania is that 26 dwellings have been constructed on HLISO land today. Of these 26 dwellings, 23 are social and have been tenanted on land rezoned. In addition, approximately 85 per cent of subdivisions on rezoned land are released to the market for home ownership opportunities, including availability for Homes Tasmania - My Home Shared Equity.

As of 31 July 2026, over 160 vacant lots of land have been sold with another 37 sales in progress. Across the 18 land supply orders made to date, these are approved or in train. West Moonah has been approved for 15 dwellings and contracted and ready for construction start. Rokeby is 47 lots completed with 17 social housing with further 18 private dwellings. 5 lots remain unsold. I think there is 4 or 6 specialist disability homes - SDA homes there as well I went to view the other week which are just mind-blowing.

In Devonport, an 11-lot subdivision completed. Dwellings constructed with DA approval and construction commenced with 42 new social and affordable dwellings, which I believe is the site of the old bowls club in Higgs Court. Another one that's about to start and going through planning approval is Best Street in Devonport for another 24, I think it is. At Newnham 6-unit youth housing facility in 23, two further projects to deliver around 30 new homes for older

people, 25 of which are approved and contracted ready for construction to start and the remainder contracted and moving towards DA application.

Huntingfield - civil construction underway on the 460-lot subdivision with the first 33 lots completed, 15 lots settled and sales are progressing on the further 17. I was down there Monday this week and met with a civil contractor about how extensive the work is. We will continue to have meetings on site to make sure that is pushed along differently to it probably had been in the past.

Warrane - 55 lots I think will be built there as part of the 100,000 homes of the first home buyers' incentive. Romaine in Burnie; 13 dwellings under construction. Burnie at Mooreville Road - 55 lot subdivision under construction, I have visited both those sites. Howrah - contractor procured for a single dwelling there. Howrah again, a subdivision planned for two lots. Chigwell - Development application approved for 6 dwellings. Building contract awarded and building applications progressing. Ravenswood has development application approved for 100 lot subdivision. Penguin at Lester Road which must be a lot different. I don't know. Lester Road, planning in progress there. Kings Meadows Techno Park, 104 lots that we've talked about before, member for Launceston. Out at Brighton, there is a four-lot subdivision. Mornington has another development there on Binalong Road for 47 developments, which is under development application at the moment. Warrane development application progressing on 75 dwellings. And Sulphur Creek right, very close to the former leader of this House, I think that might be.

Mr Hiscutt - Seen from the lounge room.

Mr VINCENT - Yeah, but just the over on the other corner, so some new neighbours. Order and rezoning are now in effect there. There's a fair bit happening and that's only a small part of what they actually do have on the go.

Why are HLSOs no longer going to be statutory rules? It's about for further streamlining of the process by reducing the number of administrative steps and requiring cross-government agencies. And we've gone into that pretty well and certainly can provide more information if anybody would like that.

As far as the Home Tasmania's four recommendations extending eligibility to local government; the full recommendations from Homes Tasmania were not part of the consultation on the draft bill and therefore are not under active consideration at this time. The four recommendations from Homes Tasmania that this mission were carefully considered as followed, extending the eligibility of orders to local government land, and this would need to be carefully worked through with local government, including a suitable process for managing such requests. This would need to be considered as part of a more comprehensive review, if appropriate. Also, if this occurred, it would involve Homes Tasmania taking ownership of the land from local government under the current process established in the *Housing Supply Act*.

In a lighter touch regarding minor amendments process, so far, no orders have needed to use the minor amendment process. We would need to work through an appropriate process for managing this if required.

Subdivision approval, and this is a significant shift from the current process under the *Housing Land Supply Act* and involves the minister having the powers to approve the

subdivisions. It also takes the approval process away from councils. So we've gone into length on that one.

What happens when Homes Tasmania transfers, which is quite a relevant point at the moment, Mr President. Homes Tasmania land is administered separately to other government land, however it will continue to be made available for housing. For the purposes of implementing approved orders and future developments of the site, it will be business as usual. The purpose and work will return to be driven by government department, and the government is working on the necessary legislation to support the move from Homes Tasmania into Building Tasmania. Any required consequential changes needed to the *Housing Land Supply Act* will be provided in the forth coming legislation. Legislation to enable the machinery of government changes will be tabled in the late 2026. Homes Tasmania transferring to Building Tasmania will take effect on the 1 July 2027.

From the Launceston City Council's submission, should there be any early engagement before the housing land supply order process, Homes Tasmania ensures they engage early with councils. We've touched on that, and this occurs on multiple points as we work through. Homes Tasmania is currently engaging with the Launceston City Council and the potential order at Rocherlea. Council engagement therefore occurs well before the order reaches the formal statutory consultation stage and continues throughout the process. Member for Launceston, I am aware of some of the difficulties in the communication, significantly with Homes Tasmania in Launceston. We are working through that.

PMAT concerns that public land can be used for market rate housing. Housing land supply orders do not need to specify social or affordable housing requirements, as the order vests the land into the ownership and operation of Homes Tasmania. In turn, Homes Tasmania have their own policy providing social and affordable housing on each site, and the proportion of houses delivered as social housing is determined by the appropriate planning that considers the nature of any project, its location, its scale, the service available and, in the local area, the tenure mix of surrounding suburbs. It can only be achieved by considering each project on its merits.

The 85:15 formula is the basis of some of those discussions, which has stood up to the test of time in working through that, but each subdivision is certainly different depending on who buys some of the land as well.

In regard to some questions regarding PMAT: the amendment does not increase ministerial power and parliamentary scrutiny remains, and the government supports the delivery of all housing. We recognise the need for mixed developments and the importance of it - somebody touched on some of the disasters of previous generations of concentration in areas that don't always suit and that takes several generations to bring that out. But we've worked through that a lot over the recent years and get that mix a lot better now.

There's no change to the rezoning process and no orders have been disallowed; therefore, there is confidence in the process.

In relation to Ms Rattray's question, towards maintenance: Home Tasmania manages more than 5200 social housing properties and 452 parcels of vacant land with annual allocation budget of \$36 million to maintaining assets, delivering property upgrades, including energy efficiency and disability modifications, which has increased dramatically over the last few

years. Maintenance is being delivered by a new panel in the south and the north, and we've brought it back in-house for efficiency and speed of getting to a lot of the alterations.

An energy efficiency upgrade delivered by social housing - \$14.6 million through the federal assistance with Homes Tasmania on that at the moment.

I have spoken before about the methamphetamine problem and running at about 70 per cent, and that seems pretty consistent. It's one of the disappointing things about taking properties offline because it means those properties, if they have to be stripped back and redone, are offline for 285 days on average and cost on average \$66,000. We presently have in the state 78 claims with Homes Tasmania for methamphetamine contamination, and that's just since the 11 July 2025. So, it is an escalating issue.

It touched on arson: six confirmed arson incidents over the last 12 months, and 13 under investigation. This is a fairly regular occurrence as well that creates problems for the genuine people wanting a roof over their head. For CHP buildings, there have been nine arson incidents, impacting 17 dwellings - so, that's a fair few out of the system.

To the member for Hobart, I'd really like to thank you for recognising HLSOs as an important tool for Homes Tasmania's toolkit, an important enabler for social and affordable housing and getting that balance right.

Before I sit down, I'd just like to mention that if ever the Chamber would like a briefing on Huntingfield, I'd certainly like to do it because when you do go through and see a lot of the things behind the scenes, on the full story of it, it's hard to put your finger on a single issue or a single part of the system other than to say it could have been done a lot better, which goes without stating. There are a lot of things that were from council, to the way the planners did it to the way we've done it with our engineering, to the way we've gone about doing our roads and how that's handled and some of the intricacies that you don't realise on such a big site that has such a huge overlay with wildlife conservation areas and making sure those corridors are in place, as well as making it work for the local school. We still have a few issues to deal with there I think. It is enormously more comprehensive than just some of the negative output we've got. The end result will be one of the most magnificent subdivisions anywhere in the state with the views and land that is there. But when you have the opportunity to dig down through it, it is quite amazing the systems that probably could have been done better by all parties involved in the process. I'd be more than happy to do a briefing at some stage on that, Mr President.

As with anything else, if there's a question I haven't answered, just flick me an email and I will get you the answer and send you straight back ASAP because there is so much going on in this area of social and affordable housing. Homes Tasmania, even through all their criticism, and I've been somebody who's also criticised them, but they're also doing an enormous amount of work over the last few years to get this escalation that Ben Wilson, the CEO, and his team are able to do now and I think, with the federal money coming in to assist, we'll see an enormous escalation over the next couple of years as well. The big challenge is going to be to keep it going. I thank members for their time and happy to answer any other questions either by email or just one on one. Thank you very much.

Bill read a second time.

Mr VINCENT (Prosser - Minister for Housing and Planning) - Mr President, I'm lucky to have the Leader here to grab my arm and keep me sitting down. What an inspirational person, it's just like having Mum sitting alongside me.

Mr President, I move -

That the Council does resolve itself into a committee to further consider the bill.

Motion agreed to.

**HOUSING LAND SUPPLY (MISCELLANEOUS AMENDMENTS) BILL 2026
(No. 15)**

In Committee

Clauses 1 to 3 agreed to.

Clauses 4 and 5 agreed to.

Clause 6 agreed to.

Clause 7 -

Section 4 amended (Housing land supply orders)

Mr VINCENT - I move an amendment -

First Amendment

Clause 7, first amendment, page 6, proposed new subdivision (5) -

leave out subsection

The Second Amendment

On the same page, proposed new subsection (5A)

leave out subsection.

CHAIR - Would you'd like to speak to that minister? You can actually have your substantive debate now on it, because this is where it all starts.

Mr VINCENT - Thank you, Chair. What I'm about to read out supports the amendments as we work through, but I'll read it out now to allow for that debate, and I propose to move an amendment to the bill that reverses the proposed changes to the disallowance provision, while introducing a new mechanism that does not currently exist in the act. Under this amendment, an order may be brought into effect through a positive resolution of both Houses of parliament, rather than waiting for expiry of the disallowance period. A motion may be tabled and debated in each House and, if passed, the order takes effect immediately. In that sense, it creates an allowance mechanism alongside the existing disallowance framework. This approach preserves

parliamentary scrutiny, while providing an alternative pathway to bring land forward for housing more quickly. It achieves the same objective of accelerating housing supply through a different mechanism, and I would like to thank members for their constructive input into developing this amendment. Importantly, the amendment demonstrates that parliament can maintain appropriate oversight without creating unnecessary delay, and that strikes a practical balance between accountability and the need to deliver new housing opportunities for Tasmanians sooner. Thank you, Chair.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clauses 8 and 9 agreed to.

Clause 10 -

Section 8 amended (Amendment of housing land supply orders)

Mr VINCENT - Madam Chair, I have two amendments here as well.

First Amendment

Page 8, proposed new subdivision (6) *leave out* that subsection.

Second Amendment

Same page, proposed new subsection (7) *leave out* the subsection.

CHAIR - Did you want to speak any further to that?

Mr VINCENT - I don't think I need to. I think what I read out before also covers this pretty well.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11 -

Part 2, Division 2: Heading amended

Mr VINCENT - Madam Chair, our recommendation is that we vote against this clause.

Clause 11 negatived.

Clause 12 -

Section 9 repealed

Mr VINCENT - Madam Chair, we had a practice run on clause 11. We'll see if we do better on clause 12. I recommend the amendment that we vote against this clause.

Clause 12 negatived.

Clause 13 -

Section 10 amended (Consultation to occur before housing land supply orders put before Parliament)

Mr VINCENT - Madam Chair, similarly to 11 and 12, I recommend that we vote against the clause.

Clause 13 negatived.

Clause 14 -

Section 13A substituted

13A. Notice to be given of decision not to proceed with proposed order
13B. Notice to be given if certain orders are made

Mr VINCENT - Similar to the last clause, I suggest we vote against this clause.

Clause 14 negatived.

Clauses 15 to 17 agreed to.

Clauses 18 to 21 agreed to.

Clause 22 -

Section 25A inserted

Section 25A inserted

25A. Amendments to applicable planning scheme void in certain circumstances

Mr VINCENT - I suggest to members that we vote against the clause.

Clause 22 negatived.

Clause 23 agreed to.

New Clause X to follow Clause 11

X. Section 9 amended (Parliament may disallow proposed housing land supply orders and amendments)

Section 9 of the Principal Act is amended as follows:

(a) by omitting from subsection (1)(b) 'not been disallowed by' (a) and substituting 'been approved by each';

(b) by omitting subsection (4) and substituting the following subsection:

(4) If a proposed order has been laid before a House of Parliament under subsection (2), the House is taken to approve the proposed order if -

(c) the House passes a motion approving the proposed order;
or

(d) within five sitting days after the order has been so laid before the House, the House has not disallowed the proposed order.

New Clause X read the second time.

New Clause Y to follow section 13

New Clause Y to follow Clause 13

Y. Section 13B inserted.

After section 13A of the Principal Act, the following section is inserted into division 2 of part 2

13B. Notice to be given if certain orders are made

(1) If, after complying with the requirements of section 10 in relation to a proposed order, the Minister makes the order under section 4(1) or section 8(1), the Minister must ensure that a notice is published, on the website operated by or on behalf of the Department, that -

(a) specifies the reasons why the Minister made the order;
and

(b) specifies the grounds on which the Minister is satisfied that the order does not contravene section 5(2) or section 6(1) or (2), if relevant; and

(c) includes a copy of -

(i) each submission made under section 13(1) in relation to the order; and

(ii) the Minister's response in respect of each submission; and

(d) If the order was altered between consultation under section 10(2), includes a statement as to -

(i) how, and why, the order was altered; and

(ii) whether the order so altered was publicly exhibited in accordance with section 12.

- (2) The information published on a website as required under subsection (1), in respect of a housing land supply order is to remain available for viewing by members of the public for a period of at least 6 months after the order was made.

New Clause Y read the second time.

Title agreed to.

Bill reported with amendments.

Mr VINCENT (Prosser - Minister for Housing and Planning) - Mr President, I move -

That the bill as amended be taken into consideration tomorrow.

Motion agreed to.

**SENTENCING AMENDMENT (PUBLICATION OF CRIMINAL ACTIVITY)
BILL 2026 (No. 29)**

Second Reading

[3.36 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.

The Sentencing Amendment (Publication of Criminal Activity) Bill 2026 inserts a new statutory aggravation factor into the *Sentencing Act 1997*. The amendment will strengthen the criminal justice system's response to a nationally increasing and concerning trend of behaviour where offenders publish content to boast about or glorify or seek notoriety from their criminal conduct through social media and other electronic platforms. This behaviour is commonly known as 'posting and boasting'.

The government committed to this reform as part of the 2030 Strong Plan for Tasmania's future. The community rightly expects that criminal offending will be condemned by the courts. The community also legitimately expects that offenders who deliberately publicise and glorify their conduct online will be held accountable for the additional harm this behaviour can cause.

Social media has transformed the way people communicate and share information. While these platforms can provide benefits, they can also be misused. Increasingly, criminal conduct is being recorded, photographed or otherwise documented and then shared online, sometimes to entertain others, attract attention, gain status among similarly minded peers, or celebrate the offending itself. As a result of this behaviour, a number of jurisdictions across Australia have legislated in recent years to specifically capture publication of criminal activity in their laws.

Due to our smaller population, our state has not experienced a high occurrence of this behaviour. However, there is still a number of instances where posting and boasting has been documented.

The government is also aware that national trends do have an impact on our state, and this bill sends a strong message to would-be offenders who seek notoriety for themselves. When offending conduct is published online in a way that attempts to boast about it, the harm caused by the offence can extend far beyond the immediate criminal act. Victims may be forced to relive traumatic experiences when images, videos or commentary are circulated to a potentially vast audience. The publication of this material can expose victims to ridicule, humiliation, and public scrutiny, and may significantly compound the effects of the original offending.

Mr President, in addition, the publishing of this conduct can encourage copycat behaviour, with others seeing it desirable to commit the offending depicted. Posting content showing criminal behaviour favourably can also lead to the normalisation of crime in the community. The government considers that conduct of this kind warrants particular denunciation. It demonstrates a disregard not only for the law but also for the dignity and wellbeing of victims. Where an offender seeks to elevate or celebrate their criminal conduct through online publication, their culpability increases. While courts do already have discretion to take these matters into account, it is not currently a specific statutory factor requiring consideration. This bill delivers the commitment for a stronger condemnation of this type of behaviour, both as a signal to the community and to those who would be tempted to engage in this behaviour.

This bill inserts two new sections into the *Sentencing Act*. The new section 11BB will require a court when sentencing an offender to take into account as an aggravating factor whether the offender electronically published or caused the electronic publication of statements, images or videos relating to the offence or a victim of the offence. The provision is designed to capture circumstances where an offender uses electronic means to celebrate, promote or draw attention to their offending behaviour. This includes publication on social media platforms, video sharing services, messaging applications or other online forums.

Where the offender has made such a publication, the court will apply the test of whether a reasonable person would consider that the material, or its dissemination, is likely to humiliate, intimidate or victimise a victim of the offence, or whether the publication was for a purpose of increasing the reputation or notoriety of the offender, boasting about the commission of the offence, glorifying the commission of the offence or encouraging another person to commit the same or a similar offence. The wording of this provision ensures that the threshold for proving and applying this aggravating factor is appropriate.

Importantly, the bill does not alter the fundamental principles of sentencing or restrict judicial discretion. Subsection (3) of the new section 11BB makes clear that the new statutory aggravating factor does not limit the ability of courts to take into account other aggravating or mitigating circumstances recognised at common law. This ensures that courts may continue to consider the full context of an offender's conduct where other aspects of their offending or the subsequent publication of that offending are relevant to sentencing.

Finally, the bill inserts a review provision consistent with that inserted when the *Sentencing Act* was last amended to insert new aggravating factors in December of 2025. The

provision requires that a review of the new aggravating factor takes place after it has been in force for five years. The five-year period assists in ensuring there is sufficient data to inform the review and allow an accurate and meaningful assessment of how the new provisions are operating.

On behalf of the government, I'd like to thank all those who took the time to make submissions on this bill during the public consultation process. It's of note that this feedback led to some amendments and helped ensure that the version of the bill that has been introduced to parliament contains clear application and appropriate evidentiary thresholds. The government is committed to ensuring that Tasmania's sentencing laws remain responsive to emerging forms of offending and to behaviours that exacerbate the impact of crime on victims and the community. This bill represents a measured and appropriate response to a contemporary issue and reinforces the important role of sentencing in denouncing criminal conduct.

Mr President, I commend the bill to the Council.

[3.44 p.m.]

Ms FORREST (Murchison) - Mr President, the Sentencing Amendment (Publication of Criminal Activity) Bill 2026 seeks to address the phenomenon that has become depressingly familiar in the age of social media. Offenders who film, photograph or otherwise document their own criminal content and then publish it, boasting of what they've done or seeking notoriety among their peers. This bill inserts a new section 11BB into the *Sentencing Act 1997*, requiring a court when sentencing an offender to treat as an aggravating circumstance the electronic publication material relating to an offence or a victim of an offence where a reasonable person will consider that the material or its dissemination is likely to humiliate, intimidate or victimise the victim and that the publication was for the purpose of increasing the offenders notoriety, boasting, glorifying the offence or encouraging copycat conduct.

Mr President, I believe no one in the Chamber will have any sympathy for an offender who compounds their offending by broadcasting it to an audience. It is truly harmful and a truly awful thing to do. I do want to raise some matters that are of concern, were raised during the public consultation. It did actually cause me to reflect on is this the right way to approach and respond to what is a genuine problem. I did raise some of these in the briefing the other day, and sure the Leader will have a response along some of these lines.

Mr President, what is clear from the evidence there was not universal support for this approach. It is important, I believe, always to consider the voices of experts in the field and those who provide services to victims of such crimes. Expert voices clearly include the Tasmanian Law Reform Institute, Tasmanian Aboriginal Legal Service, Community Legal Centres, Youth Law Australia, TasCOSS, Laurel House and the Sexual Assault Support Service, for example, and other individuals who made submissions to the public consultation on this bill.

The feedback on this bill ranged from qualified support through outright opposition on the basis of quite different but equally serious concerns. We need to listen to those voices and question whether the approach we are taking here is indeed the right one.

The Tasmanian Law Reform Institute stated that posting and boasting can already be treated as aggravating at common law, as it was in the Tasmanian case of *Bester versus Barnes*. That the drafting of a new statutory test requiring proof to the criminal standard of a reasonable

person's view of the offender's purpose may in practise be a higher bar than the existing common law approach, and that this test is untested anywhere else in the world.

Mr President, I do ask why we've gone down a different path.

The institute raised concern that there is no clear evidence this provision will deter the behaviour it targets. That there is no clear evidence of the scale of the problem in Tasmania specifically, and that the reform is likely to add cost and length to sentencing hearings and increase the grounds available for appeal. I'm not sure that's exactly what we want in this circumstance, Mr President.

The TLRI submission, as always, is long and detailed and we do need to consider. I urge members if they haven't had a look at it, get it up and have a look.

Mr President, the Tasmanian Aboriginal Legal Service made a detailed submission as well and I think theirs deserves particular attention. TALS position is that the provisions in the bill are largely symbolic, do not address the root causes of the behaviour, restrain judicial discretion and will disproportionately affect young offenders and particularly young Aboriginal offenders. TALS provides its own comparative table of other jurisdictions, and it confirms what other submissions also noted, including the Community Legal Centres Tasmania and Youth Law Australia. They have reported that New South Wales, Northern Territory, South Australia and Victoria do not have a specific sentencing aggravating factor of this kind, but they do have separate post and boast offences or so-called post and boast offences. The submission further noted that Queensland has an aggravating factor only for limited matters alongside separate offences and the Australian Capital Territory and Western Australia have neither.

Tasmania's bill would make us the only jurisdiction with a general aggravating factor applying to all offences. TALS cites the Justice Reform Initiative, describing those laws as harmful and pointless, and the Western Australia Justice Association describes these as based on vibes, not evidence.

TALS also raises something none of the other submissions identified - a gap in the bill's own logic. It noted in the submission that the Attorney-General has stated publicly that people who share footage of someone else's offending rather than their own will not be targeted by this bill and that the aggravating factor only operate to the point of sentencing, meaning an offender could publish boastful material after they are sentenced without consequence under this provision. I hope the Leader can provide some feedback on that because to me it was a very legitimate point.

TALS pointed out that this also sits awkwardly with the government stated aim of stamping out a culture of glorifying crime more broadly. Again, Mr President, a valid point, I believe that the Leader should address in her response.

I would ask the Leader to explain why the bill is confined in this way and whether the government considered and rejected extending it to cover publication by third parties or publication after sentencing? I need to understand if that has been included, how, to be sure.

On the data, TALS adds a further detail noting with regard to New South Wales as at mid-2025, the New South Wales Minister for Police stated that 51 people have been charged with what is the state's post and boast offence. Of the 28 of those, roughly 51 per cent were

under the age of 16, and only one person was convicted. The youth proportion is consistent with the figure Youth Law Australia has also raised concerns about their submission.

Mr President, I do ask the Leader - and I did raise this in the briefing - to clarify what data set the government regards as the most current and reliable on how this kind of law actually operates. We can at least take from Tasmanian Aboriginal Legal Services figures that the low conviction rate itself; 1 conviction, 51 charges as relevant when we're considering where this approach will achieve its stated purpose.

TALS final point is that the Tasmanian's own Youth Justice Blueprint 2024-2034 and our Closing the Gap commitments already commit the government to an evidence based, therapeutic, developmentally appropriate response to youth offending and that this bill sits in an awkward tension with that very commitment.

TALS does not simply ask the bill to be voted down, it asks the government to pause, engage with Aboriginal community leaders, victim/survivor groups, TALS and other legal experts and pursue alternate evidence-based measures instead.

At the minute, Mr President, this is a genuine and legitimate concern about the disproportionate inappropriate effect and whether it will actually work as intended in the first place.

Mr President, the Community Legal Centres Tasmania does not support the bill at all. CLC Tasmania central point is based on a comparison of other jurisdictions. Post and boast style laws now exist in Victoria, New South Wales, Queensland, the Northern Territory and South Australia, and Western Australia has an equivalent bill that's passed its Legislative Assembly. In every one of those jurisdictions, without exception, as I understand it, the law is confined to a defined and relatively narrow list of offences, motor theft, break and enter, robbery, serious assault offences involving vehicles or weapons, and takes the form of a new criminal offence carrying its own maximum penalty, typically two years.

Tasmania's bill is the only model in the country that applies as a general sentencing aggravating factor to an offence whatsoever, with no list and no limit. Mr President, as I said in the previous debate, there's always more than one way to fix a problem. Why are we being different from every other jurisdiction? Are we so much more enlightened than them? Will it work better, particularly when you go back to the TLRI submission which says this is already considered in sentencing.

CLC Tasmania points out what has actually happened where these laws have been reviewed. New South Wales post and boast offences, in force since April 2024, was reviewed after two years by the Bureau of Crime Statistics and Research. That review found that of the people it proceeded against 59 per cent were young people and 75 per cent of those charged were Aboriginal people, in a jurisdiction where the offence was originally limited to just two offence types. We should be concerned about that.

So, you'll see Tasmania's submission raised genuine concern about what this means for Tasmania, given that Aboriginal or Torres Strait Islander Tasmanians already make up around 23 per cent of our prisoner population against 5 per cent of the general population. We need to do better; we have committed to Closing the Gap. This has more than doubled over the past decade and given that Tasmania is a signatory to the National Agreement on Closing the Gap,

which commits us to reducing First Nations' incarceration by 15 per cent, a provision of unlimited scope modelled on laws that have already shown a starkly disproportionate impact on young people and Aboriginal people elsewhere, is a real risk to that commitment.

CLC Tasmania also notes the inconsistency between this bill and the Commonwealth's own recent approach to young people and social media, which places the legal onus on platforms to keep children off them, not on the children for what they post. I commend the Australian Government for taking a lead in this. It's hasn't been easy. They've got more work in the pipeline on the algorithms and I'm really happy if they get that through so I can turn the algorithms off and make a choice about my own feed. Anyway, that's a matter for another day. I'd like to engage with in my community, not what an algorithm tells me when it thinks I accidentally paused on something that I really wasn't interested in. Anyway, that's a separate point.

The CLC Tasmania submission recommends the government instead consider a takedown notice model of the kind that's already operating in Queensland, where police can require social media companies to remove content paired with a targeted education campaign directed at those most likely to offend in this way, rather than, or in addition to, a sentencing response that this data suggests will fall hardest on young people and on Aboriginal Tasmanians. We can't just wave that evidence away. These are legitimate bodies who have raised this with legitimate research that backs it.

I asked the Leader directly: what assessment, if any, has the government made of the equity impact of this bill in light of the New South Wales experience and what CLC Tasmania has put on the record, and how does the government reconcile an unlimited scope aggravating factor with Tasmania's Closing the Gap commitments? I asked whether the government considered a platform takedown notice model, like the kind operating in Queensland, as an alternative or complementary measure, and if not, why not?

Youth Law Australia also made a submission, and its concerns overlap with others but go further, particularly those raised by the Community Legal Centres Tasmania that are opposed to the bill, and the Tasmanian Aboriginal Legal Service. Its principal recommendation is the bill be withdrawn altogether. Youth Law Australia also points out that although this bill technically amends the *Sentencing Act* rather than the *Youth Justice Act*, and does so not applying to sentencing under 18s in the ordinary course, the *Sentencing Act* is nonetheless the primary sentencing legislation for young adults aged 18 to 25. This is the time when these young people are out in their cars doing things that I probably did sometimes when I was that age - not all the things, but some of the things. There were no cameras around then, it was much safer for me - not really. But these are kids 18 to 25, we know the research about your brain. Until 25 it's not - particularly at the gender comment - but it is a known fact that the male brain particularly doesn't mature fully until 25. But even then, we could argue that perhaps it takes longer.

Ms O'Connor - I'd have thought about 40 would be more accurate.

Mr Hiscutt - Hear, hear.

Ms FORREST - Sorry?

Ms O'Connor - About 40 is what I'd thought.

Ms FORREST - Well, as I said, there are some who probably struggle.

Mr Hiscutt - Shame. Shame. Shame.

Ms O'Connor - You're getting there, Casey.

Ms FORREST - How old are you?

Mr Hiscutt - 36.

Ms FORREST - You're not quite there yet, according to the member for Hobart. I've got you - after 25 you're all good.

Mr Hiscutt - A bit more maturing to do, yes.

Mr Gaffney - Just proved the point.

Ms O'Connor - You just proved my point.

Ms FORREST - I think we can all fall into making poor decisions and poor choices at times. Anyway, back to the point of this, the *Sentencing Act* is nonetheless the primary sentencing legislation for young adults aged 18 to 25, a cohort recognised in Australian and international research as being at heightened risk of criminal justice involvement and the most in need of rehabilitative rather than purely punitive responses.

Mr President, this is a group the bill will clearly capture. Children and young people under the age of 18, yes, but we're talking about other young people here. Young Aboriginal people - all young people - but we know that Aboriginal people are over-represented in these statistics too. Or more so. I think that really needs to be considered further because the definition of 'electronically published' in this bill captures private as well as public communications, like a text message between you and me, if I wanted to boast about what I did when I was 16, that's probably a bit irrelevant now, but that's the thing - it's a private text message between two individuals.

Youth Law Australia raised a genuine concern that this provision may in practice justify further expansion of the already-extensive powers held by Tasmania Police to examine young people's private digital communications in order to establish an aggravating factor. I would ask the Leader whether the government has considered what additional investigative powers, if any, police may seek to rely on or seek to have expanded as a consequence of this bill. 'Hand over your phone, I want to look at the last message you sent.' Or the last 50 messages you sent.

Ms O'Connor - 'I want to check your WhatsApp.'

Ms Thomas - You don't have the right to access my phone.

Mr PRESIDENT - No one ever rings you.

Ms FORREST - This is the thing. It brings in private communications between two individuals. Youth Law Australia further argues that: [tbc 4.01.30]

Mandating judicial consideration of this factor, even short of creating a new offence, risks shifting sentencing norms in a way that narrows the space for individualised rehabilitation-focused sentencing.

Like the Tasmanian Law Reform Institute and the Tasmanian Aboriginal Legal Service, it says:

The research does not support an expectation that harsher or more codified penalties will deter this behaviour...

How many times do we have to say that in this place?

-especially among young people, whose conduct online is shaped more by developmental and social factors by the calculation of illegal consequence.

They don't stop and think. Adults don't either on social media, I might add. Maybe they do think, I don't know. But if they did think, you'd think, would you say that to me in person? Maybe they would. But then I could actually say something back to them in person.

Mr President, TasCOSS, the peak body for Tasmania's community services sector goes further again. In its own submission, its explicit recommendation is that the government does not proceed with this bill. TasCOSS' focus is on children and young people up to the age of 24, who it says: [tbc 4.03.12]

Should be diverted from the criminal justice system wherever possible.

It argues that:

Young people are developmentally more likely to act impulsively, to be influenced by peers and social media, and to have a reduced appreciation of the long-term consequences of their behaviour, so that for many, filming or sharing their own offending reflects immaturity and poor judgement rather than a calculated attempt to maximise harm.

This is why we need to help young people find ways of expressing themselves that don't do this.

TasCOSS also raised that: [tbc 4.03.40]

This bill may disproportionately affect not only young people, but people with disability, cognitive impairment, and significant mental health whose capacity to appreciate the consequences of online behaviour may also be reduced.

You could say it's an unintended consequence, but it's almost inevitable. Perhaps someone having a mental health crisis is not going to be thinking about what they posted that could get captured under these provisions. Someone with an intellectual disability.

TasCOSS' submission made three specific recommendations: [tbc 4.04.20]

- (8) That judicial discretion be preserved rather than fettered by mandatory aggravating factor.

Which goes back to the TLRI's submission that it already can be considered as an aggravating factor.

- (9) That the government continue expanding diversionary and therapeutic responses for children and young people rather than increasing punitive sentencing measures.
- (10) That the government invest in setting family support, digital literacy, early intervention, and community-based youth services.

Let's educate and help people to think before they do this sort of stuff and understand the harm they could cause. I'm not saying the victims aren't important here, but we have to think about how this applies and how we can prevent it, because there won't be victims if it's prevented. That's a utopian world. We're not going to prevent all the problems in the world by passing more laws either. So I asked the Leader whether the government has costed or considered any of the three alternatives that TasCOSS raised, or as an alternative package to this bill. Why these provisions in the bill and the related measures have not been the focus. Rather, you know, we just go straight to the tough on crime approach, rather than looking at preventing the crime in the first place.

Laurel House, takes a different view. It generally supports the bill on the basis that the additional harm caused by offending when offending is shared, glorified or boasted about online is real and profound. I absolutely agree with them. It is, particularly for victim/survivors of sexual violence, and that court should have a clear statutory guidance to weigh that harm at sentencing. And I'm sure none of us would disagree with that view. But Laurel House's support comes with a specific, carefully reasoned condition. It notes that the aggravating factor will also apply to young people, as they saw it, aged 14 to 17 under the *Sentencing Act*, from the most serious prescribed offences under the *Youth Justice Act*. They are brought in for some, not all of them, but for some.

And of course, these are serious offences. I'm not saying that we shouldn't be really concerned about that, but let's be honest about what it does. As I said, the crimes of aggravated sexual assault, rape and persistent sexual abuse of a child or young person. Now, those things are dealt with very seriously. And I respect Laurel House's views and experience in this space, supporting victim/survivors. And while Laurel House accepts there is a rationale for recognising additional harm even in those cases, it points to the developmental trauma related and therapeutic evidence base around children and young people who engage in harmful sexual behaviour. It recommended that section 11BB be amended, so that a young person is sentenced under the *Sentencing Act* for a *Youth Justice Act* prescribed offence, the court must have regard to the principles and objectives of the *Youth Justice Act 1997* in deciding what weight to give the aggravating factor.

So I will ask the leader to respond to that as to how have they - if they have, or if they haven't, why not - addressed that concern of Laurel House. It doesn't appear to me that recommendation is included in the bill, but I am happy to be corrected.

Laurel House also raised the risk of double counting, where the electronic publications is itself part of an underlying offending conduct, and importantly makes the broader point that legislative reform on its own will not address these harms and must be matched by substantial sustained investment in properly resourced, trauma informed specialist sexual violence services for victim/survivors.

I ask the Leader on this, whether there is any new or additional funding that were provided to the specialist services such as Laurel House. They did say they need it alongside this, because a statutory aggravating factor costs the government very little less to legislate, but it will mean nothing to a victim/survivor if the services they need to support their recovery are not there when they need them.

The Sexual Assault Support Service also made a submission, including a content warning, as they discussed the very real issues this bill seeks to address. Just to go to this.

SASS's submission frames its position around the profound enduring harm caused when sexual violence is recorded and shared. And I think we would all absolutely acknowledge that. And they state that its work with victim/survivors and children and young people who display harmful sexual behaviours gives a particular perspective on how institutional responses can either support recovery or compound harm. I just want to quote directly from their concluding remarks: [tbc 4.09.44]

SASS considers that before legislation reform is progressed, the government clearly articulate the evidence underpinning the draft bill, the limitations in the existing sentencing framework that this is intended to address, and how the proposed amendment is expected to improve outcomes in practice, including for victim/survivors. In addition, the government should also clarify how the proposed reform aligns with its existing commitments, including those arising from the commission of inquiry and the National Agreement on Closing the Gap.

That's not saying, let's get along with it, and they are at the absolute forefront of dealing with some of the fallout of some of these appalling behaviours. Given SASS's direct clinical experience with both victim/survivors and with young people who exhibit harmful sexual behaviours, its full views bear directly on the issues already raised by Laurel House, Tasmanian Aboriginal Law Service, the Community Legal Centres Tasmania, Youth Law Australia and TasCOSS about the treatment of young offenders and whether the legislative reform will actually translate into better outcomes victim/survivors. A 'tough on crime' mantra doesn't do it.

Taken together these submissions, 7 of the 12 received from stakeholder representative bodies tell a consistent story in one respect. Every one of them, including the two that broadly support the bill's intent wants the government to do more than what is in front of us today and also to pause in some cases before we act in this way and to respond as to why Tasmania is taking an approach that is out of step with the rest of the country. The TLRI wants to know whether this provision does anything the common law cannot already do and whether it's drafting might narrow rather than widen the circumstances in which publication is treated as aggravating, and that would be a very perverse outcome. TALS wants the bill to pause for further review and genuine engagement with Aboriginal communities and legal experts, and

questions why the bill excludes third-party republication and post-sentence publication, while claiming to target a culture of glorifying crime.

Community Legal Centres Tasmania wants the scope narrowed and equity analysis undertaken and an alternative platform focused response considered. Youth Law Australia wants the bill withdrawn altogether in favour of preventative education and greater social media platform accountability, and raises particular concerns about young adults aged 18-25 and about police scrutiny of private communications. TasCOSS wants the bill abandoned in favour of preserved judicial discretion, which is already there, expanded diversion and therapeutic responses and investment in prevention. Laurel House wants a specific safeguard for children and young people sentenced for the most serious offences and matching investment in victim/survivor services. SASS, Sexual Assault Support Service, wants an evidence-informed approach responsive to the complex realities of sexual violence.

I note that there were 12 submissions, all worthy of inclusion, but I didn't want to go on anymore. I've simply chosen to highlight the seven that, between them, reflect the full range of views expressed and received from when I read through them. From qualified support through to repeated and independent recommendations, that the bill not proceed at all. Given the seriousness of the equity concerns raised by the Tasmanian Aboriginal Legal Service, Community Legal Centres Tasmania and Youth Law Australia, the explicit recommendation from TasCOSS that the bill not proceed, and the unresolved questions raised by the Tasmanian Law Reform Institute about where this drafting will achieve the government's own stated aim, I'm not sure I'm in a position to support the bill in its current form. I will listen carefully to the Leader's response and other members before finalising my position on the bill.

[4.14 p.m.]

Ms THOMAS (Elwick) - Mr President, I rise to speak in support of the Sentencing Amendment (Publication of Criminal Activity) Bill 2026. This bill deals with behaviour that is increasingly concerning to members of our community. That is, when people not only commit offences but film, publish and share that offending in order to boast about it, glorify it, gain notoriety from it or, in some cases, further humiliate the victim. The bill inserts a new statutory aggravating factor into the *Sentencing Act 1997*. It provides that, when sentencing an offender, a court is to take into account circumstances where the offender has electronically published or caused the electronic publication of statements, images or videos concerning the offence or the victim, where the publication was intended to brag about or glorify the offending, or resulted in its glorification. The bill does not create a new criminal offence, nor does it prescribe a particular additional penalty. And it does not remove the discretion of the court to determine an appropriate sentence having regard to all of the circumstances before it. Rather, it expressly recognises that, should this be approved, the parliament considers this conduct relevant to the seriousness of offending and it considers it appropriate for a court to take this conduct into account when sentencing.

There is an important principle underpinning this bill, that is, that additional harm can be caused when an offence is deliberately turned into content. The harm to a victim does not necessarily end when an assault ends, when property is damaged, when a robbery is over, or when the offender leaves the scene. If footage of that offending is then uploaded, circulated, shared, liked, commented on and watched over and over again, the victim can be subjected to that experience repeatedly. They can be humiliated in front of their friends, family and community. Their worst moment can become somebody else's entertainment and, perhaps most

concerningly, the offender can receive exactly what they were seeking from the exercise: attention, notoriety, status or approval.

As the member for Murchison did, I want to acknowledge the submissions made during consultation on this bill. I won't read them in detail, I believe the member for Murchison covered a lot of the concerns raised very comprehensively, and I'm grateful for that. I acknowledge that there were legitimate concerns raised and I want to make it clear that my support for the bill does not mean that I dismiss those concerns. The Tasmanian Law Reform Institute, TasCOSS, Youth Law Australia, Tasmanian Aboriginal Legal Service and Community Legal Centres Tasmania, among others, raised questions about the effectiveness and necessity of this type of legislative response.

One of their central arguments is that courts can already take this behaviour into account when sentencing. There have also been questions about whether there is sufficient evidence that laws of this kind actually deter the behaviour they are intended to address and I accept those points. It might be true that in many cases a court could already regard this behaviour as relevant. It might also be true that this amendment will not result in dramatically different sentences. And it may be some time before we have a strong evidence base demonstrating whether laws such as these have a measurable deterrent effect. But, there is another proposition that may also be true. That is, if making the law explicit sends a sufficiently clear message to stop even some people from engaging in this behaviour, then that is a positive outcome. If one person thinks twice about filming an assault because they understand that boasting about it or glorifying the offence can be taken into account when they are sentenced, that reduces harm. If just one offender thinks twice about uploading footage humiliating their victim and chooses not to, then their victim has been protected from that secondary harm. And if just one piece of footage is not posted, shared, and circulated, and one victim is spared the additional humiliation and trauma that comes with it, then some harm has been prevented.

Now, I do not suggest for a moment that legislation alone changes behaviour. It does not. Nor do I accept that, because legislation will not solve the whole problem, we should not use it as one part of the solution. Community safety requires layers. Maybe it could borrow some from the planning system. It requires prevention and early intervention, education and youth engagement, consequences, accountability and rehabilitation. It also requires appropriately resourced police, visible enforcement and, equally importantly, proper support for victims. These things are not mutually exclusive. We should absolutely be asking why some people believe violence is something to celebrate, film and broadcast. We should be asking what drives the desire for notoriety and social media status, and we should be investing in young people before they enter the criminal justice system. While we do that, however, we also need laws that respond to behaviour occurring in our communities right now. Everyone has a right to feel safe and be safe in our communities.

This issue is particularly relevant to me as the member for Elwick. My community in Glenorchy has experienced far too many incidents of violence and antisocial behaviour in public places, and we have seen firsthand the role that social media and the circulation of footage can play in amplifying those incidents.

One example occurred at Big W in Glenorchy in April 2025. A large group of people were involved in a disturbance inside the store. Footage showed people shouting, jumping onto a service counter and punches being thrown. Witnesses reported staff being pushed, kicked and abused. And what happened next is particularly relevant to the bill before us. Video footage of

the incident circulated widely on social media, media websites and according to ABC reporting at the time, this footage was viewed hundreds of thousands of times. The ABC itself published it on the ABC news page, Mr President.

I want to be very careful about the distinction here, because as far as I'm aware, the person who originally recorded and shared that footage did not do so to boast about or glorify the offending. The reporting indicated the witness recorded the incident in order to capture the faces of those involved and to make people aware of what had occurred. This is clearly different from the conduct that this bill is primarily seeking to address, but it does raise another issue that I'd like the government to address. Once footage of offending is placed into the public domain, regardless of the intention of the person who originally recorded or published it, control over that footage is effectively lost. It can be copied, downloaded, reposted and even edited. It can be shared between people and ultimately it can find its way back to the people involved in the offending who can then potentially use it for precisely the purpose this bill is seeking to discourage, to boast, to gain notoriety, to impress their peers, or to glorify what occurred.

There is also a difficult broader question here. The public has a legitimate interest in knowing what is occurring in its community and journalists have an important role in reporting crime and anti-social behaviour. Witnesses may have very good reason for recording incidents, including preserving evidence for police, but at the same time there can be unintended consequences when footage of violent or anti-social behaviour is repeatedly broadcast and shared. It can contribute to fear in the broader community, can cause vicarious trauma, and it can amplify an incident far beyond the people who actually witnessed it. Potentially, it can provide those responsible with the very audience and notoriety they were seeking.

Now, this is not an argument for suppressing legitimate media reporting or preventing members of the public from recording evidence, but I do think it exposes a difficult issue that we need to think about. I ask the government, was this scenario considered in drafting the legislation?

Where footage of an offence is initially recorded or published by an innocent third party for a legitimate purpose by a witness, a bystander or a news organisation, but an offender subsequently obtains that footage and republishes, circulates or otherwise uses it to boast about or glorify their offending, is that subsequent conduct clearly captured by this bill?

And more broadly, did the government consider any mechanism to deal with the ongoing circulation of material depicting offending where that circulation risks further victimising those involved or providing offenders with a platform for notoriety, whether this was the intention or not?

If the government did not consider this, why not?

Mr President, I appreciate that this is not straightforward. We do need to protect freedom of the press, and we need to protect legitimate public interest reporting, and we certainly don't want to discourage witnesses from recording evidence that may assist police. But if one of the objectives of this legislation is to reduce the incentive to commit offences for an audience, we also need to understand the environment in which that audience is created.

The Big W incident demonstrates that very clearly. Regardless of why the footage was originally recorded, an incident inside one Glenorchy store was subsequently seen by hundreds of thousands of people. Even though the intention was to share information rather than post and boast, the same harm could be reasonably expected to result. That warrants consideration when we talk about the phenomenon of posting and boasting.

Mr President, I particularly want to acknowledge another submission. That was one made by Glenorchy Deputy Mayor, Russell Yaxley. I note that Mr Yaxley made a submission in his personal capacity, informed by his experience as Deputy Mayor and by what he's personally witnessed in our community, rather than on behalf of the Council. Mr Yaxley's contribution is important because the behaviour we are discussing today is not abstract for Glenorchy. He described witnessing a group of young people fighting while he was operating a community stall in Glenorchy. Bystanders were knocked over, including an older woman, while other members of the group surrounded the fight, filmed it on their phones and encouraged the violence. He also referred to other incidents involving disorder at Big W, as I've mentioned, and Northgate, in which many people will be aware of and remember simply because footage of these incidents was circulated online.

Mr Yaxley's submission makes a powerful point: in some circumstances, filming is not simply incidental to the offending; the audience can be part of the motivation, the footage can become the trophy, the likes, shares, comments and notoriety become part of the reward. When that happens, we need to understand that the person being assaulted or humiliated is no longer just the victim of the original incident. They can become an unwilling participant in content that can potentially remain online indefinitely.

Mr Yaxley also rightly acknowledged that sentencing reform is necessary but not in itself sufficient. His recommendations included prevention education for young Tasmanians, better mechanisms to assist victims to have harmful material removed, ensuring police have the digital capability to capture and preserve evidence, and reviewing the operation of the legislation once we have evidence about how it works in practice. I think those suggestions deserve consideration, and I note particularly that the review clause is included in the bill, which I welcome.

I particularly agree with his emphasis on prevention. Because ultimately, the best outcome is not a harsher sentence; the best outcome is that the offence never happens. The next best outcome is that it is not filmed for entertainment, status or notoriety. If an offence does occur and footage exists, we should be doing everything reasonably possible to prevent the victim or victims being repeatedly harmed through its continued circulation.

I acknowledge the concerns raised in submissions about young people and the impact of this bill on young people. TasCOSS, Youth Law Australia and the Tasmanian Aboriginal Legal Service raised important issues about developmental maturity, impulsivity, peer influence, disadvantage and the potential for punitive measures to disproportionately affect young people and Aboriginal Tasmanians, and the member for Murchison clearly articulated these concerns in her contribution. These concerns should not be dismissed. We know that young people do not necessarily assess risk and consequences in the same way adults do, and that peer approval can be an incredibly powerful motivator. We know that simply increasing penalties without addressing the cause of offending is unlikely to deliver the safer community that we all want. But I do not think acknowledging those realities means we should shy away from consequences either. Young people need opportunity, support, positive role models and early intervention.

But they also need boundaries, and our community is entitled to have standards about what behaviour is acceptable.

Having said all this, there are limitations to this bill, and we heard that from the member for Murchison as well, in terms of young people under 18 being sentenced for most offences under the *Youth Justice Act*, rather than the *Sentencing Act* to which this bill applies. Whether this is right or wrong, I know there'll be many people in my community who are disappointed about this.

For both adults and children there is a balance to be struck between rehabilitation and accountability, and our courts remain well placed to strike that balance based on the individual circumstances of the offender before them. That is important in considering this bill because this legislation does not impose a mandatory sentence. It does not tell the court what the final penalty must be. It identifies an aggravating circumstance for the court to consider as part of the broader sentencing exercise.

I also acknowledge the important perspective provided by organisations supporting victim/survivors, including Laurel House. Their contribution reminds us why this is important. The recording and dissemination of offending can compound trauma, humiliation and loss of privacy long after the original offence has occurred.

That brings me back to the fundamental principle behind my support for this bill: laws do not only establish penalties, they also establish standards. They tell the community what conduct we consider acceptable and unacceptable. Parliament is entitled to say very clearly that committing an offence is one thing, but further to this, deliberately turning another person's fear, pain or humiliation into material designed to build your own notoriety is an additional aggravating element that deserves recognition. We should not normalise violence as entertainment or accept criminal offending being used as a social currency. We certainly should not accept victims being turned into unwilling content for someone else's likes, views or reputation.

I support this bill with realistic expectations about what it can achieve. I don't claim it will stop every person motivated to post and boast, or that every person about to commit an offence will stop and contemplate the provisions of the *Sentencing Act*. I acknowledge the legitimate legal argument that courts already possess considerable discretion to consider this type of conduct. Maybe those critics are right that in some cases this law will not make a difference. But maybe there's another young person for whom it does. Another person, of any age for that matter, who does. Maybe there's someone who thinks twice; an assault that's not filmed; footage that is not uploaded. Maybe there's a victim who does not have to endure the humiliation of watching the worst moments of their life circulating online. If this reform contributes to preventing some of that harm, I believe it's worth doing. But it must be part of something bigger.

I want to see the government urgently progress workplace protection order legislation and progress on knife crime reform. I want to see continued consideration of what more can be done to protect retail and other frontline workers, including the role, powers, and training of security personnel and the potential role of community safety officers as second-tier policing.

I want appropriate policing resources and proactive responses in communities experiencing persistent anti-social behaviour. I want to see genuine investment in prevention,

youth engagement, and early intervention, because whatever their age, we cannot simply wait until a person is standing before a court and then wonder how they got there. Community safety requires prevention, intervention, enforcement, consequences, and rehabilitation. We need all of these things.

Mr President, the argument has been made that this is already considered in sentencing. Another argument then could be what is the problem with sending the clear message that it is through making a statement with this bill. To flip it, what message do we risk sending if the bill is not passed through this place? That the Legislative Council says it's okay to post and boast? That the Legislative Council says that magistrates and judges already consider this in sentencing? Well, that's certainly not what I'm hearing from my community. I'm hearing a very different story. I'm hearing over and over again that sentencing outcomes do not appear to meet community expectations. Without a good look at these outcomes, it's actually difficult to know, which goes to a part of the motion that I moved this morning. Which is why I also welcome the opportunity to review how these measures operate in practise and to assess the evidence about whether they are achieving their intended purpose, which the review clause in this bill provides for.

Ultimately, the measure of success should not simply be how many offenders receive an aggravated sentence. Success would be fewer offences committed for an audience, fewer videos uploaded, and fewer victims humiliated online; less or ideally no workers or members of our community subjected to violence and intimidation, and fewer young people believing that violence and criminal behaviour are pathways to status, attention, or notoriety.

That is the safer community I want for Glenorchy, for Elwick, and for all of Tasmania. For those reasons, Mr President, I support the bill.

[4.33 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Mr President. I thank the previous speakers. It's been very informative and I've shortened my speech considerably. I thank the honourable Leader for bringing forward the bill and I rise just to make a few remarks.

As we've seen, posting and boasting is an issue which has accompanied the increased use of technology. These days, most people have a device in their pocket with which they have the potential to reach the entire world. This is powerful and significant. Where this intersects with the commission of crime, it becomes a serious problem. It has the potential to embolden others to commit criminal acts, re-traumatise victims of those crimes, and add to humiliation or pain, and can provide a level of notoriety and infamy to the people who have committed an offence. In other words, for some offenders, it can create a perverse sort of incentive to commit and then post and boast about a crime.

Therefore, we need to do something about it. It's really hard to imagine because to post and boast, it's pretty hard to plead not guilty, I would imagine. But I'm not sure that incentive is there for many. It might come down to what the member for Hobart and the member for Murchison was saying about how long it takes for someone's brain to actually become a little bit more sensible and realise what their action has caused.

This bill creates a new statutory aggravation factor to be inserted into the *Sentencing Act 1997*, which requires the court to take into account this matter, where relevant, in sentencing proceedings.

The new section, 11BB, will require a court, when sentencing an offender, to take into account as an aggravating factor whether the offender electronically published or caused the electronic publication of statements, images or videos relating to the offence or victim of the offence. Whilst the honourable Leader has expanded somewhat on how this will operate in practice, I'd like to ask how wide the term 'published' could be defined. Would making an electronic publication of statements, images or videos count even if it's only to one person? Now, how public does publication have to be to meet the threshold?

I note the honourable Leader's comment that this new provision does not restrict judicial discretion, with the clause clarifying that the addition of this new statutory aggravating factor doesn't limit the court's ability to take into account other factors, either aggravating or mitigating, when considering an appropriate sentence. The full context of an offender's conduct can continue to be considered by the court. I also wonder - as I think it might have been mentioned by the member for Murchison and possibly also the member for Elwick - about other people posting, how that's actually affected. If the person offending is not posting but other people are posting about them, and also if someone posts after they've been sentenced. It's still just as traumatic, I would imagine, for the person that was involved.

I wonder as well about video camera footage, and I think of my own case, where I have video footage of the criminals that broke into my house. I was going to put it on Facebook to see if anyone identified them, but the police asked me to hold off for the time being just in case we didn't want to spook them. I wonder how that goes, if the criminals then actually decide to post themselves. It would be unlikely, you'd think.

Ms O'Connor - If the victims decide to post themselves, you mean?

Ms ARMITAGE - No, I'm the victim.

Ms O'Connor - That's what I'm saying, so if you, as the victim, wanted to post to get information, where does that sit in this provision?

Ms ARMITAGE - Well, I understand that I could do it, but then I wondered if the criminals then decided, this looks pretty cool, here we are breaking into a premises, whether they could actually film it without sharing it. I guess you could actually film something -

Ms O'Connor - Well, then they're not publishing it, are they?

Ms ARMITAGE - I just wondered how that would go. I haven't done that as yet. I'm taking advice from police, but it's a possibility.

Mr Gaffney - It might give too much information to others out there. 'This is where the key's kept.'

Ms ARMITAGE - Well, no, it was more about faces and how you can identify how someone walks and how someone looks and the way they dress. Often people will identify someone from that. As the police said, don't do it just yet, we don't want to spook people and maybe lose things we might get back. I just wondered how that would go, if they were to then use that and think, oh, look how cool we are. Just a question that came up, Leader, not really part of my speech normally.

I do hope this bill will have the intended effect. As we know, once we post something online, we do lose control of it. It can continue to be copied, reposted, saved by people offline onto their own personal devices and commented on forever. Once something is posted online, it will almost certainly continue to exist forever. I'm not sure if people who post and boast really think about this, but I also believe that doesn't mean we should not attempt to do anything about it. The reality is, victims of crime who are posted and boasted about themselves become the subject of commentary, derision, judgment, scrutiny, humiliation and ongoing trauma.

It never used to be like this, and a novel problem requires a novel solution, and I believe we should at least try. To this end, I note and support the review into the operation of this legislation after five years. Unfortunately, I expect there to be ample opportunity for this to be tested by the courts, and while I certainly hope there isn't, like the member for Elwick, success would be there's nothing to be tested and tried; that there wouldn't be any. But I assume that there will be a sample to be gathered to determine whether or not it's successful or not.

I'd like to finish up by asking the honourable Leader whether there are any examples of this provision being put into effect in other jurisdictions, and we know that there are a variety, but not perhaps quite the same, and how this has worked in practice. I do note the laws vary in other jurisdictions. I, too, like the member for Murchison, have looked up what they're actually doing in other areas and I noticed, while they're not the same, they do have some laws with regard to posting and boasting - so having meaningful changes to sentencing occurring. Has anyone been successfully deterred from posting and boasting in the first place? Hard to know. Whether there's any information that we have maybe from the other jurisdictions, whether it has actually gone down, or if there's any evidence. I will support the legislation, member, and I thank you for bringing it forward.

[4.40 p.m.]

Ms GLADE-WRIGHT (Huon) - Mr President, I want to focus on just one aspect of this bill, because others have described what the bill does quite well already, and it was raised consistently by stakeholders, and that is the potential impact on young people. I think there is a broad agreement across this Chamber that when someone commits an offence and then broadcasts it online and in group chats, for retention, notoriety or amusement, that can cause real and lasting harm. The intent behind this bill is quite understandable, but several stakeholders have warned us that the picture is more complicated when young people are involved. TasCOSS, Community Legal Centres Tasmania and lots of other stakeholders actually, including Tasmanian National Preventive Mechanism, all raised concerns about the way adolescents make decisions. They pointed to factors such as impulsivity, peer pressure, trauma, developing maturity, and the desire for social acceptance. Their argument was not that harmful behaviour should be excused, but rather it was that young people often act differently from adults, and that our justice system has traditionally recognised that reality.

One of the concerns raised is that the harsher sentencing responses may not actually deter this kind of behaviour. There is a bit of confusion about whether young people are captured in this or not.

Ms Forrest - They are for some but not for all of it.

Ms GLADE-WRIGHT - That's right. My understanding is that most young offenders dealt with through Tasmania's Youth Justice division would not be captured by this bill because the *Sentencing Act* generally does not apply in that jurisdiction.

Ms Forrest - Under 18, but not the 18 to 25 was the point I was making.

Ms GLADE-WRIGHT - Young people are instead dealt with under the *Youth Justice Act*, which places a strong emphasis on rehabilitation and recognises the realities of youth offending.

However, the issue raised in the submissions is not entirely without merit. The bill does not contain an express exclusion for children. While the ordinary youth justice framework appears to sit outside the operation of this bill, it remains unclear whether there are circumstances in which a young person charged with a serious indictable offence and sentenced under the *Sentencing Act* could be affected by proposed section 11BB. For that reason, I would appreciate clarification from the government.

I have three questions.

- (1) Can the government identify the circumstances, if any, in which proposed section 11BB could apply to an offender who was under 18 at the time of the offence, having regard to section 5 of the *Sentencing Act* and the *Youth Justice Act*?
- (2) Why has the bill not included an express exclusion or safeguard for children?
- (3) Will the review also examine impacts on children?

I really appreciate reading all the submissions from all of the respected stakeholders who give their time in considering bills and raising concerns with us. I hope the answers to the questions that I've asked helped ease some of their concerns.

Overall, I support the intent of this bill, especially with some clarification around how it interacts with young offenders. Thank you.

[4.44 p.m.]

Mr GAFFNEY (Mersey) - I rise to speak upon the Sentencing Amendment (Publication of Criminal Activity) Bill 2026. This proposal represents yet another broadening of the aggravating factors that should, or in this case must, be taken into consideration by the courts in determining the sentencing of a crime. I find myself in two minds regarding the bill. On the one hand, the government's clearly setting out a position on what it is described as a concerning trend and aiming to deter would-be offenders who might seek notoriety. On the other hand, I find myself sceptical regarding the value and the appropriateness of a blanket requirement for posting and boasting to be an aggravating factor for consideration by the court.

Mr President, I will begin by noting the role that the legislature plays in determining the bounds within which the judiciary may impose sentences. It is inherent to the role of the judiciary in our system of law that they are not active in the creation or imposition of will. The judiciary interprets and applies the law no more than this. In this instance, the law in question

is a *Sentencing Act 1997*, the act designed to cohesively guide sentencing and impose sentencing procedures, requirements and boundaries as seen fit by the elected representatives of the state.

Indeed, it is worth noting the purposes of the principal act, as in section 3. To paraphrase, it is to consolidate Tasmania's sentencing process, promote the protection of the community as a primary consideration in sentencing offenders, promote consistency, fair procedures in ordinary crimes, special procedures, and for those who breach their sentences, prevent crime and promote respect for the law through deterrence, rehabilitation and denunciation, promote public understanding of sentencing, set out the objectives of sentencing, and recognise the interests of victims.

I will start with the positives in this proposal. In light of the aforementioned purpose of the principle act is a positive that the legislation is an attempt to protect the community, to clarify the position of the legislature when it comes to publishing criminal acts, and to prevent victims, denounce and deter crimes. When looking to the aims of sentencing - punishment, deterrence, rehabilitation, denunciation and community protection - the rationale and justification for the proposal fits almost every aim to a varying extent. The only aim it fails to address or, from some perspectives outright opposes, is the aim of rehabilitation.

It is important to recognise that many of the aims of sentencing are embodied in this law, but it is important to recognise the impact it risks having on rehabilitative outcomes, as well as the excess weight it might give to the more retributive aims of sentencing: punishment, deterrence and denunciation. By requiring the judiciary to give weight to certain published crimes as mandatory aggravating factors, the legislature is emphasising these retributive aims. It wants to punish harder, deter and denounce more. Indeed, this has been stated outright by many of the proponents of the legislation in this place and the other.

That is not to say that the legislation is unfit or inappropriate. I'm simply painting the intention of the government in the broader picture that is sentencing priorities. A legislator must be mindful when forcing a judiciary to see facts or factors that does not inappropriately overreach, trivialise or otherwise reduce the role of the judge in sentencing. If it is not, it risks reducing their ability to effectively interpret and apply the law. In this case, the legislation aims to send a message to those who post crimes with an intent to brag, intimidate or shame their victims. It's worth noting that the current proposal imposes a mandatory aggravating factor on the broadest possible range of crimes. In doing so, it risks overreach, as well as looking as if it is equating lesser crimes with greater crimes. By imposing such a sentencing factor on all crimes, it reduces the flexibility of the judiciary to impose aggravating factors as it sees appropriate and necessary.

To my mind, a large portion of sentencing and sentencing process and practices and outcomes in the criminal process rely upon public perception. Indeed, this is recognised in the Tasmanian Sentencing Guidelines, as well as in the purpose of the act. I quote section 3(f):

To promote public understanding of sentencing practices and procedures.

It is also well recognised in both jurisprudence and literature on sentencing.

How perpetrators of crimes are sentenced, what is taken into account in their sentencing, and the penalty they receive is important. Very often, judgments are made publicly available.

Additionally, it is serious and valuable information for communities. In light of this, the minimum requirements for what must be considered, as set out by the government through the principle act, are also important. It is important, even if judges can already consider these things, that the public sees that the government and the legislature is taking its concerns and needs seriously, actively shaping the law to meet their current needs or wants. Changes to sentencing procedure allow the perception to be developed.

On that note, to read how the Tasmania Law Reform Institute consultation submission outlined how 'post and boast' actions may already be used for sentencing as an aggravating factor. In that regard, one finds themselves questioning the purpose of the legislation in practicality and questioning why the government appears so intent on presenting it as a practical measure more so than an attempt to provide improved public perception of the criminal justice process. To my mind, the bill is as much, if not more, an intent to achieve the latter.

Additionally, it's worth noting that this is an election promise. While I would argue that this does not provide a mandate for members in this place to vote for it, it does provide a means with which to gauge its popularity and, by extension, its importance to the general public. Of course, I would be remiss not to also note that this election promise was made in an election in which the Tasmanian Liberal government were exceedingly likely to achieve a minority government. This win only counts for so much, and just because they went to an election and made this promise does not mean they got elected upon it. But nevertheless, it is a factor worth considering.

I would also note that simply because the government, in its excitement to get re-elected, put out various ideas, proposals and promises, some of which conflict with one another, it does not mean that they are appropriate ideas that should be gone ahead with. We see this in this new no taxes promise: one day it is no new taxes, the next day we see the government promising a levy, the next we find out that they're going ahead with that levy with no planning whatsoever.

I remain concerned that a government making myriad promises in an election it is already likely to win is not an appropriate justification to implement each of those promises. Especially when the government is made aware that those promises are either poor ideas or in need of serious amendments to ensure that they work as intended. To bring my contribution directly back to this legislation, I do have my concerns about how it is to be implemented and whether its potential impact has been fully fleshed out, or if it's simply more legislation singularly based off an election promise.

A recurring theme across the submissions, which have been well garnered by the members who have already spoken, have been critical of this legislation. It is concerns with the blanket operation of aggravating factors requirement. By putting requirements on sentencing rather than creating a separate crime, the government takes a cudgel to the matter. As I've noted, this approach treats lesser crimes equivalent to greater crimes when it comes to involving the 'post and boast' factor into the sentencing process. It's worth noting that other jurisdictions do not use such a process, instead favour imposing 'post and boast' penalties on specific crimes only.

What this avoids is the risk of over sentencing someone for a lesser crime simply for the fact that they posted it. This in turn risks trivialising and diminishing the role and perception of the aggravating factor, as well as potentially marginalising disadvantaged groups. By increasing sentences on all crimes, including those lesser crimes, we risk hurting and over

penalising those groups and demographics who might instead better from diversion, lighter penalties and a more rehabilitative system. In this sense, the proposal misses the mark entirely on rehabilitation. Rather, it risks undermining rehabilitative systems for crimes if they involve 'post and boast'.

A similar concern arises from many discussions on this proposal that it is too complex, it may not provide increases to sentencing as advertised and may not create a deterrence effect as intended.

The Tasmania Law Reform Institute noted that the bill, in deviating from other jurisdictions, fails to guarantee that sentences will be higher as intended. It also suffers complexity and lacks in evidence base while the sentencing change may not even deter or reduce propensity for criminals to post and boast. I quote:

Research has shown that certainty of detection and punishment (absolute deterrence) is a greater deterrent than the severity of the punishment (marginal deterrence), and that increasing the severity of punishment has little deterrent impact on crime.

As such, I find myself concerned that the bill will not achieve its intended purpose and will not appropriately address the measure it attempts to solve. I also remain unsure as to why we have deviated from actions of other jurisdictions in this space. It is not a requirement that we do not conform to the norm; of course, in many ways it's good to push the boundaries and innovate, but I'm unsure as to the rationale for this bill and how this approach will benefit and not harm. Nonetheless, it is a statement of parliamentary intention and represents to the general public an effort to solve and address this measure. I appreciate the work of the government in the space and the review provided by consulting bodies as well as members in this space and others. I look forward to further committee debate and speeches from members as I'm still uncertain of my final determination on this legislation, however, after listening to the contribution so far, my views are becoming much clearer.

[4.55 p.m.]

Ms O'CONNOR (Hobart) - Mr President, sometimes it feels like we've gone backwards culturally. There was a time there, a moment in the 20th century, when it felt like gender equality was truly achievable within our lifetimes. It felt like women and girls were being more respected, that there was, through the work, really going back to the suffragettes, but also the whole feminist movement that came up through the 50s, 60s, 70s, 80s, it really felt for a time that things would be okay. Now it feels very much like we've gone backwards and there are obviously reasons for that, but the objectification and commodification of women and girls through social media and the widespread availability of pornography has taken us sharply backwards. And that's part of what we're talking about here today, through making the posting and boasting of, in many cases, vile or sometimes completely stupid conduct, an aggravating factor in sentencing. I don't intend to speak for very long on this bill because there's been some very, very good contributions and stakeholder feedback that I wanted to read into the *Hansard*, I won't do so to the extent that I did.

I want to acknowledge, however, people, and it's generally women and girls, but not always, who are victims of a crime who are then re-victimised by the posting or electronic publication of that crime. For those victims, the crime and the harm never go away, and to the point that the member for Elwick was making about trying to find a way to rein in that content,

it's simply not possible, as the member for Mersey was detailing. Once something's out there on the internet, it's over, it's run away, the horse has bolted. So, of course, what we have to do is prevent this kind of behaviour and that involves education, engagement, restorative justice, rehabilitation, and understanding the causes of crime. There's plenty of evidence out there that laws, increased penalties, and prohibitions on this or that, don't change behaviour. For someone, let's say a 19-year-old³ who's done something violent or horrific, or committed a crime in some other way, they are not going to be thinking about the fact that, should this bill pass, the judge will consider it an aggravating factor should they decide to electronically publish evidence of their criminal behaviour. I mean, prisons are full of people who really had no idea of the law of the land and did not consider the potential implications for them in the commission of their crime and would be unaware of potential penalties in the main that they might face for their crime. The problem that we have here, with this bill, is that it lacks an evidence base and, in the briefing, when we put it to the department that the discretion for judges to consider this conduct as an aggravating factor in their sentencing already exists - this capacity for judges to take this conduct into consideration when they're thinking about what kind of sentence they'll place on an offender already exists and that's been pointed out by a number of submitters, including the Tasmanian Law Reform Institute. When we then asked, 'So, why this bill?' the answer was, 'Well, it sends a message.'

I don't think we should be making laws to send messages. We need to respect and retain the capacity of the courts and the judges to apply their discretion in sentencing. What the new 11BB does - it's interesting. It goes back to the 'must' and the 'is to' debate that we've been having in this place because it doesn't make it mandatory for a judge or a court to consider posting and boasting as an aggravating factor. It directs them to. It says that the court 'is to' take that into consideration when determining a sentence. And it's very clear that there may be other factors, of course, that the court should take into consideration when it's determining what sentence to apply to an offender. The concern here, and it's been expressed by a number of honourable members, is that this broad aggravating factor provision will apply to any crime. It is much wider in its application than any other jurisdiction has done.

The bill, as we know, amends the *Sentencing Act 1997* to make the electronic publication of a crime an aggravating factor if a reasonable person would consider that the publication would be likely to humiliate, intimidate, or victimise a victim, or be for the purpose of increasing notoriety or reputation boasting, glorification, or encouraging similar offences. The bill provides for a five-year review provision, but the way that new clause 11BB is drafted, to electronically publish something could mean that you put a video out, say, on Facebook or Instagram, or you broadcast something on YouTube, or you transmit a statement through anyone of those vehicles. By electronic or digital means, regardless of whether the broadcast or transmission was available to all members of the public or selected persons - well, one individual could be a selected person - and I know, of course, the court will untangle this when determining how much weight to give a posting and boasting following the commission of a crime, but this definition of electronically publish, would, to my mind, and perhaps the Leader for the Government can just provide some real clarity here, apply to, I think, sending a video or an image of your commission of a crime to an individual person. Because it says 'regardless of whether the broadcast or transmission was available to all members of the public or selected persons,' is it a fact that selected persons could be a single person? Of course, saying that, I know that it would be very, very unlikely that the judge would take the sending of an image or video even to your accomplice to mean the same thing as putting that material up on social media, Mr President.

As we've heard from particularly the honourable member for Murchison in her contribution, the TLRI notes that courts can already consider these matters aggravating circumstances. They've argued these provisions will not necessarily lead to increased sentencing but may result in needless complexity, causing increased costs and delays. On page 7 of their submission, they say - [tbc 5.05.44]

Posting and boasting can already be taken into account in sentencing courts if it's relevant to the exercise of the sentencing discretion under common law sentencing principles. If an offender's post offence conduct by posting about an offence online causes additional harm to a victim or increases culpability in some other way, a court can already impose a sentence that reflects this. The introduction of a statutory provision setting out an aggravating factor will not necessarily mean that it will lead to a more severe penalty, but it will potentially introduce unnecessary complexity.

And they cite the New South Wales Court of Criminal Appeal in Gore versus the Queen, Mr President.

That's our premier law reform body, bringing an alarm bell about this bill. We know that this bill, because we understand it was designed to send a message rather than fill any gap in the law or do anything to assist victims or to do anything to really discourage offending behaviour, we can be reasonably confident this bill is a political bill.

The history of lawmaking in this country and in many other places is that promises are made at election times to tap into a quite legitimate and understandable community fear and at times anger about crime in the community. We've had children being locked away in detention facilities here and in the Northern Territory particularly and Western Australia, on the basis of three strikes and you're out laws. We've had our own police minister talking about adult crime, adult time. The lack of sensitivity to the fact that you're dealing with children with unformed brains and potentially and in all likelihood very traumatic childhood, seems to be lost on the Minister for Police, as do the recommendations of the Commission of Inquiry into Institutional Responses Child Sexual Abuse, Mr. President. We have a police minister here who is working against the recommendations of the commission of inquiry as they're being taken through government and in this place through his words and deeds.

Mr President, we have to be very careful not to be making laws because we think it will satisfy that part in humanity that seeks vengeance or feels rageful or feels frightened. We have to be careful not to do that, because you can make very bad, very vindictive and misapplied laws that have the counter effect. It won't make the community any safer, for example in the Northern Territory when you're chucking First Nations children into appalling detention centres, re-traumatising them, not investing in their futures, spitting them out after the end of their sentence with nowhere to go and inevitably they will end up back in that youth detention facility or they will end up in an adult correctional facilities. That is in part Mr President, because from time-to-time governments make reflexive political and vindictive laws. I'm not saying this is a vindictive bill. It's not, I just think it's a political bill. It is a recognition of the harm that publishing the crime has on the victim. I acknowledge it doesn't come from a bad place, but that doesn't make it good law. We didn't support it in the other place, and we don't support it here. And in that we are joined by the Tasmanian Council of Social Services, the Tasmanian Aboriginal Legal Service, Community Legal Centres and the Sexual Assault Support Service argue that evidence needed to be presented before progressing the bill. We

have been told through those submissions that there is a reasonable likelihood that the new 11BB, will disproportionately affect children and young people. It will also potentially affect people with disabilities, people with psycho-social disabilities, people with acquired brain injuries and other cognitive disabilities.

And I place my hope and trust in the capacity of the judge or the courts to make sure that they are responsive, not just to the pain and suffering of the victims, Mr President, but the personal circumstances of the offender who stands before them. You know, we get a lot of tough on crime talk down here, particularly from the police minister, and we don't hear from government enough about being tough on the causes of crime. And we all know what they are. They're poverty, homelessness, despair, dysfunction, and addiction, either at the individual level or addiction and violence in their family, a lack of educational attainment, a lack of secure, affordable housing. And if you do commit a crime and come into contact with the criminal justice system there's not enough invested in rehabilitation, genuine restorative justice, making sure that you're genuinely breaking the cycle.

We don't believe that this bill will stop offenders from electronically publishing evidence of their crimes. I sure hope it does. No, I'm with the member for Elwick. I really hope it does, but history tells us the chances of that are quite limited. Regrettably, this bill, should it pass, will not prevent ongoing harm to victims of these crimes. the re-victimisation of people through the publication of these crimes. And the knowledge, I mean, can you imagine, how awful it would be to have been the victim of a crime, and then to have the footage of that crime released into the internet, and to know for the rest of your life that will be out there somewhere. Awful, awful.

And so as a society, our task is surely to work with children and young people, to work with male perpetrators, to make sure that we're continually advocating for gender equality, through words and our deeds. The only effective way to prevent these crimes that harm other people and then prevent the distribution of evidence of that crime, is through addressing the causes of crime, through perpetrator programmes, genuine restorative justice, and a commitment to - through your criminal and youth justice system - to genuinely breaking the cycle. And we've had governments here in the past that had that commitment. And you saw it in the data. I will say it, the former Greens correction minister, now Senator Nick McKim. In the four years building on the work of former corrections minister, Labour's Lisa Singh. So, I had a programme there that had worked through Justice and Corrections called Breaking the Cycle. It had resourcing behind it. It had evidence based programmes working. It had all of government's parts that needed to be involved. And what did we see, Mr President, when there was a clear commitment from government to genuinely break the cycle? We saw recidivism rates go down like that. A marked downward trajectory of people re-entering the correctional system after they've completed their sentence. That's how we make people safer-

Ms Forrest - The late Vanessa Goodwin also had a very keen eye on this sort of restorative justice.

Ms O'CONNOR - Absolutely, she did.

Ms FORREST - Sadly, as she's no longer with us, but yes.

Ms O'CONNOR - Yes, vale. Vale. A wonderful woman. Yes, that is right and, in fact, through Vanessa's quite deft work in the portfolios that she had, she did manage to retain some

of that restorative focus. Certainly since she left us, there's not much of that happening, Mr President, and in fact, you're seeing it in the data now. Whether you're looking at Ashley Youth Detention Centre or at Risdon or at any of our remand centres, but particularly at Risdon, you are seeing that this government is not breaking the cycle.

I'm sure this bill will pass today but if this government is serious about evidence-based policies and laws that break the cycle and keep communities safer and don't create more victims and offenders in the future, it will recommit to breaking the cycle and put the resources into it that are necessary. It will understand the causes of crime, poverty, addiction. It will work in early intervention and prevention with families-

Ms Forrest - Homelessness.

Ms O'CONNOR - Homelessness, yes. Early intervention and prevention with families, you know, some of whom have been behind the eight-ball from the beginning. These are not wicked, intractable problems, They're about political choices and when you've got a government that sort of tinkers around the edge of looking after victims with bills like this, their eye is not on the main game. That is on committing to breaking the cycle and making a political choice to invest in community safety and preventing more victims of crime in the future and with those words I can indicate we do not support this bill.

[5.17 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Very slowly this afternoon, Mr President, that troublesome knee just keeps on coming back. I've got quite a plethora of responses to the second reading contributions. I want to acknowledge all contributions. I've certainly been listening and know that the people that are supporting me today to take carriage of this bill have been listening as well and providing as much of a response as what we can. Obviously, if it's not entirely covered off, there's an opportunity to do just that through the committee stage if we make it to there.

They're in no particular order, Mr President, but I did just try to put some of the same matters together. In regard to the bill delivers the government's commitment to introduce aggravating factor at sentencing and not a standalone crime, the introduction of an aggravating circumstance at sentencing may assist with preventing this type of behaviour occurring. The bill seeks to strengthen recognition of posting and boasting as aggravating and given its additional harmful impact on the victims of crime and the need to denounce use of social media to glorify or boast of offending behaviour. At this point in time it's not proposed to legislate for a new or aggravated criminal offence to address posting and boasting online.

Standalone posting and boasting offences in other jurisdictions have received significant criticism, particularly regarding their effect on children and young people. The effectiveness of standalone offences to curb youth crime has been questioned and the negative impact on children exposed to the criminal justice system are well known. All other jurisdictions which have legislated standalone offences limit the application of the offences to circumstances where the published content depicts or relates to certain prescribed offences. These offences typically involve violence, theft, trespass on property - honourable member for Launceston - or certain offences involving motor vehicles, although there is some variation between each jurisdiction. These are the types of offences which appear to be most commonly depicted in published material of criminal activity.

The bill does not limit the aggravation factor or specific offences, ensuring that the court is able to apply whenever the relevant conduct occurs. This position also recognises a difference from the approach of standalone offences in other jurisdictions, which typically provide that committing the standalone offence incurs a penalty of up to two years' imprisonment. This bill's approach does not create a new criminal offence and ensures that there is a greater role for judicial discretion. Therefore, the bill can utilise a more flexible approach as there are lower risks that an offender will be excessively penalised.

Some general information around youth justice reform, diversionary and therapeutic approaches: Tasmania's youth justice system is being reformed through a comprehensive, integrated and therapeutic approach, and the system will prioritise the rights of children and young people, provide cultural safety, address the underlying drivers of offending and keep communities safe. Key reform work to support youth justice reform includes several projects that are underway, such as the Youth Justice Model of Care, the Youth Justice Diversionary Services Framework, Tasmanian Aboriginal Youth Justice Strategy and the *Youth Justice Act* Review.

The *Youth Justice Act* is being reviewed for the first time in 30 years, and the goal of the review is to reduce repeat offending and make communities safer, and that's certainly the message that was heard loud and clear today. The review is focused on being tough on the causes of crime and smart on the response, addressing the root causes of offending and intervening earlier.

In regard to the Laurel House reference and the Laurel House submission to specify that the provisions do not apply to youth: as the number of youth dealt with under the *Sentencing Act* is very low and the offences which have been committed in these cases are of significant seriousness, it is appropriate that the aggravating factor can be applied to them in the same way that any other aggravating or mitigating factors under the *Sentencing Act* are applied.

There was a question around does the bill not leave loopholes for publishing content, post-sentence publishing and publication by bystanders. Some submissions raised the fact that should the offender publish their criminal activity following sentencing, this would not be captured. As the bill does not prescribe a standalone offence, this behaviour cannot be captured by the bill. However, the vast majority of instances of posting and boasting occur in close proximity to the commission of the depicted offence.

Some of the other submissions recommended that persons who make a publication for one of the purposes covered by the bill should be penalised, even if the offending was carried out by another person. This is outside the scope of the bill, as an aggravating factor can only be applied to the person who committed the offence for which they are being sentenced. However, the bill ensures that the aggravating factor can be applied where the offender had a causative influence in the actions of another person publishing their criminal activity.

Where a third-party publishes criminal activity without the offender's involvement, section 298 of the Criminal Code containing the crime of inciting to commit a crime may be applicable to instances at the higher range of this conduct.

As noted, a standalone offence was not the preferred approach for reform due to the disproportionate impact it could have on children and young people.

Responding to what evidence for this bill: the bill responds to an increasing national trend of posting and boasting. The government has also seen examples of this conduct in Tasmania, where offences such as assaults and motor vehicle offences have been filmed by the offender or one of their associates and subsequently published online. The phenomenon known as 'crimfluencing' has been documented by police across Australia and noted as a trend of concern. This includes warnings by the Australian Federal Police Commissioner that such conduct often includes a gendered aspect, with offenders targeting young girls for sadistic online exploitation.

Due to other jurisdictions only legislating their standalone offences for similar offending relatively recently, there is not a broad body of evidence from which the direct impact of the legislative measures can be gauged. The government has purposefully chosen the approach of an aggravating factor rather than a standalone offence to ensure that, again, there is not a disproportionate impact on youth.

In regard to funding for organisations, the *Victims of Crime Assistance Act 1976* currently provides the foundation for financial assistance to victims of violent crime and certain sexual offences. Anyone who has suffered an injury, physical or psychological, as a result of a violent crime in Tasmania may be able to apply from the Victims of Crime services for financial assistance.

The Attorney-General has taken the step of requesting that the Tasmania Law Reform Institute undertake a comprehensive review of the act and its associated regulations. This review will ensure that the scheme is modern, trauma-informed and better aligned with current legal practice and community expectations, while also recognising the size and resource constraints of our jurisdiction. In undertaking this work, the Tasmania Law Reform Institute will have regard to the findings and recommendations of the commission of inquiry, ensuring that this reform effort builds directly on the lessons learned and the voices of victim/survivors. This review represents an important opportunity to strengthen Tasmania's victims of crime framework, to ensure it meets modern expectations, and to reaffirm the government's commitment to placing victims at the centre of our justice system.

The discussion around disproportionate impact on Aboriginal persons: the government recognises that persons identifying as Aboriginal comprise a significant percentage of people who come into contact with the criminal justice system and a significant percentage of the prison population. A disproportionate impact on Aboriginal persons as a result of this sentencing reform is not expected. In sentencing, the court follows certain sentencing principles to reach a decision on the sentence to impose, which may include both aggravating and mitigating factors. An individual's circumstances remain highly relevant to sentencing, and the courts examine how an individual's circumstances affected the individual offender. Furthermore, mitigating factors can include the personal circumstances and cultural background of the offender and how they have contributed to their offending. Furthermore, youth-specific mitigating factors may include experiences of trauma, disconnection from family, community, culture, socioeconomic disadvantage, susceptibility to peer influence, capacity for rehabilitation, and prospects for the future.

It's been observed that in sentencing, mitigating and aggravating factors can act a bit like a tug-of-war. Mitigating factors in relation to an offender and their offence tend to pull towards lessening the severity of a sentence, while aggravating factors tend to pull towards a heavier sentence. It's also noted that some factors can be either aggravating or mitigating, depending on the particular circumstances of the offence and the offender. The government emphasises

that this bill does not restrict judicial discretion in sentencing, as this aggravating factor is directory in nature by inserting the words 'is to' in the proposed section 11BB.

Furthermore, the application to youth offenders: young people are more likely to post and boast online about an offence, and the available data from other jurisdictions where standalone performance crime offences operate indicates that a high proportion of offenders are young people. However, the bill will not apply to most young people who are dealt with under the *Youth Justice Act 1997*. The bill will only apply to youth offenders sentenced under the *Sentencing Act* and not under the *Youth Justice Act*. Young people are usually dealt with under the *Youth Justice Act*, with the exception of those who commit prescribed offences where the court has the discretion as to whether to sentence the youth offender under the *Sentencing Act* or the *Youth Justice Act*.

Some questions that were posed by the honourable member for Huon and, again, it's about that 11B, but I've put it on the record because you were good enough to send them through, so thank you.

Can the government identify the circumstances, if any, in which proposed section 11BB could apply to an offender who was under 18 at the time of the offence, having regard to section 5 of the *Sentencing Act* and the *Youth Justice Act*? The bill will only apply to a youth offender sentenced under the *Sentencing Act* and not under the *Youth Justice Act*. Young people are usually dealt with under the *Youth Justice Act* with the exception of those who commit prescribed offences where the court has a discretion as to whether to sentence the youth offender under the *Sentencing Act* or the *Youth Justice Act*.

Furthermore, the Magistrates Court, the Youth Justice division, is a court of summary jurisdiction that deals with offences other than prescribed offences. Prescribed offences are often offences that cannot be dealt with in the Youth Justice Division. Instead, they must either be dealt with in the criminal or general division of the Magistrates Court or, if they are particularly serious, they may need to be dealt with in the Supreme Court. Under the *Sentencing Act*, the act applies to young people when the offence is one of two cases heard by a magistrates court outside the youth division. If the hearing involves a person over 18, even if in relation to offences committed before 18, that is a prescribed offence, or heard by the Supreme Court, that is when indictable prescribed offences are heard there or the young person elects a jury trial for an indictable offence that is not prescribed.

The second question was: Why has the bill not included an express exclusion or safeguard for children? In view of the number of youths dealt with under the *Sentencing Act* being very low and the offences which are being committed in these cases are of significant seriousness, it was considered by the government to be appropriate that the aggravating factor can be applied to them in the same way that any other aggravating or mitigating factors under the *Sentencing Act* are applied.

Will the review examine impacts on children? The government acknowledges the review provision in the bill to facilitate consideration of the operation of this aggravating sentencing factor. Future terms of reference for the review may include the impacts on young people as an area of examination for the review.

Some submissions suggested legislating a power for courts to order an offender to take down published material that is covered by the aggravating factor and another supported

legislating and mechanism for police to request an online platform to remove the material. The bill does not include a takedown or removal mechanism. However, the government is open to considering such a mechanism as a separate future reform. Extensive consultation will be necessary before introducing such a mechanism to understand who would be best placed to make a request for removal, in what situation it could be made, and any technical requirements for such a mechanism. The *Sentencing Act* may not be the appropriate legislation in which to include any such mechanism and so it was not considered.

Ms Forrest - I wasn't suggesting it would be included in this. I'm saying it's another separate process.

Ms RATTRAY - Yes, I was just answering your question or attempting to. It was not considered for inclusion in the bill. It is noted that other jurisdictions such as Western Australia are considering provisions for the court to make an order for the offender to remove published content and these examples will inform any further careful consideration of this matter.

Regarding the concerns of the Youth Law Australia that the bill may be used as an additional justification for further expansion of police powers. The bill is concerned solely with amending the *Sentencing Act* and does not have any impact on police powers. Neither the Attorney-General nor the Department of Justice have been advised that additional powers are required for police for the aggravating factor to be established and such powers are not something that the government is considering.

On the question about whether the bill covers journalistic publication of criminal activity, noting the submissions that cover journalism, the bill does not apply to third parties who independently publish material depicting the offender's criminal activity. This is outside the scope of the bill, as an aggravating factor can only be applied to the person who committed the offence for which they are being sentenced. It's worth noting that every Australian jurisdiction which has dealt with the publication of criminal activity through creating a standalone offence provides an exemption or defence to cover third-party publication for journalistic or similar purposes. Should the offender republish journalistic content that relates to their offence in a manner that as a reasonable person will consider to fall within one of the listed criteria in section 11BB (2) (b), their publication will be captured by the scope of the aggravating factor.

On the question on publishing to a small group - section 11BB (1) (b) - expressly provides that the electronic publishing does not have to be available to the entire public for it to be captured as an aggravating factor. This means that publication of criminal activity can be captured when it is made to a private online group or sent to specific persons.

Ms O'Connor - The question was, does specific persons include an individual? The offender sends that offending material to another person by text. Is that captured?

Ms RATTRAY - Mr President, I would expect that will be more fulsomely answered through the committee stage, and I trust that the member will ask that so I can have the exact answer.

In practice, it is more likely that police will become aware of publication that is available to the broader public or where one of the selected persons to whom the publication was made available shared it with a broader online auditorium.

Mr President, in summing up, and I will try and make this as brief as I can - I certainly would like to extend my thanks to the department and we have those with us here today. Again, thank you. I extend that thanks to all members for their contributions to the debate and any support that they may provide to the bill. The bill addresses a growing and concerning trend whereby offenders use social media and other online platforms to boast about, glorify, or seek notoriety from their criminal conduct. As it's been stated, while Tasmania has not experienced this behaviour to the same extent as some larger jurisdictions, we have seen examples of it and it's important that our Tasmanian laws are equipped to respond. One of the really important points is when criminal conduct is published online in this way, the harm often extends beyond the original offence and victims can be forced to relive traumatic experiences, while the public promotion of offending risks normalising criminal behaviour and encouraging others to follow suit. The community rightly expects that such conduct will be denounced. The bill delivers a measured and target response by requiring courts to consider electronic publication relating to an offence, or its victim as a statutory aggravating factor in appropriate circumstances. But also, it does not alter the fundamental principles of sentencing, nor does it remove judicial discretion. Rather, it ensures this behaviour is expressly recognised and taken into account when sentence is imposed.

In light of that, what I would consider a fairly extensive response to matters that were raised, I commend the bill to the Council.

Bill read the second time.

**SENTENCING AMENDMENT (PUBLICATION OF CRIMINAL ACTIVITY)
BILL 2026 (No. 29)**

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -
Section 11BB inserted

Ms O'CONNOR - Thank you, Madam Chair. Just an opportunity for the Leader for Government to answer the question that I asked in the second reading about how wide the application of the definition of 'electronically publish' is.

Ms RATTRAY - Thank you very much, Madam Chair. And the answer is yes, the aggravating factor will be able to be applied where the offender sends content to anyone or more people, as long as the other requirements for the aggravating factor are met.

Clause 4 agreed to.

Clause 5 agreed to.

Clause 6 agreed to.

Title agreed to.

Bill reported without amendment.

[5.45 p.m.]

Ms RATTRAY - Mr President, I move -

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

Motion agreed to.

ADJOURNMENT

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

That at its rising the Council adjourn to 9.30 a.m. on Friday, the 11th of September 2026.

And I thank all honourable members who have made themselves available for tomorrow morning's quorum call.

Motion agreed to.

[5.46 p.m.]

Ms RATTRAY - Mr President, I move -

That the Council do now adjourn.

'We Stand With Tasmania' Greyhound Races

Ms O'CONNOR (Hobart) - Mr President, I want to take the opportunity to talk to members about greyhound racing that's happening in our name every week in the 'We Stand With Tasmania' races. In our name, greyhounds are racing across the country: Western Australia, South Australia, Queensland, New South Wales and Victoria and, for many of those dogs, things don't end well.

Let me tell you about just some of them. In our name, in race 7 at Warragul on 6 November last year, Kel Of Kintyre faltered on the first turn and subsequently tailed off, underwent a post-race veterinary examination and was found to have a right hock fracture. That was the last race for Kel Of Kintyre, who's now listed as retired.

In our name, in race 2 at Temora on 19 November 2025, Reefton Bluebell had a post-race fall in the catching pen. Reefton Bluebell was stood down for 90 days and has never raced again. In our name, race 2 at Temora on 10 December 2025, My Mate Timmy came together with other runners at the turn out of the back straight and lost momentum, and the report from the steward's report tells us, 'My Mate Timmy never raced again and is now listed as deceased.' In our name, race 3 in Maitland on 22 December last year, Hey Pat, from the steward's report, checked off the heels of El Rey rounding the turn out of the back straight, fell and took no further competitive part in the race. Hey Pat was euthanised within three days of this race and

don't worry, I do have a query for the government. In our name, in race 11 at Warragul on 30 January this year, Our Pink Mantra was, 'Checked approaching the home turn, faltered and subsequently pulled up.' No surprises, that was the last race that Our Pink Mantra ran and she's now listed as retired. In our name, in race 5 at Meadows on 11 March this year, Son of Ghost, 'Faltered turning out of the front straight and subsequently tailed off.' A post-race veterinary examination revealed a right hock fracture, for members' understanding, a hock on a dog is effectively their ankle, and I'm very sad to say Son of Ghost was subsequently euthanised. In our name, in race 2 at Temora on 18 March this year, Brielle, 'Lost momentum approaching the home straight and drifted out before colliding with other runners.' Brielle was stood down for 14 days and hasn't raced since. In our name, in race 6 at the deadly Wentworth Park on 2 April this year, Zipping Chetty, 'When passing the winning post on the first occasion, clipped heels and fell, taking no further competitive part in the event.' Zipping Chetty was stood down for 28 days and hasn't raced since.

In our name, in race 5 at Warragul on 2 April 2026, Galloping Suzie severely checked turning off the back straight, faltered and subsequently pulled up. Underwent a post-race veterinary examination and Galloping Suzie was euthanised at the track. In our name, in race 2 at Temora on 13 May 2026, Sly Sticker lost momentum in the final stretch, went clear of other runners. Sly Sticker was stood down for 28 days but his trainer indicated that the greyhound will now be retired. In the same race, Tammy Turbo came together with another runner soon after start, continued to lose momentum in the run and her trainer has reported the greyhound will be retired.

In our name, in race 6 at Warragul on 5 June this year, Rumour Not Fact faltered, was checked approaching the home turn, found to have a fractured left femur, stood down for 90 days. Another dog injured not once, but twice, in our name, is Manila Shelby. In race 2 at Temora, she came together with another runner at the turn out of the back straight when leading and lost momentum. She was stood down for 21 days, raced again shortly thereafter, galloped into another runner soon after the start and fell, and has been stood down for 60 days.

In our name again race 2 at Temora in August this year, 'Trixie's Chance' came together with another runner after turning into the home straight, has been stood down for 21 days. In our name 'Trunky Aviator' fell in Race 1 at Wentworth Park on 20 August 2026. And again just one week later, because these dogs are used and abused, Mr President, on 27 August he galloped on the heels of another runner entering the first turn, causing the greyhound to fall and he has been stood down for 10 days. And in our name, Mr President, in Race 5 at Sandown on 29 August 2026, 'Paul Otis' was severely checked and fell entering the turn out of the front straight underwent a post-race veterinary examination and was reported to have sustained a right radius ulnar fracture and poor Otis was shortly thereafter euthanised.

Mr President, this is of course just a small snapshot from what we've been able to uncover. These races I've mentioned are mostly from Victoria and New South Wales, but there are so many more that we haven't fully monitored in Western Australia, South Australia and Queensland. There are so many dogs that are injured and killed in our name.

My question to the racing minister, is this: dogs are being injured and dying as a result of racing, not only here at Mowbray and Elwick, but around the country in 'We Stand With Tasmania' races. I feel it brings shame on us all. Will the minister work with Tasracing to negotiate with their counterparts interstate and to stop hurting dogs in Tasmania's name?

Member for Elwick - Awaiting Response from Premier

[5.51 p.m.]

Ms THOMAS (Elwick) - Thank you, Mr President. I rise briefly just to express my disappointment that it appears the Leader is intending to adjourn this place for six weeks now without responding to the concern I raised and the quick query I posed on adjournment last evening in relation to the letter sent by seven honourable members in this place to the Premier, to which we still have not received a response. So, I pose a further query.

Why is a response not forthcoming before we end the day today? Was the Premier asked the question? When can we expect a response? Are we to wait another six weeks before we can ask this in this place again?

It's very disappointing after being given an undertaking just a month or two ago when we raised queries on adjournment that the Premier would show respect to this House and respond to queries raised on adjournment. Very disappointing and I do hope the Leader does have a response.

The Council adjourned at 5.52 p.m.