



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Tuesday 17 March 2026

REVISED EDITION

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Tuesday 17 March 2026

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

PETITION

Family Violence Act Limitation Period

[11.01 a.m.]

Ms FORREST (Murchison) - Mr President, I have the honour to present an e-petition from 787 Tasmanian residents to request the Legislative Council support legislative reform to remove the 12-month limitation period in section 9A of the *Family Violence Act 2004*, ensuring that Tasmanian laws are consistent with the realities of coercive control and trauma-informed justice. Such reform would align Tasmania with other Australian states and territories which do not impose equivalent limitation periods and would strengthen the state's commitment to the safety and dignity of victim/survivors.

Petition received.

QUESTIONS ON NOTICE - ANSWERS

No. 15 of 2025 - Homes Tasmania - Housing Connect System Reform Project

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

[11.12 a.m.]

With regard to the operations of Homes Tasmania and the Housing Connect System Reform project:

- (1) What was the original tender value approved for the Housing Connect System Reform project?
- (2) What procurement method was used for the initial contract (open tender, selective tender, or limited tender) in accordance with Treasurer's Instruction PP-2 Market Approaches?
- (3) What was the original approved project scope, and has this scope been altered or expanded since contract award?
- (4) How many contract variations have been issued, and what is the total value of those variations?
- (5) What is the total amount spent to date, including all committed expenditure, on the Housing Connect System Reform project?
- (6) By what percentage has the project exceeded the original tendered cost, and what are the primary drivers of the financial blowout?

- (7) (a) Has Homes Tasmania undertaken any value-for-money assessments during project delivery, as required by Treasurer's Instruction PF-1 Procurement Principles; and
 - (b) if so, please table those assessments?
- (8) When did the project formally commence, and what was the original delivery date?
- (9) How many revised delivery dates has Homes Tasmania approved, and what reasons were provided for each revision?
- (10) What is the principal cause of both the cost escalation and the delays in project delivery?
- (11) How many consultants, subcontractors or third-party providers have been engaged in this project since its commencement?
- (12) Were all consultants and contractors engaged under written contracts, as required under the Treasurer's Instructions?
- (13) Were any consultants or contractors engaged through:
 - (a) contract extensions or rollovers, rather than open procurement;
 - (b) urgent or emergency procurement provisions; and
 - (i) if so, what was the justification?
- (14) Has Homes Tasmania complied with all relevant Treasurer's Instructions, including but not limited to:
 - (a) PF-1 Procurement Principles;
 - (b) PF-2 Policies Impacting Procurement;
 - (c) PP-1 Procurement Valuation;
 - (d) PP-2 Market Approaches;
 - (e) PP-4 Works Procurement (if applicable); and
 - (f) PF-5 Accountability and Reporting?
- (15) If any non-compliance was identified, when was this reported, to whom, and what corrective action was taken?
- (16) Has Homes Tasmania complied with its obligations under the Financial Management Act 2016, including the requirement for the proper, efficient and effective use of public resources?

- (17) (a) Given the scale of the project, is the project subject to oversight under the Public Works Committee Act 1914; and
 - (b) if not, why not?
- (18) (a) Was a Risk Management Plan developed at project commencement; and
 - (b) if so, how frequently has it been updated?
- (19) At what stage did escalating project risks relating to cost, scope, and schedule become apparent, and were these risks formally documented and escalated?
- (20) How frequently was the Minister for Housing briefed on project performance, including cost and timing risks?
- (21) (a) Has any internal assurance review, gateway review, ICT governance review, or external audit been undertaken; and
 - (b) if so, will the Minister table the findings?
- (22) Has Homes Tasmania issued any performance notices, improvement notices, breach notices or similar actions to the principal contractor or subcontractors during the project?
- (23) Why did the CEO/Director of Homes Tasmania direct that the Housing Connect System Reform be rolled out despite the new ICT system not being operational, and what assessment was made of the risks this posed to community service providers?
- (24) What assessment was undertaken of the operational impact on service providers, before requiring the sector to adopt the new program without a functioning data system?
- (25) Were Service providers, including Colony 47/ Home Base, consulted about the impact to their ability to deliver the new Housing Connect program without the data system in place?
- (26) Did Homes Tasmania receive advice from service providers warning that the rollout was premature or unworkable, and how was this advice acted upon?
- (27) Was a formal risk assessment undertaken before directing implementation of the new Housing Connect model without the accompanying data system, and will the Minister table that assessment?
- (28) Did Homes Tasmania's executive or board approve the decision to proceed with rollout, and what advice was provided to them regarding service-delivery risks?

- (29) Were any alternative options considered, such as staged rollout, delay, or maintaining existing contracts, until the data system was functional?
- (30) Did the early rollout breach any contractual obligations owed to service providers, including obligations around systems readiness, data access, and operational continuity?
- (31) (a) Was the termination or non-renewal of contracts (including Colony 47/Home Base) made before the ICT system was confirmed as operational, and
 - (b) if so, why?
- (32) When was the Minister first briefed that the system was not ready for use, and did the Minister approve or endorse the decision to proceed regardless?
- (33) Did the Minister or Department receive any warnings from Homes Tasmania, consultants, or community providers about the risks of proceeding with the changed model without a functional system?

ANSWER

- (1) There are no set tender values for the Housing Connect System Reform as the project is made up of multiple parts including service design and delivery, and IT system infrastructure.
- (2) The original Housing Connect tender for the new service delivery model was a limited tender to existing service providers.
- (3) The originally approved project scope included four aspects:
 - (a) More ways and places for people to get the help they need to find, and keep, safe, affordable and appropriate housing.
 - (b) Services and supports that are shaped for each person's individual circumstances and life stage.
 - (c) Actions to increase the range of housing assistance options.
 - (d) Skilled and supported staff delivering an Advantaged Thinking approach to providing support to people seeking help.

The original project scope included an enhancement to the Specialist Homelessness Information Platform (SHIP) to improve support assessments. The scope was later expanded to replace SHIP with a fit-for-purpose client information platform (the Housing Connect database).

- (4) There have been no contract variations.

- (5) \$4,914,158.
- (6) Noting there was no single original tender value, the reform project is ongoing, and the final project cost is yet to be finalised.
- (7) The service delivery reform has been in place for one full year and data relating to the reform was published by the Australian Institute of Health and Welfare (AIHW) as part of its Specialist Homelessness Services Annual Report 2024-25. The report shows that fewer Tasmanians needed homelessness services this year with 6 323 people assisted compared with 6 672 in 2023-24 - a 5.2 per cent decrease.

The new service model also reduces the need for multiple support periods. This is shown in the significant reduction in the number of overall support periods, with Tasmanians facing homelessness needing 10 015 support periods in 2024-25 compared with 14 321 in 2023-24.

- (8) The Housing Connect reform commenced in May 2019 and the original delivery date was 1 July 23.
- (9) Three.

Delivery of the new Housing Connect service model was originally due on 1 July 2023 but was revised to 1 July 2024 following the decision to replace SHIP.

The service model was delivered on 1 July 2024 but the delivery date for the website portal and database was revised to 1 April 2025 due to data migration issues.

A third delivery date for the IT components is required due to ongoing data migration and functionality issues.

- (10) Changes in project costs and delays have occurred due to the complexity of the development and integration of the new database.
- (11) Eleven.
- (12) Contractors were engaged under written contracts.
- (13) Consultants and contractors were engaged through open procurement process or direct selection and remain in the project through extensions or rollovers.
- (14) Homes Tasmania complies with all relevant Treasurer's Instructions.
- (15) Not applicable.
- (16) Homes Tasmania is not subject to the provisions of the Financial Management Act 2016, other than the Treasurer's Instructions (s 13 of the

Homes Tasmania Act 2022). Homes Tasmania operates in a manner that ensures proper, efficient and effective use of its resources.

(17) No - Homes Tasmania and the project are not subject to the Public Works Committee Act.

(18) (a) Yes.

(b) Monthly.

(19) Risks have been identified and managed at all stages throughout the project.

(20) Housing Connect reform has been a standing agenda item at Regular Fortnightly Meetings between Homes Tasmania and the Minister for Housing since late 2023.

(21) (a) An internal review of the IT component of the project was undertaken.

(b) Noting this was an internal review, it has not been provided to the Minister.

(22) No.

(23) The purpose of the Housing Connect System Reform project was to improve housing support for Tasmanians in need and the latest SHS annual report demonstrates it has been successful. These service improvements were not dependent on either the portal or platform

The decision was made after considering risks with contract compliance between Homes Tasmania and the Housing Connect 2.0 providers if the new model did not commence from 1 July 2024.

(24) The staged approach to Housing Connect 2.0 Implementation was discussed and agreed at the April 24 meeting of the Housing Connect Reform Steering Committee (HCRSC), which was attended by Housing Connect service providers, Shelter Tasmania and specialist homeless services representatives. The HCSR project has been co-designed and implemented with the sector.

Ms Forrest - What year was that meeting?

Mr VINCENT - Discussed and agreed at the April 24 meeting with the steering committee.

Ms Forrest - April 2024?

Mr VINCENT - Yes.

- (25) Yes.
- (26) No. Successful proponents agreed to implement structural changes to the service model.
- (27) Risks have been identified and managed at all stages throughout the project.
- (28) The decision was approved by the CEO and noted by the Board on the advice that the continued use of SHIP mitigated risks to service delivery.
- (29) Yes.
- (30) No.
- (31) (a) All Housing Connect contracts (including Colony 47/Home Base) expired on 30 June 2024.
(b) All providers are invited to tender for the new Housing Connect model.
- (32) The Minister was first briefed on the two-stage approach to the Housing Connect 2.0 implementation in May 24.
- (33) No.

No. 16 of 2025 - Project Marinus Line Upgrade

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

[11.12 a.m.]

With regard to the proposed North West Transmission Line upgrade for Project Marinus and a reply during Estimates from TasNetworks CEO Mr Seán Mc Goldrick, through you Minister, highlighting that there are 10 public landholders, and 271 affected private landowners in the proposed North West Transmission Line upgrade.

Of these, Mr Mc Goldrick said seven out of the 10 public landholders have signed option agreements. He also stated that 17% of the 271 private landowners had not yet signed, meaning that at least 46 private landowners had not signed option agreements at that time.

The TasNetworks CEO also highlighted that 4%, or over 10 private landowners had not let the Hydro on their land to even start negotiations:

- (1) What defines the 10 public landholders:
 - (a) Does it mean the Crown, Federal, State, local councils, and/or publicly listed companies/corporations; and
 - (b) Can you please disclose the identity of the 10 public landholders?

- (2) Of the 271 private landowners, how many individual properties/titles are owned by:
 - (a) Forico;
 - (b) UniSuper;
 - (c) Publicly listed companies;
 - (d) Mainland corporations and mainland institutional investors;
 - (e) Tasmanian corporations and Tasmanian institutional investors; and
 - (f) Overseas investors, including (but not limited to) foreign-owned superannuation and/or pension funds?
- (3) Of the 281 total of both private and public landholders:
 - (a) include all properties affected by all stages of the North West Transmission Lines development or just stage 1; and
 - (b) If only stage 1, then how many affected properties in total will there be in all stages?

ANSWER

- (1) Public landholders include the Crown, State owned companies and local councils. The 10 public landholders are:
 - (a) Central Coast Council
 - (b) Burnie City Council
 - (c) Kentish Council
 - (d) Northern Midlands Council
 - (e) Hydro Tasmania
 - (f) Taswater
 - (g) TasRail
 - (h) Natural Resources and Environment Tasmania (NRE)
 - (i) Sustainable Timbers Tasmania. (STT)
- (2) TasNetworks have advised eight parcels of land affected by Stage 1 of the NWTD are owned by Forico and that no titles/properties are owned by Uni Super.

Noting these categories are not tracked by the business, to the best of TasNetworks knowledge there are no land titles owned by:

- (a) Publicly listed companies
 - (b) Mainland corporations and mainland institution investors;
 - (c) Tasmanian corporations and Tasmanian institutional investors; or
 - (d) Overseas investors.
- (3) TasNetworks have advised that the number of property owners affected by Stage 1 of the North West Transmission Development (NWTN) is 281.
- (4) The number of properties affected by Stage 2 of the NWTN will be quantified during the finalisation of the Stage 2 design, should there be a decision to proceed.

No. 17 of 2025 - TasPorts Operations

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

With regard to TasPorts operations:

- (1)
 - (a) How many marine pilotage services have been provided annually over the last 5 years; and
 - (b) How many marine pilots have been employed each year for the last 5 years, by year?
- (2) How many marine pilots have left TasPorts employment in the last financial year and in the current financial year to date?
- (3) Listed separately for the 2025/25 financial year and the current financial year to date, provide the:
 - (a) dates of each marine pilot's departure;
 - (b) locations of the port(s) they were operating; and
 - (c)
 - (i) whether any who left employment were still undergoing training; and
 - (ii) If so, how many were in training?
- (4)
 - (a) If any marine pilots left during training did this result in a delay to the training and recruitment pipeline; and
 - (b) If not, how did TasPorts avoid delays to marine pilotage services?

- (5) What is the current number of qualified marine pilots at:
- (a) Burnie and Port Latta, listed separately if required
 - (b) Devonport; and
 - (c) Hobart.
- (6) What is the required number of marine pilots at each port to maintain service standards without delays?
- (7) With regard to shipping delays attributable to marine pilot availability in the 2024/25 financial year and in the current financial year to date, provide data that shows the:
- (a) number of delayed vessel movements;
 - (b) hours and/or days of delay;
 - (c) relevant ports impacted;
 - (d) actual vessels affected including the number of petrol tankers; and
 - (i) the length of delay for each vessel; and
 - (ii) the products each vessel is carrying.
 - (e) number of complaints received and details of which companies have raised complaints or concerns regarding delays;
 - (f) statements as to whether TasPorts prioritises traffic to or in and around TasPorts owned berths when there is a shortage of marine pilots; and
 - (g) the costs to customers from any pilotage delays or shortages?
- (8) Provide detail regarding the workforce planning model used by TasPorts for marine pilots including:
- (a) how TasPorts determines required staffing levels; and
 - (b) the acceptable delay threshold?
- (9) With regard to Berth 4 in Burnie:
- (a) when did TasPorts first receive advice that Berth 4 was unsafe for use;
 - (b) how long did TasPorts continue operating Berth 4 without restrictions after receiving the first safety report advising it was unsafe;

- (c) did TasPorts seek a second engineering opinion and if so why;
 - (d) when was the deterioration of material beneath Berth 4 first identified in TasPorts monitoring systems; and
 - (e) what was the timeframe between an adverse safety audit identification and remedial action in TasPorts safety protocols?
- (10) Noting our ports can be an entry point for illegal drugs, what is TasPorts Drugs and Alcohol Policy:
- (a) when was it last reviewed;
 - (b) when was it last updated;
 - (c) if any changes were made;
 - (i) what were the changes; and
 - (ii) why were the changes made?

ANSWER

Mr VINCENT (Prosser - Deputy Leader of the Government in the Legislative Council) - Would the member like that read out or tabled for *Hansard*?

Ms Forrest - To spare us, we'll table it and incorporate it into *Hansard*.

Mr VINCENT - Mr President, I seek leave to table the answer to question 17 as it appears in the Notice Paper and have it incorporated into the *Hansard* record.

Leave granted.

See Appendix 1 on page 113.

No. 18 of 2025 - Evictions from Public Housing

Ms O'CONNOR question to MINISTER for INFRASTRUCTURE and TRANSPORT, Mr VINCENT

With regard to eviction from public housing:

- (1) For each of FY2016-17, FY2017-18, FY2018-19, FY2019-20, FY2020-21, FY2021-22, FY2022-23, and FY2023-24, can you please provide the number of evictions from public housing tenancies broken down by:
 - (a) Vacant possession after termination notice;
 - (b) Vacant possession after Court order; and

- (c) Vacant possession after Sheriff/Bailiff/Police attends to enforce order.
- (2) Of those households evicted from public housing, for each of the years specified in Question 1,
 - (a) How many had at least one household member who was a child?
 - (i) How many children were listed as household members for each of these households?
 - (b) How many households included at least one tenant who disclosed Aboriginal and Torres Strait Islander status on application or rent review forms?
 - (i) How many children were listed as household members for each of these households?
- (3) For each of the years specified in Question 1, how many public housing tenancies were managed by Homes Tasmania in total?
- (4) For each of the years specified in Question 1, what was the total number of public housing tenancies with a tenant who disclosed Aboriginal and Torres Strait Islander status on application or rent review forms?

ANSWER

Mr VINCENT (Prosser - Deputy Leader of the Government in the Legislative Council) - With question 18 asked by the member for Hobart, this has a fair few tables in it, so I seek leave to table the answer to question 18 as it appears on the Notice Paper and have it incorporated into *Hansard* record.

Leave granted.

See Appendix 2 on page 121.

No. 20 of 2025 - Macquarie Point Toxic Soil Management

Ms O'CONNOR question to LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms RATTRAY

The Macquarie Point site has unknown and known contaminants, including asbestos and potential acid sulphate soils. It is unknown exactly which contaminants exists in which locations on the site. Considering the potential hazards from excavation on the site, including the release of toxic gases, and exposure to toxic dust, can the Minister please advise:

- (1) When will the Site Suitability Statement be complete and which agency will be responsible for this body of work?

- (2) Has the EPA developed a detailed Environmental Management Plan that deals with these hazards? If not, when will it be prepared?
- (3) How will Macquarie Point Development Corporation prevent health and safety risks to workers onsite and the general public?
- (4) What mitigation strategies are being put in place to prevent risks to onsite workers, Hobart residents and visitors to Sullivans Cove from contaminated soils?
- (5) What level of monitoring and oversight of contaminated soil excavation, treatment and removal is currently being undertaken and planned over the course of the stadium development?
- (6) How will level 4 contaminants be dealt with when disturbed and exposed?
- (7) Does MPDC expect contaminated soils which have been excavated to be stored on site, and if so, what measures will be taken to prevent any risk to public health from dispersal of this material?
- (8) Where will contaminated soils be disposed of and how will the safety of people be assured once disposed in these locations?
- (9) If there is a release of contaminants exposing workers and /or the public, what is the plan for notifying people?

ANSWER

Mr VINCENT (Prosser - Deputy Leader of the Government in the Legislative Council) - Once again, Mr President, the answer to question number 20 is about 5 or 6 pages. May I check with the member whether she would like me to read that out or incorporate it into *Hansard*, please?

Ms O'Connor - I am happy to have that incorporated.

Mr VINCENT - Thank you. Mr President, I seek leave to table the answer to Question 20 as it appears on the Notice Paper and have it incorporated into the *Hansard* record.

Leave granted.

See Appendix 3 on page 124.

No. 21 of 2025 - Climate Change Action in Tasmania

Ms O'CONNOR question to LEADER for the GOVERNMENT in the LEGISLATIVE COUNCIL, Ms RATTRAY

- (1) How many public submissions were made for the Climate Change (State Action) Act 2008? And when is the government planning on releasing a summary of submissions and a response to them?
- (2) What is the timeline for the Climate Act Review? When does the government plan to release any proposed amendments?
- (3) Given 2035 is just 10 years away, how is the Tasmanian Government plan to contribute towards the new Commonwealth Government emissions reduction target (62-70% by 2035)?
- (4) Tasmania's net zero status relies almost entirely on carbon sequestration by our forests, with little-to-no absolute emissions reduction in other sectors. Does the government have access to, or any plans to fund modelling of the changes in Tasmanian forests carbon carrying capacity against future climate scenarios? Is there planned modelling on their future impact on the State's emissions profile and net zero status?
- (5) The Government's Forestry Climate Action Plan states its Priority Area 1 is Information and Knowledge - It says, 'We will ensure our businesses, industries, governments and communities can make informed decisions by providing up-to-date, high quality and user friendly information about Tasmania's emissions, our future climate, and emissions reduction, sequestration and adaptation opportunities.' If this is the #1 priority where are the figures on the emissions from regeneration burns from Forestry Tasmania? How much carbon is being emitted by regeneration burns in the forestry sector?
- (6) In relation to Tasmania's industrial plans for burning biomass from Tasmanian Forestry operations, and particularly its use in energy production such as for Cement Australia's Railton Facility, what will be the source of this biomass for current projects and others planned in the future - plantation, native forests, private forests? Is it coming from State Forests - from Sustainable Timbers Tasmania?
- (7) Has the government considered the increased demand for biomass and reliance on biomass for emissions reduction transition and how that might contrast with the decreased ability of Tasmanian forests to sequester carbon AND the federal government's reliance on forests for the national 2035 target?
- (8) Tasmania's Risk Assessment for Climate Change notes a clear pathway for action is required to support a just transition to a low carbon economy which include Zero Emission Buses (ZEBs).

- (a) What are the government's plans to roll out ZEBs once the trial period has ended?
- (b) Has the government factored in costs associated with transition to an electric bus fleet? (Including but not limited to; charging networks installation, fleet updates, workforce training)
- (9) Does the minister have any plans for getting the government back on track for delivering 100% of the government vehicle fleet converted to electric by 2030?

ANSWER

Mr VINCENT (Prosser - Deputy Leader of the Government in the Legislative Council) - The answer to question number 21 is once again a lengthy document. I once again seek the member of Hobart's permission to incorporate that into *Hansard*.

Ms O'Connor - Yes, no worries, just give me a copy.

Mr VINCENT - Mr President, I seek leave to table the answer to question number 21 as it appears on the Notice Paper and have it incorporated into the *Hansard* record.

Leave granted.

See Appendix 4 on page 130.

TABLED PAPER

Government Administration Committee A - Report

[11.28 a.m.]

Ms FORREST (Murchison) - Mr President, in accordance with Legislative Council Sessional Order 5(14), I have the honour to present a special report on Government Administration Committee A in relation to an inquiry initiated by the Committee on its own motion. Mr President, I move -

That the report be received.

Report received.

LEAVE OF ABSENCE

Member for McIntyre - Ms Rattray

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

That the member for McIntyre, Ms Rattray, be granted a leave of absence from the service of the Council for this day's sitting.

Motion agreed to.

Member for Windermere - Mr Duigan

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

That the member for Windermere, Mr Duigan, be granted leave of absence from the service of the Council until 13 April 2026.

Motion agreed to.

Ms O'CONNOR (Hobart) - A point of order, Mr President, if I could seek some clarification from the minister about who will be taking care of Mr Duigan's portfolios.

Mr PRESIDENT - In reference to this Chamber?

Ms O'CONNOR - This one. I don't mind what happens downstairs anymore, Mr President.

Mr PRESIDENT - I imagine it will go through the Leader.

Mr VINCENT - It's my expectation that those questions for Mr Duigan will go through the Leader.

Ms O'CONNOR - When the Leader's not here?

Mr VINCENT - The Deputy Leader.

MOTION

Sessional Orders - Afternoon Break

[11.30 a.m.]

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

That for the remainder of this session of parliament, whenever the Council is sitting at 4.00 p.m. on a Tuesday or Wednesday, the sitting will be suspended for 30 minutes.

Motion agreed to.

RECOGNITION OF VISITORS

[11.32 a.m.]

Mr PRESIDENT - Members, we've finally got to the special interest matters for today and I would like to welcome to the President's Reserve, who have been sitting patiently while we've gone through quite a fair bit of formal business this morning, the guests of the member for Nelson.

Through extensive research I would say they are from the Kingborough Reconciliation Action Group. A nod, so I got that right. Welcome to the Chamber today; we all look forward to hearing the member for Nelson's contribution in a little while. The first one though is by the member for Murchison.

Members - Hear, hear.

SPECIAL INTEREST MATTERS

Hellyer College - Evening of Excellence

[11.32 a.m.]

Ms FORREST (Murchison) - Mr President, I'm sure one thing we can all agree on is the importance of quality education in the lives and future of all our young people. Today, I'm very proud to inform members of some remarkable academic and learning results of students of Hellyer College in 2025. I must say it was a pleasure to attend the college's Evening of Excellence early this year and meet so many of these amazing people and many of their teachers.

Hellyer College is also reaching a remarkable milestone: this year marks its fiftieth anniversary. For half a century, Hellyer College has been shaping futures, strengthening our community, and supporting generations of families across the north-west coast and King Island. That is no small achievement and deserves recognition in this place. It's also my old college.

The college's Evening of Excellence showcased the extraordinary achievements of students from 2025. What I witnessed was a community deeply committed to genuine care and a culture where students are supported to discover what they are truly capable of through the shared goals set by skilled and capable teachers. Many of the students I will name I have met before and they have contributed to our community in many ways already. There are so many noteworthy examples and in the time I have I will only mention a few, however.

James Hyland attended the 66th annual London International Youth Science Forum, joining students from 92 countries. Max Hay was one of just 25 students nationally selected for the Australian Olympic Change-Maker summit in Canberra. Claire Davison and Elliot Smedley competed in the national finals of the UN Youth Competition. Matilda Prouse and Caitlin McKee also received TASC Outstanding Achievement in VET Awards at Government House.

These are young people from Burnie and the north west coast competing and excelling on national and international stages, but the achievements extend well beyond the accolades to some individuals.

The college's Year 12 TCE attainment rates continue to increase over and above the 2023 increases: from 71 per cent in 2024, an increase on 2023, to 78 per cent in 2025. The proportion of students achieving satisfactory results or above in TASC courses rose from 81 per cent to 88 per cent. Exceptional achievement awards increased from 159 to 239. A total of 24 students achieved an Australian Tertiary Admission Rank (ATAR) above 90, and three students were placed in the state's top 100 ATAR results: Alice Dean, Isabel Gitzinger and Bo Ellis. These are outstanding outcomes by any measure from our public college.

Students' attendance also deserves particular mention and may be a contributing factor. The college's attendance rate is now 6.3 per cent above the state average for senior secondary colleges, and by the college's own assessment, likely to be the highest in all eight government senior secondary colleges in Tasmania. This is not a trivial statistic. Attendance is a direct measure of where the students feel safe, supported and engaged. It reflects the culture that the principal, Shane Cleaver, and the staff have worked really hard to build.

Speaking of staff, I also wish to acknowledge some of the people behind these results. Staff member Ronan Douglas received a Public Education Foundation Early Career Scholarship that took him to Harvard University for professional learning. Alex Stokes received an Australian Council for Educational Leaders Early Career Leadership Award. These are educators of genuine quality and their students are fortunate to learn from them.

They are led, as I said, by Shane Cleaver, the principal, by example and with a passion for learning and a commitment to the students. The college is also thinking carefully about what education needs to prepare students for. Shane Cleaver's message to graduating students resonated with me:

In a world increasingly shaped by artificial intelligence, it will be the deeply human qualities that matter most: the ability to collaborate, to show compassion, to adapt, and to persist. Technical skills can be learned and relearned throughout a career, but character, resilience and a growth mindset, these are foundations that determine whether a young person will not just survive but genuinely thrive.

Quality education spanning 50 years is a proud legacy. Under strong leadership, with dedicated staff, with the support of its community partners and the school association, Hellyer College is demonstrably getting better, year on year. I want to acknowledge the college's leadership team: principal, Shane Cleaver; the assistant principals; the School Association chair, Leanne Broxam; and the former principal, Judy Fahey, for her ongoing contribution to the college's improvement journey. I congratulate all students recognised at the Evening of Excellence. These achievements reflect effort, character, commitment to learning and the support of families and teachers.

Finally, to the Hellyer College community, a community I'm proud to have been part of, with many fond memories of the green carpet (some of it has been replaced): thank you for 50 years of service to the north-west coast. The young people you are educating, nurturing and preparing for the future are a credit to our region and Tasmania.

Jeanne Koetsier - Central Coast Council - Citizen of the Year

[11.38 a.m.]

Mr HISCUTT (Montgomery) - Mr President, today I rise to speak about a wonderful individual from the little town of Penguin. That individual is Jeanne Koetsier, who has a track record of helping out in her community. Recently, Jeanne was awarded the Citizen of the Year for Central Coast Council, and I plan to read a modified version of the speech that was presented to Jeanne by the mayor, Cheryl Fuller, on Australia Day.

Penguin has always been a place where community matters. From local events and celebrations to fundraisers, festivals and quiet acts of kindness, it is the willingness of people to step forward that keeps that town vibrant and strong. Community events don't happen by chance; they happen because individuals give their time, energy and heart to ensure everyone feels welcome and included. This spirit of community belonging is something that we proudly celebrate.

Jeanne is someone who truly embodies what it means to belong to a community and, more importantly, to make sure others feel that they belong too. Her support of local events and community initiatives has helped bring people together across generations. Whether working quietly behind the scenes or actively supporting community celebrations, Jeanne's contributions have helped shape Penguin into the welcoming and connected town that we know and love.

Her involvement reflects the very best of community spirit: showing up, lending a hand and supporting events that strengthen social bonds and create shared memories. Through her dedication, Jeanne has helped ensure that Penguin's events are not just occasions on a calendar, but meaningful moments that unite us as a community.

Jeanne has a long association with the Uniting Church of Penguin and was a member of the Central Coast Voice for Health, assisting with the community directory improvements and the Right Place initiative. She organised the Palm Sunday events for our Pacific Island workers, contributed as the secretary to the Penguin History Group, and organised us as we gathered at the Uniting Church for the first church service of the sesquicentenary, a special occasion where clubs and groups presented their single item of significance.

As part of the 150 years of Penguin, her commitment reminds us that the community is built through consistent care, generosity and a genuine belief in the value of people coming together. Jeanne coordinated the celebration to commemorate 75 years of Dutch heritage in Penguin, offering a gathering to reflect on the important contributions of our Dutch community to the life and spirit of Penguin.

Australia Day is about recognising those who make a difference, often without seeking recognition. Thank you for your service, your support and your unwavering commitment to the Penguin community.

On a personal note, Jeanne has been a rock as a committee member for the Penguin 150. She would read the minutes and correct any mistakes. She would always have a contribution in general business and would always be happy not to just speak, but to take actions to make things better. I always know when I go to a community event, especially in Penguin, that I will no doubt run into Jeanne, share a smile and a quick chat with her and Bill, and she will ask

about the kids. I will know that in some small way she has probably helped to bring the event to fruition.

Her welcoming heart is on full display when assisting our PALM scheme workers. She has organised many events to welcome them to our community and encourage them to engage with their community. Hearing the Timor-Leste group sing their national anthem alongside ours at a recent community event was heartwarming to say the least. Mr President and members of the Chamber, I congratulate Jeanne on her award and to help celebrate her achievements to all.

Members - Hear, hear.

Men's Resources Tasmania - Support

[11.42 a.m.]

Mr GAFFNEY (Mersey) - Mr President, as many of my fellow honourable members know, I'm deeply committed to improving men's health and wellbeing. I have advocated for a range of programs and activities over a number of years. One initiative that I'm actively involved with is the Tasmanian Men's Health Network, which is organised by Men's Resources Tasmania (MRT). MRT is a grassroots organisation that plays a critical role in supporting men and boys, ultimately benefiting the entire community. However, it is clear that MRT requires increased support to continue and expand its valuable work.

I would like to acknowledge and congratulate the government, particularly through the Tasmania Prison Service, for funding the Building Pathways transition-to-community program. This is one of several initiatives which MRT has sought support for in recent years.

Indeed, MRT is enthusiastic about launching the Building Pathways program, which is designed to provide transitional support for men as they leave prison and return to the community, whether at the end of their sentence or while on parole. The transition out of prison is often a very challenging and risky time. For some, the obstacles of reintegrating into society, such as securing housing and finding employment, can seem so overwhelming that returning to prison appears easier than facing these difficulties.

The development of this project is the result of years of dedicated volunteer service, particularly from a team member of MRT, Brendan Sullivan. This year Brendan was nominated for Senior Australian of the Year in Tasmania in recognition of his pivotal role in establishing Building Pathways, along with his longstanding commitment to advancing men's wellbeing initiatives and projects across the state. This innovative program utilises the coaching model to engage with inmates, employing strengths-based, non-judgmental, future-focused and goal-oriented strategies that empower men to take control of their lives. Feedback from program participants, prison staff and, in some cases, family members has been overwhelmingly positive.

The BP initiative is fundamentally about supporting individuals to move away from criminal behaviour. The program is centred on developing prosocial behaviours, reducing recidivism and fostering self-efficacy and motivation through tailored coaching, educational workshops, advocacy and engagement with the broader community. Guided by principles such as non-judgement, respect, a client centred approach and empowerment, BP has already

demonstrated significant positive impacts, as evidenced by participant testimonials and early evaluations.

BP's methodology involves face-to-face coaching with participants for at least three months prior to their release from prison, ongoing support at the point of release and continuing engagement through regular sessions with volunteer mentors for at least six months post-release. These mentors, who are trained and supported by MRT, assist participants in achieving their personal goals, reconnecting with employment or training opportunities, attending educational workshops, and building a supportive environment to help them navigate life's challenges and make positive choices.

For example, the following quotes are from participants in the program:

I didn't really like to communicate with people, and I wouldn't tell people how I feel. Obviously, it would just get swept under the carpet and, you know, it would never resolve. Whereas now I can communicate on a better level.

Another one:

[Before] I'd rather go out in the shed and do something and avoid saying what was really on my mind, whereas now I'll take the time, and I'll listen to what she has to say or what the person has to say and I'll respond and ... take the time to listen and talk.

Currently, the program is funded until the end of this calendar year, and I'm aware that the organisation is working hard to secure funding for the future. Whilst anecdotal evidence so far points to very positive outcomes, it is crucial that MRT receives ongoing support into 2027 and beyond. This will allow the community to fully realise the benefits of the program, including potential savings from reduced recidivism and the broader societal gains made when individuals are supported to make lasting, positive changes in their lives.

An additional advantage of this funding is that it enables MRT to continue its existence and thereby contribute to other important aspects of men's wellbeing in Tasmania. This includes involvement in conversations about male suicide; participating in and hosting discussions on male perspective on the soon-to-be-released Preventive Health Strategy; and contributing to the development and implementations of its first action plan.

In closing, I express my absolute support for MRT and, indeed, for the Building Pathways Transition to Community Program. I urge the Tasmanian government, in its upcoming Budget, to ensure funding for this initiative extends beyond 2026, so that the potential benefits can be thoroughly assessed and ultimately realised for the benefit of our entire community.

Riverside Aquatic Centre

[11.48 a.m.]

Ms PALMER (Rosevears - Minister for Children and Youth) - Mr President, being a kid in the 1980s, or, as my children say, 'in the olden days', I didn't have helicopter parents. I've shared in this place before, when I was a kid, no-one went anywhere after school or on the weekend with a drink bottle, there were no mobile phones and you just wrote a message on the

fridge notepad to say where you were going, who you were going with and when you'd be home. Believe me, my mum never drove me anywhere; if I wanted to go and visit someone I walked - I walked to town, walked to a friend and the best place to walk was to the Riverside swimming pool. This was the place to be. It took about 25 minutes to get there from home, in Trevallyn, but as you walked you picked up other friends from their place on the way, and you continued on the journey together.

To this day, the Riverside swimming pool, now called the Riverside Aquatic Centre, remains the meeting place of young and old. It's owned by the West Tamar Council, but has been proudly managed for the past quarter of a century by Trent Hadley, through his business, Aquatic Management Services. Originally opened in 1967, it began as a 33.3 metre, seven-lane pool, with a 3-metre deep end and a solid platform deck that was positioned nearly 1 metre above the water. It's a quite a unique feature and, still to this day, allows safe diving and jumping. In 1985 the pool saw its first water slide. This was when I was in grade 9 at Riverside High School. To save enough pocket money to pay for rides, resulted in just about the coolest thing you could do in the West Tamar. Today, the slide still remains and the pool continues to attract not only locals, but families from the surrounding areas as well.

Each season there are 19 school swimming carnivals, six weeks of school swim programs and 20 school picnic days. Then, there's also the annual Australia Day pool party, not to mention the Tasmanian Bombing Championships.

I hold treasured memories of the Riverside swimming pool, but some are also more embarrassing memories as well. Not being a competitive swimmer, I didn't realise that when they put the rope down in front of you in the middle of a race, you're meant to stop and the race, indeed, needs to start again. Well, not me - I just kept swimming, and the more times I swam over the top of the rope or, indeed, bobbed under the rope, the louder the entire school cheered. I was more of a chess player than an athlete in my day.

However, athletes like triathlete and Olympian Jake Birtwhistle have had much better results. Jake began training at the pool when he was about 10 years old, and I'm told he's still trains at the facility today. Then, there's the extraordinary Ariarne Titmus, who trained at Riverside for six years at the start of her swimming journey. Hundreds of Champions have trained at this beloved pool over the decades, going on to represent their school, their state and, indeed, our country. Or, for kids like me and many others, it was and still is a safe and inclusive environment that offers a rare outdoors swimming experience.

For the past 26 years it's all happened under the watchful eye of Trent Hadley. He has such a passion for swimming; he believes in the great health and social benefits for everyone of all ages, and he also wants to see all children have the opportunity to learn to swim, but also to be exposed to the joys that swimming can bring. The Riverside Aquatic Centre has been, and will always be, a place where memories are made, careers are launched and our community thrives.

Recognition of Visitors

Mr PRESIDENT - Honourable members, before I call the honourable member for Nelson, I'd like to welcome, again, the very patient members of the Kingborough Reconciliation Action Group, who have been waiting all this time to hear what the honourable

member is going to say about them. I will not make them wait any longer because I call on the honourable member for Nelson.

Kingborough Reconciliation Action Group

[11.52 a.m.]

Ms WEBB (Nelson) - Mr President, it's been a great delight and pride that I rise today to introduce to this Chamber the Kingborough Reconciliation Action Group, also known as Krag. I particularly wish to highlight and celebrate the fact that Krag was a recent recipient of Reconciliation Tasmania's award for being reconciliation champions for 2025. This is a wonderful and important contribution for which to be formally recognised, particularly since Krag as an organisation and is relatively young.

Krag's origins stem from a group of enthusiastic volunteers who engaged in community conversations in the lead-up to the 2023 Voice referendum. The outcome of the Voice referendum instilled in this group a sense of urgency to continue with those local conversations, to foster improved engagement with, and understanding of and support for, the Tasmanian Aboriginal community. Hence this group got organised and became affiliated with Reconciliation Tasmania's Local Action Network. It was established in October 2024, barely a year after the 2023 Voice referendum.

Just over a year later, their efforts have been acknowledged by this recent award, what a wonderful outcome. Reconciliation is a social justice matter that is close to my heart and therefore I was excited and moved when I witnessed local members of my community not be discouraged by that referendum outcome but instead decide to keep going and keep working to make a positive difference, demonstrating how individuals and community groups can foster meaningful reconciliation in our community.

From those quiet and humble beginnings, success and recognition have flourished. The Reconciliation Champions Award recognises the educative and local engagement approach of Krag and, I would add, a tireless approach to that list. The group seeks to advance reconciliation by building knowledge, empathy, respect and community understanding, particularly regarding local Aboriginal history, traditional and ongoing culture.

Additional to their regular meetings, the group hosts events such as educational talks with guest speakers, film presentations and discussions. A book group meets every two months to discuss relevant books exploring Tasmanian Aboriginal culture, history and literature.

Last month I attended a packed, standing-room-only public talk provided by author Shayne Breen, based on his research for his book *First Tasmanians: A Deep History*. The focus of this particular public talk was primarily on Shayne's research into the Tasmanian Aboriginal practice of cultural burning from the beginning to now - a very timely and important area of traditional knowledge, which many across our broader community are just beginning to appreciate.

Krag has also brought to the local Kingborough community a recent film event called *Her Will to Survive*. It was taken from the First Australians video made by Rachel Perkins and focuses on the years 1803 to 1880, in Tasmania. A separate event attended by more than 60 people viewed another short film, *The Land Bridge*, discussing the research being undertaken into the historic period when the low sea level saw the land appear, connecting Tasmania with Victoria. Another well-attended event that I also managed to get to was a public

talk provided by Ian Terry where he discussed his book retracing Robinson's journey and detailed his trek retracing those journeys.

However, Krag's focus is not just about looking back and re-engaging with important history. The group is just as focused about how engaging with Tasmanian Aboriginal culture and custodians can continue here and now. Krag is currently working on an exciting initiative where they intend to link up with local Tasmanian Aboriginal representatives to host a walk on Country to foster greater local understanding and connection with the land where we live. I look forward to being able to provide an update on that initiative.

In closing, I wish to pay tribute to the vision, dedication, and efforts to pursue reconciliation with the traditional owners of Lutruwita/Tasmania, made by Krag as a local community organisation, and also, the personal examples set by the representatives of the Krag committee, some of whom are attending here today. I acknowledge Geoffrey Syme and Chloe Bibari, who are in the Chamber with us today.

I must also mention the indomitable Krag convener Anne Warren, who unfortunately could not be here today due to other commitments, but certainly is a real driving force with the group. To the Krag members, congratulations on your deserved recognition as reconciliation champions, and as your local member I could not be more proud.

Members - Hear, hear.

Hobart Neighbourhood Greenways Study

[11.57 a.m.]

Ms O'CONNOR (Hobart) - Mr President, no-one would dispute now that it is a wildly turbulent world that we live in. Since we last met in this place, war has broken out again in the Middle East and this does affect us here in Tasmania. We're an island that's heavily dependent on fossil fuels, and as we know, at the moment the Strait of Hormuz is closed and that will begin to have impacts right across the world, including here in Tasmania.

It does reinforce the need for us to accelerate away from our dependence on fossil fuels, to build community, and in doing that, to build connections, to make sure that our cities and towns are cooler. This will have environmental impact benefits, it will have health benefits, it will strengthen our local economy, and it will strengthen our brand. There is a real urgency regarding this. We have to move faster on electrifying our vehicle fleet. The government's vehicle fleet needs to have more electrical vehicles within it. We need to increase our electric vehicle charging infrastructure, and we need to invest more in public transport and active transport. This is where I am so proud of the work that Hobart City Council is doing.

Hobart City Council has prepared the 2025 Hobart Neighbourhood Greenways Study and the context for that study is the Climate Ready Hobart Strategy, which I have brought to honourable members' attention before. The first goal in that strategy is for a zero-emissions Hobart where the Hobart community will achieve an at least 70 per cent reduction in emissions across Hobart by 2030 from the 2020 baseline and zero emissions by 2040. On transport, it aims to extend the cycling and walking network and prioritise connected, safe and green corridors guided by the Hobart Transport Strategy of 2024. The Council Transport Strategy said it focused on the choices in how we move, and it further said:

Increasing the use of bike riding and micromobility as a mode of transport will support a healthy, sustainable, equitable and inclusive city. More trips by bike will assist in reducing congestion on our roads and in turn support our climate change goals: reducing the transport sector's carbon emissions.

The council did a Greater Hobart Household Travel Survey in 2023, which found that more than half of all trips of less than 5 kilometres are made by car, and about one-third are made by more active forms of transport. It does suggest to us that many driving trips could be replaced by cycling trips if neighbourhood connections improve, and that is the basis of the Hobart greenways study. The study prioritises people by reimagining streets as a neighbourhood greenway, a space for people. Greenways are existing, quiet, slow residential streets, routes that prioritise people of all ages and abilities cycling, rolling and walking, safe links between neighbourhoods, schools, parks and local businesses, and ideally they are greener trade spaces that are shaded and cooling.

The greenways study talks about a toolkit of tactical interventions, including wayfinding elements, and that is pathways of desire - where people find their way from here to there - safer crossings, green infrastructure and traffic-calming devices. These can transform a designated neighbourhood route into a neighbourhood greenway. While this study proposes neighbourhood greenways as the first step of the City of Hobart bike plan, what benefits cyclists also tends to improve conditions for pedestrians and people who live and work in our beautiful city.

Neighbourhood greenways enable choice in how people cycle and walk, offering calmer routes to and from homes. Hence, neighbourhood greenways are not only for those who choose to cycle. They are about safer, accessible, greener, active streets for everyone.

Shifting short driving trips to cycling reduces Hobart car dependency and our emissions. On average, a cycling or micromobility trip saves about up to 194 times more carbon emissions compared to a driving trip. Keeping Hobart Moving aims to increase Greater Hobart's share of public transport trips to 10 per cent by 2030 and double the number of people cycling, wheeling and walking by 2033. With a much greater share of people using active transport currently than other Australian capital cities, Hobart must aim to exceed these targets, thereby preserving our clean air reputation while lowering emissions and improving public health.

The areas of the greenways study with a particular focus are in Battery Point; Lenah Valley; the Lower Sandy Bay area to Churchill Avenue; the Mount Nelson Neighbourhood Greenway, which would connect residents from the hilltop safely up and down the bends to Churchill Avenue; the Mount Stuart Neighbourhood Greenway; a New Town Greenway; a North Hobart Neighbourhood Greenway which would connect residents to primary and secondary routes on low-stress streets for safe access to multiple schools; the Glebe and the Queens Domain; Sandy Bay; South Hobart; and, of course, lovely West Hobart.

The city of Hobart also, as part of all this incredible work it's doing, is developing a Hobart bike plan, which works on a comprehensive vision for safe, accessible, active transport routes.

Local government is doing the heavy lifting, but it very much needs to be supported by the state government and indeed, potentially in terms of infrastructure spending, by the Commonwealth government. We saw the enormous success of the Collins Street bike lanes, an

initiative of the Hobart City Council. The survey's come back in and it is fair to say that overwhelmingly the response has been positive.

I respectfully point the minister for infrastructure - and perhaps he could have a chat with his colleague, the minister for transport - to the languishing Tasmanian Walk, Wheel, Ride Strategy. A consultation draft went out in November 2024. We've looked. We can't find any evidence of it having gone any further. This just compounds the problem of decades of underinvestment in passenger and active transport solutions across Tasmania and in my city of Hobart.

In closing, we can see that a lot of the public engagement, the policy development and planning is coming up from the community through local government. We need state and Commonwealth governments to step up to help our capital, Nipaluna/Hobart, but also cities and towns all over the island, to become more active, cleaner, healthier, less fossil fuel dependent, greener, highly liveable. Let's help Hobart be the city that it is capable of being because it has all the ingredients to be a greener, more active, liveable city. It just needs state and Commonwealth governments to come along for the ride.

MOTION

Deaths and Injuries from Quad Bikes or All-Terrain Vehicle Use in Tasmania

Recognition of Visitors

Mr PRESIDENT - On your way to the lectern, I'd just like to welcome Jocelyn's family to the Legislative Council today. Thank you for attending.

[12.05 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I move -

That the Legislative Council:

- (1) Notes with concern the high rate of deaths and injuries from quad bike or ATV use in Tasmania, with more than 20 deaths since the year 2000.
- (2) Further notes more than 1400 Australians are seriously injured in quad bike accidents each year.
- (3) Expresses its sincere condolences to grieving loved ones, including the devastated parents of 14 year old Jocelyn Daguman who died in an ATV accident at Boyer in February 2023.
- (4) Recognises the findings of both Coroner Cooper in 2017 and Coroner Webster in 2024, who recommended stronger regulation of quad bike use to save lives.

- (5) Agrees with Coroner Cooper's recommendations, following his investigation into seven quad bike deaths between 2012-2015, to provide for increased community education promoting the use of helmets and seatbelts, and legislation that:
 - (a) Requires mandatory training and licensing of all persons using quad bikes
 - (b) Prohibits children under the age of 16 from operating adult quad bikes
 - (c) Prohibits children under the age of 16 from operating youth-sized quad bikes other than in accordance with the manufacturer's instructions
 - (d) Prohibits children under the age of 6 from operating any quad bike under any circumstances
- (6) Recognises there has been a substandard response to the Coroners' recommendations by the Rockliff Government.
- (7) Calls on the Rockliff Government to act to prevent such tragedies in the future and implement all the Coroner's recommendations to strengthen quad bike and ATV safety in Tasmania.

Mr President, in beginning my contribution today, I acknowledge the presence in the Council Chamber of the parent of Jocelyn Daguman, Sonia van den Heuvel, and note the hard work of Sonia's partner, Julius Daguman, to have reform of quad bikes and ATVs in Tasmania. I acknowledge the terrible grief and the suffering of the Daguman family every single day since Regatta Day 2023. That is the day that their beautiful daughter, Jocelyn, 14 years old, beloved, precious, bright and full of promise, died as a result of an ATV vehicle accident at Boyer. Up front, I apologise in advance for anything that I say today that might re-traumatise you, Sonia. I'm sorry to do that, but I will be reading out parts of the coroner's report.

Since they lost their beautiful daughter, Jocelyn, the Daguman family through their grief, have advocated relentlessly for reform. They've lobbied members of parliament and ministers. They put forward a petition, which I was very proud to sponsor last year, which called for stronger regulation of quad bikes and ATVs in Tasmania in line with the recommendations of - now, it is - the sequential coroner's reports. The petition was tabled on 13 November last year and we were informed in a briefing with officers from the Department of State Growth - quite recently - that a government response to the petition is forthcoming.

We need the government to take this matter extremely seriously. In part, we are here today because of the advocacy and the strength through grief of Julius and Sonia, but we are also here because, on average, one person dies every year as a result of quad bike or ATV use in Tasmania. It's really important that we tell those human stories.

On Regatta Day of 2023, somebody who was known to the Daguman family took Jocelyn, without her parents' consent, to a property in Boyer and she was taken there with a

friend. Fourteen years old. It was a public holiday. Her parents did not know where she was. She is described by her mum, Sonia, as:

... a beautiful girl, very popular at school, above A standard. Her dream was to finish school and to work with animals.

... I've been having lots of nightmares about Jocelyn, calling for her to come home and just to be with us, to hold her in my arms.

Jocelyn's dad said people needed to be aware of the dangers of not wearing seatbelts or helmets on ATVs. He committed to campaigning house to house and with friends to get support for reform. He said:

Young kids are happy to ride anything and are not aware of the dangers but these are more dangerous than a scooter because of the farm environment. I'm dreaming every night about Jocelyn. It's terrible, very sad.

Every year in Australia around 1400 people are seriously injured in quad bike accidents. There are many families who have suffered grief in a similar way to the Daguman family. Just this year, and we're only in March, there've been three deaths.

On 3 January this year, a 16-year-old girl from interstate and a 38-year-old Rosebery man, who were both on an all-terrain vehicle, died after a collision with a ute on the Murchison Highway on Tasmania's west coast. Police are investigating the cause of the crash and a report will be prepared for the coroner. Another report to be prepared on this matter by the coroner, Mr President.

On 7 January this year, a 20-year-old man died on a forestry road in Tasmania's north with people believing his quad bike crashed after hitting a tree stump. Police said it was the third serious crash involving off-road vehicles in recent weeks. The police Acting Inspector Parker said at the time:

We urge all riders to take extra care. Wear helmets and protective gear, stick to safe speeds, and avoid risky terrain.

A report will be prepared for the coroner.

On 18 October 2023, some eight months after Jocelyn died at Boyer, a youngster, referred to by the coroner as AL, left home at about 4.00 p.m.. He was 16 years old and he was riding his father's red Honda TRX 250 quad bike. He didn't have a licence other than L novice motor vehicle 1, and the quad bike was not registered to be used on the road. Coroner Simon Cooper, again, released findings that said:

Despite this, AL [the victim] was apparently in the habit of riding it on the road, as his father knew. Certainly, he rode on several streets that afternoon and evening.

...

Several witnesses saw AL riding, probably, it is fair to say, a little too quickly.

...

When AL did not return home, his step-mother reported him missing to Police ...

Two officers searching the gravel forestry road found the scene of the crash. The teen's body was pinned between the bike and a tree. His helmet was found a short distance away.

I believe it's unarguable that these are preventable deaths. Yet there's been an almost complete failure to regulate.

Before the death of Jocelyn Daguman on Regatta Day of February 2023, coroner Simon Cooper undertook a coronial investigation into seven deaths on quad bikes and ATVs between 2012 and 2015 - seven deaths within the space of three years.

I will read some short excerpts from his report and then take honourable members to the recommendations. He said:

Between 10 November 2012 and 27 December 2015, seven riders of quad bikes died as a result of accidents at various locations in Tasmania.

In his introductory comments, he says:

In a finding relating to nine quad bike related deaths in New South Wales published on 25 November 2015, New South Wales Deputy State Coroner Freund said at par[agraph] 6:

'According to statistics published by the Australian Centre for Agricultural Health and Safety, there have been over 200 quad bike related deaths in Australia since 2001, with approximately 64% of these deaths having occurred on farms. This makes quad bikes the highest killer of workers on farms in Australia. Moreover, on average, 1400 people are seriously injured in quad bike accidents in Australia each year. Of concern is that the data from the Australian Trauma Registry indicates that major trauma injuries for quad bikes have been steadily increasing, from 26 in 2010 to 51 in 2012'.

Mr President, that is a near doubling within the space of two years. Clearly, some sort of stronger regulatory response is required. Coroner Cooper goes on to say:

In these circumstances, and given that since 2000 there have been 20 deaths in Tasmania arising out of quad bike use, the use of them is a matter of general concern. Figures from the Australian Centre for Agricultural Health and Safety show 69 people lost their lives on farms in accidents in 2015, an increase from the 54 deaths nationally in 2014. Quad bikes and tractor fatalities accounted for 40 per cent of those deaths, with 9 per cent being children.

He talks about training, or the lack thereof, in the use of these vehicles. He says:

The evidence was that training in safe quad bike operation is widely available, being offered in Tasmania by, amongst other organisations, TAFE Tasmania.

He says:

Counsel assisting submitted that it was appropriate to recommend that consideration be given by the Tasmania Law Reform Institute and the Attorney-General, to the introduction of legislation requiring mandatory training and licensing of all persons using quad bikes.

He says:

I am satisfied that mandated training whether by licensing or certification is essential. Reliance upon voluntary undertaking of training is unlikely to achieve any significant take-up.

On the use of helmets, he says:

Apart from [one victim], none of the riders whose deaths were the subject of the inquest were wearing helmets, or had properly fastened helmets on their heads, at the time they suffered fatal injuries.

He said:

Material produced at the inquest indicated that there was a very poor uptake of helmet wearing amongst those killed whilst riding a quad bike. In one study tendered - TARS quad bike performance project supplemental report at pages 1-38 - 109 quad bike fatal crashes were reviewed. It was found that in only 24 of the 109 fatalities riders were wearing helmets and that skull fracture was involved in 32.4% of all fatalities and 44.4% of fatalities involved traumatic brain injury.

He notes that manufacturers of quad bikes clearly recognise the need for helmets to be worn and it is recommended in most owner manuals. He says:

The results of research placed before the inquest makes the case in my view for the use of helmets beyond argument. Making their use mandatory was supported by counsel assisting ... and the Royal College of Surgeons.

The Director of Industry Safety said in his submission to the coroner's inquest that:

'WorkSafe Tasmania promotes elimination and/or control of risks within the workplace context, including the wearing of appropriate personal protective equipment such as helmets.'

However, no details were furnished as to how it is WorkSafe Tasmania promotes the use of helmets other than by reference to the WorkSafe Tasmania website. That website reproduces a Queensland publication

which I have a copy of here if anyone wants to see it -

... about the use of helmets while riding quad bikes, but otherwise appears not to address the issue at all.

The coronial inquiry called a Mr Scott Kebschull to give evidence and the coroner said:

I'm satisfied he was well qualified to give the evidence that he did. ... Mr Kebschull said in his detailed oral evidence to the inquest that helmet usage on quad bikes resulted in an extremely high net benefit and reduction in injury costs in the order of 60%. The results of other equally reputable research predicted a net benefit as high as 64% ...

The coroner says:

There is no rational argument identified or indeed imaginable as to why the wearing of helmets whilst riding quad bikes ought not to be mandatory.

To his recommendations, and it's important we understand these recommendations because they have been reinforced by subsequent coronial inquiries into deaths as a result of quad bike and ATV use in Tasmania, and they have been largely ignored by government and we're now going on to 10 years since Coroner Cooper's first report.

His recommendations, after examining the deaths of seven Tasmanians just going about their lives on these highly dangerous vehicles, were these:

1. I recommend that consideration be given by the Tasmania Law Reform Institute and the Attorney-General to the introduction of legislation requiring mandatory training and licensing of all persons using quad bikes.
2. I recommend that urgent consideration be given, by the Tasmania Law Reform Institute and the Attorney-General to the introduction of legislation requiring the use of a suitable approved helmet by all persons using quad bikes.
3. I recommend that consideration be given, by the Tasmania Law Reform Institute and the Attorney-General, to the introduction of legislation that:
 - (a) prohibits children under the age of 16 from operating adult sized quad bikes;

I respectfully pause at this point, to remind honourable members that Jocelyn Daggerman was just 14 when she died.

- (b) prohibits children between the ages of 6 and 16 from operating "youth sized" quad bikes other than in accordance with what is specified by the manufacturers to be the appropriate minimum age for such vehicle; and
 - (c) prohibits children under the age of 6 from ever operating any quad bike in any circumstances whatsoever.
- 4. I recommend that consideration be given, by the Tasmania Law Reform Institute and the Attorney-General, to the introduction of legislation prohibiting the carrying of passengers on Type I quad bikes and any more than one passenger on Type II quad bikes.
- 5. I recommend that interested parties, including the ... State and Commonwealth industrial safety authorities, work collaboratively with a view to initiating the process of implementing a safety and design standard for quad bikes that is in the terms of relevant American National Standards Institute (ANSI) standard applying for the time being and pending implementation of any such standard by Standards Australia, any quad bikes imported into Australia should comply with the applicable ANSI standard; and
- 6. I recommend that Commonwealth and State industrial safety authorities work collaboratively with other interested parties to develop a star rating system to assist in the reduction of serious injury and deaths to the users of quad bikes.
- 7. I recommend that a taskforce be established across relevant state government agencies to consider and develop strategies to reduce fatalities and serious injuries arising from work and recreational use of quad bikes; and finally,
- 8. I recommend that Tasmania Police liaise with other state and territory police services to ensure that the approach to investigation of quad bike serious and fatal accidents is standardised and to ensure ongoing training and improvement in quad bike accident investigation.

Members might remember that there was a mistake out of the Cabinet Office in August of 2020 when a bundle of Cabinet documents was sent to various people, including the Greens. Within that bundle of Cabinet documents of 17 August 2020 was a decision note for the minister for building and construction relating to quad bike safety. Now, remember, this is three years, coming on four years, after Coroner Cooper's first report and his highly evidence-based recommendations. This is what Cabinet decided:

Cabinet today deliberated on the materials submitted to it in relation to quad bike safety and decided to:

- (1) Note the following completed actions.

- (a) A national standard on quad bike safety under the Australian Consumer Law came into effect on 11 October 2019 with phased introduction.
 - (b) The Quad Bike Safety Rebate scheme which commenced on 1 July 2019 has been extended to 10 October 2021.
 - (c) A Quad Bike Safety community awareness campaign was undertaken from December 2019 to February 2020.
- (2) Note the progress on the amendments to the Road Rules 2019, the Road Rules and the Work Health and Safety Regulations of 2012 (the WHS regulations).
- (3) Note the report back by the Department of Justice and Department of Primary Industries, Parks, Water and the Environment and the action plan to implement safety measures on public land under the *National Parks and Reserves Management Act 2002* and the *Crown Lands Act 1976*.
- (4) Agree to proceed with the previously agreed proposals to amend the Road Rules and the WHS regulations together with the action by DPIPWE outlined in paragraph (3) above.
- (5) With respect to Cabinet's request for further advice on the merits of a new standalone quad bike safety bill:
 - (a) Note the discussion of this matter provided by the Minister; and
 - (b) Agree not to legislate for controls on recreational quad bike use on private land and therefore to not draft a standalone quad bike safety bill; and
- (6) Agree to include provisions in the Road Rules and the workplace health and safety regulations allowing the carriage of passengers only where the quad bike is designed and appropriate for that purpose, consistent with Cabinet's decision on 14 May 2019.
- (7) Agree that the licensing of operators of quad bikes will not be extended beyond the existing arrangements whereby a driver's licence Class C is required by virtue of the conditional registration required for quad bikes; and
- (8) Agree that in relation to resellers of quad bikes, the Consumer Code of Practice approved in Cabinet's decision of 29 April 2019 will not be progressed.

Very, very disappointing. The government knows that quad bikes and ATVs are highly dangerous, and there is plenty of research to confirm this. A paper was released in 2024 by the

Sydney School of Public Health, Faculty of Medicine and Health, the University of Sydney and the School of Rural Health at the University of Sydney in Dubbo, titled 'A qualitative enquiry of on-farm rules about quad bikes (ATVs): how rules are determined and implemented at a farm level in rural Australia'. That research went out and talked to people living and working on farms to understand how they use these vehicles, understand what kind of training and/or education they have about use of these vehicles and understand to some extent their appetite for a stronger regulatory framework. It is fair to say that the appetite amongst the small group of farmers with whom they undertook this qualitative research for greater regulation, was not high.

The paper says:

After their initial production as recreational vehicles in the 1970s, they were adopted in North America for agricultural work. The resulting accidents led to quad bikes being labelled a significant public health risk by the American Academy of Orthopaedic Surgeons. Quad bikes were rapidly adopted in Australian agriculture and have now become a fixture of Australian farming despite the much larger acreage on Australian farms. In line with their climbing popularity and use for a variety of farm work, increases in quad bike-associated injury and deaths have been seen across Australia and New Zealand. Quad bike incidents remain a leading cause of injury-related deaths on farms in Australia. In data up to 2020, quad bikes were involved in 12.3% of unintentional farm deaths. There is growing evidence of international morbidity and mortality, including in the United States of America where there were an estimated 500-600 deaths each year from quad bikes from 2015 to 2017. Injuries due to quad bike incidents in farming also cause significant morbidity and financial burden on the health system.

While quad bikes are perceived to be simple vehicles to operate, there are several design features which contribute to an unfavourable stability profile. Quad bikes have a high centre of gravity and a narrow wheelbase. These features give the bikes a propensity to roll, and around two-thirds of bike-related injuries occur during roll-overs. These design factors combine with situational factors to increase the risk of incidents and injuries.

Indeed, in his assessment following the investigation into the seven deaths that happened between 2012 and 2015, coroner Cooper noted that a number of the people who were killed by these machines were actually quite experienced operators and cautious on the bikes that they were using, according to the evidence he received. It does point to the fact you can have been operating these vehicles for a very long time and because of their design, they can still cause devastating and tragic accidents.

More so of course if you're a 14-year-old child who's been taken out to Boyer without your parents' consent and allowed to ride an all-terrain vehicle without any training, without a seat belt and, obviously, without adult supervision.

Coroner Webster examined the death of 14-year-old Jocelyn Daguman and handed down his findings on 15 April 2024. I will just read some excerpts from that report. Again, Julius and Sonia, I'm sorry to do this to you, but it needs to be placed on the record.

Coroner Webster says in his report:

This investigation concerns a fatal single vehicle crash that occurred at approximately 2:20 p.m. on Monday, 13 February 2023 on a private bush block located on Boyer Road near Bridgewater in Tasmania. At that time AB -

That's the pseudonym for Jocelyn in this report -

... was the driver of an unregistered Polaris Ranger 904 CC 4x4 all-terrain vehicle (ATV). [Her friend] EL was a passenger in that vehicle. The crash occurred after AB lost control of the ATV as it was being driven downhill on a cleared uneven grass section of the bush block. As a result of the loss of control both AB and EL were ejected from the ATV with AB sustaining fatal injuries. The weather at the time of the crash was fine and the surface of the bush block was dry.

Coroner Webster tells us a little bit about Jocelyn's story:

AB was born on 29 August 2008 in Penrith, NSW. She was therefore 14 years of age at the date of her death. She was the third of four children and she resided with her family.

The family moved to Tasmania in 2016 at which time AB attended Glenorchy Primary School for year 4. She completed years 5 and 6 at Mount Stuart Primary School before attending Taroona High School where she enjoyed English and Mathematics. AB was a very good student. She enjoyed competing in track and field events which included the 400m and 800m, the javelin and shotput. She loved music and watching programs on Netflix and she had a large circle of friends. She loved animals with her goal being to own lots of land and care for lots of animals and practice as a veterinarian.

AB was, at the time of her death, in very good health and was not prescribed any medication. This is confirmed by the medical records.

He goes on to detail the circumstances of Jocelyn's death. I will spare Julius and Sonia that. He points out that neither girl was wearing a seat belt at the time of that tragic accident. He says, on the matter of the seat belt:

Given AB was 14 years of age she was ineligible to hold a driver licence of any class. At the time of the crash she was not wearing an approved helmet and she was not wearing the seat belt which was provided for the use of the driver.

A thorough examination of the crash scene revealed there were no obvious signs the ATV was under emergency braking at any point prior to the point of impact. In the absence of this evidence the speed of the ATV prior to the collision could not be calculated. In addition the ATV was not fitted with any device capable of recording pre- or post-crash data.

As a result of his investigation, Senior Constable Morris is of the opinion the evidence at the crash scene is consistent with the ATV performing figures of eight and circle work around obstacles on the property. AB has died as [a] result of losing control of the ATV, which has caused it to dig into the surface and that has resulted in her being ejected due to the rotation of the vehicle and her not wearing a seatbelt.

In his comments and recommendations, coroner Webster says:

The single most important factor which caused death was the failure of AB to wear a seatbelt. If she had worn a seat belt she would not have been ejected from the vehicle. She would have remained within the cabin of the ATV and she would have been protected by it.

Of course, it's worth pointing out, how is a child necessarily to know that? I will just say, what an egregious failure of the responsible adult there at the time on that day. Back to the coroner's report -

Similarly, had cab nets or doors (something expressly recommended for use in the operator's manual of the ATV) been in place, AB -

That is, Jocelyn -

... would not have been thrown from the cabin and therefore she probably would not have sustained fatal injuries.

The circumstances of AB's death require me to recommend pursuant to s[ection]28 of the Act that ATVs only be operated in accordance with the operator's manual, particularly in regard to the wearing of seatbelts and the use of cage nets and/or doors.

...

These vehicles have a tendency to tip or roll over when moving at speed on rough terrain or across inclines.

Then he goes to coroner Cooper's report and his ignored recommendations:

In Tasmania Coroner Simon Cooper handed down very comprehensive findings after an inquest into seven quad bike related deaths in 2017.

The report was handed down in 2017, the deaths were prior to that.

Those findings contained eight recommendations directed towards reducing further injuries and deaths. Two of those findings are relevant to the circumstances of this case and are in the following terms:

'I recommend consideration be given to the Tasmanian Law Reform Institute and the Attorney-General to the introduction of legislation requiring mandatory training and licensing of all persons using quad bikes.

He reiterates another of Coroner Cooper's recommendations:

'I recommend urgent consideration be given by the Tasmanian Law Reform Institute and the Attorney-General to the introduction of legislation that:

- (a) prohibits children under the age of 16 from operating adult size quad bikes;
- (b) prohibits children between the ages of 6 and 16 from operating "youth-size" quad bikes other than in accordance with what is specified by the manufacturers to be the appropriate minimum age for such vehicle; and
- (c) prohibits children under the age of 6 from ever operating any quad bike in any circumstances whatsoever.'

Coroner Webster says:

These recommendations are equally appropriate to ATVs such as the vehicle driven by AB, in this case. Both a warning sticker on the dash of the ATV and the manual stipulate operators are to be 16 years of age or older and have a valid driver licence.

Neither of which applied, of course, to Jocelyn Daguman.

The coroner goes on:

Enquiries as to whether these recommendations have been acted upon determined that in the 2019/2020 State Budget the Government allocated \$700,000 to fund a campaign to promote the improvement of quad bike safety in Tasmania. It appears the intention was for the Department of Justice (DoJ) to 'work with stakeholders on a package of regulatory or other measures to enforce compliance with safety measures in the use of quad bikes ...' which measures included a number of Coroner Cooper's recommendations. Further enquiries were made [by the Coroner's Office] of the DoJ and a response was received from the Secretary on 10 April 2024. The Secretary advised the funding was split across two DoJ outputs, namely WorkSafe Tasmania (WT) and Consumer and Building and Occupational Services (CBOS). The funding of \$700,000 was allocated from retained revenue by [WorkSafe Tasmania] and CBOS. It was broadly allocated as follows which was \$500,000 through a grant program to reimburse for safety upgrades and \$200,000 for an educational campaign.

Regrettably, and perhaps it had something to do with the limited promotion of that grants funding, the coroner says:

Funding was used as intended however, few grant requests were received with only \$105,051 being approved for payment to quad bike users over 3 years from 2019/2020 to 2022; \$8182 was spent on processing grant

payments; and \$244,641 was spent on the education campaign. The total amount spent was therefore \$357,874.

With respect, that is a woeful contribution from the state.

The Government, as part of the 2021/2022 State Budget -

This is all in Coroner Webster's report -

allocated \$2 million over four years from 2021-22 to the Primary Producer Safety Rebate Scheme. This scheme provided cashback rebates to farmers who implemented safety enhancements to quad bikes.

The coroner was advised the scheme was particularly popular and ended three years earlier than originally planned on 30 June 2022 with total payments amounting to \$3.6 million, which was \$1.6 million in excess of the original funding allocation. Under the scheme, 62 rebates were paid for purchases to improve quad bike safety on farms and an additional seven rebates were paid for approved training courses.

Coroner Webster cites research that he undertook which uncovered the following:

- (c) In a paper published by the Royal Australian College of Surgeons (RACS) prior to the March 2018 State election, concern was expressed about the increasing number of deaths and major injuries as a result of quad bike use and that Tasmanian trauma surgeons who manage these injuries on a far too regular basis were acutely aware of the inherent dangers of quad bikes. They had advocated for quad bike safety for many decades and their position included:

'Increasing rider awareness of risks

- The RACS believes that quad bikes and children do not mix.
- RACS urges the Australian and New Zealand governments to consider all available strategies to prohibit children under the age of 16 from riding adult quad bikes.
- Quad bike handling training should be mandatory for all new owners and users of quad bikes.

RACS recommended there be greater rider protection through mandatory helmets and they noted a common need for improved stability, dynamic handling and rollover crashworthiness safety for both workplace and recreational quad bikes.

You can see, through Coroner Webster's report, that he goes on to detail a number of media statements that were made by government ministers where they note the danger of quad bikes. Indeed, on 3 July 2020, the then-minister for building and construction said:

Quad bike accidents can result in serious injury or death, and children are particularly at risk by quad bike use.

...

The Tasmanian Government is committed to ensuring the safety of quad bike users in the State.

Less than one month later, a minute went to Cabinet which makes, regrettably, a lie of that statement because Cabinet decided to effectively do nothing in terms of responding to Coroner Cooper's report. That was the announcement of the rebate scheme, and here an open invitation to regulate, even if it was just on this element of it. On 3 July 2020, the minister said:

Tasmanians should not allow children under the age of six to ride any quad bike, and should keep children under the age of 16 off adult-sized quad bikes.

Coroner Cooper could not agree more and, therefore, it remains a mystery as to why the Tasmanian government has not taken the necessary steps, even just to prevent children from being maimed or killed on these vehicles. We'd like to understand why. The Greens want to know why. We have been asking questions about quad bike safety and the lack of regulation since Coroner Cooper's report came out in 2017.

We have been consistently fobbed off. There is a persistent resistance on the part of government to regulate these unarguably dangerous vehicles. There is also an apparent resistance to engage more deeply with communities and people who use these vehicles on how to use them as safely as possible: seatbelts, helmets, operator protection equipment over the top of them. It's been a very patchy and variable response from the government. In frustration, Coroner Webster says:

It is clear from what I have set out above there has been reform since Coroner Cooper handed down his decision in 2017 which has improved safety but it is my view that further reform should be made. There is still no requirement for people to be trained to ride a quad bike or ATV outside of the workplace or be licensed and there are no restrictions placed on the age of the rider or driver of a quad bike or a vehicle such as that used by AB in this case.

I repeat Coroner Cooper's recommendations set out on page 14 ... and that consideration also be given as to whether the type of vehicle used by AB should be included in the provisions in the Road Rules that apply to quad bikes, given their similarity, or whether they should be separately provided for.

While the Government in its press release in 2020 appears to agree with the age restrictions recommended by Coroner Cooper there has been no legislation passed to give those recommendations the force of law.

I refer honourable members to the most recent *Hansard* of 24 September 2024 in House of Assembly Estimates Committee B, where our leader and my colleague and friend, Dr Rosalie Woodruff, asked questions of the Attorney-General in relation to quad bike and ATV safety. This is a subject that we have asked the Attorney-General questions about since before he was Attorney-General, to the previous attorney-general. We've got the same fob-off. He tries to point Dr Woodruff to WorkSafe and she says:

It's not. ... I've checked because we've been here before. ... I've looked at where this falls. It's definitely a question for you, Attorney-General, and I really don't want your government to keep dodging this question.

...

The coronial investigation in the five additional coronial inquests, two of them have recommended the Law Reform Institute and the Attorney-General consider introducing legislation requiring mandatory training and licensing of all people using quad bikes ... and that the Law Reform Institute and the Attorney-General consider legislation to prohibit the carrying of passengers on Type 1 quad bikes and no more than one passenger on Type 2 quad bikes.

Will you be investigating ... ?

He says:

Thank you very much for the question. I will certainly do my level best to answer it to the extent that we can in the Department of Justice, noting that, in terms of WorkSafe, that is a matter for the minister responsible, minister Ferguson.

Well, when the Cabinet minute came up, that came up under the minister for building and construction, not the minister for WorkSafe. This is an issue that's being handballed around government and not being dealt with appropriately; but just to sort of synthesise what we were told, the acting secretary at the time said:

The government remains committed, as does WorkSafe, to assessing the coronial recommendations that you've outlined and implementing changes where reasonably practicable.

Noting that this was seven years after Coroner Cooper's report, a year-and-a-half after an ATV claimed the life of Jocelyn Daguman: the government is still considering the coroner's recommendations. Regrettably, that tells us something.

Ms Bourne noted that there'd been a range of initiatives that WorkSafe had progressed, that there were some changes to the regulations. We're noting the number of coronial findings in relation to this really important matter; we were told it's a really important matter, but nothing's changed.

Mr Barnett, as Attorney-General, said he would follow up with the responsible minister, and he also said, when pressed by Dr Woodruff, that he will follow up on this matter and check with the relevant minister, Mr Ferguson, and he said:

To your question regarding the [Tasmania Law Reform Institute], I'm more than happy to follow up on that as well to see what options are available. I take this very seriously as a former minister responsible for safe farming, ensuring that the tragedy of deaths from quad bikes is reduced to the absolute minimum.

It doesn't seem like he followed up on that. In closing, I hope honourable members will support this very sensible motion. It's not something that's been cooked up. It is based on the recommendations of Coroner Simon Cooper, who investigated seven deaths, and then the reinforcement of those recommendations by Coroner Cooper, and subsequently at another investigation into a quad bike death, the increasingly frustrated reiteration of those recommendations by Coroner Cooper.

What we are seeking is that there be mandatory training and licensing of all persons using quad bikes; that children under the age of 16 be prohibited from operating adult quad bikes; that children under the age of 16 be prohibited from operating youth-sized quad bikes, other than in accordance with the manufacturer's instructions; and that children under the age of six be prohibited from operating any quad bike under any circumstance. This, I remind honourable members, was reinforced by the then-minister: that children under the age of six should not be allowed to operate quad bikes.

If that is the government's view, then it should be regulating. It can't keep pushing this issue away, because we've had three deaths just this year and we are 10 weeks into 2026. We have the evidence before us, gathered by various coroners. We have evidence-based recommendations: we have the Royal Australasian College of Surgeons calling on us to make sure that there's better regulation around the use of these recognisably, unarguably dangerous vehicles.

What is being proposed is not an oppressive regulatory regime, and it's not like, for example, the use of a tractor by someone who works on the land. A tractor is a much more stable vehicle by its very nature. They're big and slow and more stable on the earth than a quad bike or an ATV; it's quite a different set of circumstances.

We are told by the Department of State Growth that a third of all quad bike and ATV deaths in Tasmania are on-road deaths, and therefore, the Department of State Growth is undertaking a review of the road rules and I'm thankful for the review that we were provided with quite recently.

Implicit in that, of course, is that two-thirds of deaths on quad bikes and ATVs happen off-road. They are happening on farms, rural properties, and sometimes they're happening on beaches and on the coastline. In some circumstances we're having people with very little experience of controlling a vehicle like this, put in control of these vehicles and the consequences of that can be utterly devastating.

We have an opportunity here as lawmakers to send a clear message to government that the coroner's recommendations are sound. They're workable and they're sensible and they will save lives.

Again, I want to thank Julius Daguman and Sonia van den Heuvel for your relentless advocacy through your grief for change. We won't give up on this because change has to come. It's the role of a responsible government to regulate where there is a recognised danger to public safety. I commend the motion to the Council.

[12.55 p.m.]

Ms LOVELL (Rumney) - Mr President, I would also like to start by acknowledging the family of Jocelyn, who are joining us here in the Chamber today. To Sonia and Julius, I can't

imagine what it's been like for you, not only to live through such a devastating tragedy and such an overwhelming loss, but then to have to witness such a lack of action on this matter from the government.

I wanted to thank you for your advocacy and the work that you've put in over the last few years and really welcome you here because I think it's always an important reminder for us as decision-makers of the impact of the decisions that we're making on the people in our community. Thank you for being here; I know it must be very difficult.

I want to thank the member for Hobart as well, for bringing this motion to the Chamber for debate, and for the advocacy and the work that the Greens have undertaken on this matter for a number of years. I know this is something that has been pursued by them for a long time. I think the member for Hobart has outlined convincingly the reasons behind this motion and the recommendations of the coroner.

I don't intend to repeat much of that because it is, I know, traumatic and distressing for many people who have been impacted by these incidents, to hear that over and over again. I just wanted to thank the member for Hobart for bringing the motion to us here in the Chamber and for articulating so sensitively and eloquently why we are debating this today.

I've read the report handed down by Coroner Cooper in 2017, and I've read the subsequent reports by Coroner Webster both into Jocelyn's death and also into the death of Hayden Kennedy, which was handed down on 11 November 2024. I extend my condolences to all of the people who have been subject to those reports, to their loved ones, the people that are left behind watching this play out in such a public way.

I want to start by saying that I will be moving an amendment to the motion; I have flagged that with members and that will be circulated around the Chamber. I am conscious of the time and that there is a bit of an awkward time so I am hoping that people will have time over the break to look at this and if there is any need for further discussions. I will start speaking to the amendment and the reasons for moving that amendment before we adjourn for our lunch break, which we know we have no control over; otherwise, I am sure, we would maybe do this in a less awkward way from time to time.

The amendment I intend to move is in relation to subparagraph (5)(a), the requirement for mandatory training and licensing of all persons using quad bikes. I want to say from the outset that my intention, by moving this amendment, is not to change the intention of this motion and the explicit message that we are sending to the government. I know there is some concern around a requirement for licensing amongst the farming community.

I would like to point to the fact that had these recommendations by the coroner - by Coroner Cooper, and then subsequent recommendations by Coroner Webster in two reports - been followed - the recommendation was for this work to be sent to the Tasmania Law Reform Institute (TLRI), that the Attorney-General and the TLRI consider how these schemes might be implemented in Tasmania - and had that work been done, we would be in a very different position, and I think that reluctance and concern around that subparagraph (a) the requirement for licensing.

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

QUESTIONS

Home Schooling - Safety Standards

Ms FORREST question to MINISTER for EDUCATION, Ms PALMER

[2.31 p.m.]

Acknowledging that the number of parents choosing to educate their children at home has been increasing in recent years, particularly after COVID-19, and the Office of the Education Registrar has asked parents to plan a program that addresses 10 standards in order to be approved for home education programs, including a standard relating to the safety, health and wellbeing of the child with particular regard to the safety of children who are educated at home:

- (1) What are the requirements of parents when it comes to providing for the safety, health and wellbeing of the child and how is this being monitored?
- (2) What actions does the department take to ensure the safety of home-educated students and how often is this reviewed or assessed?
- (3) How many mandatory reports have been made regarding concerns regarding the safety of children being homeschooled?

ANSWER

Mr President, I thank the member for the question. In order to answer the questions posed by the member, I must first advise the following: the Registrar, Education is responsible for the registration and monitoring of home education in Tasmania under section 224 of the *Education Act 2016*. The act establishes the framework for assessing and approving proposed home education programs while the Education Regulations 2017 set out the registration standards in Schedule 1, which outline the requirements that must be addressed in an application.

The legislative framework is supported by ministerial instructions issued by the minister for education and training. Ministerial Instruction No. 13 relates specifically to home education. Ministerial Instruction No. 16 Education Regulator Principles requires the registrar to consider the welfare and best interests of students to be of paramount importance when performing their functions and exercising their powers. These instructions guide the interpretation and application of the legislation.

The registrar's primary function is to determine whether a home education program should be approved. Approval is granted when the registrar is satisfied that the program has been developed, implemented and evaluated in accordance with the registration standards. Evidence of learning is reviewed and discussed during a home education visit conducted in the applicant's home.

Now to your questions:

- (1) Whilst one of the registration standards relates to the safety, health and wellbeing of the child, this standard relates specifically to the educational content of the home education program. It requires parents to provide age-

appropriate education that supports a child's ability to care for themselves. This may include topics such as stranger danger, cyber safety, fire safety, water safety, personal care, nutrition or reproductive health and development. Importantly, it is not a standard about assessing the safety of the home environment or the broader circumstances in which home education occurs. There are no legislated requirements for the registrar to evaluate or monitor the home environment in relation to the child's safety, health and wellbeing.

All Office of the Education Registrar staff, as Department for Education Children and Young People employees, are mandatory reporters. Any concerns must be reported to the Strong Families Safe Kids advice and referral line in accordance with mandatory reporting obligations. The registrar's responsibility is limited to assessing whether the educational program meets the registration standards at the time of application and during scheduled visits.

- (2) In answer to your next question: all DECYP staff, including registration officers, are required to complete annual safeguarding training which consists of three compulsory modules: mandatory reporting training, child sexual abuse awareness training, and acknowledgement that the employee has read and understood DECYP's conduct and behaviour policy and conduct standards.

You then asked: how often is it reviewed or assessed? A home education program must be renewed every 12 months. As part of the renewal process, a parent submits an updated home education summary plan and a registration visit is conducted annually to review the program and the evidence of learning.

- (3) Your last question around how many mandatory reports have there been regarding concerns: The Office of the Education Registrar does not collect or maintain data on the number of mandatory reports made in relation to children who are home educated. Mandatory reports made by department employees are managed through the department's child safety process. The type of education is not captured in mandatory reporting data, so the department cannot extract or report on the number of mandatory reports that may relate specifically to home-educated children.

Homes Tasmania - Transformation to Building Tasmania

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

[2.37 p.m.]

Last week the government announced that the Department of State Growth would be transformed into Building Tasmania. There is significant uncertainty amongst stakeholders about what that means for Homes Tasmania. Are you able to outline to the Council what the administrative arrangements and functions of Homes Tasmania will be under the new Building Tasmania model, and can you indicate to Council whether you foresee any amendments to the *Homes Tasmania Act 2022*?

ANSWER

Mr President, I thank the member for Hobart for the question. We are obviously working through a lot of those final details on what needs to be adjusted, but we had already started to move planning and strategy away from Homes Tasmania so that they could concentrate on delivering the different styles of homes that are needed to cater for the market. It's business as normal at this point in time while we work through some of that transition. With Ben Wilson now as the CEO there, we're already starting to see very positive influence with his experience in delivering homes. There are many different parts to what Homes Tasmania does. A lot of it is very emotional with crisis care, emergency care and social housing. Our focus at the moment is putting systems in place to deliver more homes quicker at all levels. As more information becomes available in the coming weeks, I am more than happy to share them with the members of the House. Thank you.

Supplementary Question

Ms O'CONNOR - It does sound like there's a lot that's not yet resolved about how Homes Tasmania will operate under the new structure. We have a further question on behalf of the staff and volunteers at Anglicare, as well as other specialist homelessness service providers who provide support services to vulnerable Tasmanians.

With the announced restructure to Building Tasmania, there's a significant concern about the future of services that go beyond development and construction. There is a concern which hasn't been mitigated to date, about the people-focused crisis and support services currently administered by Homes Tasmania, including the Family Violence Service, the Housing Connect Front Door Service and supported accommodation. Minister, can you confirm where these services will sit within the new State Service structure and commit to maintaining each of them in full, including their funding?

Mr VINCENT - Mr President, at this point in time I am not able to elaborate any further as we work through those, but everything that Homes Tasmania is doing now is still continuing. We have a commitment of \$50 million a year towards that part of the sector.

Ms O'Connor - Specialist homelessness services.

Mr VINCENT - Specialists and it takes in all those immediate crisis - whether it's parenting and children, all those different parts of it. That is still totally active as it is at the moment and we're working through where some of those services may best fit.

Certainly, it's a very complex model when you get into it, Homes Tasmania, and the dedication of a lot of the staff - that's all the different parts of the sector - is quite amazing when you talk to them. We have to make sure that all those services are maintained or, wherever possible, increased, of course.

We understand the growth of the situation. I've been visiting almost on a weekly basis premises right around the state at all different age levels and from crisis through to social and various youth programs to ensure that I understand, as best I possibly can as minister, how we can best react to some of the changes that are needed and how we can do what we can, because it is a gut-wrenching, heartfelt part of what Homes Tasmania do. I fully understand your

questions and I'm more than happy as things move forward to keep in communication with you about those things.

University of Tasmania Act - Government Response to Legislative Council Report

Ms WEBB question to MINISTER for EDUCATION, Ms PALMER

[2.40 p.m.]

Noting that during the Legislative Council debate held on 1 April 2025 on the report of the Legislative Council Select Committee on the provisions of the *University of Tasmania Act 1992*, the government stated it intended to respond formally to that report once the federal Senate Committee on Education and Employment had completed its university inquiry; and, further noting the Senate committee's final report, *Quality of Governance at Australian Higher Education Providers*, was released on 11 December last year:

Can the government please advise when it intends to provide a formal response to the Legislative Council Select Committee's reports, findings and recommendations?

ANSWER

Mr President, Tasmania is currently considering findings from several intersecting reviews relating to university governance, including the Public Accounts Committee inquiry into the University of Tasmania's financial position, and the Legislative Council Select Committee on the provisions of the *University of Tasmania Act 1992*.

At a national level, higher education governance has also been the subject of significant review. The Senate Education and Employment Legislation Committee final report, *Quality of Governance at Australian Higher Education Providers*, was tabled on 11 December 2025 following a year-long inquiry. That report made a number of recommendations relating to university governance, including that state and territory governments review university-establishing legislation.

In addition, the Commonwealth's Expert Council on University Governance released its principles and recommendations in October 2025 and that was part of the broader Australian Universities Accord reform process. Education ministers have agreed that the Commonwealth, in consultation with states and territories, will prepare a national implementation plan and this work is still in progress.

The Tasmanian government intends to consider the findings of the Tasmanian inquiries alongside these national developments to ensure any response is aligned with the emerging national governance framework. For that reason, it would be premature to initiate a state-based legislative review of the *University of Tasmania Act 1992* ahead of the completion of the national reform process. Once the national work is settled, the government will consider the most appropriate timing and scope of its response.

University of Tasmania Act - Government Response to Legislative Council Report

Ms WEBB question to MINISTER for EDUCATION, Ms PALMER

[2.45 p.m.]

Just to follow up on that, the question was specifically about when would we expect a response and if the answer is 'Once the national work is finished', when is the minister expecting, or what's her understanding of when, that national process will be at a point that is considered finished enough for the state government to even provide a response to the Legislative Council committee report given we've been waiting a year.

ANSWER

Mr President, as I've indicated, the government does intend to consider the findings of both of those Tasmanian inquiries alongside the national governance reforms that are currently being developed through the accord process, and once that national work is settled, we'll be in a position to determine the most appropriate timing and form for the response. As education ministers, when we meet with our Commonwealth counterpart and with other education ministers from across the country, there have certainly been many discussions on that. I will have to take on notice what the Commonwealth's timing is and I will see if I can get that information for you before the end of the week.

Ashley Youth Detention Centre - Escape Incident Review

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

[2.46 p.m.]

- (1) In relation to the escape event at Ashley Youth Detention Centre in December 2025, can the minister please advise, with regard to the formal review of this incident:
 - (a) Who is undertaking the review?
 - (b) When is the review likely to be completed?
 - (c) Will the review be released in its entirety?
 - (d) If not, why not?
- (2) Can the minister please advise how many AYDC staff were injured in this incident?
 - (a) The extent of the injuries?
 - (b) Whether any staff were hospitalised?
 - (c) If so, for how long?
 - (d) Have the staff returned to work?

- (3) In relation to staff returning to work following injury, can you advise if they are back at work in their regular capacity or undertaking reduced workload duties?
- (4) If injured staff have not returned to work, when is it anticipated they will be able to return?
- (5) Could the minister please advise whether Workplace Standards were notified of this incident and whether they attended the centre?
- (6) Has the department been provided with an interim report? If so, when will it be made publicly available?
- (7) In the last financial year, how many reportable incidents have been made about occurrences at AYDC to workplace standards?

ANSWER

I thank the member for the questions.

- (1) (a) The Tasmanian government is committed to the safety and security of everyone at Ashley Youth Detention Centre. To support ongoing safety and security of AYDC, the Tasmanian government has commissioned an independent review to allow a deeper understanding of recent serious incidents at AYDC. Mr Mike Wheaton from the New South Wales Department of Justice and Communities is leading that review. The objective of the review is to identify tangible and practical changes to support safe, efficient operational practices that build stability and predictability for children and young people in custodial youth justice.
- (b) The independent review is due for completion by the end of April to early May 2026. The review process has already commenced and involves discussions with AYDC children, young people and staff and oversight bodies, as well as review of incident information and footage to understand causal matters.
- (c) Once the final report is submitted by Mr Wheaton, the Tasmanian government will assess its findings and determine the most appropriate approach to release the findings and recommendations.
- (d) As Minister for Children and Youth, my priority is the safety of everyone at AYDC. The government will review the final report, including confidentiality requirements and AYDC security considerations, before making a decision to release the report details publicly.
- (2) As Minister for Children and Youth, I acknowledge the ongoing impacts the AYDC incidents have on staff. Specific details about the incident or personal circumstances of staff cannot be provided due to confidentiality

requirements and ongoing Tasmania Police investigations and/or court processes.

The AYDC senior management implemented immediate staffing, wellbeing and operational arrangements to stabilise the centre while the emergency response to the incident occurred. Any person or persons who sustained injuries were provided with the appropriate medical treatment by medical professionals either on site or at a medical facility.

Additional staff wellbeing and supports are activated after any serious incident and remain in place. AYDC management staff continues to check in on impacted staff whether they are at work or on leave. Staff support is ongoing and additional support is provided through the Department for Education, Children and Young People Wellbeing Connect service. AYDC senior management coordinates a return-to-work program for any staff member who requires an individualised plan, to allow a safe and managed return to the workplace to undertake their usual or alternative duties.

- (3) The Department for Education, Children and Young People works with staff individually on a case-by-case basis. Specific details about the incident or personal circumstances of staff cannot be provided due to confidentiality requirements.
- (4) Specific personal circumstances of staff cannot be provided due to confidentiality requirements. Many factors determine a medical practitioner's assessment about an employee's suitability and capacity to return to work.
- (5) WorkSafe Tasmania was notified on Friday 19 December 2025 of the AYDC escape incident which occurred on 18 December. WorkSafe Tasmania was onsite at AYDC on 23 December.
- (6) WorkSafe Tasmania has not yet provided the Tasmanian government with an interim report. The WorkSafe investigation is ongoing and a conclusion time frame has not been provided. WorkSafe Tasmania determines whether its reports are publicly published.
- (7) In the last financial year, July 2024 to June 2025, three AYDC incidents have been confirmed as WorkSafe Tasmania notifiable incidents. The Tasmanian government promptly notified WorkSafe Tasmania of all three incidents.

Government's Youth Crime Strategy

Ms THOMAS question to MINISTER for EDUCATION, Ms PALMER

[2.52 p.m.]

On 3 February this year, you released the Violence in Schools - Keeping Staff Safe 2026-28 Action Plan, and in your media release you stated:

Violence has no place anywhere in our community, especially in our schools.
Everyone should be safe at work.

Just this week, innocent community members have again been impacted by violent youth crime whilst at work in a shopping precinct. If violence truly has no place anywhere in our community, why does your plan only address youth violence within school settings, and when will the government deliver a comprehensive strategy to address youth violence and crime wherever it occurs in our community?

ANSWER

Mr President, I thank the honourable member for the question. The Violence in Schools - Keeping Staff Safe Action Plan was released on 3 February 2026 and focuses on prevention where possible, and clear and consistent response if an incident occurs within a school. While it was developed specifically to prevent and address violence within school settings, I also believe implementation of actions within the plan, such as addressing student behaviour and supporting training and professional development, will benefit the community outside of the school gate. I stand by my comments that violence has no place anywhere in our community.

Our Youth Justice Blueprint 2024-34 outlines the strategic direction of youth justice reform with the aim of improving the wellbeing of children, young people and their families while addressing the underlying drivers of offending behaviours, reducing offending and improving community safety. This includes implementing a range of early intervention, prevention and diversion programs and options, and supporting children and young people who are on bail. The youth justice model of care released in December 2024 supports the implementation of the blueprint and provides the framework for a coordinated and consistent approach to delivering trauma-informed, evidence-based and culturally safe services to children and young people who interact or are at risk of contact with the youth justice system in Tasmania.

The Youth Justice Diversionary Services Framework, released in June 2025, sets out requirements for funded diversionary services in Tasmania aligned to the youth justice model of care, contemporary evidence and best practice. The Tasmanian government has upheld its commitment to support diversionary programs for at-risk young people, with JCP Youth funded \$3.7 million over three years to continue its established BEAST program. Additionally, the Tasmanian government is investing \$2.3 million to support innovative local initiatives and partnerships that target the root causes of youth offending in local communities, and engage children and young people in education, training, employment, sport and the arts.

This government has invested in the Glenorchy CBD to develop and deliver place-based programs and services to operate out of the Glenorchy Youth Hub that is under development

by the Glenorchy City Council, and discussions are underway with Glenorchy City Council regarding a co-design approach to develop the hub services.

The Youths After-hours Diversion Service pilot began operating on 7 May 2025 from the Glenorchy Police Station, delivering an after-hours engagement and referral service through the community sector to children and young people interacting with police. The *Youth Justice Act* is being comprehensively reviewed for the first time in many years with a goal to reduce repeat offending and make communities safer.

School Bus Services

**Ms WEBB question to MINISTER for INFRASTRUCTURE and TRANSPORT,
Mr VINCENT**

[2.56 p.m.]

My question goes to the matter of the provision of reliable school bus services. Following the recent successful two-year campaign by a Gagebrook teenager to secure Friday bus services for his journey to school in Bridgewater, minister, is it government policy to provide reliable, five-day bus services on school bus routes?

Can you please detail how many current school bus routes which primarily service state public schools do not have a reliable, five-day-a-week bus service, but instead require students to find alternative transport options for at least one day per week?

Lastly, can you please explain why it is that there are school bus routes which do not provide a reliable five-day-per-week service for school students?

ANSWER

Thank you, Mr President. Yes, it was nice to have that success eventually for young Jack out there. It was certainly something that came to light when I took the position on and my staff and I worked through the various situations there with State Growth on how that could happen. We thought we had it fixed first up, but it worked out that young Jack got to school 15 minutes late and had to transfer buses. Sometimes the best thoughts and plans aren't quite right, so we readjusted and had that fixed so that young Jack could get to school on time on that bus. On the other information about the runs and everything, I will seek further advice and come back to you as soon as I have that advice.

Ms Webb - Thank you. I will send it through to your office.

Mr VINCENT - Thank you. Obviously, there is a review of the public transport system happening at the moment and we have found that in reviewing some of the school bus runs there, a lot of the - how do you call it - the experienced, aged drivers who have been doing it for a long time were doing their own little circuits and stops, and then when a couple of changes happened, even with the driver, sometimes that caused little glitches in picking up or dropping off students where they had been used to for years. We're dealing with some of those issues at the moment, but some of the finer points that you asked, I'd appreciate those being sent through to the office so that we can get exact details for you.

Ashley Youth Detention Centre - Fire

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

[2.59 p.m.]

I feel a bit guilty. The minister has been up there so much today.

In relation to the fire at the Ashley Youth Detention Centre in October 2025, can the honourable minister please advise:

- (a) what is the cost of damage so far and what will be the estimated cost of reparation to restore the facility to full operational capacity as it was before the fire occurred?
- (b) The government stated there would be a full review of the circumstances of the incident. Has the review been undertaken? If so, who undertook this review, and when will the findings be published and made publicly available?
- (c) If it has not been undertaken, why not and when is it intended to commence?
- (d) What is the government doing to keep the community informed of reparation updates and costs for AYDC?

ANSWER

Mr President, I thank the honourable member for her question.

- (a) The estimated cost of repair at Ashley Youth Detention Centre (AYDC) following the incident in October 2025 is \$1.1 million. This is being addressed through the Tasmanian government's Tasmanian Risk Management Fund.
- (b) To support ongoing safety and security of AYDC, the Tasmanian government has commissioned an independent review to allow a deeper understanding of recent serious incidents. Mr Mike Wheaton from the NSW Department of Justice and Communities is leading the review. The objective of the review is to identify tangible and practical changes to support safe, efficient operational practices that build stability and predictability for children and young people in custodial youth justice.
- (c) The review process has commenced and involves discussions with AYDC children, young people and staff and oversight bodies. The review includes analysis of incident information and footage to understand causal matters. The independent review is scheduled to be completed by the end of April to early May of this year. Once the final report is submitted, the Tasmanian government will assess its findings and determine the most appropriate approach to release the findings and recommendations. Decisions about publication will be guided by the report's content including confidentiality

and security considerations. As Minister for Children and Youth, my priority is to ensure the safety and wellbeing of everyone at AYDC and to support timely implementation of agreed recommendations.

- (d) Public release of capital restoration costs to AYDC following an incident such as a fire routinely occurs as part of the Tasmanian government-established processes, including budget Estimates committee hearings.

MOTION

Deaths and Injuries from Quad Bikes or All-Terrain Vehicle Use in Tasmania

Resumed from above (page 42).

[3.02 p.m.]

Ms LOVELL (Rumney) - Just before the break I was outlining the amendment that I intend to move, and will shortly move, and the reasons for that. I will just go back to that and recap on what I was explaining.

The amendment that I will move shortly, which I understand has been circulated around the Chamber to members, will just remove subparagraph (5)(a), the requirement for mandatory training and licensing of all persons using quad bikes.

The reason for this is that I do understand that there are circumstances where people on farms, for example, primary producers, use these vehicles as a legitimate tool of trade and where implementing a licensing scheme may be inconsistent with licensing requirements for other vehicles on private land. That's not to say that at some point this shouldn't happen, and as I will reiterate, as I said just before the break, had the government followed the recommendations of the coroner, Coroner Cooper, in his original report, or Coroner Webster, in the subsequent two reports, and referred this piece of work to the TLRI then we might be having a very different conversation now. In fact, I would hope that it would have been done years ago -

Ms O'Connor - Yes, that's right.

Ms LOVELL - because this has been coming up to 10 years, as the member for Hobart outlined. There have been, I don't even know how many, several attorneys-general in the last 10 years. I find it really disappointing and quite shocking that none of them have seen fit to progress these recommendations to the TLRI.

I do note that the recommendations in subparagraphs (5)(b) to (d) were also originally to be referred to the TLRI, but I'm not amending those because I think we could all agree that these are much less likely to have a difference of opinion. I think these are very straightforward, very sensible, commonsense even, you could say, measures that could be put in place very easily and that there doesn't seem to be any opposition to and, frankly, should be things that are happening already. I will also remind members, as the member for Hobart outlined for us earlier today, these are consistent with statements the government has made.

The government has made statements consistent with prohibiting children under the age of 16 from operating adult quad bikes and prohibiting children under the age of six from operating any quad bike under any circumstances. I can see no reason why they would have any issue with prohibiting children under the age of 16 from operating youth-sized quad bikes other than in accordance with the manufacturer's instructions.

Should this amendment be supported by members in the Chamber and be successful, I can see no reason why the government wouldn't support this motion, because all that will be left in this motion in terms of action required from the government are measures that are consistent with statements the government has already made measures that are noncontroversial, that will improve safety, and that will go towards avoiding the kind of tragic and completely avoidable deaths that we have seen as a result of ATV use.

Ms Forrest - It should have been done years ago.

Ms LOVELL - Absolutely, it should have been done years ago and could be done very easily. That is why I'm moving the amendment and I hope the government will give very serious consideration to their position on this motion, if this amendment is successful, because there is no reason, there is nothing now that is inconsistent with their public position. There's no reason why they can't support this.

What a message that would send to Jocelyn's family and to the other families of people who have been killed in these tragic and avoidable incidents: that the parliament, the Legislative Council, supports these measures.

I will now move my amendment. I have sought advice and had advice that I can move these together because they are linked, so there are two amendments to be moved together. I move -

First Amendment

Paragraph (5)

Leave out subparagraph 5(a)

Second Amendment

Paragraph (7)

Leave out 'all'

I hope members see fit to support the amendment.

[3.07 p.m.]

Ms FORREST (Murchison) - I will speak to the amendment, not to the broader questions. I'm sure the Clerk was in your ear about that. Just a little bit of context, because I will support the amendment. When I first went and looked at this motion before the House, I actually had broad and strong support from the majority of it. It is so disappointing, as has been said, that the government have chosen not to act after being told more than once to

implement some pretty clear supported amendments that they've already made public statements about.

What they should have done, as the member for Rumney and the member for Hobart rightly pointed out, was that these recommendations as a whole should have been referred to the Tasmania Law Reform Institute (TLRI), who are the experts in sorting out how best to achieve amendments like this.

I will speak more about it when we speak to the standing motion, but as someone from a rural background, knowing what I know about their place as tools of the trade on farms, as the member from Rumney referred to, it doesn't mean they come without risks. We've seen some horrific crashes and injuries on farms on these.

In fact, my dad rolled our own ATV when he was 90 going down a hill, and didn't tell me right up, did he? He's still alive to tell the tale. Wasn't till I went and saw him three weeks afterwards and he had to fess up because I could see he wasn't moving as well as he normally did. He was bruised from shoulder to ankle, and I made him take his clothes off so I could have a proper look.

He was very, very lucky. He'd been using ATVs, as the member for Hobart referred to, for many, many years. The area of mandatory training I actually think is a really positive thing. I'm not sure how you do it in the absence of licensing, and that's a bit of a conundrum, and why it's really important it go to the TLRI to find out how best to achieve this while taking the broader community with you.

The very sad situation we've referred to with Jocelyn's death, and I will speak to that when we speak to the substantive motion more, was not on a farm in these sort of settings. She was a person under the age of 16 who was operating a vehicle that was not recommended for use by children under the age of 16. Sometimes I think, despite our laws, these tragedies will occur. In the absence of laws to specifically prevent them, we've really got to look hard at where we're going.

I will support the amendment because the other matters that have been recommended by the coroner, even though the coroner did recommend they be sent to the TLRI as well are less difficult to implement in a way that can be done pretty quickly.

There are absolutely things that should be looked at. I'm not saying that they should never be part of the law. I think the member for Rumney said that herself. I'm just concerned that it gets snowed down and bogged down with trying to fix it all at once without going through the process the TLRI would have undertaken.

I will speak more about this particular point when I get to my standing contribution. When I saw the member for Rumney's email, I thought she's been reading my speech notes, because that was a matter I was going to raise: the challenges around this licensing, not so much mandatory training, that's a really important part, but the licensing itself particularly. I absolutely support the broad intent of this motion, and will speak to that at a later time. I will also support the amendment to make this hopefully sail through this place with a really strong expectation the government will actually act.

[3.12 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I understand what the member for Rumney is seeking to do here, and that is for a motion that drives government action on at least some regulation to save lives to pass this place. I will simply note that multiple coroner's reports have been really clear that, because of the nature of these vehicles and the high risk of operating them, strong recommendations were made on mandatory training and licensing. I don't think you can have one without the other. You could sell someone a quad bike or an ATV and as a requirement of purchase require them to undergo mandatory training but, without a licensing scheme in place, it's very hard to mandate training.

At some level, as a society, at some point, we're going to have to grapple with this because on average a death a year, every year since 2020, just in Tasmania, is a very high toll and there are plenty of families, unfortunately, who are grieving in much the same way as Julius and Sonia.

I won't be opposing the amendment because, as the member for Murchison said in her contribution, (5)(b) prohibits children under the age of 16 from operating adult quad bikes, (5)(c) prohibits children under the age of 16 from operating youth-size quad bikes other than in accordance with the manufacturer's instructions, and (5)(d) prohibits children under the age of 6 from operating any quad bike under any circumstances. These are surely wholly supportable as a unit of reforms by this Council and indeed by government, Mr President.

I thank the member for Rumney for trying to work her way through here. I understand it's complex and difficult in terms of some stakeholders, but I won't be voting against the amendment and I hope the substantive motion still has Council's strong support.

Amendment agreed to.

[3.15 p.m.]

Ms LOVELL (Rumney) - I will briefly finish my contribution by thanking members for your support. Again, I encourage the government to consider seriously the position that you take on this motion now as it is amended in the way that it has been, and look forward to other members' contributions on the amended motion.

[3.15 p.m.]

Ms FORREST (Murchison) - Mr President, in speaking to the amended motion, I find myself in a position to speak in strong support of this motion. I thank the member for Hobart for bringing it in its original form, but with the amendment not opposed it is a good outcome in my view. I also note and acknowledge her extensive contribution. I am not going to repeat a lot of the coroner's findings specifically or the tragic events as she outlined that led to Jocelyn Daguman's death. I think it is absolutely tragic, but I wish to speak in more broad terms. I knew the member for Hobart would do a comprehensive contribution on this and we do not need to repeat a lot of that, but I do acknowledge that.

Before I say anything else, I also want to acknowledge the families who have lost loved ones to quad bike and ATV accidents. I know there have been many tragic deaths and serious injuries of a number of people, both very young and not so young, in my electorate over recent years and my heart goes out to their families and friends. We talk about young people being particularly at risk. Yes, they are, but I will never forget the death of a neighbour just up the road from where we live who was out on her ATV going around to check all the farm and

everything before she and her husband left on an overseas holiday they had planned forever, as farmers do and never do it. She was on the road as well as on the farm because the farm was connected and surrounded by country roads, as they are in the country. It was rainy. It was a really drizzly, overcast day. It was up in a windy location, which much of the north-west can be, and she was sadly hit by a motorbike and killed - the day she was leaving for her holiday with her family.

It was the most tragic of circumstances. She wasn't a young woman, and she was an experienced rider. She had been riding four years on the farm. Sadly, every community will have a story like that. There have also been far too many young people killed on ATVs, some of them on public roads where they arguably shouldn't be in the first place, others in forest reserves or on private land, and the whole community has to come to grips with that. It is a tragedy any person dying in those sorts of circumstances, but a young person in particular. I also want to acknowledge the family and friends of Jocelyn Daguman, who was referred to specifically in this motion - again, a girl 14 years of age who was taken too soon in February 2023 at Boyer. She did have a whole life before her. I cannot imagine the trauma that her parents still experience, particularly when we are discussing this, as I think the member for Rumney said, in such a public way, but sometimes we need to do this to get action. I appreciate the member for Hobart's apology for having to raise this and perhaps the trauma it may force the family to relive. To Jocelyn's family and to every family member or friend who has lost someone or seen someone seriously hurt, I express my sincere condolences and acknowledge that we need to do more to prevent such tragedies.

I also want to be clear at the outset, and I mentioned this in my contribution on the amendment to the motion, that quad bikes and ATVs are a genuine and legitimate working tool for farming families and rural communities right across Tasmania. In my electorate of Murchison, one of the most rural and agricultural electorates in this state, these machines are part of everyday life. They are used to round up livestock, check fences and access remote corners of large properties to get essential work done across terrain that often no other vehicle can easily access. Hence the challenge that presents because of the nature of their construction.

I do note that the member for Hobart talked about tractors being much more stable. Not always. It depends whether sometimes they're on steep terrain; if you haven't got dual wheels on them they will roll as quick as anything. My dad's also rolled a tractor as well so it's amazing he didn't die from some farm injury, to be fair.

He's very lucky, my dad, he had more lives than he perhaps might have done. I still remember as a school student being woken up by mum early in the morning to say Dad's had an accident with the tractor. He was lucky his head landed between two rocks when the tractor was on top of him. You can be lucky, can't you?

A lot of our equipment that we use in these sorts of settings is quite dangerous and we do need to treat it with respect and make sure that there are adequate skills - and that was back in the day when I was a kid, when roll bars weren't a thing on tractors.

The hay bales that were covering the lights on the tractor in the dark probably were the cause of his missing the edge of the track he was on and ending up down in the gully, but the bales on the back of it actually broke the fall of the tractor.

The reason he was up so early and feeding was that he wanted to come and watch his kids play sport, and that's why he was out there. Needless to say, he didn't get to see the sport that day.

These machines are very useful and an important tool. I do understand that and I absolutely respect that. I want to be equally clear that nothing in this motion now, particularly nothing, well even before it was amended, nothing in the coroner's recommendations seeks to take any of that away. It's not about demonising quad bikes or imposing city-based thinking on country people; it's about saving lives - and not only saving lives but also avoiding serious injuries. It's about making sure that men, women and children who depend on these machines every day are able to come home safely at the end of the day from using them.

The farming families and rural communities in my electorate are not resistant to safety. When you talk to people who have been touched by these tragedies in communities like mine, most people want is practical help. I note the member for Hobart's comments around the programs for the funding to improve safety of some of these machines wasn't well taken up. Well, why was that?

Ms O'Connor - Probably not promoted quite well enough.

Ms FORREST - To say that farmers can be resistant to change, that's true. I don't deny that, but they also don't want to have to take money out of their own pocket for something they don't think they should have to do. I just can't see how it wouldn't have been taken up when the money was there, available to assist farmers to modify their equipment and it wasn't done. I don't understand that because in spite of it all, most farmers have kids and they will want their kids to be safe, even if they're not so concerned about their own welfare.

Workable solutions are important, so measures that fit how people on the land actually live and work are really important. Sometimes we all hear that now these townies come in and think they can tell us how to do stuff - we need to listen to those people, but they shouldn't be the prime voice if they don't understand how these machines are integrated into their regular use on a farm.

The statistics we heard and the three deaths so far this year, as the member for Hobart alluded to, are not abstract figures; they're real people who have died as a result of ATV accidents. Since the year 2000, across Australia 1400 people have been seriously injured every single year. They're not freak accidents, mostly confined to reckless users. Many of these people have died or been seriously hurt as experienced and careful operators on their land. It is a bit in the nature of the machinery that's part of the problem and hence the need to do what we can to make sure people are kept safe.

We also know that you can put seatbelts in a vehicle, whether it's a motor vehicle or any other vehicle, and yes, we can try to police that, if you like, with the roadside speed cameras where you can now see when people aren't wearing their seatbelts. It's a pretty new innovation, but you're not going to put them on farms. It comes back to that education piece which is really important.

I acknowledge that quad bikes are the single most dangerous agricultural vehicle in Australia. They're probably similar in some respects to what motorbikes used to be before

ATVs were a thing. A lot of young people came to grief on motorbikes, particularly when they didn't just run around on them on the farm, they would go out into the bush and stuff like that.

The physics of the ATVs are that they have a relatively narrow wheelbase with a high centre of gravity and any weight shifts under different conditions, which make them more difficult to control. Even though someone might be quite strong riding them, they are very heavy machines. If they start to roll, it's not something you can easily correct by using your body weight, even if you're a big person.

This is a risk that skill and care can reduce but not eliminate on its own, so we need other mechanisms to help with that.

As has been referred to, we've had two coroners examine this issue in Tasmania: Coroner Cooper in 2017 following his investigation into seven deaths between 2012 and 2015, and Coroner Webster in 2024. Two separate inquiries, two sets of pretty clear evidence-based recommendations, so I believe it is time to act and this government has a responsibility to do so.

As it has been said, after the first report, we really should have sent the matter to the Tasmania Law Reform Institute (TLRI) because they are the experts in working through this. I would have much more confidence bringing forward legislation related to all these matters, particularly the more complex licensing and mandatory training piece, if the Tasmania Law Reform Institute had a look at it and considered how best to adopt it, how to make it work within the settings where it needs to - it would far more easily see the favour of this House, and the other House for that matter. Things like helmets and seatbelts are much more readily accepted contemporary safety gear. You don't go onto the road and a motorbike without your helmet on. It's very visible if you don't, and most people now religiously wear their seatbelts in their cars, for example.

The recommendations really were sensible practical measures and not bureaucratic overreach. It was the application and implementation that required that more thorough approach the Tasmania Law Reform Institute could provide.

Coroner Cooper called for mandatory training and licensing - this has been taken out, but I want to speak briefly to it - of all quad bike users, increased community education, promoting helmet use and operator protection devices such as seatbelts, et cetera, age-based restrictions to protect children from operating machines they are not physically or developmentally suited to handle safely.

I just want to speak a little bit about the mandatory training and licensing. It's not a new or untested idea. We've done it in other areas. We require it for motorbikes, tractors in some circumstances and contexts, for forklifts and other industrial machinery. However, as I said when I spoke on the amendment, I'm not fully convinced about how to implement the mandatory licensing in a straightforward manner. I believe that requires further consideration with the appropriate body to do so.

I note the member for Hobart's comment that separating mandatory training from licensing is problematic. I absolutely agree, so that's why it needs to be looked at. Training is critically important. Education is critically important here. Training in the use of any sort of equipment like this, particularly heavy equipment, does create competence and can save lives.

Such a scheme would only be able to be achieved, in my view, where it's designed with rural users in mind and that's where my concerns lie with that: with the requirement at the beginning to do that with all the other things that are much more straightforward, and I don't believe you can do mandatory training in the absence of licensing easily. You can, but I don't know how you'd measure it. I don't know how you'd measure the outcomes of it. Hence the need to have that properly looked at together.

This is more of an operational thing, it's not something much for the Tasmania Law Reform Institute: I believe if you're going to deliver this sort of training, it needs to be accessible to the people who are going to need to use it. It would mean training locally in regional areas, not expecting everyone to leave their farms and come to Hobart or even to Symmons Plains or somewhere, wherever you may do it. It needs to be delivered in Smithton, in Burnie, in Queenstown, across the north-west and west coast and down around the east coast, where there're plenty of farms up there. It also would need to be delivered at a cost and within a time frame that's reasonable and reflects the nature of the rural work that's undertaken, because when it's busy on the farm, it's busy on the farm. You can't necessarily free up workers easily. That would all need to be factored into it. Employers, farmers who employ people, have an absolute work health and safety obligation here.

It would also need transition arrangements to help people comply, because if you can't bring anyone, don't expect everyone to be trained and licensed if that's what was going to happen. Not every machine is equipped with seatbelts and things like that. Newer ones are. Helmets you can easily put on. Most farmers would actually have helmets on their farm. The challenge is perhaps putting them on their head, and strapping them on correctly, having seen how that can work. It means working hand-in-hand with our agricultural sector, with farming organisations and rural communities, so that we can design a system that works for people that it is meant to serve.

Now, that deals with the people on farms. We're still going to have that desire for a lot of young people to go out in these sorts of vehicles, hoon around the bush tracks and out in areas where it isn't easy to monitor them and see what they're doing. We can't turn a blind eye to that. We can't just say, well, if we bring in this system that will make it all go away. It won't. We've got to be open to that and how we can make sure that the message is out there, that if these younger people - I'm not talking about under six, I'm talking about seven to 16 - are to ride these sorts of vehicles, that they only ride ones that are suitable for their size. I say their size and weight, not their age.

Now, you can get very little kids who are, for their age, quite small. I know when you go to some of these fun park places, it's not about how old you are, it's how tall you are as to whether you can go on that ride or not. I think that's what's critical here. It's about the strength of the child. The physical size of the child is more important than their age. This is something that the Tasmania Law Reform Institute can look at, or the government should certainly look at: how do you implement those in a way that actually does make it safe? If you're going to allow kids between seven and 16 to operate these vehicles that are set for an age, 10-year-old, 15-year-old, whatever, how are we sure that those children are actually safe on that vehicle, as much as they can be? Motor cars aren't entirely safe all the time either. I believe it's really important that we engage broadly on that piece of reform to make sure that some of those matters are properly brought in, so that the protection is there for the people who need it.

I think it's important to consult on the design of training and licensing programs. We might need to train people how to put a helmet and a seatbelt on, but you think that would be pretty much understood. It doesn't hurt, I guess. I think the farming community, by and large, want their kids to be safe on the farm. They don't want their children hurt. That's the last thing they want. Coroner Webster's 2024 findings reaffirmed the urgency of this need to implement these recommendations. I'm sure he must have been quite frustrated; that sort of comes through a bit in the way the report is written, that sense of frustration.

Ms O'Connor - Particularly towards the back end.

Ms FORREST -Yes, that's right. The government has had the recommendations. It has had the time. What it seems to have lacked is the political will to act. That's what this motion is calling for today, and the motion is right to characterise the government's response as substandard. I absolutely agree with that.

Awareness campaigns have been run, but awareness campaigns alone do not save lives when the underlying regulatory framework remains inadequate and perhaps hasn't been as well engaged with us as it needed to be. We've also known for years that voluntary measures are generally not sufficient. We do have to legislate in some areas; the injury statistics and the death toll confirm that.

I do not think this is a matter of the government not caring. I think they do care. It reflects a genuine difficulty in navigating the competing interests. That said, it doesn't mean you don't try and you don't start and they've had a long time to start. They've made some comments publicly that suggest they've thought about it but haven't done anything concrete.

They need to navigate the competing concerns of a rural industry, the implementation costs and community pushback. There is always community pushback on things, particularly things that make those in our rural community think they're being told what to do by the bureaucrats in Hobart. They also understand the importance of keeping themselves and their families safe.

I want to speak a bit more specifically about the provisions relating to children. I say this as someone who as a child rode ATVs, and they were too big for me, obviously. I probably went too fast on them, went up and down hills on them, didn't manage to roll it like my dad did. As did my siblings and we'd go two on, double dink on it as well. All the things you shouldn't do, we did.

We were lucky, my son might say, and probably we were, but we were also unaware of the risk. We just thought these were new beaut machines that we could get out to the back of the farm much more quickly on. I think initially we didn't wear helmets, but we certainly did a bit later on when that was the thing, or that's what Mum and Dad said we had to do. Some of my brothers didn't always, but anyway, I won't do them in too much.

I do think the changes with regards to children are the most urgent and can and should be done quite quickly. Just to reiterate, the motion endorses a prohibition on children under 16 operating adult quad bikes, restrictions on children under 16 using youth-sized machines, strictly in accordance with manufacturer's instructions.

I don't know whether manufacturer's instructions come with a weight for age type arrangement; the shake of the minister's head would suggest not. That's not enough in my view. Also, a prohibition on children under six operating any quad bike at all I know will challenge some families, because that can mean putting your two-year-old in front of you on the quad bike and just tootling around the farm. It doesn't mean they're actually in control of it, but they're still on it if it rolls.

That will see some pushback from members of our community, not because they don't think their children's safety is important, but because they see it as a fun thing to do with grandpa or grandma or uncle whoever. I'm sure you've seen it, I'm sure we've all seen it if you have spent any time in a rural community.

I do appreciate this may not be as popular with some people whom I represent, but there are options for children over six years old, and children under six years actually shouldn't be doing farm work anyway, in my view. They should be having fun, being kids, going fishing, you know, just having fun. The argument is they need to work. Well, I actually think six-year-olds and others don't need to work. They're kids, so let them be kids. Even beyond six to probably 12, most of them don't do a lot of work on the farm. Mind you, I had to, mostly walking on foot though, around the farm, getting the cows in, et cetera.

I understand that on many rural farms, children grow up around machinery; it's not unfamiliar to them; they get to know it. So it was not quite a foreign thing to a child who has grown up in a city or in a town; farm kids know much more about these machines. They are aware of their power; they are aware of their danger, but it doesn't always stop them getting themselves into trouble.

They also have a lot of the skills passed on by the very nature that they are around them all the time. I do have an enormous respect for the tradition that is and appreciate this part of culture and the practice of growing up on the land. There is not an intention here to lose that. It is to make sure it's done in a safe way.

The particular challenge here is that quad bikes present a specific and serious hazard that warrant specific and serious protection. These machines are not like other aspects of farm life. Their rollover risk does not diminish because the operator is young and keen, children's smaller body size, developing reflex and still maturing capacity to assess risk in fast-moving situations to make them all more vulnerable, not less. The manufacturer specifications for youth-sized machines exist for good reason, but I am not sure they are fully adequate for the purposes as I have described.

A child riding a machine they are not physically suited to is in real danger, regardless of their enthusiasm, their experience or the attentiveness of the adults around them. Sometimes these crashes happen in full view of the adults who are notionally responsible at that time. These age limits are absolutely not a judgement on farming families. They are acknowledgement of the physical and developmental reality of children. A child under six operating a quad bike under any circumstance, most parents, if they generally understood the risk, would not want that and with proper education, explanation about the risk, would support such a measure.

I do call on the government to meaningfully respond to these recommendations in good faith, with genuine engagement with rural communities about how to do it in a way that works.

This includes introduction of the legislation that is required, but it also needs to be a sustained, well-resourced community education program, not a token exercise and, if necessary, some financial support to enable the necessary modifications to be taken. Some of these really old ATVs are still around on farms that do not have any real safety features. We do need a genuine effort that reaches farming families and recreational users across regional and rural Tasmania in a targeted and accessible way. The government needs to do work to design these measures properly with regional delivery, reasonable costs, adequate transition arrangements and genuine involvement of the communities they are meant to serve.

This motion asks the Legislative Council to say something clear and true: that more than 20 deaths and 1400 serious injuries a year is not acceptable. The two coroner's reports have pointed a way forward and the time for action is long overdue. I go back to the point that, where the member for Hobart started: Jocelyn Daguman was 14 years old, and she and all other Tasmanians who have lost their lives this way deserve to grow old. Their families deserve to know that something has changed in response to their loss and the considered recommendations of the coroners.

The rural communities of Tasmania who rely on these machines every day, who carry the risks every day, deserve a government that takes its responsibility to them seriously enough to implement workable, practical and evidence-based safety reform. I support the motion and thank again the member for bringing it forward.

[3.44 p.m.]

Ms WEBB (Nelson) - Mr President, I am rising briefly to speak on this motion, mostly to thank and acknowledge the member for Hobart for bringing it. In reflecting on such tragic circumstances that puts our minds to wondering how on earth can this have been neglected by the government for such a long time, given the degree of risk that is involved, the demonstrated tragedies that have happened and the very clear pointers on the way forward that can be picked up and followed. It is a matter of neglect.

I did just want to mention the Dagumans, who were here earlier when the member for Hobart made her comprehensive contribution but are no longer in the Chamber. I did want to acknowledge them and their grief and tragedy of the loss of their daughter, Jocelyn. I did have Mr Daguman visit my electorate office last year. He came to provide information and seek to raise awareness that his daughter Jocelyn had lost her life in this way and his absolutely fervent hope the coroner's findings and recommendations would be listened to eventually by government.

At that time, Mr Daguman had also indicated that he and his wife were liaising with the member for Hobart and the Greens about the most appropriate way to further debate and raise and seek action on these matters. I was pleased to know that there was some activity occurring and that someone was going to pick up that baton and help them carry it forward. I very much appreciate the member for Hobart's comprehensive contribution. It's been good to listen to some contributions from other members.

I'm not unhappy about the amendment that's been made and that we now have the amended motion before us. I could have supported the motion unamended, but the fact that it's been amended by the Chamber still leaves it a very valid and important motion. I could have supported point (5), which agrees with Coroner Cooper's recommendations and indicates that legislation would be required for some of those. Of course, in the process of implementing

legislation there would have potentially been research done by the TLRI, consultation undertaken, et cetera. I think we could have got to (a) through a reasonable process having agreed with it in this motion. I don't think it locked us into anything that wasn't an unacceptable way forward. I'm still fully supportive of the amended motion. It still contains an important focus and, as the member for Rumney highlighted in her contribution, the amendment should present absolutely no barrier to being supported by anyone in this Chamber or the government, given that they have already indicated support essentially for the other matters that are there.

It is a tricky situation where you have a vehicle and use of that vehicle would be treated differently on public roads versus on private property. However, often that private property is also a workplace. As the member for Murchison discussed, when these vehicles are being used as tools in a workplace, there are also work health and safety obligations that come into play. All of the complexities of that situation do need to be teased out, but it's not sufficient to say this is hard and complex and therefore we'll keep not doing it.

The fact that people are losing their lives is an absolute imperative for action to be taken and for the government to progress this tangibly and with some urgency, given that we're starting off with what has been a neglect to date. That's the extent of my contribution. Thank you to the member for Hobart for bringing this, and I very much look forward to hearing the government getting up to support this motion.

[3.48 p.m.]

Mr VINCENT (Prosser - Minister for Infrastructure and Transport) - Mr President, I thank all the previous speakers for their comments and passion towards this. I thank the member for Hobart for raising this subject. My condolences and the government's go out to all families, friends and people who have been involved in deaths with ATV quad bike usage or off-road vehicles. We do not want people in that situation. We want everybody to get home safe. When they go out for either work, pleasure or just a good time, they need to get home.

I would also like to bring before the House that I have a very detailed history, involvement and pecuniary interest in this. My business which I feel a total stranger to for the last couple of years and probably the last 10 years as my son has run it for me since I was mayor and now in this great house - is that we are the Polaris agents for southern Tasmania. Previously, before that, I was part of Loones Rural Services, the Polaris agents since its inception in Australia. We were statewide distributors back then originally as well, so we live and breathe it. We've had friends involved with accidents. I've been on rides where people have been injured and had, can I say, all sorts of crazy accidents. I've had close friends who have passed and we know a lot of the people who have been involved in these tragedies, so it's very close to our heart.

My son runs the business now and I have been talking about a few things and this presentation may be a little bit scrambled, because I've tried to make a few notes as I've gone through and listened to everybody, and there are some parts that obviously I have prepared.

I need to point out that we're talking about ATVs, and the industry has changed a lot and please don't take anything I'm saying as trying to take away from the seriousness of this. It's more about trying to educate a lot of people who might not understand what an ATV or a side-by-side is, so I'd like to spend a few minutes explaining some things.

I've been involved for nearly 30 years with the development of these as farm and recreational vehicles. They started out as three-wheelers and they were the most horrible, dangerous thing you could ever be on. They had big balloon tyres and they were dangerous. They went to four wheels, then, and they were still pretty dangerous regardless. It was mainly the Japanese, American and Canadian ones - American being Polaris; Canadian being Can-Am for the ones you see on the road. Then you had major Japanese manufacturers. In recent years, we've seen an absolute explosion of the cheap, Chinese imports coming into the market.

I was always pleased, when I did get involved just before 2000 with Polaris, because they understood that this was the way of the future for farming and recreational users, especially in outback areas of America and outback Australia. They developed a lot of things that I've seen move right through, and now you see ATVs with disc brakes, fuel injection, power steering and the balance-to-weight ratio is quite incredible on a Polaris or a Can-Am. I haven't seen the Japanese ones for quite some years now, but the ATV, as we traditionally know it, was withdrawn from sale in Australia by Polaris and most other Japanese companies around 2008 and gradually worked out by about 2018 to 2020, so six to seven years ago.

The only ones available now - I believe Yamaha are bringing in a sports ATV, which they are still allowed to, which doesn't have to have a roll frame on it, and a few kids' small ATVs, but really it's just clearing up. About that same time the coroners and various authorities were saying that you had to put roll protection on them. An ATV, as I know it, is a four-wheel motorbike that you sit on. There's no seat belt. The whole idea of an ATV is you can step off it, and you do.

Ms Forrest - Hopefully, it doesn't get caught as it rolls.

Mr VINCENT - That was the problem that most of the companies identified at the Australia-wide coronial inquest into this: that if you have a roll frame on it and you go to jump off and your leg hits that, you're still attached to the machine and it's not quite as safe, so they decided to pull out of the Australian market. They still do them, I believe, in nearly every other country of the world, but not Australia and New Zealand. Many farmers did add the stick you see on the back which just holds it up, so if it rolls on top of you, you have a bit of room underneath it, or a big flexi circle, and that didn't kill you if it hit you; it still protected you a bit from the bike that was rolling.

It was interesting, I was in America on a trip with Polaris, and their bosses were saying the market is moving away from this traditional ATV. My son has been to America every four or five years to continue the relationship and see the new technology. Over the last seven or eight years it has moved very much to what we now call side-by-sides. Side-by-sides have the traditional - what we call a Ranger in our range, that is a normal farm vehicle, all the way through to two-litre race machines now which are just plain scary for speed and take-off, but it's marvellous, the changes in technology as that's gone through. We haven't sold the traditional ATV since - 2010 I believe was the last one that went out of our showroom. They are still available through a couple of Chinese brands and a couple of Asian brands, which is totally unregulated and unmonitored. That's a very awkward thing, and that's where some of this legislation, no different to e-bikes, has to be aimed at controlling the quality of some of these things coming into the country.

Ms Forrest - You also have a lot of the older machines still in use on the farms. That's a challenge too.

Mr VINCENT - Yes. To give you some idea how the industry is changing: two years ago, 50 per cent of our service work was still on the traditional ATV. Just talking to Brent last night, now, it is probably only 5 per cent, and there's wrecks everywhere, because they just can't get parts for a lot of them anymore and it is gradually dying out.

Some of the old farmers - we did have one lovely old gentleman who came in last week. He was telling me to help with the diesel that was 23 years old and he was going crook because he couldn't get parts for it anymore. Some people have kept their old machines, but predominantly it's changing quickly.

The difference with a side-by-side is: you haven't got the ability to step out of it, and the safety feature of a side-by-side is very pronounced, like some of the cars that we are in now. They started off with no seatbelts; now you can get them in single-seaters, although they are pretty rare these days, two-, three-, four-, five- and six-seaters. So it's just not about having one or two in them.

Some tourist operations, or people where they're moving a lot of people around properties, will have the six-seaters, because they need to move pickers or whatever around the farm; or some people have them as a family vehicle so that when they go out for their holidays they can plonk the family in, and everything goes in the back, and away they go camping, shooting or whatever they do, but it's a whole different market now.

Now the technology has changed in the last eight years also. I was having a little chat with Julius and Sonia just as we went to the lunch break and explained to them who I was and what I did, and how I am minister for Transport now and am taking this very seriously, but I also pointed out that there've been a lot of changes and that I would be speaking this afternoon to some of those changes.

Some of those changes, for instance, are that they have had fully approved ROPS roll frames on them for a number of years. We've been talking about seatbelts, and all the Polaris range now - and I can't speak for others, but you can see the way the industry's going by Polaris leading from the front, so I hope it's starting to filter into a lot of others, if you don't plug your seatbelt in or put your seatbelt on, the vehicle is only limited to less than 15 kilometres an hour.

Ms Forrest - You could just still plug it in and not have it on.

Mr VINCENT - Correct. You cannot legislate against that sort of behaviour, though. It's been an amazing change. You can also get a speed key: so you have a normal key for it, but you can buy a second key that electronically limits that vehicle to less than 15 kilometres an hour also. There is a new feature that's coming through now, which is also programmable. A lot of them have got amazing electronics in the dashboard now, what you can do with them, and you can program so that it's only able to go at a certain pace or a certain distance and all that sort of thing.

As I said before, disc brakes, power steering - there is also a safety feature now which is downhill descent, which just used to be on the rear wheels. Now it's also on the front wheels because of the four-wheel drive, which is totally different to downhill braking, which is also another feature that's on them to slow them up a little bit, engine braking.

Once again, I can only talk from my experience, but I say also: Polaris supply helmets with their children's ATVs free of charge as part of it, and also with the Rangers and everything the helmets are available. It's amazing how many people have been slow to take that up. Some of them just walk out and leave them sitting on the counter and you've got to chase after them, but most people now are becoming very conscious. So the seatbelt thing has been taken care of with speed, as far as somebody wants to put the seatbelt on, or if they plug it in behind them, there's not much you can do about that.

Sitting suspended from 4.00 p.m. to 4.30 p.m.

MOTION

Deaths and Injuries from Quad Bikes or All-Terrain Vehicle Use in Tasmania

Resumed from above.

Mr VINCENT (Prosser- Minister for Infrastructure and Transport) - To follow on, I was talking about side-by-sides and the changes in the industry and how quickly we are seeing that change from what was the traditional ATV changing and moving into side-by-sides and quite specialist vehicles now. We talk about doors and netting in some of the wording that I have been reading and most of the side-by-sides now do come with netting as a standard process. Some people pull it off because they don't like it.

Once again, you cannot stop people when they get these machines at home doing what they want. You can also get half doors and about a dozen different sorts of full doors with different insulation quality to them, and some of the recent models have air conditioning and heating. One I saw the other day that had been rolled five times was a write off, and the guy walked away quite okay from it because he had his seatbelt on and had everything in place, valued at over \$70,000 now.

To give members an idea on the use, the member for Murchison touched on a few areas where the bikes are used on farms and everything but we have been lucky enough to put a lot in very specialised design modules down to Antarctica for running around between all the different buildings on the stations down there. Instead of sending down something worth \$1 million, they find the side-by-sides are very good for the tradies and other people to move between the buildings.

An incredible number of aged people, hopefully like the member for Murchison was talking about her father, aged people that have been able to keep farming for 10 and 20 years longer. Because of shearers' back and everything like that, they have been able to keep farming and it has been a pleasure to go and see some of these old farmers still being able to get around their property and feel like they are still running their property. It is quite incredible how many disabled people use them as a form of transport around their property and also around some of the areas where they are allowed to have an RV licence. We have a guy who has no use of his legs who goes surfing a lot and we helped configure frames onto his ATV, the traditional four-wheel drive style, so that he was able to get down to the beach with his surfboard and go out surfing.

A lot of fishermen and their partners use them up the lakes and professional hunters. The amount of uses for on-farm is unbelievable when you see someone coming in with some amazing spray rigs and everything else that goes with them at all. Even the famous fox taskforce for the state government had one for cruising around. I do not think they saw any foxes because the noise of the motor scared them all away. They have been a mammoth success in vineyards.

Mr Gaffney - That wasn't the reason.

Mr VINCENT - I was giving him away out there.

Ms Rattray - The former member for Windermere would dispute that fact as by interjection by the member for Mersey - fact.

Mr VINCENT - It is still out for public consultation. We do go through a lot of training, and a lot has been said today about training in this sector. It is quite interesting. Many years ago, when I did my training, I have done a couple of times, some of the ATVs were just going to 700cc twin motors, and they were pretty scary at the time, but the training was still being done on little 250s.

It was done on a flat paddock, and the member for Murchison mentioned the terrain and the topography where these machines are used and how important it is that any training that does occur does need to be in environments that are suited to the machines. That can be bush track scenarios; it's no different to what police go through with the skid pan, what happens when you lose control of the car.

It's exactly the same in these situations when you're in pine plantations, or the side of a hill or wherever it's slippery, you need to understand that. It's perfectly alright until you hit a rabbit hole or a wombat hole or something and that brings around disaster. Any training that does need to occur needs to be in relation to where the sector is going and changing and also related to where the people are going to be operating those machines, not on a flat paddock somewhere.

In relation to the under-16s, I can use my granddaughter as an example of the work that we put into educating and training them on machines of various sizes. My granddaughter has now got her licence and I would class her as an exceptional driver. A lot of that comes from understanding the skills of the machine when she was younger, coming up through the ranks. If you are trained properly, it can be an enormous advantage.

Most of the people in this room who have been raised on farms or in rural environments have all been out in the ute or the LandCruiser, cruising around the farm from early ages. Once again, it is how parents or family mature that training to make sure that it's going to be beneficial. It is very important - and I really do take note of the size of the child and their height and weight. That is a very pertinent point towards their ability to handle these machines and what they can do on it.

In talking to a few people, there's a lot of three-, four- and five-year-olds that have battery-operated ATVs and tractors, and my little grandson's in that category. Although they're not real fast, to them, they're the real thing and it is educating them towards going through to

the next step. Once again, like all things in life, it is how you learn it, how you're taught it and how you respect those things as you come through.

Ms O'Connor - Through you, Mr President. That is very different from putting a child on a quad bike. Having an electric tractor or whatever it is, it's not a combustion engine quad bike.

Mr VINCENT - Point taken from the member for Hobart there, but a lot of the machines now come in at 50cc and they move very quickly, there are electrics too there. I should clarify that. Once again, it is how people are trained and educated in that sort of area.

I will move into some of the other points that I have here. Obviously, I've been the minister for since just before Christmas. As I said earlier, this is a subject that is very close to my heart and I fully understand my role in being across this part of the industry. As minister for the Road Safety Council, I do have some input into this area. I know how important it is and I am working through that with the council at the moment, reinvigorating their focus on many different parts. I see ATVs, side-by-sides, e-bikes and mobility devices as being a very big part of that in the coming 12 or 18 months.

The government has acted on the recommendations of the coroner. Coroner Cooper required higher standards for quad bike safety in Tasmania and this has included legislative changes, educational campaigns and rebate schemes which assisted business operators to purchase safety devices.

In December 2021, the Work Health and Safety Regulations of 2012 were amended to introduce regulation 216A, which requires persons conducting a business or undertaking with management or control of a quad bike to ensure an approved helmet is available for use with the quad bike, ensure the person using the quad bike has appropriate training and ensure the quad bike is not used to carry passengers unless designed for that purpose.

Regulation 216A also requires a user of a quad bike to have had appropriate training, wear an approved helmet and not carry a person unless the quad bike is designed for that purpose.

The Road Rules 2019, which apply to the use of quad bikes on public streets, has also been amended to require the wearing of helmets by those on quad bikes.

Further, the carrying of passengers under the age of six is prohibited and the carriage of passengers is also allowed where the quad bike is designed and appropriately used for that purpose.

Safety measures ensure the safe use of quad bikes on public land were implemented under the *National Parks and Reserves Management Act 2002* and the *Crown Lands Act 1976*. These include a requirement for all quad bikes to be registered and operators to hold a driver's licence when driving in reserves.

At a national level, a mandatory safety standard for quad bikes has been introduced under Australian Consumer Law.

The motion introduced by the member of Hobart would require additional regulation, including compliance and enforcement of the use of quad bikes on private property for private purposes, and the government has previously considered whether control should be legislated for the recreational use of quad bikes on private land.

The government's view is that regulation should not extend to Tasmanians' private property. It is complex and unusual for government to intervene in the use of plant and equipment on private land for private purposes. It is difficult to conceive how activity on private property would be effectively monitored for compliance and enforcement action. However, it probably requires legislative rights of entry to private property for the purpose of inspecting a recreational activity.

The government notes that a significant portion of accidents involve illegal and risky behaviour which would not be prevented by further legislative change. Therefore, the government strongly urges people to take all safety measures when using quad bikes, including when on private property.

Although the number of on-road quad bike crashes has reduced since 2020, the Department of State Growth has commenced a targeted review of the current road rules and legislation relating to on-road quad bike use. This review will identify any regulatory gaps, policy or legislative changes that could improve safety outcomes for users of these vehicles. State Growth will release the consultation paper for feedback on key issues and potential amendments before delivering a final report to government on legislation and policy amendments which may be implemented to improve safety outcomes, along with timeframes and cost impacts. State Growth is targeting a completion date of 31 August 2026 for this review.

I noticed that the member for Hobart used the term 'being fobbed off', and I can understand the frustration from the room -

Ms O'Connor - Check the *Hansard* from Estimates going back nearly 10 years - repeatedly.

Mr VINCENT - Yes. I understand where a lot of the members were coming from with that and I have no arguments against their passion for this subject.

I certainly, as I mentioned just a minute, am passionate about doing something through this with road safety in mind. We will be speaking to the Attorney-General to find out where that has progressed and why it hasn't and what some of the complications are.

At this point, I will not be supporting the legislation in its current wording, mainly because the sector has changed so dramatically, but I do fully respect the views of this House. In my role as Minister for Transport, I will work with everybody to try to ensure that this does stay at the forefront and is dealt with in the best possible way that this government can. Mr President, I thank you for your time and your indulgence on a bit of history on ATV and the changing face of the sector.

[4.45 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I will make some brief remarks in reply. Again, I want to thank the member for Rumney for putting forward an amendment which has

clearly made the motion brought forward more acceptable to some members, without substantively undermining the intent, which is to improve community safety and save lives.

The member for Murchison gave us real insights into life on the farm as a kid and all those things that we do when we're young, where we put ourselves at risk and somehow most of us survive. Jocelyn Daguman didn't survive. The 16-year-old boy who was killed on his father's Honda TRX250 in October of 2023 didn't survive.

I also want to thank the member for Nelson for her comments and support for this motion.

If I could just go to the remarks made by the minister. It was good to hear about some changes in the construction, operation and design features of quad bikes and ATVs. Arguably, and with the greatest of respect, the minister is slightly conflicted by his business relationship with Polaris. It was a Polaris vehicle on which Jocelyn Daguman died on Regatta Day of 2023. A Polaris Ranger 904cc 4x4.

Undoubtedly, due to the safety record of these machines and the toll that they take on human life and health, manufacturers are improving some aspects of their safety. Undoubtedly, some governments, for example the Commonwealth through its standards, can require that all new quad bikes and ATVs have these specific safety features. That said, the nature of these vehicles means that they're dangerous. The research that was only released in 2024 by University of Sydney researchers points out why they can be really dangerous.

Mr Vincent talked about illegal and risky behaviours. I guess, Jocelyn Daguman engaged in risky behaviour, but she was 14. Her parents didn't know where she was because the permission to take her was never requested. That is surely where the state has a role as a regulator. The seven people who died on quad bikes and ATVs who were the subject of Coroner Cooper's inquiry and recommendations were primarily people just working on the land. A number of them, as he noted, had skill and experience in operating these vehicles. It is not a reasonable argument to make that the primary problem with these vehicles comes down to illegal and risky behaviour and that we should all breathe out because some of them have improved design features.

As to government regulating what private citizens do on private properties and private land, government does this stuff all the time. If someone wants to operate a forklift on their private land, they need to be a licensed operator. If someone wants to run a horse stud on their private land, government certainly regulates many, many aspects of that operation. The same too, for example with training greyhounds to exploit.

Again, it's a thin argument to say that because primarily these vehicles are used on private land, the government has no role. Given that Council accepted the honourable member for Rumney's amendment, and therefore removed from the motion what would arguably be the most complex recommendation of the coroner and subsequent coroners, I would have thought that the provisions that remain in the motion, that are on the evidence of the coroner, were in some ways a gift to government because after 10 years of, on the evidence, too little and people keep dying and people keep injuring themselves, the government is in the spotlight here for inaction bordering on negligence.

What is not supportable about kids under the age of 16 not being able to operate adult quad bikes, given what we know about the risk and the toll? What is not supportable about

prohibiting children under the age of 16 from operating youth-sized quad bikes, unless they do it in line with the operator's instructions? Surely we should all agree that small children, children under six who are a risk to themselves when they hop on a bicycle -

Ms Forrest - Not all of them. Some are very good at six on a bike.

Ms O'CONNOR - Yes, but we've all had stacks under the age of six. I had some absolute crackers, honourable member for Murchison. I say what I said by interjection: it is not an equivalent comparison to say that some young people who come from farming families have been given an electric tractor, therefore, it's okay to unleash a four- or five-year-old on a quad bike. It is simply not an argument.

It was an interesting contribution from the minister, a bit of a trip down a personal lane in some ways, but I didn't find it persuasive, and I hope that other honourable members will support the motion as amended, because what it requires of government, at the end, is to implement the recommendations of the coroner. That primarily is synthesised to referring these matters - and they will be matters that we agreed on by vote - to the Tasmania Law Reform Institute to work with the Department of Justice and the Attorney-General on a package of measures, whether they be legislative or regulatory.

It is not enough for the minister to say we've got a review going of the Road Rules in State Growth; and I'm absolutely certain the minister feels strongly about this. I don't doubt that for a moment, and this minister's area of responsibility is the Road Rules and so, well done, but two-thirds of deaths from these machines don't happen on the road.

In the absence of government taking action to save lives and prevent injury and prevent unending grief, if government won't act, then it would be really something for all those grieving families to know that this Council had said, well, here's a threshold we've set based on the evidence; we've recognised there are complexities with some part of what was proposed, but here, in protecting kids, we can all agree. So notwithstanding the minister's personal commitment to see these vehicles become safer and more safely used, at the moment it is a very largely unregulated area of machinery use that is one of the biggest killers of people on farms and outside cities in the country. I hope that honourable members will support the motion as amended. Send the message to government that 10 years of inaction is not acceptable and that we expect you to progress these measures, recommended by coroner after coroner, particularly to keep young people safe on these vehicles. I commend the amended motion to the Council.

Motion, as amended, agreed to.

MOTION

Getting Back on Track: Independent Review of Tasmania's Right to Information Framework - Consideration and Noting

[4.56 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to debate motion no. 8 standing in my name on the Notice Paper. I move -

That the *Getting Back on Track: Independent Review of Tasmania's Right to Information Framework*, undertaken by Professor Tim McCormack and Adjunct Associate Professor Rick Snell, and released on 29 September 2025, be considered and noted.

We all know that old adage: the early bird catches the worm. Well, I don't know about worms, but certainly this morning, the early bird can catch an early government media release. Despite there not being a whisper of the government's formal response to the Getting Back on Track report over the last six months, certainly not even an acknowledgement in the Premier's recent state of the state address, suddenly, at 6.01 this morning, there is a media release and a government response attached to it: lo and behold.

However, the story of this report does not begin with the government's belated and overdue-by-three-months response. In fact, to go back a bit further, this significant independent review was a long time coming. As members will recall, the particular catalyst for this independent review of our right to information (RTI) framework was the so-called confidence and stability agreement that was negotiated between the then-newly elected Jacqui Lambie Network MPs and Premier Jeremy Rockliff following the 2024 State Election. Goodness, that feels like a long time ago, doesn't it, Mr President?

Mr PRESIDENT - Several elections ago.

Ms WEBB - Indeed. However, concerns over the robustness of our RTI framework and whether the *Right Information Act 2009* was delivering on its legislated objectives had been growing for many years before the 2024 State Election. Escalating disquiet was voiced by public administration and legal experts, by the media outlets, by community members following unsatisfactory experience after unsatisfactory experience. It might have even been voiced in this Chamber a few times. For years, the common refrain of those attempting to use our RTI system was 'like pulling teeth'. When some did manage to extract a few of those rare teeth, lo and behold, they tended to be predominantly black with redactions: not good dental hygiene when it comes to our RTI system. Clearly, this significant component of our state's integrity and oversight architecture was failing, maybe is failing still.

Which brings us to this independent review and the *Getting Back on Track: Independent Review of Tasmania's Right to Information Framework* report, which sadly for the government, is a specific focus of my motion rather than the government's freshly minted response, although I will comment on that at times as I'm able to in my contribution, given that we've had limited time to absorb its contents. I can't think at all why it might have arrived today, when there's a motion in this Chamber debating this and noting this report, and a motion in the other place relating to one of its recommendations to be, I believe, debated tomorrow. When considering -

Ms Forrest - It might help to focus their attention.

Ms WEBB - I beg your pardon?

Ms Forrest - It would probably help to focus their attention. Good on you for putting it on there.

Ms WEBB - Well, certainly, the attention was obviously waning since it was three months after the agreed time it was supposed to be responded to, which was a deadline of three months after its release, that being September last year.

When considering this report and its recommendations, it is worth noting its terms of reference, which is provided in the report as Appendix 1 on page 180. The terms of reference were in essence to reflect and specifically seek to address the range of concerns about the effectiveness of our RTI framework raised by legal experts, by civil society stakeholders, by political commentators, and the broader community.

The independent review was tasked with considering any findings and recommendations arising from previous reviews and reports. They were to identify any administrative and cultural challenges which may be impeding delivery of the legislative objectives of our *Right to Information Act 2009*. They were to look at how the RTI Act intersects with other information management-related acts including the *Public Interest Disclosure Act 2002* and the *Personal Information Protection Act 2004*. They were to look at the performance, resourcing and efficacy of the Office of the Ombudsman when undertaking its functions under the act and, finally, to identify barriers or barriers to, or constraints on, the RTI framework's capacity.

Crucially, the independent review was also specifically tasked with identifying and recommending reforms, that, and I quote:

... encapsulate in jurisdictional best practice in terms of 'right to information' or 'freedom of information' models, and deliver reform options (administrative and legislative) including recommended phases for implementation.

That was the task nice and clearly laid out. I love it when we are asked to look at best practice and when we are asked to specifically look at reform options that can be phased in. It was a great task to be given for the reviewers. Is that what we got, I wonder? Let's have a look at it.

In the context of this comprehensive and broad terms of reference, it is safe to say that this report provides the most exhaustive examination of our right to information and related information management framework since the act was passed in this parliament in 2009. It is a good piece of work. As a case in point, chapter 1 of the report details the review's examination of previous reviews done, including the following ones:

- the Watt Independent Review of the Tasmanian State Service of 2021;
- The Environmental Defenders Office 2023 report *Transparent Failure; Lutruwita/Tasmania's ineffective right to information system and how to fix it*;
- the Commission of Inquiry into the Tasmanian Government's responses into child sexual abuse and institutional settings final report released in August 2023;
- two Integrity Commission reports released in 2024 that were relevant;
- the Tasmania Law Reform Institute, the TLR's *Review of Privacy Laws in Tasmania*, released in 2024;
- as well as the annual reports of the Ombudsman from 2010 to 2024.

Plenty of review there on work already done to be able to inform us about where to from here. Independent reviewers Snell and McCormack found across the reports they examined the

concerns were strikingly consistent, which they summarised as, and I quote this from page 12 of the report:

Taken together, the findings of previous reviews in Tasmania's RTI framework point to a system under strain.

The independent reviewers went on to state, and I quote from page 14:

Across all sources, the same issues recur: a risk-averse and opaque administrative culture; extensive delays; widespread misuse of exemptions; inconsistent practices across agencies; and inadequate resourcing and oversight. These are not isolated problems. They are interconnected, compounding, and deeply entrenched.

I am sure there are many of us here in this Chamber or listening online who recognise from firsthand experience some, if not all, of those problematic characteristics identified by the independent reviewers when they looked to all those previous reviews and reports.

Identifying the systemic problems, flaws and challenges posed by the current state of our RTI framework is, of course, only part of the story. Presenting a set of integrated and coherent solutions to address these identified problems is the crucial component of the work undertaken by the reviewers and presented in the report before us.

I do not intend to discuss individually each of the report's 43 recommendations, some of which also consist of sub-recommendations. Instead, I intend to focus upon selected findings and specific takeaway themes which I believe are indicative of both the key failings of the current system and the urgency for action as exhorted by the reviewers.

What did the report find? On page 14 it states this:

The body of evidence from previous reports and review processes paints a clear and consistent picture: Tasmania's RTI framework is not functioning as it should.

The identified persistent problems are systemic, it's clear. Starting with the failure for the legislated timeframes to be adhered to, delays and inappropriate use of exemptions by RTI officers. For example, the report provides a series of statistical sets comparing RTI performance over recent years. It's interesting to note that in 2021-22 the number of RTI applications granted in full was 42 per cent. That decreased to 28.6 per cent the following year and hit the low of 28 per cent in 2023-24, which is the most recent year assessed by the reviewers. That's a big decrease and it's a very low percentage being granted in full.

The report highlights that the downward trend in the number of applications granted in full since 2021 indicates there is likely a corresponding increase in exemption use. A theme throughout the report is the extent to which RTI requests are assessed erroneously, with exemptions applied incorrectly.

The extent to which exemptions are being wrongly applied can be gauged by not only the number of internal reviews requested but also the number of external reviews, particularly

those which result in the Ombudsman varying or overturning original determinations. As the report states on page 22:

The data reveals a consistently high rate of externally reviewed decisions being varied/set aside - typically between 70 and 90 per cent suggesting there may be a high rate of incorrect application.

We see a decrease in the number of applications being released in full. We see an incredibly high rate of external reviews being varied or set aside by the Ombudsman, telling us that this system is not being operated correctly. Just to be clear, it's not being operated correctly in favour of not disclosing information.

Of further concern is the misapplication of the public interest test when exempting materials from release, with the report stating the data indicates:

... decisions involving public interest test exemptions are particularly challenging for RTI decision-makers, and suggest a higher error rate than other decision types.

The report provides analytical detail regarding specific metrics and performance indicators, which are also presented as a comparative analysis with other Australian jurisdictions. Time constraints today prevent me from discussing that aspect of the report in detail now, but for members yet to do so, I'd encourage you to read this analysis. It's disturbing when we compare ourselves.

The report highlights the urgent need for cultural change as one of the most significant findings and one of the, if not the, biggest challenge for RTI reform in this state. Chapter 4: 'Culture and RTI in Tasmania' opens with the following statement and I quote:

Over the last 34 years, the administrative culture in Tasmania has persisted with a default position of non-disclosure of government information.

The report continues by stating on page 50:

The need for leadership and cultural improvement is at the heart of addressing the entrenched problems of Tasmania's administrative culture: a culture that has prevented the state from continuing on a journey to reap the benefits of increased transparency.

The review report confirms what many have been saying for decades. Despite the *Right to Information Act 2009* ostensibly providing an information 'push' model, it is not operating as such. Instead, it is still requiring people to pull information from government agencies, and that pulling takes a great deal of effort.

As identified by the report, the fundamental challenge is achieving this mainstreaming of transparency:

Several elements of the approach to RTI by the Tasmanian public sector must be adjusted to realign the underlying culture to one that facilitates the mainstreaming of transparency.

We hear a lot of rhetoric about transparency from this government. This report tells us incredibly clearly, with utter clarity actually, that that is not the culture that is present within this government and its administration. It's not. The RTI system tells us that it is exactly the opposite.

The report provides some interesting examples of jurisdictions working to mainstream transparency, where there is genuine effort. Locally, there is the example of a council development of a 'Request for Information' form that ratepayers could simply fill out. The form does not constitute a formal RTI application. Instead, the council involved is basically saying to its ratepayers, 'If there's some information the council holds that you want, fill out this form so that you tell us what the requested information is and we will provide it to you if we can'.

The RTI team of the council involved informed the independent reviewers that they have formed the view that nine out of 10 times it's possible to provide the ratepayer with the information they seek, thus obviating any need for a formal RTI application.

Can you imagine a government department adopting that similar approach? That would be a mainstreaming of transparency when they're actually looking to be able to actively push information out that they know citizens are interested in and should have the right to see.

The report tells us that governments elsewhere have adopted a similar approach to making as much information available as possible, minimising the need for its citizens to go through RTI processes. The specific example provided in the report is Norway, where anyone can directly search the digital records via an online portal of all Norwegian agencies. Significantly, the Norwegian approach reflects a more holistic approach to information management in general, which I won't go into here, but which is extremely relevant when considering the independent review report's recommendations that touch on structural reform of our RTI and other information-management frameworks. Critically, these local council and international examples have in common the fact that they seek to be citizen-centric and collaborative. They seek to mainstream transparency.

The report recommends the state government and the public service 'develop a collaborative partnership with citizens, civil society and the business community' to break free of the government-centric approach currently hindering efforts towards mainstreaming transparency.

To reiterate, addressing the identified cultural challenge of an automatic propensity to secrecy instead of transparency is fundamental to any reforms of our RTI framework.

Whether today's belated government response will drive the urgently needed deep cultural reform will be the lens by which that response will need to be examined.

Already we've heard on ABC radio just this morning one of the report's authors, Adjunct Associate Professor Rick Snell, provide his muted assessment raising concerns whether the necessary cultural change will result, along with a more pointed comment that was read out on

air as a text message from an anonymous senior public servant, which stated rather bluntly their doubt that the government's formal response will change the culture one iota.

Additional to the fundamental need for cultural change, the report also highlights the current RTI system, and I quote from page 96:

... is not just under strain - it is structurally flawed and fixing it will require bold, whole-of-system changes.

The report provides detailed recommendations from day-to-day functions through to systemic considerations, including the broader information-management legislative framework and oversight and accountability mechanisms, such as those provided by the Office of the Ombudsman.

As members may recall, the independent review's terms of reference included a specific task to assess the performance, resourcing and efficacy of the Office of the Ombudsman in undertaking its RTI-related functions and duties.

Chapter 7 of the report addresses this specific element of the terms of reference and it opens by stating the following:

It is impossible to overstate how critically important the role and the performance of the Ombudsman and their Office is to Tasmania's Right to Information ... framework ...

This important chapter of the report then details the range of areas the Ombudsman is responsible for and the challenges that office faces in fulfilling those obligations. Those challenges include resourcing restrictions, the limitations imposed by the need to balance the officer's RTI responsibilities with those of the other 'hats' that are worn, such as the Health Complaints Commissioner, the Energy Ombudsman, the Coordinator of the Official Visitors Program, the Tasmanian Custodial Inspector and the Tasmanian National Preventive Mechanism (TNPM).

That's a lot of hats, and of course, efforts are hampered in one area when you're wearing so many hats; you can't even allocate a day a week to each of them.

Anyone invested in a reformed and robust RTI framework will be really concerned by the independent review's estimation that even an allocation of time and focus between each of those key roles means the Ombudsman has less than a day a week to generally spend looking at each of them, and in particular in this instance, the *Right to Information Act 2009* and its responsibilities of his office under that act. It's not surprising then that the Ombudsman's office has focused primarily on reducing the worrisome backlog of external reviews, but that's been to the detriment of providing proactive training and systemic oversight functions, such as undertaking regular audits or spot checks of government agencies for compliance. It's been a real struggle, and it's understandable, when you've got limited resources, that some things fall by the wayside and you try to do the urgent things first. Basically, this critically important role, as it's described by the reviewers, and the functions that it has to undertake, have been hamstrung for decades.

I encourage members to examine closely the nine specific Ombudsman-related recommendations provided by the report, and also the discussion on pages 131 and 132 regarding the ideal budget required for the Office of the Ombudsman to clear their RTI external review backlog, and to effectively perform all their duties and functions in terms of both the *Right to Information Act 2009* and the *Personal Information Protection Act 2004*.

Recommendation 41 of the report is for the Office of the Ombudsman to be provided an extra \$500,000 annually for the next three years: a very worthwhile investment if we are genuine about mainstreaming transparency, and one which I will address further later in this contribution.

At the very least, we must protect the Office of the Ombudsman from any future budgetary cuts in light of this independent review. It's quite plain that to cut the Ombudsman's funding would be regressive. It would be harmful to good governance and transparency in this state and it would be an incredibly bad look for a government of the day to do that, especially while we might take money from the Ombudsman with one hand while we give corporate welfare to our mates building their own businesses with the other.

Half a million dollars, for example, compared to a \$10 million corporate handout, doesn't seem like much to invest in transparency if we're prepared to give corporate welfare on the other side of the coin. I take this opportunity to reiterate my call of last week for there to be a clear quarantining of any resourcing cuts to the Office of the Ombudsman.

As members may recall, last week on Wednesday 11 March, the Office of the Ombudsman released the report of its own-motion inquiry into the release of personal information in error by public authorities implementing decisions on assessed disclosure applications under the *Right to Information Act 2009*. What a troubling and devastating read that one was, this own-motion inquiry by the Ombudsman's Office.

The report details multiple instances of private information and details being released wrongly, providing a contemporary example of the problems identified by the independent review report's discussion on how the *Right to Information Act 2009* intersects with other legislative frameworks such as the *Personal Information Protection Act 2004*.

I'm aware that the motion before us does not specifically deal with the Ombudsman's own-motion inquiry and report that was released last week. However, I contend that it provides a timely and relevant exposé of detrimental, wrong and flawed practices that are occurring across government departments under the current culture and practice of our RTI system. It's not such a stretch to envisage how the implementation of an operational roving unit such as that recommended in this independent review, alongside further random audits by the Ombudsman's office, would see those troubling statistics at least identified, addressed and turned around.

Another significant structural reform proposed by the independent review is the proposed new Information Commissioner, which is detailed in chapter 8 of the report. I won't repeat in detail the report's discussion, but instead it's worth emphasising that the proposed new Information Commissioner would complement the current Ombudsman's role, rather than take over or duplicate.

Importantly, the proposed new Commissioner is seen as providing a more effective and coordinated information flow between the different elements of Tasmania's information-management system. It would have great scope to do so in a macro and consistent manner, compared with our current reliance on a single ad hoc and limited determination issued by the Ombudsman in relation to a particular matter.

As such, it would help to address the identified challenges with how the *Right to Information Act 2009* interrelates with other information-management legislative frameworks such as the *Personal Information Protection Act 2004*, and it would foster consistent decision-making, which is currently lacking, as identified through this review.

Interestingly, the reviewers state their consultations encountered 'broad support for an appropriately funded, multifunctional Information Commissioner'. I'm not surprised that the Ombudsman, the State Archivist and the Treasury all indicated to the reviewers broad support for that concept. It actually would help the system work better and ultimately result, I'm sure, in efficiencies, better practice and better outcomes if we were to go down that path. It's certainly one that other jurisdictions have tackled much more proactively than we have here.

The last structural reform that I wish to focus on is the independent reviewers' recommendation no. 23 for a specialised unit of seconded, experienced RTI delegates to be established. The purpose of the unit would be to help address agency RTI workloads, assist with the development of training and assist in various cross-government initiatives in information sharing and management. This is such a sound and commonsense recommendation.

It has long been identified - and reiterated by this review's findings - that a challenge for government departments and public agencies can be the intermittent nature of RTI requests. There can be none and then suddenly there will be numerous applications. It's not consistent workflow. Due to those fluctuations in requests, many RTI officers or delegates fulfil these duties additional to other full-time roles. They're doing it off the side of their desk. This then becomes problematic should there be an influx of RTI demands when also trying to maintain other, unrelated position requirements, which can then contribute to delayed responses and/or inappropriate interpretation of the act and the application of exemptions.

There are also ongoing concerns regarding a lack of training and mentorship for RTI officers who may be left to their own devices with little oversight or assistance. I'm certainly not wanting to cast aspersions on our RTI officers present throughout various departments and agencies. This is a situation they find themselves in where they're doing their best. I think they were probably very pleased to see the work done in this review and probably hope that it will actually drive meaningful change. Based on the quick assessment today of the government's response, I think they're probably going to be largely disappointed, to be honest.

The proposed roving RTI specialist unit would assist in working through the unpredictable workloads, while also providing mentoring and training and contributing to a more consistent understanding and application of the RTI act, facilitating its objectives being fulfilled.

Just as the recommendations regarding the Office of the Ombudsman and the new Information Commissioner, the proposed roving specialist RTI unit would be an investment in restoring confidence in our RTI framework and progressing the mainstreaming of transparency

in this state. As the independent reviewers put it, the roving RTI unit would be a practical 'game-changer'. I think that's correct. Ultimately, I think it would probably save money to employ that model because we'd be doing things more efficiently across all departments, and we'd be having those RTI officers much better supported than they are now.

Yet, unfortunately, the formal government response that came out at 6.01 this morning is to not prioritise these potentially game-changing proposals and to resort to a support-in-principle notation, on page 19 there, by contradicting the specific recommendation that the unit be under the direction of the Ombudsman, by stating that any specialised RTI unit will not be under the direction of the Ombudsman, and that in fact they don't seem to have much of an appetite for it.

At the beginning of my contribution I mentioned the review's terms of reference. The last sentence of the terms of reference reads, and I quote:

The Report will be made publicly available within 14 days of formal receipt and the Government will provide its response within three months of the completion of the Review.

Now, as we know, that response was delivered at 6.01 a.m. today, just prior to this scheduled debate and prior to the related piece of business in the other place. In the context of the report's focus on the urgent need to change the culture, it's still pertinent to point out the disparity between the government's response and the agreed timeframe for that response. They agreed to provide a response within three months of the release of the report. It was released in late September last year; here we are, six months later.

We know that due to the slight delay caused by the snap election last year, this report was a little bit delayed even in it being presented, but it was released in late September; that meant the government's formal response was due by late December. Now, we could give a little leeway here and say notwithstanding the impracticality of providing a formal response during the festive season, there's no good excuse for the government to have failed to honour its commitment to provide a response as close to the specified timeframe as possible, either during late January or early February. For the six months following the report's release in September last year, it was radio silence from the Rockliff government up until 6.01 this morning. I have to say, it would have been appropriate and actually a considerable confidence boost if there had been any mention in the Premier's Address delivered a fortnight ago of the Rockliff government's intention to formally respond even to the Getting Back on Track report and when they intended to do so.

But now we know, and now we have the government's formal response, the strengthening Transparency: Continuously Improving Tasmania's Right to Information Framework that has now been released and it's rather underwhelming. In fact, I'd say that the document is rather optimistically named, to be honest, because when examining the government's response to the 43 recommendations made in the independent review, we have to say that they've only seen fit to fully support 17 of those 43 recommendations.

That's just under 40 per cent fully supported - hardly a burning light on the hill driving cultural change and mainstreaming transparency I'd say. A further 15 recommendations have in-principle support but given the government's commentary provided in relation to those

regarding complexity and cost, it's safe to assume we won't see action on those items anytime soon.

The final 11 recommendations have merely been noted, with no commitment for action. As I said, this is as incredibly disappointing response and those within government, departments who care passionately about making improvements in this area will find it an incredibly disappointing response.

I mentioned earlier the review report's emphasis on the need for cultural change. Cultural change starts at the top. I had hoped that the government's response would have provided discussion, analysis and an implementation plan for all of the review report's findings and the 43 recommendations, which would reflect the priorities emphasised made by the independent reviewers and specifically the following call from the reviewers, which I quote from page 58 of the report. Let's just be clear, they called for this:

A clear and emphatic leadership statement of commitment to mainstreaming transparency and acknowledging the steps to return to the paths set out by the *RTI Act* by the Premier and by the Secretary of the Department of Premier and Government (endorsed by the Secretaries Board) is needed. A symbolic statement would help ensure that all the settings of Tasmania's governmental information system, from the very top, are applied to maximise transparency.

That call is also formalised under recommendation number 11. It is absolutely clear that that is a call for leadership from the top, but unfortunately, despite the government's formal response indicating support for recommendation number 11, its accompanying comment on page 17 of the government's document falls short.

There's no mention of mainstreaming transparency, no mention of committing the return to the goals of the RTI Act 2009, or recognition that any strengthening reforms must occur from the top, as specifically contained in the wording of recommendation 11. Even when we see the word 'supported' next to each of the independent review's recommendations, those commitments provided need to be closely examined for weasel words and a disingenuous approach. You can't say you support the recommendation and turn around and not quite really do it.

The independent reviewers emphasise the need for a sense of urgency to pervade efforts to drive cultural change in the area of our right to information framework.

Six months of silence from the government, followed by less than 40 per cent endorsed recommendations, does not provide a sense of urgency - it simply doesn't.

I mentioned the need for change to be driven from the top. At initial examination it would appear that most of the supported and in-principle supported recommendations place the onus of delivery on heads of agencies, senior state executives and the broader public sector in general.

Where this particular government would be responsible for taking action for its approach to mainstreaming transparency, it is not quite so quick to adopt the full intent of the review's recommendations. A case in point is the release of Cabinet documents, which is a matter covered in this report.

Let's be clear: the Tasmanian Premier has the authority to make the recommended change in the report around Cabinet documents right now, to quote from page 64 of the Getting Back on Track report:

Changing the approach to a public release of Cabinet information would be a profound catalyst for energising a positive pro-disclosure information environment and would demonstrate elected Government 'leading by example'. Transparency does not require the release of all information - and must allow the necessary protection of some sensitive information - however, over-protection of any class of information simply feeds the temptation to err on the side of non-disclosure.

The report continues by stating:

The Tasmanian approach to Cabinet information has resulted in a deference to excessive claims for secrecy and/or erring on the side of a cautious approach to interpretation. This approach has resulted in a missed opportunity to allow greater transparency into the system. Section 26(2) of the *RTI Act* allows the release of Cabinet information after 10 years and Section 26(5) gives the Premier the discretion to release Cabinet information at any time.

The independent reviewers then specifically recommended the programmed release of Cabinet information after 10 years, while also emphasising that non-sensitive Cabinet documents, such as intelligence briefings, submissions to Cabinet, agendas, et cetera, be automatically released and published online within 30 business days of a final decision being taken by Cabinet.

It is with strong disappointment that I see the government has ruled out changing the current Cabinet convention in this regard, of monthly release. It's a shame actually that that's the case of just immediately ruling it out.

Further, the government's response deliberately muddies the water in relation to the 10-year release where it states, and I quote from page 17 of the government's document released today:

Consistent with Australian Government practice, Government will explore mechanisms for release of Cabinet information after 20 years.

Twenty years, not 10 as referenced in the recommendation. It's a much longer timeframe than recommended. It is shorter than the current timeframe, which I believe is 25 years in Tasmania, but it's certainly not meeting the recommendation at all. The independent reviewers' clear intent was for the automatic release of Cabinet documents after 10 years without requiring anyone to request the release, and mirroring the current federal arrangement but obviously with a shorter timeframe than the Commonwealth has, which I believe is actually 30 years.

Definitely not mainstreaming transparency to pretend you're committing to a recommendation, but then actually double the timeframe that Cabinet documents will stay hidden away.

I ask the question now, and I hope the Leader will be able to respond in detail when providing the government's response to this motion. Leader, given the government has indicated it supports the independent review's recommendation number 14 that there be a 10-year programmed release of Cabinet documents, is the government's intention to move towards the release of Cabinet documents within 10 years, or is it just looking at the federal example for procedural methodology?

Or is the government saying it supports a programmed release of Cabinet information but within a 20-year timeframe? Which is it? Let's be really clear about it on the record today. It's a really important clarification which needs to be made sooner rather than later.

There are also other implications arising from the government's formal response. Unfortunately, predictions regarding recommendations posing state budget implications have been proven correct. The lack of commitment to driving cultural change from the top and to invest in the corresponding strengthening of both information-management frameworks and strengthening the public's trust and confidence has been shirked in today's formal government response.

The government equivocates over its commitment to delivering in full recommendation number 41, which highlighted the need for additional funding for the Ombudsman's office. I take this opportunity to reiterate that this recommendation must be upgraded from 'noted' and formally adopted as 'supported'.

The May state budget and the forward estimates must contain the recommended additional \$500,000 per year for the next three years for the Ombudsman's office. Maybe we could just crib that \$1.5 million over three years from some other corporate welfare the government has been planning to make in this budget.

It would still leave millions in the chest for providing to some mates, but let's just take \$1.5 million over three years and give it to the Ombudsman for this transparency purpose. It's barely a quarter of a conference centre somewhere in the state.

Similarly, the longer-term recommendation number 42, which would see the establishment of the Information Commissioner, has been relegated to the 'noted' category. Yes, I acknowledge this reform would require a budgetary investment, although in all reality it wouldn't be immediate.

First, the necessary legislation would need to be prioritised and drafted, which could allow for refinement of budgetary establishment and operation costs, as well as consideration of how such a role would fit within our existing integrity oversight architecture, and find complementarities there and ways to make savings perhaps, as we find a way to fit it into that system.

Fundamentally, openness to accepting these proposed reforms as investments is critical but is sadly lacking from the government's formal response.

Other recommendations focus upon a raft of proposed legislative reforms which, as we know, will take time to develop, consult and then debate. These should be committed to and prioritised, with a corresponding timetable provided, rather than just being categorised under the ambiguous 'supported in principle' label.

The report also recommends time-specific reviews following the release of the report, such as recommendation no. 22, which requires the RTI Uplift Project to conduct applicant and RTI delegate surveys 12 months after the report's release. That clock is ticking, because we are now six months into that 12-month period, but yet again, with the government's response today, we see they have merely supported that in principle. They have stated an intention to undertake a review three years after the review report release. That is nothing but kicking the can down the road and it certainly does not reflect any of the urgency in relation to culture change required to genuinely improve our RTI system, which was the implication of the reviewers recommending a 12-month review.

They very specifically made that a short-term check in to see how things were moving forward. Kicking it down the road to three years means we would not be surveying probably the same participants who have engaged with the reviewers when they did their review work and produced this report. We will not be checking back in to see how things are tracking in the short term so we can see whether we are on the right track in the early stages. We are going to wait three years and, let's face it, we will all believe that when we see it. Three years is a long time in Tasmanian politics. Who knows what will happen in the next three years and whether this recheck in with a resurveying of participants will even happen three years from now. We may well be left floundering, not really getting a good read, particularly at an early stage, on how well we are tracking for improvement.

A survey 12 months post the release of the report would have been engaging with many of the same participants who provided input to the review. It would have been a really valuable gauge of short-term progress or otherwise. Three years hence, the independent review will be far in our rear-view mirror, and we will not be able to provide anything like the same value and will risk being a box-ticking exercise indeed, if we ever even see it come to pass.

It was predictable, but it was also disappointing to see the extent to which the government has fallen back in its response on the Departmental RTI Uplift Project to front most of the recommendations or at least to point to action, hoping that pointing to action gets them off the hook for a lot of these recommendations.

The Uplift Project commenced prior to this independent review and is critiqued by the review which makes specific recommendations in relation to that Uplift Project. While there's been good work now underway via the Uplift Project, it clearly is not the vehicle that we now need to use to address sufficiently the detailed concerns, findings and recommendations laid out in the report of the independent review.

To conclude, I draw members' attention to the following statement made on page 14 of the report and I quote:

Fixing the RTI system in Tasmania will require sustained investment, stronger oversight, better training and support, and most importantly, a cultural shift - one that sees transparency not as a burden or risk, but as a fundamental obligation of public service. The repeated nature of these findings and the limited progress to date underline the urgency for action. Without meaningful reform, the 'right' to information in Tasmania will remain more theoretical than real.

That assessment is probably as succinct and as blunt as it can get. Additionally, it is important to reiterate that at the heart of this debate is the need for real cultural change. The independent reviewers make the following observation, and I quote:

There is a prevailing culture of government decision-making that is risk averse and drifts back towards a closed approach to the disclosure of information, particularly whenever scrutiny is politically sensitive.

It is well past time that we challenge that prevailing culture. Yes, at the eleventh hour of this debate, we have now received the government's belated formal response to the *Getting Back on Track* report and its 43 recommendations. To reiterate, I consider that response lacking in the necessary bravery, commitment to entrenching and mainstreaming transparency and vision required to effectively drive the necessary cultural change to get our RTI framework back on track.

Finally, I wish to take this opportunity to commend and thank the independent reviewers, Professor Tim McCormack and Adjunct Associate Professor Rick Snell, who were so ably supported and assisted also by Taya Ketelaar-Jones for their rigorous and painstaking work when undertaking and reporting upon this review. I also wish to thank all those who contributed to the independent review, either by participating in interviews with the reviewers or by making a submission to the process. So many people really genuinely tried to make sure this would be a meaningful opportunity for our state to improve transparency and the culture of mainstreaming transparency.

The *Getting Back on Track* report provides a comprehensive and lucid road map to urgently required reforms in our RTI framework. Mr President, it's such a shame we seem to be throwing that map out and just picking up a few easy wins from it that I can guarantee you right now will not be resulting in the urgent cultural change that is required. And to cite the report's reference on page 139 to the first Victorian Privacy Commissioner, Paul Chadwick's, summation of the goals of effective right to information systems:

The right information
at the right time,
to the right people
in the right way
for the right reason.

Mr President, I note the *Getting Back on Track: Independent Review of Tasmania's Right to Information Framework* report, and commend this motion to the House. I hope that others will join me in noting it.

[5.41 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I thank the member for Nelson for giving us the opportunity to debate the *Getting Back on Track: Independent Review of Tasmania's Right to Information Framework*, an outstanding contribution.

I don't know what the member for Nelson is worried about. The government is going to set up an RTI Improvement Steering Committee. Amazing, perhaps they can take the steering committee, which has been sitting on the RTI Uplift Project for the last two years, and just transfer it across. Let's face it, that is probably what will happen.

I'm old enough to remember when the *Right to Information Act* was first being developed, and I remember the then - I believe he was an assistant secretary in the Department of Justice, now the Secretary of Health, I believe, Dale Webster, who did an incredible amount of work developing the *Right to Information Act 2009*. He came in to brief all the Greens on the intent and operation of the act. I'd been in parliament for maybe a year, and I remember being really struck by Mr Webster's enthusiasm for the principles of the act, particularly those that related to active disclosure.

The original intent of the *Right to Information Act 2009* was for more openness from government with the provision of public information, and the clues are in the name: this is public information. This is information that is held by government, that is owned by the people of Tasmania, the development or production of which is funded by the people of Tasmania and the taxpayers of Australia, and yet we have seen since 2014 an erosion of active disclosure principles. We have seen repeatedly, and you can talk to any Greens MP, including me, about repeated fobbing-off by government agencies of perfectly legitimate right to information applications, some of which of course as on behalf of constituents or stakeholders, others which are being made in order to better understand government decision-making.

One of the ones that we put in, Mr President, in 2014-15 was a query that was put in by the former leader of the Greens and member for Franklin and now senator, Nick McKim. Mr McKim wanted to better understand what the coordinates were for expressions of interest projects for development in public protected areas.

Well, Mr President, what a journey. What a four-and-a-half-year-long journey it was where initially all information was denied. Then there was a claim that these EOIs for commercial developments in public land, the coordinates of those proposed projects, were protected by commercial-in-confidence. An internal review - surprise, surprise, has anyone ever had an internal review undertaken that did anything but back up the government's decision? - found that the response from the Department of State Growth was just fine, of course. They affirmed that they thought it was commercial-in-confidence and therefore we shouldn't have access to it. I think Mr McKim had left by this point, but if it wasn't him - I'm pretty sure it was him - it might have been me, who sent it off to the Ombudsman for further review. Because of the capacity constraints of the Ombudsman, the resourcing constraints which are outlined in the *Getting Back on Track* report, it did take four years for a decision to come down. Lo and behold, we were provided with access to information. There was no commercial-in-confidence argument. We were given the full information that was requested four-and-a-half years previously. That's just one example.

Another example, an absolute pearler, again from the Greens' right to information requests to the Department of Health. I'm sure a number of members have read the Integrity Commission's report of 22 May 2024 and the subsequent report of 22 May 2024. The first report is the Integrity Commission and investigation into the management of a right to information request in the Department of Health and the second one related to misconduct risks in Tasmania's right to information regime.

The first report came about as a result of a right to information request that was lodged for an acoustic report with the Department of Health and an RTI officer who, I will do the politeness of not naming, we'd had bitter experience with before, thought it was such a fun game, which became clear in the Integrity Commission's report, to delay first, then further delay, I think there was a further delay, and then deny us access. The Integrity Commission

found that RTI officer was not truthful with us as the applicant and was apparently not truthful with their deputy secretary. There was a failure internally when we sought a review of the decision and the manager of that RTI officer delegated the review back to the RTI officer who, you will all be stunned to know, thought that he'd made the right decision -

Ms Forrest - A very good decision.

Ms Rattray - Done a jolly good job.

Ms O'CONNOR - But what it also exposed - and this is why the government is suddenly saying now that they've been on a transparency journey ever since 2014; well, yes, we can see straight through them - this was where it was unveiled that, certainly within the Department of Health, panels were being set up to assess RTI applications. On the health department's panel they had the media and comms person. Well, why would you need a media and comms person on your panel? The Integrity Commission found that the Department of Health convened an RTI panel that considered and responded to applications and requests for internal reviews of RTI decisions. The panel included RTI officers, the manager of strategic communications and media, the manager of legal services and the director of the office of the secretary. Well, the Integrity Commission was damning both of the RTI officer, the way they conducted themselves through the process of our application and the subsequent internal review, but also damning of the panel that had been set up basically to filter the information that was released to us. The two recommendations were that the right to information panel be disbanded due to the associated serious misconduct risks and its capacity to subvert compliance with the RTI act in terms of timeframes and decision-making, and that the Ombudsman consider whether educational or other measures are needed to ameliorate the risks posed by right to information panels in case they exist in other Tasmanian public sector organisations.

The week before last, we had a situation where the Labor opposition had lodged a right to information request with Tasracing in relation to a certain minister. Because there's no requirement on government businesses to have a disclosure log, the information that was provided to the opposition in response to their request was only provided to the opposition. The House of Assembly had to go through a process of basically demanding the production of those papers from Tasracing.

There's another whole story here in our government businesses and state-owned companies. The bottom line is, Mr President, good governments have nothing to hide. All government businesses along with government agencies should be actively disclosing as much information as possible. Any time information is released through right to information, it should go up on a disclosure log. Government businesses are also owned and funded by the people of Tasmania.

Now, the member for Nelson made an outstanding contribution. I don't need to go into the details of Professor McCormack and Adjunct Associate Professor Snell's report other than to say the process that they went through, helped very ably by the wonderful Taya Ketelaar-Jones, was very comprehensive. We were asked for information. We had a briefing with the review team in the preliminary stages and then they came back to us further on through the process. They've talked us through this report. I know they spoke to a whole range of stakeholders, including long-suffering right to information officers who must be under the most enormous pressure, when you know that there's sensitive information you're dealing with here. The act says there's no reason not to release it, but you know that politically it's hot. It's a very

difficult situation for a lot of right to information officers to be in unless they're bad-faith operators, like the one who was the subject of the Integrity Commission report.

The biggest issue identified by the review team was cultural. Of course, a range of recommendations around how you might fix up the act, what you might do to tighten up the disclosure process, the role of the Ombudsman, the need to properly resource the Ombudsman, empower the Ombudsman to develop guidelines for use across the public sector, are all very important. But culture is something that requires deep commitment and sustained effort.

The government's response to the review report is not encouraging and this is a problem with a government that's been in power for 12 years. It seems to have become more secretive with age. I thought as we aged, we became more open and honest, but not apparently this government. To have only 17 of 43 recommendations of the review panel accepted in full does not inspire confidence about a likely change of culture in government.

We see in the data that right to information requests are increasing, but there's been no subsequent proportional increase in the release, for example, of information in full. Perhaps that is something that parliament itself can take some control over. We could, for example, have a good look through the review and see what improvements might be made to the act to help the government along on its cultural journey towards transparency.

It's very clear, as the member for Nelson said, that the Right to Information Uplift Project is not equipped for the task, and part of the problem with it is that it's an internal entity.

When a right to information request was lodged for the Right to Information Uplift Project discussion paper, what did we get back? That's right, multiple redacted pages. That is emblematic of the problem that this government has in being genuinely committed to transparency and not defaulting to secrecy.

I mean, seriously, it should have more trust in the judgement of the Tasmanian people, but their conduct as a government is eroding the trust of the Tasmanian people in government. That's not good for democracy.

[5.56 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, before I begin my contribution, I would like to acknowledge my relatives in the back of the Chamber, Janine Walker and Ros Scott, who are here for a few days to have a look and see how the place operates. I will give everybody some feedback after they leave on Friday. We will see how we go.

I rise to speak in response to the motion that the report *Getting Back on Track: Independent Review of Tasmania's Right to Information Framework*, undertaken by Professor Tim McCormack and Adjunct Associate Professor Rick Snell with the assistance, as has been mentioned by the member for Hobart, Taya Ketelaar-Jones, be noted and considered.

This was released in September 2025 and today it's being considered and noted, and I'd like to acknowledge and thank the member for Nelson for bringing this to the House. At the outset, I want to reiterate that the government regards right to information as a fundamental pillar of democratic government. The *Right to Information Act 2009* is central to enabling

Tasmanians to participate in their governance by improving access to the information that underpins public decision-making.

The government commissioned the independent review and shares the reviewers' commitment to strengthening transparency and accountability across the Tasmanian public sector. Professor McCormack and Adjunct Associate Professor Snell were appointed in December 2024 to undertake a broad and transparent review of Tasmania's right to information framework.

They consulted extensively with more than 75 stakeholders across government, local government, political parties, community members and frequent users of the RTI system. On behalf of the government, I thank the reviewers for their thoughtful and thorough work and for the way they engaged with the Tasmanian community and this parliament.

The review's final report, *Getting Back on Track*, confirms that Tasmania's RTI legislation is fundamentally sound; it does not suggest that the government needs to start again. Rather, it identifies that the government can and should improve the way the framework operates in practice, in culture, in administration and in consistency of application.

The report makes 43 recommendations grouped across seven key areas: disclosures, culture, the intersection of other legislative frameworks, vexatious and problematic use of RTI, the Ombudsman, a proposed information commissioner and legislative amendments. It acknowledges positive steps already taken through the government's transparency agenda, including the RTI Uplift Project.

The government has carefully considered all 43 recommendations, and today the government has tabled its formal response, *Strengthening Transparency: Continuously Improving Tasmania's Right To Information Framework*, as referred to by the member for Nelson in her contribution. The response is available on the Department of Premier and Cabinet's website. I checked that does work and yes, it does.

The government's response sets out a practical and structured reform agenda that prioritises actions that will have an immediate benefit for the Tasmanian community. In doing so, the government has supported 15 recommendations as stated, supported in-principle 17 recommendations and noted 11 recommendations where either alternative mechanisms are preferred, work is already underway in other forums, or the resourcing and structural implications mean implementation is not appropriate at this time. This approach reflects the government's commitment to practical, implementable reforms within the realities of a fiscally constrained environment. The response outlines that implementation will occur with existing resources with any funding-related proposals considered through the normal budget processes.

In line with the review itself, the government distinguishes between short-term administrative and cultural improvements and long-term legislative work. Cabinet documents will also be released after 20 years, consistent with Australian Government practice, and will explore mechanisms for doing so. An across-agency governance framework, including a new RTI Improvement Steering Committee, will oversee implementation and we have had some comment around that.

The government's response builds on a body of work over the last decade to improve transparency. Since 2014, the government has:

- published RTI responses online within 48 hours of release to applicants;
- increased the number and range of routine disclosures, including six-monthly publication of key operational information;
- strengthened integrity frameworks including reforms to electoral donation laws and improved disclosure of members' interest;
- introduced a public submissions publication policy to ensure Tasmanians can see the feedback decisions that have been made;
- released ministerial diaries and have committed to publishing diaries monthly;
- released a new whole-of-government gifts, benefits and hospitality policy which addresses feedback raised by the Integrity Commission in Project Balkan;
- regularly amended the Ministerial Code of Conduct to improve accountability in the performance of the duties of all ministers, particularly related to conflict of interest, and ensure government operates in a manner that protects and upholds the public interest; and
- established a Disability Commissioner to lead and drive oversight and monitoring related to the rights and safeguard of people with disability.

The flagship initiative in recent years has been the Right to Information Uplift Project. This project has delivered a comprehensive online training module for RTI-delegated officers, developed in partnership with the University of Tasmania, offering practical guidance on applying the RTI Act, information-management training for all State Service staff, outlining obligations under the RTI Act, the *Personal Information Protection Act* and the *Archives Act*, and a whole-of-government information disclosure policy and procedures to provide consistent guidance on managing the disclosure of information across the state servers.

These initiatives were positively acknowledged by the reviewers as important steps towards the cultural and systematic change they are seeking.

The government response identifies clear priorities for the next phase of work, including improving disclosure logs, establishing governance and oversight of implementation, supporting RTI delegate capability, and progressing legislative reforms in a coordinated way.

The disclosure logs are a key gateway to accessing government information, and the government will improve the information available on disclosure logs by improving searchability of disclosures, publishing more contextual information about how RTI decisions are made, and ensuring disclosure logs are consistent across departments.

The review recommended the RTI Uplift Project Steering Committee evolve to oversee ongoing RTI reforms. As that committee has now concluded its work, the government will instead establish a new RTI Improvement Steering Committee with senior executive membership chaired and supported by the Department of Premier and Cabinet to oversee this work.

Progress on improvements will be regularly reported to the public. The government strongly endorses the review's focus on building capability and consistency among RTI

delegates. The response supports ongoing training and development, further guidance for the Ombudsman, and consideration of ways to better share expertise while preserving the independence of both delegates and the Ombudsman in decision-making.

The review's recommendations include around 40 potential legislative reforms of varying complexity. Many intersect with other significant work, including the government's response to the commission of inquiry and the Tasmania Law Reform Institute's review of privacy laws. The government will ensure the reforms recommended through the review are considered and implemented in alignment with the critical work already underway.

This approach allows integration of RTI reforms with the broader information-sharing and privacy work, rather than creating overlapping or inconsistent schemes. The *Getting Back on Track* review has provided a constructive road map for strengthening Tasmania's right to information framework. It affirms the legislation is fundamentally sound, but that the government must continue to improve with culture, capability and consistency.

The government's response sets out a realistic and responsible program of work. It focuses on leadership, accountability, capability-building and practical administrative improvements in the short term, while progressing more complex legislative reforms in alignment with the commission of inquiry's responses and other integrity and privacy initiatives.

The government is determined to strengthen transparency in a way that endures by ensuring that improvements are well designed, integrated and delivered in a way that balances sensible budget management.

For those reasons, the government supports the motion that the *Getting Back on Track* report be considered and noted and looks forward to ongoing engagement with members of this House, the Ombudsman, stakeholders and the community to implement the improvements set out in this response.

[6.08 p.m.]

Ms FORREST (Murchison) - Mr President, first, I'd like to thank the member for Nelson for bringing this motion on to note the *Getting Back on Track: Independent Review Tasmania's Right to Information Framework* report for the Chamber; it's actually spurred the government into action.

Ms Webb - Imagine that.

Ms FORREST - Oh, I know, goodness me, I could not believe how I picked up the table papers notice this morning and there it was, and I thought, 'Well, Hallelujah, 6.01 a.m.'. This is the beauty of the work in this place sometimes, that we can use the mechanisms we have to actually spur the government into action. They've provided the report; the Leader has spoken. I actually wrote this speech before this morning. I haven't had time to digest the response so what I say is based on what I thought before - it doesn't change much here, I will be frank. I will refer to one bit that I was particularly interested in.

To move on, this report is critically important work, and I absolutely acknowledge the work of Professor Tim McCormick and Adjunct Associate Professor Rick Snell in what is their area of expertise. The content of this report should trouble every member of this Chamber and

every Tasmanian who believes that democracy depends on the public's right to know what their government is doing in their name.

On 29 September 2025, Professor Tim McCormack and Adjunct Associate Professor Rick Snell released their independent review of Tasmania's Right to Information Framework. I believe its title, *Getting Back on Track*, is deliberately chosen. It implies we once were on track. With respect to the reviewers, I'm not entirely convinced we were ever actually on track, but we're certainly well off any track there might have been, but the more important message is this: we are clearly off track now and the report gives us a detailed, evidence-based map of finding our way back.

I don't want to speak to the whole report as some things have already been covered, but there are just a few areas I wanted to go to and what the review actually found. Second, I want to talk about why it matters. It's not just an abstract governance question here, but it's a practical question about power and accountability in this state.

The other thing I want to speak about is the major recommendations and the reasons why I particularly support those. I also want, and I think the vast majority of Tasmanians expect, this government to respond; well, they have, in a form that perhaps is not what I would have hoped for or expected.

Anyway, the headline finding is stark. Tasmania's Right to Information system is, in the words of the reviewers, 'more rhetorical than real'. This is a damning conclusion. We have a framework; we have legislation; we have processes. The practical reality for Tasmanians trying to access information about decisions that affect their lives in the system is characterised by what the reviewers call 'a culture of secrecy and non-disclosure'. I mean, that's damning.

When I was in the media recently reflecting on an Auditor-General's report into a matter related to Wilkinsons Point, and then the subsequent task that we as a committee had in Estimates trying to get answers about who was responsible and matters related to that, I was accused of telling the government that matters were covered in secrecy. I think it was pretty clear that they were. Yes, PAC is looking at it, but we're looking at it because we can't get answers through other mechanisms.

The review describes what many applicants already know. It's basically a trust-destroying game of hide and seek involving deliberate time delays, broad and sometimes unreportable exemption claims, some of which have been mentioned by the member for Hobart as well, and a general disposition within agencies towards withholding rather than releasing. The member for Hobart did go through that report in relation to Health. That was just beyond the pale. The cultural problem is writ large there. Information is treated as a property of government to be managed, controlled and rationed, not a public resource, which actually is what it is, or should be.

The performance data is sobering. Approximately 88 per cent of requests were granted at least in part, and the government will no doubt cite that statistic when it eventually responds to this report. I haven't had a chance to look at that; but the figure obscures more than it actually reveals. What matters is what is actually released, and in what form, and how quickly.

On timeliness, Tasmania's report is simply indefensible. We've been saying this for years. This is not a new thing. External reviews by the Ombudsman take an average of three years to

complete. I remember the former member of Windermere talking about this, banging on about it, if you like, about how long he waited for a review. I think it was three years and counting, at one point, and that's when he was here.

It is the worst performance in any Australian jurisdiction: not something we should be proud of. I'm not saying we are proud of it, I'm just making that comparison. By the time a successful review concludes, the information may be historical. I had this experience myself. It was to do with a planning decision, but by the time I finally got it after to-ing and fro-ing, and to-ing and fro-ing, and to-ing and fro-ing, the project had been withdrawn. It wasn't proceeding. Anyway, probably enough said about that. It's just the way the process works is not ideal. I'm not having a go at the Ombudsman here. They can only do what they can do. The other thing, as I said, is that the information may be historical by that stage; the decision may be irreversible; and the public interest in disclosure may have been substantially diminished. Timeliness is important. Perhaps this is the underlying intent: justice delayed is justice denied, and in the context of information rights, delayed disclosure is functionally non-disclosure if you don't get that information in a timely manner.

The review also serves as something that I suspect many public servants know but rarely say publicly: pressure from senior levels of the public service and from ministerial offices shapes how information requests are handled.

Now, we've been assured so many times I can't remember that the ministers don't interfere in this process. In some respects, they may not directly interfere. I notionally believe that, but the repeated outcomes seem to suggest otherwise. It may not be direct. The goal in determining cases, in my view, is not the public interest; it's in reputational management and damage control. The instinct seems to be not what the public should know, but what can we keep from them and for how long. That's a governance failure, and it's a failure that flows from the top.

Some may ask why this issue deserves the attention of the Legislative Council. We have a budget crisis, if anyone hadn't noticed; we will bang on about that later in the week. We have a housing crisis. Most of our people out in the regions and around the cities know very well about that. We have a health system under pressure, we have infrastructure deficits, we have a GBE sector that requires sustained scrutiny from this Chamber and our committees over many years.

I suggest that the right to information approach is not separate from these challenges; it's foundational to addressing them. When the public and the media, for example, cannot access information about how budget decisions are made, they also cannot hold the government accountable for fiscal management. When procurement processes are opaque, cost blowouts go unscrutinised until they become crises. Haven't we seen that? When regulatory decisions are shielded from view, conflicts of interest fester; when Cabinet policy is treated as permanently confidential, the public is left to trust that decisions were made on merit, with no means to verify that trust.

I've spent many years in this Chamber, as many others have, seeking information about government businesses, about budget forecasts, about major project business cases, about contractual arrangements entered into in the public's name. Time and again, the experience is exactly what this review describes: information is managed. You have to ask exactly the right question and exactly the right way, and then if you don't have the opportunity to ask further, then you have to wait and go back with a follow up question, and on it goes. Disclosures are

partial, exemptions abound, and the formal review mechanism, the Ombudsman, is so overburdened that it takes up to three years or beyond it, sometimes, to produce an outcome.

As the member for Nelson outlined, this is not a functional information rights system. It's a system designed, whether deliberately or through accumulated institutional habit, to wear down applicants and protect power. Now, these are pretty harsh words, and I'm using them in this place for that reason; but it has been an ongoing battle. The member Nelson talked about this, how the review was begun, and then we also had a number of recommendations in the commission of inquiry process into sexual abuse of children that also pointed to some of this.

It is a really serious thing, and that's why I'm using pretty strong language in this. A government that controls information controls the narrative, and aren't we seeing that now? A government that controls the narrative escapes accountability. This is not hypothetical; it is the documented experience of Tasmanians trying to understand decisions that affect them every day.

The review makes 43 recommendations, and as I said, I won't cover all of them, but I want to highlight a few results that I regard as quite significant. Before I launch into this, I know we've got a budget crisis. The first relates to the establishment of the Tasmanian Information Commission. Now, I appreciate that there are roles and functions in the Ombudsman's office, but the recommendation made in relation to this is that a new independent institution dedicated to RTI and personal information protection be established. I am not talking about duplicating the Ombudsman's work. I am sure the reviewers aren't either. By working out how to do this - and this was a noted recommendation, from memory.

Ms Webb - Yes.

Ms FORREST - We have a budget crisis. The reality is, if we could get access to timely information, we might not be in the budget crisis we are in. Some of these problems might have been picked up a lot earlier. That is an eminently reasonable recommendation, and it is not just that you plonk another commission in. You work with the Ombudsman's office to make sure there is no duplication of effort. My view is an independent information commissioner or commission properly resourced with a clear mandate would bring Tasmania into line with best practice and other jurisdictions and it would send a structural signal, not merely rhetorical, that information rights are to be taken seriously in this state.

I note that the establishment of such a commission would require the parliament's approval, of course, and the parliament should be the guarantor of transparency frameworks, not a bystander in this about how much the public is permitted to know. As I said, I, as much as anyone, appreciate the budget pressure we are under, but transparency and enhanced accountability will save the state money. It's a bit like preventive health. You have to invest in the front end if you want to save money in the acute area.

The second area I want to highlight is Cabinet transparency. This is another one noted. The recommendation that Cabinet policy information be released no later than 30 days after a decision is made, is frankly transformational. Currently, a Cabinet decision is shielded as a matter of course; submissions, deliberations, policy and rationale - all of it is withheld. The public is told what is decided, but rarely why, on what basis and against what alternatives.

A 30-day proactive release recommendation would fundamentally change that, and it would require the government to be transparent about its reasoning, not merely its conclusions. The sky didn't fall in in New Zealand and the sun still shines over there. Coupled with the recommendation of automatic release of all Cabinet documents after 10 years, not 20 as has been suggested in the government's response, would create a genuine historical record that researchers, journalists and the public could use and maybe prevent repetition of poor decision making we have seen.

I acknowledge that this recommendation may be uncomfortable for governments of all political persuasions. It will be uncomfortable because it requires ministers and their advisers to make decisions in the knowledge that their reasoning will be publicly scrutinised. I regard that discomfort as entirely appropriate and healthy. The process of democratic government is not to make governing comfortable for ministers, it is to serve the public interest. The public has a legitimate interest in understanding how decisions are made, the basis of the information that fed into that decision.

It is alluded to in the government's response that this would make state servants reluctant to give frank and fearless advice.

Ms Webb - Rubbish.

Ms FORREST - Yes, I seriously question that. It could and should improve giving frank and fearless advice, because once that frank and fearless advice has been given by the departmental office, their job is done. They are apolitical, they are not ministerial advisers, they are not in the minister's office, they're apolitical public servants or state servants in this case, who have a role to play. Once they have given that frank and fearless advice, their job is done. If the minister chooses to ignore it, it is for the minister and the government to explain. It is for them. The state servant who has provided that frank and fearless advice based on all the information they have collected, doing their job, they have nothing to fear. It is up to the relevant minister and the government to explain, not the impartial state servant. We need to stop this nonsense about everyone being too scared to give frank and fearless advice, that we will just have whispered conversations by the water cooler. It will lead to more robust information going to Cabinet. The fact it will see the light of day will make sure the state servant has all the options canvassed: the risks, the benefits, the relevant reports that feed into a decision. Then they will make their recommendation, suggest if you do this, this could happen, or if you do that, that could happen. Then the government will make a decision, and it's the minister who has to stand by that decision and explain why they have or haven't gone with that advice.

The third recommendation I'd like to flag is the expansion of what the review calls routine disclosure through the Government Information Gateway. I believe, the philosophy here is important. Rather than placing the burden on individual members of the public, the media or the members of parliament to make formal requests for specific documents, government agencies should routinely and proactively publish information that is of public interest.

I'm sure I will be told the government claims it takes a very proactive approach with information disclosure, but clearly the reviewers didn't see concrete evidence of that, otherwise they would not have made this recommendation. It has become an increasing problem over recent years.

To raise one area that's been of great public interest and concern is the use of florfenicol in our waterways. That information has basically had to be drawn kicking and screaming, rather than a really proactive approach. Then you end up with a federal department coming over top and saying, hang on, no, stop.

I hear about the number of dead fish being pulled out of Macquarie Harbour every week, but they're not reportable because it's not quite at that level. Or you can spread it over enough days to avoid it. Are there figures or any visibility of it all going to Dulverton, your electorate? No, but surely that's an important measure if fish are dying in Macquarie Harbour, which has had a very tortuous path through this whole fish farming approach. I support the industry and I think it can be done sustainably and safely, but the way people did it in Macquarie Harbour killed the harbour. It had to be rested and allowed to recover. It's still recovering. This is surely important information.

The claim can be made that there's lots of proactive information disclosure. There is. I can go onto websites, though some websites are a bit harder to navigate than others to find information. But some things that really matter to the public interest just aren't there.

The release of information proactively shifts the default from secrecy to transparency. It builds community trust and it gives us all a lot more confidence that the government is actually being open and transparent with the people.

It also reduces the transactional cost of obtaining information. If someone's job in every department is to be the RTI officer, or more than one depending on the size of department, there's a cost with that. Talking about budget pressures, there's cost. If it was much more proactive release of information, maybe there would be less cost.

It also normalises a culture of openness rather than a culture of concealment. Done properly, routine disclosure would mean that Tasmanians could access contracts, business cases, policy rationale and financial data without having to formally invoke their legal rights to do it.

I do appreciate there's some commercially sensitive information that shouldn't be released. I'm not talking about that sort of thing. I'm talking about a much more proactive release of information that's relevant to the decision-making of government. This should be a standard we aspire to.

Mr President, as of this week I wrote, but I have to change it now to up until today, the Tasmanian government had not formally committed to implementing any of the report's 43 recommendations. The Premier had said that he would absorb and carefully consider the findings as part of the ongoing RTI Uplift Project.

I was quite concerned about that timeframe, particularly as it was three months past when it was required. Absorbing a report is not actually responding to it. Carefully considering is a phrase that we often hear when no-one's really committed to the change. When we have a quick look through the government's response, there are a lot of things that are simply noted or supported in principle, but we're not intending to act anytime soon on a lot of that.

I have been very critical, but the RTI Uplift Project, whatever its merits, should not be a vehicle for delaying or diluting the recommendations of the independent expert review.

Obviously there is merit to it, I'm not saying that I don't value the project; I just want it to be really proactive in responding to the report.

This report was not something done by political opponents; it was commissioned by eminently qualified individuals with no skin in the game, to produce an honest assessment of a system that is actually failing Tasmanians. Two eminent reviewers, a professor of international law and a recognised expert in freedom of information, spent significant time and effort providing this detailed evidence-based 43-recommendation blueprint for reform.

I'm disappointed that it has taken so long to get a response and then, when the response came, to fall short, I'd suggest, in some areas that would make a big difference, in my view. I'm just having to just read through some of this because now they've tabled something. I had put in that the transparency about the government's own response to a transparency review would itself be a meaningful sign of intent. It's late, but it's here now. I'm not entirely sure it meets the mark.

If the government genuinely intends to shift the culture of its agencies from secrecy to openness - I'm talking about a cultural change here - it needs to lead that change from the top. Culture does not change because a policy document says it should. It changes when ministers model the behaviour they expect of their agencies. It changes when senior public servants understand that protecting the minister's reputation is not more important than the public's right to know. It changes when the default question is no longer 'Can we withhold this?' but 'What is the public interest in disclosure?' That cultural shift will not happen without a visible, sustained leadership commitment.

To conclude, we can continue with a system that is more theoretical than real, one that in which rights exist on paper but are defeated in practice by delay, by broad exemption or redaction, and by a culture that treats information as a liability to be managed rather than public good to be shared.

Or we can take the blueprint that Professor McCormack and Associate Professor Snell have produced and build the transparent, accountable government that Tasmanians deserve, with the rights they expect.

It's not a partisan question or comment. Every member of this Chamber, regardless of political affiliation, has a stake in the system that allows parliament to do its work. That some oppositions do end up in government and government members end up in opposition doesn't matter.

Without access to information, scrutiny is compromised. Without scrutiny, accountability fails. Without accountability, public trust erodes. The evidence that public trust in our institution is eroding is not hard to find. *Getting Back on Track* is an opportunity. I urge the government to take it seriously, to respond with specificity and urgency, and to demonstrate through action, not absorption, that it understands what is at stake - because it is serious, and it could save us money, if you're looking for budget savings.

I note the report and I thank the honourable member for bringing that motion on for debate.

[6.35 p.m.]

Ms WEBB (Nelson) - Mr President, I really appreciate the contributions made, particularly from the member for Hobart and the member for Murchison joining me in noting the report and the reflections that they provided. I'll just make mention of a few things that came up in those reflections, including from the government. I appreciate the government's response to that

It's really interesting when people reflect on the RTI framework that we have and its effectiveness from their experience. The member for Hobart and member for Murchison both did that and I absolutely have to agree. My anecdotal experience, as well as a frequent user of our RTI system is that I have never received everything I asked for in full.

I have always, when I requested an internal review, had something further released, but then I've always asked for an external review and the ones that have actually managed to get through the system have always been released to me something far more than the original decision or the internal review released and have made absolutely pointed assessments of the lacking decision-making at the first stage and the internal review stage.

Again, when I'm making those sorts of comments I want to be really clear here, I'm not making a criticism necessarily of individuals who are doing this work. They are working within a system and, as this report makes really clear, within a culture that doesn't actually support them to give effect to the full intent of the legislation.

The member for Murchison posed the question: were we ever on track given that this report is about getting back on track? Perhaps the point at which we were on track is when this parliament in 2009 passed the RTI act because at that time the model that's in that act and the intent of that act is absolutely exemplary in terms of a right to information framework. It's absolutely based on the right principles of push, not pull.

If it were given effect to in full, based on its full principles, we would be seeing an entirely different situation now and different remarks being made when it was reviewed. The report makes it really clear that we are not giving effect to that act as in the way that we should be and that's a cultural issue.

I appreciate the member for Hobart going into some more detail around the Integrity Commission reports that were part of a series of other reports reviewed by the reviewers of the Get Back on Track report. They were quite shocking, absolutely shocking, and the own-motion report that came out that I mentioned just last week from the Ombudsman showing that inappropriate release of personal information is happening in 30 to 40 per cent of cases in some departments of RTI being released - absolutely shocking that's the case.

Anywhere we look here we see a failure and as much as the government wants to get up and read through lists of things, it's busy work and just pointing to lists of things that you're doing, most of which are partial at best; the ineffectiveness to addressing the fundamental issues here is really disappointing. It would have been refreshing to have the government get up and say actually we accept that this has exposed some incredibly problematic cultural issues and we absolutely will be addressing those by fully engaging with these recommendations from these independent experts.

We've had the absolute privilege of having provided us with their independent and expert advice in these recommendations. I agree that the GBEs aren't required at the moment to have disclosure logs and they absolutely should. Anyone who comes under our RTI act should be providing a disclosure log of what they disclose under that act. There's no reason not to. As soon as something is disclosed to someone, generally that means it's public information. It should be available to the public, we should be able to see it.

There are all sorts of ways that disclosure logs should be improved and there's some of that work being done. I really hope to see that come to fruition fully, that would remain to be seen. They might have to wait three years to find out because we're not reviewing anything in 12 months' time. We're waiting three years to review and to have another survey of things and see if we're all on track. What a shame.

Noting the government's contribution to this debate, I just find it astonishing for the government to start off by acknowledging that right to information is a fundamental pillar of a democratic government, and then to turn around and not acknowledge that this report is absolutely damning in the fact that their pillar is crumbling and cannot hold up our democratic government as robustly as it should, anywhere near as robustly as it should.

The framework we have is sound and the practice is utterly flawed. They're right. Practical implementation of reforms is all fine, and yes, we do have budget constraints, but actually, as the member for Murchison rightly pointed out, a whole lot of improvement can be made and savings can be realised if we do improve the way we put transparency around decision-making.

Here's the thing: accountable decisions are good decisions that have better outcomes. Decision-making that's done in secrecy, in a non-accountable way, based on absolutely murky and secret information in who knows whose interests, certainly not the public's: it's those decisions being made by any government of the day that lead to poor outcomes for our state and lead us to the messes that we find ourselves in today, which this government is well aware of, being up to its eyeballs in them.

Accountable decisions are good decisions, and they deliver better outcomes. We save money with accountable decisions, and that's the reason we should invest in these spaces. It's not investment that breaks the bank. Let's be really clear here: the sort of investment that would be required to fully implement every single recommendation here, that the government says we're too fiscally constrained to necessarily contemplate - the full amount would be very, very modest compared to the amount we need to spend in all sorts of service systems in our state.

What it would do is lead to better decision-making when it comes to those other service systems, lead to better decision-making in terms of our priorities and where we choose to allocate our, yes, constrained resources. This is not about superfluous investment; it's about strategic investment and it's about delivering better outcomes, because it delivers better government to put transparency and accountability around the decisions that any government of the day makes.

I really appreciated what the member for Murchison said, that just because something provides discomfort for a government of the day, because it does put more visibility and accountability around their decisions, that doesn't mean that it shouldn't be done. In fact, that discomfort is healthy in a democracy and it's healthy to ensure that public interest is being put

to the forefront and governments are held to account for that. It serves the public interest to know the basis of decisions being made, and I agree with the member for Murchison and thank her for speaking in some detail about the recommendations which have been essentially rejected by the government around the disclosure of Cabinet materials.

Just to be really clear, what's proposed in the recommendations is nothing extraordinary, nothing that isn't being done in some other jurisdictions right now with no negative consequence at all, including Queensland, which has begun releasing Cabinet papers after 30 days. That doesn't mean you release material about the deliberations of Cabinet. You don't release material about who said what to whom and who agreed and who didn't. Of course, all of that stays private and part of Cabinet-in-confidence. What you do release is the material on which decisions were based that was provided to feed into the decision-making, and yes, that actually doesn't constrain frank and fearless advice. In fact, the public service has an obligation to provide frank, candid and fearless advice.

That's an obligation of the public service to do that, and actually, release of Cabinet materials that decisions are based on, the briefing papers or the reports or whatever provided to Cabinet, by the time it gets to Cabinet it has been through numerous iterations of being developed, of having the evidence base tested, of being approved through various levels of the public service. By the time it gets to Cabinet, that should be absolutely robust advice, and it should be according to the requirement of the code that the public servants have to live by in their roles of providing frank, candid and fearless advice.

I believe it's a convenient excuse that gets rolled out to try to keep secrecy around these things. What's really the fear there, I suspect, and the member for Murchison alluded to this too, is that if we had an agreement as per the recommendations in this report, if the materials that fed into Cabinet decision-making were released after 30 days, what would be exposed is when the government hasn't cared to equip itself with any clear evidence or clear policy work behind the decisions being made, and has in fact made a decision based on next to no policy input or evidence base or clear research or clear expert information, but has made a decision based on some other factors - political self-interest, perhaps to help some people out whom they like in the community or in the business community. If that's the basis of the decisions, and what we would see from the release of Cabinet papers after 30 days is that there is exactly zero good evidence behind a decision made by Cabinet, then no wonder a government wants to cover that up.

That's shocking and astonishingly poor form; it absolutely proves that decisions aren't being made in the public interest. In fact, it will be interesting next week when we debate a motion that I may put on the Notice Paper today, because that certainly involves decisions made in Cabinet. I can guarantee you right now we will get to the bottom of having absolutely no expert-informed evidence put to Cabinet to inform that decision - absolutely none.

Of course, it's going to be embarrassing for the government when that has to be admitted, because then you have to ask yourself, well, on what basis were those decisions made? Where the choice is made to go down that avenue rather than an evidence-based, expert-informed avenue instead, whose interests are being served?

This is the thing: it's very sad that the government has rejected two key, very worthwhile recommendations that would create much more transparency around Cabinet decision-making, particularly when we find ourselves as a state, I believe - when you're out in the community

talking to people, we are at an absolute nadir, the lowest point, about people's confidence in the way decisions are made in this state and in whose best interests those decisions are being made. People's confidence is subterranean right now.

This was an opportunity to start turning that around and unfortunately, based on what we've seen so far from the government's response, that is not what we're going to see eventuate. Again, I appreciate the contributions made by the member for Hobart and the member for Murchison in joining me in noting the report. I thank the government for making a response to this debate noting the report. Of course, I don't find it convincing to just list out things.

One thing that did prick my ears up, actually, and that the Leader for the Government may be able to clarify: she mentioned ministerial diaries are going to be moving to a monthly release. I haven't seen that announced, so perhaps the Leader would like to clarify on what basis that has been committed to and whether that's in the public domain in some way we can look at. Most here will remember that the disclosure of ministerial diaries occurred as a result of a motion brought in this Chamber a number of times, and has now been consulted on in terms of improvements as a result of motions brought in this Chamber a number of times.

We're waiting to hear the results of the consultation that was undertaken late last year around ministerial diaries. I hope one outcome of that consultation on improvements will be to do things like look at the timeliness of disclosures of ministerial diaries. The Leader for the Government mentioned it here in her contribution. It's apparently a new commitment to a new policy on that, so if there's anything further that can be mentioned in passing, or perhaps the Leader can come back and clarify it tomorrow, but it certainly pricked my ears up. At the moment it's quarterly, not monthly.

Ms Rattray - Through you, Mr President: that's exactly what I read out, what you heard. I can -

Ms WEBB - Monthly? There's an intention to move to monthly release of ministerial diaries? When will that be formally announced by the government and when will we be provided with details on that, I wonder?

Ms Rattray - I will take that question on notice.

Ms WEBB - Yes, thank you, leader: an interesting one. Anyhow, I agree with the member for Murchison, who pointed out at the end of her contribution that these eminent reviewers have provided us with a set of expert recommendations that provide an excellent blueprint or road map to get us back on track. Although hopefully we do limp forward under some of the things that the government is progressing, it's a shame we're not wholeheartedly embracing that investment and really jump-starting us back on track and really see the full benefit of good accountable decision-making, delivering better outcomes in this state and greater public confidence in the decisions being made.

Motion agreed to.

MOTION

Tasmanian Voluntary Assisted Dying Commission Annual Report 2024-25 - Consideration and Noting

[6.50 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I move -

That the Tasmanian Voluntary Assisted Dying Commission Annual Report 2024-25 be considered and noted.

I rise today to take note of the Voluntary Assisted Dying Commission's annual report for 2024-2025. I acknowledge the President of Dying with Dignity Tasmania, Dr Bert Shugg, who is here with us today in the Chamber. I also acknowledge the minister responsible for voluntary assisted dying. Welcome.

It is the third annual report since the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021* came into being and one that foreshadows the statutory review of the operation, scope and potential scope of the act that's due to be completed by the end of the year.

I believe it is important that the work of the Tasmanian Voluntary Assisted Dying Commission is recognised in this place to continue to spread the word and raise the profile of a legitimate medical option.

It is noteworthy that we now have three very well-credentialled professionals as members of the review panel. Professor Emerita Kate Warner AC is a member of the Expert Review Panel. Professor Warner was the Governor who signed the original act into being, witnessed at Government House by the President, the Office of Parliamentary Counsel's Senior Drafter Robyn Webb, and by yours truly.

Another member of the panel is Professor Ben White, Queensland University of Technology. Professor White has a keen understanding of the law relating to voluntary assisted dying (VAD), how it operates and how it is regulated in numerous jurisdictions - both here and abroad. He is an invaluable source of information and learned analysis for all Australian VAD acts and regulations. The final panel member is Tasmanian Professor Michael Ashby, who brings his expertise in palliative care to the panel's deliberations. It's a very competent and knowledgeable panel. I'm certain that the panel will take an entirely compassionate and holistic view in their deliberations. I look forward to their report and any recommendations that may come from it.

It should be noted that I've been advised that more information regarding the review and the submission timeline should be available soon. There's also another one that many people in this Chamber, my honourable colleagues, staff or visitors, would probably know of a member of their community, family or friends who may have experienced, directly or indirectly in some capacity, voluntary assisted dying legislation.

The commission's report shows that VAD has become a well-established and trusted part of Tasmanian health services. Demand has increased significantly, with first requests rising by 71 per cent compared to the previous year and voluntary assisted dying deaths increasing by 73 per cent. This is not to be unexpected, and this percentage increase also has occurred in all

jurisdictions where VAD has been recently introduced. These figures show that Tasmanians who are suffering intolerably at the end of their life are increasingly aware of, and able to access and choose, how their suffering can come to an end under this act.

The report also records overwhelmingly positive feedback from families and loved ones. One son commented:

For Mum, the ability to choose when and how to end her own life and to be able to do so in a dignified and calm manner was fundamental to who she was ... I have some tears in my eyes as I am writing this, but they're not tears of sadness, they're tears of gratitude.

A quote from the partner recounted how their loved one died 'in a happy frame of mind as she had wanted to go into her own home'. They also commented:

I want to say that we were met with kindness, caring, and understanding at all times from the doctors, navigators, nurses and others who attended to us over the last six months of [their loved one's] life. We wish to thank them all.

These reflections remind us that voluntary assisted dying is not just a clinical and administrative process; it is a deeply human act of dignity, agency and genuine care for the needs of the patient.

Voluntary assisted dying in Tasmania relies on the dedication and professionalism of medical practitioners, pharmacists and nurses who have completed the state specialised training.

In 2024-2025, 65 practitioners undertook training, with 32 completing it. This included 10 medical practitioners and 16 registered nurses, many of whom are now serving as primary medical practitioners, consulting medical practitioners, or administering health practitioners.

The annual report highlights that practitioners describe this work as among the most rewarding of their careers. Indeed, their willingness to accept the substantial extra administrative work and emotional burdens of the process is a testament to their commitment to patient choice and compassionate care. The commission rightly acknowledges their contribution, noting that without their involvement, voluntary assisted dying could not be delivered safely or with the necessary compassion.

Another positive outcome in the report is the reduction in process duration. The medium time between a first request and a final request fell from 18 days to 12 days. In urgent cases, second and final requests were made within 48 hours, ensuring that, where possible, those at risk of losing decision-making capacity could still exercise their rights. The commission and its staff responded as quickly as they were able, often considering matters outside the usual meeting cycle to meet practitioner and patient needs. The legislation is so written to allow flexibility and assessment and for the process to proceed expeditiously.

The commission also notes that voluntary assisted dying deaths now account for 2.1 per cent of all deaths in Tasmania, up from 1.2 per cent in 2023-24. It possibly reflects the growing awareness of VAD, increased involvement by some dedicated health practitioners, and the reality that many more Tasmanians are finding comfort in knowing they can exercise

control over their final days if they are suffering intolerably from a terminal illness. For many, simply knowing that they are eligible for a VAD process is enough to ease suffering, even if they ultimately choose not to make a final request.

It is interesting to note that 26 per cent of participants die without using the substance. It could suggest that the legislation gives an assurance that there is a means of ending suffering if it gets too hard to bear as it offers an alternative option that's still within the patient's control. This 'comfort' in eligibility also assists the individual with their quality of life whilst coping with the issues associated with a terminal illness.

However, within the 26 per cent of truncated VAD processes acknowledged in the report, there may be patients who lost decision-making capacity before being able to make a final request. The report expressed the commission's concern:

The Commission is nevertheless concerned about those participants who have wished to access the VAD Substance, but who have ultimately not done so because they have died or lost decision-making capacity before they could complete the process.

The point is well made and no doubt the review panel can look more deeply into what might be termed 'the truncated 26 per cent' identified in the report.

Decision-making capacity and prognosis time to death are two facets of VAD which will no doubt receive comment throughout the review panel process.

Whilst the report acknowledges what is working well, it also identifies ongoing challenges and sets out recommendations for the future, which is a good sign in a report. Chief among these is the growing workload on medical practitioners as the demand for VAD assessments increases.

Regions such as the Tasman Peninsula and west coast remain somewhat underserved, relying heavily on a small number of practitioners. The commission urges greater recruitment and training of general practitioners statewide, so that access is not determined by geography.

Going hand in hand with the increasing demand for VAD in our community are concerns about the administrative burden placed on practitioners and their capacity to support VAD assessments. Medical practitioners have indicated that complex documentation and usability of approximately 18 separate PDF forms is a major challenge and issue, some parts of which are huge bone of contention as they are complex and repetitive and could well inhibit participation in VAD services from some medical practitioners. It is imperative that the commission decrease administrative duplication to provide support for doctors to be involved.

Whilst the commission, and rightly so, defends the robustness of these processes, noting that they are essential to safeguard voluntariness and prevent misuse, perhaps it is a case where enhanced and duplicative legalese overrides the practicalities of medical recording and information-gathering.

Nonetheless, the report recognises the need to streamline systems and reduce unnecessary barriers and has recommended the establishment of a VAD data management system to improve efficiency - a recommendation that now may be a moot point given a recent

government decision, realising that a portal system is used in every other VAD legislation and has obvious efficiencies.

I would like to acknowledge the advocacy of the Leader and the Minister for Health, with whom I have been in regular contact. When I raised the issue last year about the vital need for an online portal as an essential update to streamline the necessary administrative processes and data management, the Leader took the initiative to raise it immediately with the Minister for Health during one of our breaks. The Leader returned to us with news that the government had committed to establish a VAD administrative portal. It's something that practitioners have been asking for since the act first came into being. I thank them for taking decisive action that will make a real difference. The decision was also confirmed in Estimates when the minister was asked the question by the committee Chair, the honourable Ruth Forrest MLC.

The annual report made additional recommendations, many of which reiterate recommendations from previous reports.

Firstly, the problem with the 2005 amendments to the Commonwealth *Criminal Code Act 1995* that prohibited the use of carriage services to access and transmit suicide-related material. The stated intent of the amendment at the time was to target pro-suicide websites, internet chat rooms and online cyberbullying. However, since then, VAD has become an established legal right in all states and the ACT.

Opponents of VAD, despite most legislation stating that VAD is not suicide, have conflated the issue to prevent the use of telehealth for any part of a VAD process - a restriction that in many cases adds to the suffering of people during a VAD process as it creates further delay and makes the essential role of practitioners more difficult. Fortunately, as there is a requirement in the Tasmanian legislation that the first meeting is in-person with the doctor, this does, to some degree, mitigate the telehealth 'suicidal' concern.

In 2024, Kate Chaney MP from WA did introduce the Criminal Code Amendment (Telecommunications Offences for Suicide Related Material - Exception for Lawful Voluntary Assisted Dying) Bill as a private member's bill in the federal parliament. It made it to the second reading stage and was sadly removed from the notice paper at the end of the 47th parliament. Perhaps members from all sides can encourage their federal counterparts to reintroduce and fully support Kate Chaney's bill. Whilst it has a long title, it was a relatively simple amendment that would make all the difference in every jurisdiction. I am also aware that there is an agenda item taking place at the national ministerial level.

The other recommendations relate to practical support for medical practitioners, their remuneration and the lack of MBS item numbers for VAD services. Whilst there is a degree of remuneration and practical support for medical practitioners and pharmacists, it relies on a great deal of goodwill and almost volunteer input from them to serve the needs of people seeking VAD.

Adding to the problem is the fact that many of the practitioners choosing to support eligible Tasmanians seeking VAD are senior practitioners approaching retirement. There is the worthy suggestion that the registration, insurance and CPD costs of semi-retired practitioners that choose to support VAD processes could be reviewed. It would allow a dignified transition into retirement whilst contributing their clinical expertise to support essential roles in the VAD process.

The report speaks to the values of our Tasmanian community. Voluntary assisted dying is about respecting the dignity of people suffering from a terminal illness, giving agency and a sense of autonomy over something that is otherwise beyond their control.

The report shows our system is working effectively with compassion and integrity. The coming review will allow an objective evaluation of the act, its function and operation. I have every confidence that the members of the review panel are ideally placed to give a fair appraisal of VAD services in Tasmania. The review of the legislation is also an opportune time for the commission to revisit its processes and practices so that the VAD pathway for Tasmanians truly reflects the intent and parameters of the legislation.

In conclusion, the Voluntary Assisted Dying Commission's annual report for 2024-25 records the growing trust of Tasmanians in the system, the dedication and kindness of practitioners, and the compassionate support to families in incredibly difficult times. I commend the commission, its staff and all practitioners involved in VAD for their tireless work and compassionate support. I ask members to take note of the report, to acknowledge its positive outcomes and reflect on its findings as we enter the period of review.

I also acknowledge and thank those Tasmanians and families who have contacted me to say thank you to all members of parliament who supported, and continue to support, the VAD option in our state.

In recent times I've been involved in forwarding submissions to, and presenting speeches in, several countries, assisting where I can with their VAD journey. I obviously try to keep a handle on the progress in each country. Interestingly, I recently listened to the Right Honourable the Lord Falconer of Thoroton, Charles Leslie Falconer, who sets a powerful tone on the assisted dying bill for the House of Lords sitting on 27 February 2026. When he said and I quote:

I am the person who has been complaining about filibustering on the radio.
I moved a motion on the 8th of January -

This is in 2026 -

in which I set out in detail my position about the delays that have been made. I have complied completely and continue to comply completely with the courtesies of the House during the course of the debate. But that does not mean that I do not think the position is that we are taking an undue length of time in relation to it.

Then he says:

May I give the House the statistics? We have spent 53 hours debating this Bill at Committee stage. If we include the additional scrutiny by a Select Committee and the two full days of debate at Second Reading, we've had more than 80 hours of deliberations on this Bill since it was passed to us in June, more than eight months ago. 1253 amendments have been tabled in total, of which we have debated 354 so far. We have over 850 amendments left to be debated, which would suggest we need another 22 days of Committee stage if we continue at this glacial pace. After nine days of debate,

we have completed consideration of just three clauses. We have debated 26 groups and have another 60 still to go. I completely endorse what my noble friend, the Chief Whip has said, that we have got to be kind and we've got to be courteous. I would earnestly ask the House to consider whether or not we could agree informally how we could make progress and complete the Committee stage by the end of the next day, because otherwise we fail to do what we are so good at, which is scrutiny and improvement. The way it is going at the moment we will reach no conclusions whatsoever. We will appear to be an irrelevant talking shop.

It should also be acknowledged in this country, individuals and groups comprising the VAD fraternity are incredibly supportive. One only hopes that the Northern Territory, as the only Australian jurisdiction without a VAD act, is able to achieve that goal in the not-too-distant future.

I can remember during the Tasmanian journey that there were some tough times or tough moments - I tend to forget those now, Mr President - but the wonderful support and encouragement received from organisations such as Dying with Dignity Tasmania, Go Gentle Australia, Doctors for VAD, Nurses for VAD and Christians for Voluntary Assisted Dying cannot be underestimated. My international connections with Dignitas, based in Switzerland, and inspirational individuals in the Netherlands, Belgium, Canada and the United States were also an important sounding board, and a source of strength and advice.

I'm so pleased that in this place the Tasmanian *End-of-Life Choices (Voluntary Assisted Dying) Act* received unanimous support. Worldwide, Tasmania is the only jurisdiction to have a chamber of parliament unanimously endorse an act such as this. I'm so grateful that we, in this place, have had that debate scrutinised, improved and reached a conclusion and now all eligible Tasmanians have the choice.

Once again, I congratulate the minister, the VAD Commission, health practitioners, pharmacists and the Clinical Services and VAD Navigation teams throughout for their outstanding and compassionate efforts. I do hope Tasmanians from all walks of life choose to be involved with the review and forward their submissions to the panel when it's released. As we know, submissions of all sizes for inquiries from individuals and community groups do really help inform panel members about circumstances of concern, influencing possible recommendations. Mr President, I move to take note of the report.

[7:09 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I also acknowledge the presence of the minister for Health in the Chamber tonight. It shows the commitment that I believe she continues to have to this important matter. I acknowledge the member for Mersey for bringing forward the Tasmanian Voluntary Assisted Dying Annual Report 2024-25 for noting.

Voluntary Assisted Dying, or VAD, as we know, has been available to Tasmanians since October 2022. The Tasmanian Voluntary Assisted Dying Commission is an independent statutory oversight and decision-making body established by Tasmania's voluntary assisted dying law, the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021*.

The commission comprises six members and is chaired by an executive commissioner and each of the members is jointly appointed by the Minister for Health, Mental Health and Wellbeing and the Attorney-General.

During the reporting period two commissioners, Professor Margaret Otlowski and Kim Barker, were reappointed, Dr David Boadle was appointed as the Commission's Deputy Executive Commissioner and Dr John Saul was appointed as a member of the commission for a first term.

In addition, during the 2024-25 period, the commission also acknowledged the departure of Dr Annette Barratt from the role of the commission's inaugural Deputy Executive Commissioner. On behalf of the government, I'd like to extend my thanks to Dr Barratt for her service and her contribution to voluntary assisted dying in Tasmania. I also would like to extend my congratulations to the appointments that I've just indicated.

The commission's annual report of 2024-25 was tabled in both Houses of the Tasmanian parliament and published on the department's website on Tuesday, 4 November 2025. The report sets out details of the administration and operation of Tasmania's Voluntary Assisted Dying law during the 2024-25 financial year. As with the commission's 2023-24 report, the commission's report for 2024-25 summarises the voluntary assisted dying process. This section of the report is recommended to anyone with an interest in expanding their understanding of the voluntary assisted dying process and what is involved. It also provides a statistical and operational summary of the activity associated with voluntary assisted dying in Tasmania over that period, 2024-25.

From 20 July 2024 to June this year, there was a significant increase in demand for access to VAD in Tasmania compared to the previous reporting year. The honourable member for Mersey has already indicated what those increases were - but just a couple: a 71 per cent increase in first requests and an increase in voluntary assisted dying deaths as a proportion of all deaths in Tasmania from 1.2 deaths to 2.1 deaths per 100. These figures are in line with the rates experienced in other Australian states in the equivalent reporting period. In Victoria, 0.85 per cent of deaths in 2024-25 were as a result of accessing a VAD substance.

In New Zealand, from 1 April 2024 to 31 March 2025, it was 1.25 per cent of deaths.

In South Australia it was 1.6 per cent during this period, in Western Australia it was 2.6 per cent, and in Queensland approximately 3 per cent of deaths in the 2024-25 period were the result of accessing a VAD substance.

On behalf of the Tasmanian government, I would like to join with the commission in acknowledging those who have died and extend my sincerest condolences to their families, friends and loved ones.

The commission's report notes several changes. Amongst these is that the increase in demand for access to voluntary assisted dying is greater than the increase in the number of suitably qualified Tasmanian medical practitioners choosing to undertake the Tasmanian voluntary assisted dying training and who are willing to act as a person's VAD practitioner. This trend has been noted in the annual reports of other states' VAD review boards and is not unique to Tasmania.

The Minister for Health, Mental Health and Wellbeing, the honourable Bridget Archer, has advised that she has met in recent months with trained medical practitioners who are working in voluntary assisted dying and heard first-hand how both professionally and personally rewarding it is to assist a person and their loved ones through the voluntary assisted dying process.

Ms Archer would like to remind practitioners with an interest in the training that they can call 1800 568 956 to request access to the training. I'm also advised the training is free to complete and attracts CPD hours for members of the Royal Australian College of General Practitioners and the Australian College of Rural and Remote Medicine in particular.

While completion of the training does not oblige a practitioner to assist a person to access voluntary assisted dying, it does position the practitioner to be able to do so if they so wish. Staff in the office of the Voluntary Assisted Dying Commission are available to visit with practices interested in finding out more about voluntary assisted dying and in exploring options available to practice staff who wish to support their patients in this regard.

As well as ensuring that medical practitioners understand their obligations, this initiative is an important means of increasing awareness of voluntary assisted dying amongst the medical profession specifically and in the community more broadly, in line with the commission's priority focus areas for 2025-26.

The commission made five key recommendations from the reporting year, including:

- an amendment to the Commonwealth *Criminal Code Act 1995* to remove limitations on providing VAD information by way of a carriage service;
- reforms to the medical benefits schedule (MBS) to establish VAD-specific items;
- that the Tasmanian state government implement a state-based remuneration scheme for the remuneration of privately employed medical practitioners;
- that the Australian Health Practitioner Regulation Agency and Medical Board of Australia review registration costs and CPD requirements for medical practitioners wholly or predominantly dedicated to the delivery of voluntary assisted dying services; and
- that a VAD data-management system for the use by medical practitioners be implemented.

The Tasmanian government shares the commission's view that changes are needed both to the MBS and how it relates to voluntary assisted dying and to applicable provisions of the Commonwealth *Criminal Code Act*. This government has consistently and strongly advocated for these changes with the Australian Government since prior to the act's commencement, and Minister Archer has advised that we can assure the Council that this dialogue and strong advocacy will continue.

As noted in the report, the Tasmanian government is committed to the establishment and implementation of a VAD data-management system, also referred to as a portal, for Tasmania, and as I have previously shared in this place and was again acknowledged by the honourable

member for Mersey, Ms Archer has a firm commitment to implement a system to assist practitioners who participate in the VAD process as soon as practical.

I'm also advised that the Secretary of the Department of Health has approved procurement for the development of a VAD portal and this work has commenced. The system, once established, will complement the work undertaken by the Tasmanian government and the commission to ensure that documentation provided to patients, practitioners and others is as clear and straightforward to complete as possible, noting the rigorous and strictly regulated nature of the voluntary assisted dying process.

The system will also support the office of the commission to meet increasing demand for access to voluntary assisted dying by enabling existing administrative and compliance-related processes to be streamlined, resulting in efficiencies.

The review will provide an opportunity to consider other means of ensuring a sustainable VAD practitioner workforce, including better utilisation of semi-retired practitioners as recommended by the commissioner, acknowledging these matters are outside of the Tasmanian government's remit.

The act requires the Governor to appoint a panel of persons nominated by the Minister for Health, Mental Health and Wellbeing and to conduct an initial review of the act's operation and scope. The review is required to commence as soon as practicable after 23 October 2025, that is within three years of the act's commencement. The expert panel has been appointed and names have been shared with the Council this evening by the member for Mersey. The panel will work to establish the full scope of the review to ensure the act continues to meet its objectives and operate effectively. It is important that Tasmanians have the right to make their own choices at the end of life, including access to voluntary assisted dying services if they are eligible. As the service is still relatively new to Tasmania, it is also imperative that the legislation underpinning voluntary assisted dying is reviewed at this stage to ensure it is operating as intended and any opportunities for improvement are identified.

The act also requires reviews within eight years of the act's commencement and at five yearly intervals thereafter. These subsequent reviews are to be of matters relating to the act's operation, scope and potential scope that are prescribed.

The Tasmanian government will soon open consultation for the review and it encourages people and organisations to take part so they can help ensure Tasmania's voluntary assisted dying law is working properly and identify any areas that could be improved.

On behalf of the Tasmanian government, I take this opportunity to extend our sincere thanks to those dedicated VAD practitioners who have chosen to support those who are eligible to access voluntary assisted dying and to those who support them, including members of the hardworking VAD navigation and VAD pharmacy services. Finally, I sincerely thank the commission members for their work in supporting people who are eligible to choose voluntary assisted dying and for producing this thoughtful report. I note the report.

Motion agreed to.

ADJOURNMENT

[7.23 p.m.]

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

That at its rising the Council adjourn until 11 a.m. on Wednesday
18 March 2026.

Motion agreed to.

Ms RATTRAY - Before I move that the Council do now adjourn, I'd like to remind members that we have some briefings commencing at 9 a.m. in the morning. I move -

That the Council do now adjourn.

The Council adjourned at 7.23 p.m.

Appendix 1

QUESTION ON NOTICE

Question No. 17 of 2025
Legislative Council

*tabled & incorporated
into Hansard
K. Vincent
deputy leader
17 March 2026*

ASKED BY: Hon Ruth Forrest MLC

ANSWERED BY: Hon Kerry Vincent MLC, Minister for Transport
and Infrastructure

QUESTION:

With regard to TasPorts operations:

- (1)
 - (a) How many marine pilotage services have been provided annually over the last 5 years; and
 - (b) How many marine pilots have been employed each year for the last 5 years, by year?
- (2) How many marine pilots have left TasPorts employment in the last financial year and in the current financial year to date?
- (3) Listed separately for the 2024/25 financial year and the current financial year to date, provide the:
 - (a) dates of each marine pilot's departure;
 - (b) locations of the port(s) they were operating; and
 - (c)
 - (i) whether any who left employment were still undergoing training; and
 - (ii) If so, how many were in training?
- (4)
 - (a) If any marine pilots left during training did this result in a delay to the training and recruitment pipeline; and
 - (b) If not, how did TasPorts avoid delays to marine pilotage services?
- (5) What is the current number of qualified marine pilots at:
 - (a) Burnie and Port Latta, listed separately if required
 - (b) Devonport; and
 - (c) Hobart.
- (6) What is the required number of marine pilots at each port to maintain service standards without delays?

- (7) With regard to shipping delays attributable to marine pilot availability in the 2024/25 financial year and in the current financial year to date, provide data that shows the:
- (a) number of delayed vessel movements;
 - (b) hours and/or days of delay;
 - (c) relevant ports impacted;
 - (d) actual vessels affected including the number of petrol tankers; and
 - (i) the length of delay for each vessel; and
 - (ii) the products each vessel is carrying.
 - (e) number of complaints received and details of which companies have raised complaints or concerns regarding delays;
 - (f) statements as to whether TasPorts prioritises traffic to or in and around TasPorts owned berths when there is a shortage of marine pilots; and
 - (g) the costs to customers from any pilotage delays or shortages?
- (8) Provide detail regarding the workforce planning model used by TasPorts for marine pilots including:
- (a) how TasPorts determines required staffing levels; and
 - (b) the acceptable delay threshold?
- (9) With regard to Berth 4 in Burnie:
- (a) when did TasPorts first receive advice that Berth 4 was unsafe for use;
 - (b) how long did TasPorts continue operating Berth 4 without restrictions after receiving the first safety report advising it was unsafe;
 - (c) did TasPorts seek a second engineering opinion and if so why;
 - (d) when was the deterioration of material beneath Berth 4 first identified in the TasPorts monitoring systems; and
 - (e) what was the timeframe between an adverse safety audit identification and remedial action in TasPorts safety protocols?
- (10) Noting our ports can be an entry point for illegal drugs, what is TasPorts Drugs and Alcohol Policy:
- (a) when was it last reviewed;
 - (b) when was it last updated;
 - (c) if any changes were made;
 - (i) what were the changes; and
 - (ii) why were the changes made?

ANSWER:

1a. TasPorts provides marine pilotage services across Tasmania's ports in accordance with statutory and safety requirements.

Over the past five years, TasPorts has delivered approximately 1,700-1800 pilotage movements per annum, with annual totals varying due to shipping demand, seasonal conditions, and operational requirements across ports.

Pilotage services are provided safely and reliably in accordance with regulated fatigue management, emergency response coverage, and port-specific operational constraints.

Financial year	Pilotage – Job count reportable
2020/21	1,353
2021/22	1,448
2022/23	1,919
2023/24	1,849
2024/25	1,771
Five-year average	1,668
Post-COVID average	1,846

1b.

As at	No. pilots
Current	16
June 2025	15
June 2024	15
June 2023	15
June 2022	14

2. In FY25 one marine pilot left TasPorts employment, due to resignation. In FY26 two marine pilots left TasPorts employment, due to resignation. As of 16 February 2026, a third pilot had resigned and will end employment with TasPorts in early April.

3a. In FY25 one pilot departed on 24 March. In FY26 one pilot departed on 15 December 2025, and one pilot departed on 10 September 2025.

3c. One employee was still a trainee at the time of resignation.

4a. Yes. The resignation of a marine pilot during training, combined with the timing of other workforce changes, had a short-term impact on the training and recruitment pipeline.

Marine pilot training and licensing requirements are extensive, highly regulated and port-specific, and typically take approximately four to six months to complete. By contrast, the standard notice period for resignation is eight weeks. As a result, while TasPorts had already commenced recruitment to maintain pilot numbers, replacement pilots could not be trained and licensed within the same timeframe as departures.

This timing mismatch created short-term operational pinch points during a peak operating period. TasPorts has since progressed recruitment and training activities to restore resilience across the system and continues to actively manage these pressures through safety-led operational planning.

4b. While the impacts described above created short-term operational pressure, TasPorts has actively managed these challenges to minimise disruption to marine pilotage services.

This includes:

- Implementing safety-led rostering and fatigue management to ensure pilots were not operating beyond regulated limits;
- Prioritising vessel movements based on safety, emergency response requirements and system-wide operational considerations;
- Utilising multi-port licensed pilots where practicable to support coverage; and
- Engaging with affected customers where necessary to advise of operational constraints and adjust scheduling arrangements.

These measures have enabled TasPorts to continue providing safe pilotage services while managing the short-term impacts of pilot training and recruitment during a peak period.

5.

Location	Total
North-West	6
Bell Bay	4
Hobart	6
Total	16

6. There is no fixed minimum number of marine pilots per port that guarantees the absence of delays.

Required pilot numbers are determined through a workforce planning model that considers:

- Port-specific risk profiles and vessel types;
- Frequency and timing of shipping movements;
- Fatigue management and mandatory rest requirements;
- Emergency response coverage obligations;
- Training and licensing status; and
- The availability of multi-port licensed pilots.

TasPorts plans pilot resources to maintain safe and reliable services across the system, recognising that weather, vessel scheduling and safety considerations may occasionally require short-term operational adjustments.

7. TasPorts does not maintain a standalone dataset attributing vessel delays solely to marine pilot availability.

Vessel movements are influenced by a range of factors including weather conditions, vessel readiness, terminal operations, tug availability, safety considerations, and regulatory requirements, in addition to pilot availability.

Where short-term operational adjustments have been required to manage pilot fatigue or maintain emergency response coverage, TasPorts has engaged directly with affected customers to coordinate scheduling and minimise disruption.

TasPorts does not prioritise traffic based on ownership of berths. Vessel movements are prioritised based on safety, regulatory obligations, emergency response requirements, and system-wide operational considerations.

TasPorts does not collect or verify customer cost data, as these are commercial matters between customers and shipping operators.

TasPorts has received a small number of customer concerns regarding pilotage availability during peak operating periods, which have been managed through direct engagement and operational coordination.

8. TasPorts' workforce planning for marine pilots is based on a risk-based operational model, rather than fixed staffing ratios.

In determining required staffing levels, TasPorts considers a range of interrelated factors, including:

- Statutory and regulatory requirements governing marine pilotage;
- Directions and requirements issued by the Harbour Master;
- Port-specific operational risk and complexity;
- The volume, frequency and timing of shipping movements across Tasmanian ports;
- Fatigue management and mandatory rest requirements;
- Training, licensing and supervision requirements for pilots; and
- The need to maintain emergency response capability across ports at all times.

In addition, TasPorts must ensure that marine pilots are able to meet minimum annual sea-time and vessel movement requirements to maintain their licences. Given the scale and pattern of shipping movements in Tasmania, there is a practical limit to the number of pilots that can be sustainably employed while still enabling each pilot to maintain regulatory competency and currency.

As a result, increasing pilot numbers beyond this level would not resolve short-term availability pressures and could introduce additional safety and compliance risks. It would also increase the cost of pilotage services, which would ultimately be passed on to customers. TasPorts therefore manages a necessary balance between safety, regulatory compliance, operational resilience and cost efficiency.

There is no defined "acceptable delay threshold" for marine pilotage services. Decisions regarding vessel movements are made on a case-by-case basis, in accordance with Harbour Master directions and regulatory requirements, with safety as the overriding consideration.

Where delays occur, they are managed through direct engagement with customers and are typically influenced by a combination of operational, weather and safety factors, rather than pilot availability alone.

9a. Berth 4 at the Port of Burnie remains safe for use by its customer Strait Link.

9b. TasPorts has received a range of engineering advice around the structure at Berth 4, however has not received a safety report advising that Berth 4 is unsafe for use.

9c. TasPorts has sought specialist advice from multiple consultants to support its active risk management and design development of a remediation solution. This has included engineers and maritime engineering specialists.

9d. The condition of Berth 4 has been monitored through TasPorts' established inspection and asset management processes over an extended period.

In 2015, a dive survey identified localised undermining and scour beneath a section of the Berth 4 quay wall. Project planning to remediate this scour commenced. At that time, discussions were also underway with Toll (StraitLink's predecessor) regarding ramp extensions and wharf works associated with the introduction of larger vessels.

In 2017, TasPorts received an engineering assessment prepared for Toll in support of those works. That report identified further scour and noted a potential risk of global instability. The assessment assumed the quay wall was keyed into underlying material, and on that basis the works undertaken at the time focused on scour protection only. Those works were delivered by Toll.

In 2023, as part of TasPorts' Wharf Condition Monitoring Program, undertaken in accordance with the Wharf Structure Condition Assessment Manual (WSCAM), additional scouring beneath Berth 4 was identified. TasPorts initiated further investigations to determine the extent and risk.

Later in 2023, TasPorts engaged a specialist maritime engineering firm to undertake a detailed assessment. This assessment identified that, in addition to scour, the quay wall was subject to global instability, and that earlier assumptions about the wall being keyed were not correct. It also confirmed that previous scour protection works were only partially effective.

TasPorts received a draft report in December 2023 and immediately implemented recommended control measures, including the installation of survey control marks to monitor wharf movement.

The final report was received in January 2024 and recommended further geotechnical investigations to support the design of remediation works, with a focus on maintaining the safe operation of StraitLink services at Berth 4.

10. The TasPorts Alcohol and Other Drugs Guideline (Guideline) and Alcohol and Other Drugs Policy (Policy) were last reviewed during the period from July to October 2025.

The Guideline and Policy were updated and circulated on 8 October 2025.

The Policy and Guideline were amended to:

- Improve the drafting (i.e. to increase clarity and remove repetition);
- Make it clear that the Policy and Guideline do not form part of any contract between any worker and TasPorts, and that TasPorts is permitted to replace or vary the Policy and Guideline at any time;
- Confirm TasPorts' position that the consumption of alcohol and drugs (except certain medications) at a TasPorts workplace, including a vessel, is not permitted (though the Policy and Guideline provide that the CEO may approve the consumption of alcohol on a TasPorts' worksite); and
- Include an express confirmation that TasPorts does not tolerate false, misleading or vexatious allegations in relation to the use of alcohol or drugs.

The changes to the Policy and Guideline were primarily made because:

- The Policy and Guideline were due for review;
- There were queries raised about the clarity of the operation of the Policy and Guideline (ie, the drafting could be clearer); and
- TasPorts is committed to providing a safe workplace for all its employees, including appropriately prohibiting alcohol and drug use.

APPROVED/NOT APPROVED



Hon Kerry Vincent MLC
Minister for Infrastructure and Transport

Date: 02/03/26

Appendix 2

QUESTION ON NOTICE

Question **No. 18** of 2025
Legislative Council


Hon K. Vincent

ASKED BY: Ms Cassie O'Connor MLC

ANSWERED BY: Minister Kerry Vincent

Tabled & incorporated
into Hansard
Hon K. Vincent
Deputy Leader
17 March 2026

QUESTION:

- 1) For each of FY2016-17, FY2017-18, FY2018-19, FY2019-20, FY2020-21, FY2021-22, FY2022-23, and FY2023-24, can you please provide the number of evictions from public housing tenancies broken down by:
 - a) Vacant possession after termination notice;
 - b) Vacant possession after Court order; and
 - c) Vacant possession after Sheriff/Bailiff/Police attends to enforce order
- 2) Of those households evicted from public housing, for each of the years specified in Question 1,
 - a) How many had at least one household member who was a child?
 - i) How many children were listed as household members for each of these households?
 - b) How many households included at least one tenant who disclosed Aboriginal and Torres Strait Islander status on application or rent review forms?
 - i) How many children were listed as household members for each of these households?
- 3) For each of the years specified in Question 1, how many public housing tenancies were managed by Homes Tasmania in total?
- 4) For each of the years specified in Question 1, what was the total number of public housing tenancies with a tenant who disclosed Aboriginal and Torres Strait Islander status on application or rent review forms?

ANSWER 1:

Table 1 – Total evictions from public housing by financial year

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
30	61	40	38	10	13	20	30

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Table 1 outlines the number of evictions from public housing from 2016-2017 to 2023-2024 by financial year. Eviction data is not readily available for the reasons listed in the question.

ANSWER 2:

Data is provided for children aged 16 and under.

Table 2a – The numbers of households evicted with children as household members

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
6	12	15	12	3	5	5	9

Table 2ai – The number of children listed as household members for the household evicted

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
11	22	37	29	3	6	7	13

Table 2b – The number of household evicted where tenants disclosed Aboriginal and/or Torres Strait Islander status

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
8	10	4	6	0	3	5	7

Table 2bi – The number of children listed as household members where tenant disclosed Aboriginal and/or Torres Strait Islander status

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
1	4	5	2	0	0	0	4

ANSWER 3:

Table 3 – The total number of public housing tenancies managed by Homes Tasmania by financial year

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
6880	6856	6931	6961	6904	4897	4863	4861

Table 3 represents the number of households with active public housing tenancies at the end of June each year, as shown in the Report on Government Services (RoGS).

The number of public housing tenancies has reduced over time with the transfer of management to community housing. There has been an overall increase in social housing tenancies.

ANSWER 4:

Table 4 – The total number of public housing tenancies managed by Homes Tasmania that include tenants with Aboriginal and Torres Strait Islander status by financial year

2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
444	455	513	536	575	432	444	440

Table 4 represents the number of households with Aboriginal and Torres Strait Islander status with active public housing tenancies at the end of June each year, as shown in the Report on Government Services (RoGS).

As above, the number of public housing tenancies has reduced over time with the transfer of management to community housing. There has been an overall increase in social housing tenancies.

APPROVED/NOT APPROVED



Kerry Vincent MLC
Minister for Housing and Planning

Date: 2 MAR 2026

Appendix 3

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Tabled & incorporated
into Hansard
Hon K. Vincent
17 March 2026

Question without Notice

Question No. 020 of 2025

Legislative Council

K. Vincent
deputy leader

- Asked by:
- Answered by:
- Question:
- Honourable Cassy O'Connor MLC
Member for Hobart
Leader for Government in the Legislative
Council, the Honourable Tania Rattray
MLC

I (Ms O'Connor) to ask the Leader for Government:

The Macquarie Point site has unknown and known contaminants, including asbestos and potential acid sulphate soils. It is unknown exactly which contaminants exists in which locations on the site. Considering the potential hazards from excavation on the site, including the release of toxic gases, and exposure to toxic dust, can the Minister please advise:

- (1) When will the Site Suitability Statement be complete and which agency will be responsible for this body of work?
- (2) Has the EPA developed a detailed Environmental Management Plan that deals with these hazards? If not, when will it be prepared?
- (3) How will Macquarie Point Development Corporation prevent health and safety risks to workers onsite and the general public?
- (4) What mitigation strategies are being put in place to prevent risks to onsite workers, Hobart residents and visitors to Sullivans Cove from contaminated soils?
- (5) What level of monitoring and oversight of contaminated soil excavation, treatment and removal is currently being undertaken and planned over the course of the stadium development?
- (6) How will level 4 contaminants be dealt with when disturbed and exposed?
- (7) Does MPDC expect contaminated soils which have been excavated to be stored on site, and if so, what measures will be taken to prevent any risk to public health from dispersal of this material?
- (8) Where will contaminated soils be disposed of and how will the safety of people be assured once disposed in these locations?
- (9) If there is a release of contaminants exposing workers and / or the public, what is the plan for notifying people?

Answer:

1. Site Suitability Statements are issued by an accredited Environmental Auditor and are expected to be finalised in the first quarter of 2026.

The *Macquarie Point Development Corporation Act 2012*, provides the only statutory remediation review process in the state. It includes the appointment of an Environmental Auditor, accredited by the EPA, who is engaged through out the process, and is informed by an expert remediation consultant working with the Macquarie Point Development Corporation.

The Corporation is responsible for undertaking the remediation process, as set out in the *Macquarie Point Development Corporation Act 2012*.

2. The *Macquarie Point Development Corporation Act 2012* sets out the remediation actions that are required before development can occur.

Activity on site is supported by a Site Environmental Management Plan (or SEMP).

The SEMP was developed by the Corporation's expert remediation advisor and is reviewed and approved by the Accredited Environmental Auditor.

SEMPs are site-specific and set out requirements for activity at Macquarie Point. The SEMP is reviewed and approved by the Environmental Auditor and is a key part of the process of setting out the requirements for receiving Site Suitability Statements.

The SEMP has been updated over time to reflect the latest information available and works completed to date.

The Corporation has had a SEMP in place since 2015. The current version of the SEMP is version 4.0, updated in early December 2025, and has been approved by the Environmental Auditor. The SEMP was tabled in the Legislative Council on 4 December 2025.

3. Works on site are supported by a task-specific work health and safety plan. These are generally in the form of a Construction Environment Management Plan (CEMP).

These plans are informed by the SEMP, which has been approved by the Environmental Auditor and informs activity across the site.

The SEMP:

- identifies known areas of contamination and provides an overview of appropriate management measures to:
 - address potential human health and environmental risks associated with subsurface contamination; and
 - maintain compliance with relevant environmental management requirements, and related safety management requirements.
- provides procedures for contamination management associated with intrusive works such as excavation and disposal of soil, dust and odour control, stormwater and sediment management, noise control and groundwater management.
- documents planning controls to prevent unacceptable environmental risks following development relating to land use, building requirements, establishment of vegetation, and ongoing monitoring of site condition.
- has been utilised for all works previously undertaken on site since the first iteration of the SEMP was prepared in November 2015.

4. The SEMP approved by the Environmental Auditor, and the subsequent Site Suitability Statements prepared by the Environmental Auditor, consider the protection of onsite workers, Hobart residents and visitors, and surrounding ecosystems.

They include mitigation or management measures to guide works on site as noted in response to the previous question.

5. The SEMP developed by the Corporation's remediation consultant and approved by the Environmental Auditor (and tabled in the Legislative Council on 4 December) was recently reviewed by the EPA through the State Policies and Projects Order to confirm the EPA was satisfied with the document to enable initial works to proceed. The SEMP identifies known areas of contamination and sets out controls to guide its management.

For each stage of works, the contractor's Construction Environmental Management Plan will specify the methods of excavation, storage, treatment and removal of soil.

The Corporation, with the assistance of expert consultants, is responsible for stockpile inspection, sampling of stockpiles and management of groundwater well protection measures. The data is reviewed, assessed for potential reuse or suitability for disposal, and expert advice is provided on any other actions, such as opportunities to soil farm on site and reduce contamination levels.

6. The Corporation has undertaken a pre-excavation categorisation sampling and analysis program of the planned excavation areas of the Multipurpose Stadium.

The majority of the soil to be excavated is *Level 2 – Low Level Contaminated Soil*, and as noted in the previous answers, the SEMP documents handling requirements.

The pre-excavation categorisation sampling and analysis program has identified small areas of material of a higher waste category, which will be segregated and stockpiled on site for treatment and remediation. The Corporation has successfully implemented onsite treatment as part of remediation work already undertaken.

Accepted methodologies for the contaminants detected in potentially higher impact areas have been documented and accepted by the EPA as the site has been remediated. These include chemical immobilisation for lead impacted stockpiles; or biopiling and landfarming techniques for hydrocarbon impacted soil. Where

feasible and practical, remediation occurs on site to reduce the levels of contamination. This reduces environmental risks associated with the soil and lowers the costs associated with handling and disposal.

Soil is then removed to waste management facilities licensed by the EPA to accept that category of contaminated soil.

7. The majority of the site has been pre-categorised as *Level 2 – Low Level Contaminated Soil* which will allow for its excavation and removal to licensed waste facilities in accordance with the SEMP and the linked CEMP developed by the contractor for the activity.

Some soils of higher contamination levels may require stockpiling on site for treatment accordance with Technical Specification requirements.

The Technical Specification sets a number of standards for works including work health and safety; statutory requirements; site security; site inspections; storage of materials; tools, plant, labour and equipment management; noise and vibration controls; environmental management; and project documentation requirements.

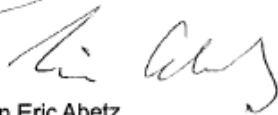
8. Contaminated soils will be disposed of at waste management facilities licensed by the EPA.

License conditions include capacity and contamination levels for each waste depot. The licensing process is managed by the EPA. These facilities are licensed to take waste as required more broadly, and are not limited to the acceptance of contaminated material from Macquarie Point.

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9. There is a duty on an owner, occupier or polluter under section 32 of the *Environmental Management and Pollution Control Act 1994* to notify the EPA or the Local Council about pollution that causes or may cause environmental harm or nuisance. The Corporation and its Contractors are required to comply with these conditions as is the case with any other party. The CEMP sets out the work practices to be implemented in the event of an incident, as guided by the SEMP.

Approved / Not Approved



The Hon Eric Abetz

Minister for Macquarie Point Urban Renewal Project

Date: 13/2/26

Appendix 4

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tabled & incorporated
into Hansard

QUESTION ON NOTICE (No. 21)

Hon E. Vincent
Deputy Leader

17 March 2026.

Legislative Council

ASKED BY: Cassy O'Connor MLC **Member for Hoarbr**

ANSWERED BY: Hon Tania Rattray MLC Leader of the Government

QUESTION:

1. How many public submissions were made for the Climate Change (State Action) Act 2008? And when is the government planning on releasing a summary of submissions and a response to them?
2. What is the timeline for the Climate Act Review? When does the government plan to release any proposed amendments?
3. Given 2035 is just 10 years away, how is the Tasmanian Government plan to contribute towards the new Commonwealth Government emissions reduction target (62-70% by 2035)?
4. Tasmania's net zero status relies almost entirely on carbon sequestration by our forests, with little-to-no absolute emissions reduction in other sectors. Does the government have access to, or any plans to fund modelling of the changes in Tasmanian forests carbon carrying capacity against future climate scenarios? Is there planned modelling on their future impact on the State's emissions profile and net zero status?
5. The Government's Forestry Climate Action Plan states its Priority Area 1 is Information and Knowledge – It says, "We will ensure our businesses, industries, governments and communities can make informed decisions by providing up-to-date, high quality and user-friendly information about Tasmania's emissions, our future climate, and emissions reduction, sequestration and adaptation opportunities."

If this is the #1 priority where are the figures on the emissions from regeneration burns from Forestry Tasmania? How much carbon is being emitted by regeneration burns in the forestry sector?

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6. In relation to Tasmania's industrial plans for burning biomass from Tasmanian Forestry operations, and particularly its use in energy production such as for Cement Australia's Railton Facility, what will be the source of this biomass for current projects and others planned in the future – plantation, native forests, private forests?

Is it coming from State Forests – from Sustainable Timbers Tasmania?

7. Has the government considered the increased demand for biomass and reliance on biomass for emissions reduction transition and how that might contrast with the decreased ability of Tasmanian forests to sequester carbon AND the federal government's reliance on forests for the national 2035 target?

8. Tasmania's Risk Assessment for Climate Change notes a clear pathway for action is required to support a just transition to a low carbon economy which include Zero Emission Buses (ZEBs).

a) What are the government's plans to roll out ZEBs once the trial period has ended?

b) Has the government factored in costs associated with transition to an electric bus fleet? (Including but not limited to; charging networks installation, fleet updates, workforce training)

9. Does the minister have any plans for getting the government back on track for delivering 100% of the government vehicle fleet converted to electric by 2030?

ANSWER:

1. A total of 370 pieces of feedback were received, including 99 written submissions, 202 survey responses, and 69 ideas wall contributions.

In December 2025, the independent review team provided a summary report on the consultation feedback, and a final independent review report.

In accordance with the Act, the final report will be tabled in both Houses of Parliament within 10 sitting days of receipt. Both reports

will also be published on the ReCFIT website.

2. In accordance with Subsection 18(5) of the Act, the final report prepared by the independent reviewers will be tabled in both Houses of Parliament within 10 sitting days of receipt.

The Climate Change Office will liaise with the Tasmanian Government and key stakeholders (including targeted cross-agency engagement) in early 2026 to consider the independent review findings.

3. Tasmania has the most ambitious emissions reduction target of any jurisdiction in Australia. The Tasmanian Government is on track to achieve its legislated target of net zero greenhouse gas emissions, or lower, by 2030 and continues to support business, industry and the community to reduce emissions and contribute towards the new Australian Government emissions reduction target for 2035.

The Tasmanian Government released six sector-based emissions reduction and resilience plans (the Plans) in late 2024. The Plans have broad alignment and complementarity with the six national sectoral plans developed to support the national Net Zero Plan, released in 2025.

Funding of \$3.6 million has been committed to deliver 30 actions across Tasmania's six sectoral Plans and includes four cross-sectoral commitments. Several actions are already underway or complete. Further actions have been identified in the Plans as future funding priorities over the next five years. New plans will be produced every five years in line with legislative requirements. A new Climate Change Action Plan is also required to be developed every five years. The next action plan is to be developed by 2028.

4. The government does not have access to, and does not have any plans to fund, modelling of the changes in Tasmanian forests' carbon carrying capacity against future climate scenarios and

their future impact on the state's emissions profile and net zero status.

5. Emissions from the Land Use, Land Use Change and Forestry (LULUCF) sector, including those from post-harvest regeneration burns, are calculated and reported by the Australian Government's Department of Climate Change, Energy, the Environment and Water (DCCEEW) as part of Australia's National Greenhouse Accounts (ANGA).

DCCEEW uses methods to calculate and report Australia's emissions that are in accordance with the guidelines set out by the United Nation's Intergovernmental Panel on Climate Change (IPCC). The methods are detailed in the National Inventory Reports, which are the Australian Government's submissions to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement.

The internationally agreed methods include how LULUCF emissions from forest harvesting events, including post-harvest regeneration burns, are treated. Emissions from post-harvest regeneration burns are included in ANGA for various silvicultural operations and forest types. The emissions from post-harvest

regeneration burns from Sustainable Timber Tasmania's operations are reported in the 'multiple use forest' sub-sector of the LULUCF sector.

Net emissions reported for the 'multiple use forest' sub-sector are based on the sequestration from living biomass (both above and below ground) on public lands, including post-harvest regrowth as well as losses from harvesting and post-harvest regeneration burns. The emissions reported by DCCEEW for the 'multiple use forest' sub-sector in ANGA aggregate these sources and sinks and it is not possible to determine the emissions attributed solely to post-harvest regeneration burns.

The Climate Change (State Action) Act 2008 includes a

requirement for the Tasmanian Government to prepare a report on Tasmania's greenhouse gas emissions every year.

DCCEEW's emissions data reported for Tasmania in ANGA is used as the basis for the greenhouse gas report. Tasmania's most recent emissions data for 2023 are reported in the Tasmanian Greenhouse Gas Emissions Report 2025, which is available on the ReCFIT website:

www.recfit.tas.gov.au/what_is_recfit/climate_change/greenhouse_gas_emissions

The methods are detailed in the National Inventory Report 2023 at www.dcceew.gov.au/climate-change/publications/national-inventory-report-2023

Emissions data by sector and sub-sector for each Australian state and territory can be explored in Australia's National Greenhouse Accounts at www.greenhouseaccounts.climatechange.gov.au/

6. The Bioenergy Vision for Tasmania 2023 (the vision) sets out the opportunities for Tasmania's bioenergy industry. The focus of the vision is to create an environment that unlocks investment to deliver against the key drivers of bioenergy adoption: renewable energy generation, greenhouse gas emissions reduction, waste management and resource recovery, jobs creation and economic development.

Tasmania produces 7.8 million tonnes of liquid organic waste and 1.4 million tonnes of solid organic waste from municipal, agricultural, forestry and industrial sources annually.

Industry determines their individual fuel and/or energy requirements and corresponding appropriate bioenergy source. The focus of the Bioenergy Vision for Tasmania is the utilisation of organic waste and residue streams.

Cement Australia plans to use both tyre-derived fuel, and forestry residues (wood waste) from Sustainable Timber Tasmania in their upgraded kiln to replace coal use and reduce greenhouse gas

emissions.

7. The Bioenergy Vision for Tasmania 2023 focuses on organic waste and residue streams. The Vision recognises that producing bioenergy from higher value products such as food crops and high value wood or native vegetation harvested solely for bioenergy production is unlikely to be economically, socially or environmentally sound.

The government does not expect bioenergy to cause an increase in forest harvesting, nor is it aware of any plans or discussions to do so. Bioenergy is generated from forest harvesting and processing residues. This means that bioenergy is not expected to have a significant impact on forest carbon stocks.

However, there is the potential to significantly decrease emissions from fossil fuels by utilising forest harvesting and processing residues to generate bioenergy. Generating bioenergy displaces the use of fossil fuels, such as the coal used in the kiln at Cement Australia.

8. Tasmania's Risk Assessment for Climate Change outlines a range of risks and opportunities, including opportunities to increase public and active transport, and transition transport to low emissions vehicles.

Metro Tasmania is currently undertaking trials of battery electric buses (BEB) in Launceston, and hydrogen electric buses (HEB) in Hobart. As part of the trial, Metro will be providing government with reports on the outcomes of the trials, including:

- practical learnings about the performance and operational requirements and issues associated with zero emissions buses, including but not limited to the buses, depots, and any off-site matters
- a commercial and socio-economic cost benefit assessment of both BEB and HEB technologies, and a recommendation on the most appropriate technology type or combination of

technology (for example just BEB or HEB, or a mix of the two), to inform a subsequent business case for Metro's transition to zero emission buses (ZEBs).

A report covering the first 12 months of the BEB trial is expected in early 2026, to be followed by the HEB report in mid-late 2026.

The Department of State Growth is currently working with a consultancy to finalise procurement pathways for the transition to ZEBs. Options will be presented to government to decide on the preferred approach. The procurement pathways factor in costs associated with resourcing and transitioning from the current diesel fleets to ZEBs and depot transition costs (charging infrastructure).

9. The Tasmanian Government has implemented a range of policies and initiatives to support the fleet transition, including:
 - a. a new whole-of-government contract for purchasing passenger and light commercial vehicles
 - b. education resources for staff, including fact sheets and short instructional videos
 - c. assessing 110 government parking sites across the state for EV charging infrastructure
 - d. providing advice to agencies about installing charging infrastructure on their sites
 - e. updating operational fleet management policies
 - f. a procurement process for a panel of charging infrastructure suppliers (an open Request for Tender is scheduled for release in January 2026)
 - g. financial support for agencies to purchase EVs and charging infrastructure.

The government will consider what further measures may be required to support the transition of the fleet to EVs.

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APPROVED/NOT APPROVED

Madeleine Ogilvie MP
Minister for Environment

Date:

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