PARLIAMENT OF TASMANIA

DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Wednesday 18 November 2026

Preliminary Transcript

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Wednesday 18 November 2026

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

TABLED PAPERS

Joint Standing Committee on Greyhound Racing Tasmania Transition - Report

[11.02 a.m.]

Ms O'CONNOR (Hobart) - Mr President, I have the honour to present an interim report of the Joint Standing Committee on Greyhound Racing Transition.

- Joint Standing Committee on Greyhound Racing Transition Interim Report on its Work Plan

Report received.

FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026 (No. 30)

In Committee

Continued from 29 October 2026 (page xxx).

Madam CHAIR - Just before we start to provide a bit of guidance to members around the process around reporting progress if we need to for any reason. Just it was a little bit unclear about how we perhaps did that effectively. Bear with me while the Leader is getting herself organised. I will read through some guidelines and guidance for you perhaps.

Reporting progress occurs when the committee decides to temporarily pause its consideration of a bill in the Committee of the Whole to return to the main Chamber. We usually do this if we need a break for the drafting of an amendment, a briefing, a break, or because some other urgent matter arises that requires committee deliberations to pause and the committee returns to the Council, the main plenary. The method to do this is by motion and seeking leave to sit again. Any member can move the motion when there is no question before the Chair; that is, not when we are considering an amendment or a clause; so, it has to be after that clause has been dealt with, for example. The reporting of progress is made by this motion. What you would move is: Chair, I move that the committee report progress and seeks leave to sit again. That's the question that you would put. There is an opportunity for debate on the question. That is, before the committee votes on whether to accept this clause all members can contribute to the debate on the motion itself, and each member has one call. Speakers must stick strictly to why progress should or should not be reported, rather than re-arguing the broader merits of a bill or the clauses of a bill.

This is not a substantive motion and, therefore, under our Standing Orders, there is no right of reply. For reference, you can see Standing Order 133, where replies are allowed for substantive motions only. It must be noted that every member gets to provide a contribution to

the question. It is uncertain whether the Sessional Order as to time limits applies, but as it is a narrow question and not a matter for debate on the bill or clause, debate is usually limited to the need of reporting progress and should be disposed of summarily, so it shouldn't be an issue in terms of time.

Custom and practice seem to be a little bit uncertain in that sometimes the Leader has summed up why the break is needed, but that may be because the Leader has unlimited calls and typically has carriage of the bill. This may not be strictly in accordance with the rules, but that is the thing with parliamentary practice and procedure, it can evolve and be responsive to the needs of the Chamber and the circumstances of the issue. Notwithstanding that, to be as clear as I can be, there is no right of reply on such a motion to report progress. This is a position supported by *Odgers' Australian Senate Practice*, which we follow, but if there was a pressing matter that needed to be put, I could provide a little leeway to enable that.

If the committee agrees to report progress, there is an immediate resolution. If the motion passes, the Chair reports progress and the President resumes the Chair. The committee's progress is officially recorded in the parliamentary minutes and at a future time is set to resume work by members by the member who has the carriage of the bill, usually the Leader, but obviously it could be a different member if it's a private members' bill. If the motion fails, the committee must immediately continue debating the contents of the bill.

Are there any questions around that? If not, I'll just remind members where we're up to; we're up to clause 57. The Deputy will call that in just a moment, but I'm just waiting for the Leader to confirm that she's ready to start.

Clause 57 -
Change in particulars of licence

Ms RATTRAY - Madam Chair, before I begin, I would like to acknowledge Inspector James Semmens, who is with us this morning. I'm aware that today is a significant day for the inspector; were he not here assisting the Legislative Council, he would be receiving his National Medal First Class, recognising 25 years of dedicated service to Tasmania Police and the Tasmanian community. On behalf of members and all those here in the Council this morning, I offer my sincere congratulations and thanks. Throughout his career, Inspector Semmens has earned enormous respect for his wealth of policing expertise, sound judgment, calm manner and ability to think clearly through complex issues. I'm so pleased he's here.

Those qualities were particularly evident during the COVID-19 pandemic - the honourable member for Launceston can attest to that - when steady leadership and considered advice were invaluable and they continue to be evident in his work supporting the development and scrutiny of legislation. Many of us have benefited from his professionalism, patience and willingness to assist. While much of his work occurs behind the scenes, his contribution to this parliament is significant and deeply appreciated. A sincere congratulations on this well-deserved recognition, Inspector, and thank you for your outstanding service to Tasmania.

Members - Hear, hear.

Ms LOVELL - Madam Chair, can I also just clarify, if you could remind me the time limit for mover of an amendment?

CHAIR - Fifteen minutes, and 10 on any reply after that. I think - just let me check, before testing the memory - yes, you have 15 minutes to speak to the amendment, and then anyone speaking on an amendment has 10 minutes to respond to that.

Ms LOVELL - Thank you, Madam Chair. Just before I move the amendment, I would like to also congratulate Inspector Semmens, who has spent quite a bit of time with us, in this place, over the last few years. Probably more time than he would like, but I know that we've certainly appreciated his advice, and his thoroughness, and willing to always be very open, and work through issues with us. I have certainly appreciated that, so I'd like to add my congratulations to those wishes from the Leader.

Madam Chair, I move the following amendment -

Clause 57, page 80, before paragraph (a). *Insert* the following paragraph:

By inserting the following paragraphs after paragraph (b) in subsection (1),

> (baa) any authorisation by the Commissioner, or refusal of the Commissioner, to authorise the holder of a licence, under section 47(a)(2) or (3); or
> (baab) any condition imposed under section 47(a)(4) or (5); or

Members, I know it's a little difficult to come back to a debate halfway through and we've certainly lost a bit of momentum. The debate is a little disjointed now and it might be difficult for members to get themselves back to the stage we were at in the previous debate, but I know that we broke at this point for a very valid reason; that is to give people time to work through and get their heads around the amendments that were being proposed. I'll try to recap a little of where we're at, I'll also try to address some of the questions that had already been asked. But if I've missed anything, or forget anything, I'll come back to that in a later contribution.

The amendment that I'm moving now is to insert a provision for review of the commissioner's decision to refuse an exemption to firearm caps, should firearm caps be supported by the Council. As we do sometimes, it's a little out of order. What I will do now is put the argument for the caps amendment that will come later in the debate as a new clause, because, obviously, whether or not members support this clause may depend on whether or not they intend to support the amendment for caps.

Just a recap of how the ownership caps would work with our amendment. It will be a condition of every firearms licence that the holder may possess no more than 10 firearms in total. Within that, no more than five may be held for recreational hunting or vermin control. And I understand the member for Murchison has an amendment to that as well. The caps are not cumulative; 10 is the ceiling across all of a person's licences, five is the limit within that for recreational hunting and vermin control. Where someone genuinely needs more, they can seek an exemption. The commissioner may authorise a higher number if satisfied the person has a legitimate reason and that it would not be contrary to the public interest. If the commissioner says no, that person can go to the Magistrates Court Administrative Appeals Division and have the decision reviewed. That's what this amendment now would be inserting, that provision for a review.

The caps apply to ordinary firearms licences, categories A, B, C, D and H. They do not apply to dealer, museum, militaria, or heirloom licences, or to antique permits. A family heirloom held under an heirloom licence is not touched. A reminder of how many people this is likely to affect. There are nearly 9000 Tasmanians holding six or more firearms. That means roughly three in every four licence holders hold five or fewer and for them nothing would change under these caps. Around 7400 hold between 6 and 10 firearms. A farmer, or a sporting shooter, in that group, would still be within the cap of 10 firearms. Just over 1500 hold 11 or more firearms.

In terms of timing, the bill commences on proclamation, and the ownership caps would be included in that. They should not begin until a buyback scheme is in place, so that no-one who acquired firearms lawfully is left out of pocket. The Commonwealth has said that any state that wants a buyback scheme will get one, so there should be no obstacle to securing that scheme, including adequate funding. As I said in my second reading speech, the evidence is limited. We acknowledge that. But that doesn't mean there is no evidence in support of ownership caps. There have been multiple sources and studies presented throughout this debate, but I bring members back to the fundamental underlying principle that underpins our position on caps on ownership: Fewer guns in the community means risk is reduced. More guns in the community increase the risk. That is a simple fact.

It is just a reality that there happen to be these things that we're debating - firearms - that are a very genuine, useful and effective tool of trade or sport for many Tasmanians. I accept that. But it is also reality that these same tools of trade and sport can be used to cause immeasurable harm by those who wish to do so. That is tragic. It is hard for many of us to understand. It is not fair on those firearm owners who do the right thing. I am very sure that that reality is everything and anything, from frustrating to enormously distressing, for those who do have genuine, valid reasons to use firearms. Nobody is suggesting licensed firearm owners who do the right thing are the problem. I want to be very clear about that. But it is a reality that we must grapple with here that their tools of trade or sport can and are used to cause harm. So, the question for us is a question of risk and of public safety, and that's what these amendments aim to address. The vast majority of firearm owners are doing the right thing, but even if every single firearm owner in this state followed the law to the absolute letter, the risk still exists. The question for us is whether that risk requires a level of mitigation to be imposed or not. I argue that it does.

I will go to a couple of questions that were raised in the previous debate. The member for Elwick asked about the evidence. I think we've talked about that quite a bit. As we've said, the caps are new; we can't evaluate caps when they don't exist, so we know the evidence is limited. We acknowledge that and have been very up-front about that.

In terms of the cost, the cost will depend on the buyback scheme, and the buyback scheme is not ours to negotiate. The federal government has made it clear that they will work with any state and that there is absolutely money on the table to negotiate a buyback scheme. They want this to work and they want to make it happen. That is not our scheme to negotiate. That would be a matter for the state government.

The government raised that the amendment doesn't carve out collectors and doesn't make that clear in the wording of the amendment. I would argue it doesn't need to because it does clearly specify which licences and which uses the caps would apply to, using terms that are already defined in the act. The firearms licence under division 2, part 2 of the act, members can

see there Category A, B, C, D, and H are the licences. The licences for heirlooms, dealers, museums, et cetera, antiques, are not firearms licences as defined by the act that would be covered by these caps. The amendment doesn't need to carve out collectors or antiques because they're not covered by the licences that would be covered by the caps, which is made clear in the amendment.

This amendment, as I said, is to insert the provision for review. The amendment on caps and the numbers around caps will come later. There'll be opportunity there to debate further amendments around where the numbers should sit. I know the member for Murchison has circulated an amendment on that. This amendment we're urging members to support is the amendment that would insert a provision for review through the Magistrates Court if the commissioner either authorised, or refused to authorise, an exemption, which is also provided for in our amendment to introduce caps.

I think I have covered the questions that came up in the earlier debate. I know members will need to be considering whether or not they support caps at this stage. I'm happy to take and answer further questions as they arise in the debate, but I urge members to support the amendments.

Ms RATTRAY - Madam Chair, just for some clarification, effectively this is part of -

Madam CHAIR - Whether you support the caps or not?

Ms RATTRAY - Yes. You are okay to have a contribution?

Madam CHAIR - Yes, you have 10 minutes.

Ms RATTRAY -Thank you. I acknowledge the honourable member's amendment and the work that has been put into that, but the government opposes caps because, in their view, they are not a solution. They're a solution in search of a problem. There is no evidence that caps will make Tasmania safer. Tasmania has more registered firearms today than it did 25 years ago, yet firearm deaths, injuries and armed robbery rates have not increased in step. Caps target the wrong people. They apply only to licensed firearm owners who have passed fit and proper person checks and are already subject to strict regulation. They do not target criminals, traffickers, organised crime groups or unlicensed offenders. The evidence supports a targeted multi-layer approach, not an arbitrary limit. Strong licensing, compliance, inspection, safe storage, intelligence-led policing, family violence interventions and action against illicit firearms are the measures that address real risk. The government urges honourable members to vote against the honourable member's amendment.

Ms O'CONNOR - Madam Chair, I believe there's plenty of evidence to indicate that caps on firearms ownership will make Tasmania safer. I wholeheartedly dispute the statement made by the honourable Leader about a lack of evidence. I simply point honourable members to the submissions made to the draft firearms amendments bill and the overwhelming support for caps on firearm ownership. One of those submissions, for example, came from the Australian Medical Association (AMA) Tasmanian branch. They recognise that firearms regulation is a public health issue. They say:

> Preventative health is often associated with reducing chronic disease, but its purpose is broader: to identify foreseeable risks and intervene before they

> result in injury, illness or death. Firearms regulation is clearly an example of this principle in practice.

They go on to say:

> While the AMA Tasmania supports many of the reforms contained in the bill, we believe it should be strengthened by introducing a reasonable general cap on the number of firearms an individual may hold without additional scrutiny.

Here's the evidence, honourable Leader:

> A cap would reduce the number of firearms that may be immediately available during periods of acute mental distress, limit the risks associated with domestic and family violence and reduce the number of firearms vulnerable to theft or diversion into the illicit market. Importantly, a cap is not based on an assumption that every licence holder presents a risk. It's a population-level prevention measure that reduces the potential scale and consequences of harm when risk does arise. The preventative value of such a measure is particularly important in relation to suicide. Firearms are highly lethal, and reducing immediate access during periods of acute distress is an important prevention strategy. Firearms legislation should form part of that coordinated preventative response for suicide in our communities.

That is what the Australian Medical Association says. The Medics for Gun Control - I raised this is in my second reading but I'll briefly touch on it again. Highly qualified, experienced medical professionals who make the logical and unassailable argument that if there are less guns in the community, there's less risk to people. They cite a huge body of evidence globally. The evidence that the honourable Leader has told us does not exist: it, in fact, does exist. Fewer firearms available equals fewer firearm deaths. They cite research across 27 developed countries; a significant positive correlation between guns per capita and firearm death rates, one of the strongest correlations in public health research.

Gun ownership was a strong and independent predictor of firearm mortality on linear regression. Mental illness showed no significant correlation with national crime rates. Gun ownership was a far stronger and more consistent predictor of firearm deaths than mental illness. They also point to a systematic review of 130 studies across 10 countries between 1950 and 2014, which found that in certain nations, the simultaneous implementation of laws targeting multiple firearms restrictions is associated with reductions in firearms deaths.

I remind the honourable Leader that is a systematic review of 130 studies, 130 pieces of evidence. So, we've got medical professionals in this state and nationally asking this parliament to accept the unassailable logic that fewer firearms equal fewer deaths, that is, equals less risk to our community. We have the example of Western Australia, which has adopted limits of five guns for recreational licences and 10 for farmers. That was adopted in 2025.

We know that in Tasmania the average number of guns per licensee is about 4.2, but we've heard evidence during this debate that some people have dozens and dozens of firearms. One person that we were appointed to had something like 302 firearms. Given the nature of this weapon and its capacity to kill, we should be accepting the evidence that fewer firearms mean fewer deaths means a safer community.

They legislated the limits in Western Australia in 2024. They came into effect early last year. Advocate for gun control Roland Brown contacted the Western Australia Police Minister's office to check in on the shooting group's level of satisfaction or dissatisfaction with the new limits that have been put in place by the Western Australia Parliament who accepted the evidence. The minister's office indicated that there was no longer any concern amongst firearm owners in Western Australia as a result of their legislated caps.

We know that the community here in Tasmania would like to see some restraint on the number of guns that people can own, we know that the Alannah & Madeline Foundation has implored us to examine the evidence and to support caps. They say the evidence provided by medical health, family violence, first responders and the police commissioner herself, is overwhelmingly in support of limits. Only a small but disproportionately loud number of people will be affected by limits. No one will be prevented from owning or using a gun, of course, that is unless they fail the registration licencing process.

Now the Alannah & Madeline Foundation goes on to say: [TBC 11.29]

> The government has already limited who can have a gun and what type of gun they can have. It's only reasonable for your Chamber to also limit the ability for individuals to have as many guns as they want.

And I know it's been raised any number of times in this place and in the other place, but the fact that this government is ignoring the advice of the police commissioner herself is something that should worry us very much.

We have the letter dated 5 February this year, after the Bondi tragedy, where the Commissioner for Police, Donna Adams, writes to the Minister for Police, Fire and Emergency Management and says: [TBC 11.29]

> Many Australians remain unaware of the sheer number and types of firearms that can be legally owned and used in this country. They're now looking to you once again to demonstrate continued commitment to their safety.

She notes that almost 9000 licence holders in Tasmania own six or more firearms. There are now 157,022 registered firearms in Tasmania, that was last February. She says public safety must take precedence over the privilege of firearms ownership. In terms of policy and legislative change, I reiterate my support for the national firearms reform agenda, including a proposed firearms cap. Now, how much time do I have left, Madam Chair, on my speak?

Madam CHAIR - You have one and a half minutes.

Ms O'CONNOR - Thank you very much. Honourable members, having listened to the second reading contributions on the bill, I understand there's a resistance to supporting caps here. If we're going to be a Council that's known for making evidence-based decisions, if we're going take pride in making evidence-based decisions, you cannot look past the evidence in support of a quite reasonable cap on firearms ownership. I commend the honourable Member for Rumney for bringing this preliminary amendment to the caps amendment forward. I encourage members to at least support this amendment through and then we can have a look at the caps amendment because they can't work without each other. I hope members understand

our job in here is to prioritise community safety, public safety, and it's to listen to the evidence on both those counts. This Chamber should be instituting responsible and reasonable caps on firearm ownership, as those that are being put forward by Labor.

Mr HISCUTT - Madam Chair, I also thank the member for bringing the amendments forward, but I cannot support the proposed amendments put forward by Labor. I do not think that the evidence that has been given to us supports the amendments. The numbers are arbitrary; the intent is unclear and the understanding of a rural lifestyle a bit undeniable.

I spoke with one of my constituents. He owns a small rural block, but he's not a primary producer. He showed me his firearm safe. Since there were a number of firearms on the property, he had to have video surveillance on that safe, along with a host of other requirements. He showed me the firearms he used. Firstly, there were several different calibre rifles and shotguns, each used for different purposes, distances and wildlife. But then there was an expensive shotgun next to a cheaper one. On occasions when it was a rainy, horrible day, or when he was expected to travel through the thick bush, he would take the cheaper one. On occasions when he was working, perhaps on the back of the ute or in a field, he would use the more expensive one. They are the same tool, used at different times for different purposes.

He also showed me the rifle that his grandfather taught him to shoot with. He rarely used it anymore, but it was still in workable condition. It was a simple rifle. He has two sons and a daughter and expects to teach each of them to shoot with that same rifle. He also still had the first rifle that he bought with his own money.

Could he have managed his work and entertainment with five firearms? Maybe. But I've yet to see the justification presented to us that requires taking away a person's heritage. Which firearm should he give up? The one that he needs or the one that he has a personal attachment to that tells a story? Why should he have to give these up because of some unhinged individuals in Sydney who shouldn't have had access to the firearms, and they performed a horrific act? I don't see how removing this person's 50-year-old rifle is a proportionate response.

One justification we've received, which I really cannot quite understand, is that the capping of firearms will somehow reduce the circumstances of firearm suicide. It only takes one firearm. The argument was put to us that caps will somehow reduce the risk that someone will accidentally leave a firearm safe open. An example given that it's part of a suite of changes similar to ensuring pool fences around pools. Well, it is just as easy to leave a pool gate open as it is to leave a firearms safe open. This justification does not sit well with me. Bad people with firearms are what perpetrate firearm offences, and I don't see how capping law-abiding citizens affects bad people with firearms.

Also, the question of the number is unjustified. Why 10? Why five? This argument was prosecuted well in the other House, where it was said that the argument for these caps apply in the exact same circumstances if you made those numbers 20 or 10 or five or two. Therefore, the justification is baseless for this amendment.

I also question the validity of the statement that the high level of individual firearm ownership means that there will be more firearms in the community due to stolen firearms. I ask the government to supply statistics of incidents of firearm thefts from locations where more than 10 firearms were stored. Across the last four years, there has only been on average of two occasions per year where this occurred. Also of note, there is only one year where the average

number of those firearms stolen was above 10. For example, in 2023 there were three firearm theft incidents on properties that had more than 10 firearms, but only 20 firearms in total stolen across those three incidents. So, if the circumstances were different, this could have occurred with the caps in place.

Also, and this is where I feel the amendment really does fail, is that the provision is already within the act. Section 60, which deals with the applications to require a firearm, states that the commissioner must be satisfied that there is sufficient reason to have a firearm. The cap is already set at none unless you can provide a sufficient reason. Labor's amendment set it at 10 and five unless you can provide a legitimate reason. So, if this amendment were to proceed, you would need to have a genuine reason, to have a legitimate reason, to have a sufficient reason, to get a firearm. Where will it stop? I might propose a new amendment for a valid reason, an adequate reason, a justifiable reason, a good enough reason, and a probable reason as well, Madam Chair. It is already in the act. The cap is none unless you can justify it under section 60. Unfortunately, on this occasion, I do not believe that the justification has been presented in such a way that I can support this amendment and I look forward to further debate.

Ms WEBB - Thank you, Madam Chair, and thank you to the member for Rumney for bringing the amendment, which I fully support, and thank you for other members for their contributions. It's interesting to have a lot of different perspectives on the conversation. In particular, thanks to the member for Hobart for being quite thorough in working through some of the information presented to us. I won't go into as much detail but will just touch on the reasons I support this amendment very clearly.

This is fundamentally about taking a public health approach. We've been told that is the ideal way to approach our policy around something which is an item of lethal force. That's what a gun is. It poses a risk to the community; it poses a risk to our police officers. We take an approach as a community that is a public health approach for items that are dangerous and pose risk to our community, we do it in all sorts of ways. This is to do with applying proactively a public health approach to gun ownership.

What that says is that the first thing you do in a public health approach is you reduce the risks through community-wide measures. It's not about just addressing a problem when it occurs way down the track. A public health approach is about a spectrum of activity that starts with prevention and reducing risk. Lowering the number of guns fundamentally in our community is about that very primary stage of a public health approach to reduce numbers, reduces risk. We have been presented with some evidence about that. The member for Hobart pointed to it. I also think that it is a fairly straightforward proposition: the less guns in the community, the less risk they will be used inappropriately. We know that it's not just the owners of the guns or the licensed owners of the guns that may use guns inappropriately - it's all sorts of circumstances where those guns, if they exist in our community, can find their way into the hands of people who aren't the licensed responsible owner. Can find their way into situations where they are used to perpetrate harm, to even kill, but also to threaten, to coerce, to do all sorts of things that are obviously harmful we are trying to avoid in a public health approach.

This is why I imagine it has been recommended by the Police Commissioner and it's the position of Tasmania Police that caps on gun ownership are a sensible way forward and an important part of a public health approach. There is a justification for these numbers in these caps in that there is a clear point of reference that we've looked at, which is the WA approach.

In WA, they've landed on those same limits - five and 10. They did that by calculating the average number of guns held by each licensee in the state at the time and looking to set things at what was reasonable and proportionate with the sort of impact on gun owners that is absolutely manageable and not out of step with what the community would expect. It's not punishing gun owners. It's taking nothing away from most gun owners in any way, shape, or form. So, WA had a clear rationale for it. In Tasmania, we know the average number of guns per licensee is 4.2 so, again, absolutely similar. The member for Rumney ran through the stats about how many people who are licenced gun owners would be impacted by these caps. It's a moderate section of gun owners that would to some extent be impacted. We're not even sure of the nuance of exactly actually because when you think about the number of gun owners who have between 5 and 10, we don't know exactly how many of that proportion would be allowable to have up to 10 so it's really the ones we definitely know will be affected are those who have currently more than 10 and in some cases they may well be able to make a case for why they have those additional.

Again, what I am absolutely disinclined to do is to prioritise sentimental attachment that some gun owners may have to their guns who may be impacted by this, weighed against the safety of our entire community, particularly women and children in our community, and undermining a public health approach, which is absolutely the correct approach to take for a dangerous product such as guns, a lethal product. We put the community's well-being and best interests ahead of the very small number of people who may at this stage, not yet confirmed, may be impacted by these caps. That is absolutely what I would do as a responsible legislator every single time.

These numbers are sensible and justifiable. They're in place in another jurisdiction. As the member for Hobart mentioned, they are demonstrated not to have caused consternation to gun owners in that jurisdiction. Why on earth are we not putting the safety and well-being of our community and of our police officers at the forefront of this decision?

There is plenty of availability in what's proposed under these amendments from the member for Rumney to allow for consideration of special circumstances. There's even the review that's available. If you wish to exceed the cap, make an application for it and rejected, you can take it to review, which is what the amendment is that we're dealing with right now.

There is every availability there. I'm sure the member for Rumney might speak to this in one of her speaks that the current arrangements in the act really don't allow for my understanding is the Commissioner to say no to somebody who comes seeking to access a further gun. There isn't that ready availability and I'm sure the member for Rumney will be able to speak to that in more detail than I can. I think the member for Montgomery is incorrect in asserting that and I'd like to hear more about that in response, if possible, member for Rumney.

I think we absolutely should not be looking for ways to keep guns in the community, we should be thinking sensibly with a public health approach about how we minimise risks to the community. Where we are able to in a way that's measured, reasonable and defensible. Where there's allowance for people's particular circumstances that might need to be taken into consideration, we reduce the number of guns in our community absolutely every single time. That is the responsible way forward when we're thinking about regulating and managing a lethal product. I support the amendment, absolutely.

Ms THOMAS - Thank you, Madam Chair. I won't speak at length. I will try to be brief because I did address the issue of caps quite substantively in my second reading contribution. I'm aware of that, but since that time, I've been receiving further feedback, considering further submissions made from people on both sides of this argument. It is not a decision I've taken lightly. I want to be clear about that. It is community safety, something I do take very seriously, and we do have a responsibility in this place, as the member for Hobart pointed out, to do what we can in relation to improving the safety of our communities. As I said in my second reading speech, I would support further inquiry into this. I'm not at a point where I'm convinced that caps are the right way to go. I take concerns that are from licensed registered firearms owners who absolutely have gone above and beyond to keep their firearms secure to ensure safety and to do everything by the letter of the law, noting that they have a legitimate and lawful use of what are, yes, lethal weapons. But they are also lawful weapons. We have some of the tightest controls, in terms of registration, storage and licensing that are possible, and with good reason, absolutely. That's where I'm still sitting.

I appreciate the letter that we received from TasFarmers, just recently. I expect all honourable members may have received it. I'll just read some of the information that they've provided in their submission to honourable members on the issue of caps. And, in relation to talking about exemptions and an allowance for exemptions, there is concern in the community of registered firearm owners about how exemptions will be treated. In the letter, TasFarmers says,

> It should be noted that under the existing Tasmanian *Firearms Act*, the current Commissioner of Police has been cancelling existing exemptions, rejecting applications for exemptions, and indiscriminately sending show cause notices to exemption holders. The list includes the cancelling of the blanket exemption for antiques, rejecting exemptions for interstate and overseas hunters, and suppressors for professional shooters, cancelling exemptions for high-capacity magazines for a professional shooter, who had been legally using them since 1996, and refusing an exemption for high-capacity magazines for the aerial deer cull in the Walls of Jerusalem National Park, conducted by specially trained staff of PWS and NRE. [TBC]

There is concern among the firearms community about how any exemptions will be considered by the commissioner. That submission from TasFarmers also talks about the fact that licence owners, registered firearms, and stolen firearms, are not the major source of illegal activity with firearms in Tasmania. They refer to numbers extracted from Tasmania Police media releases for the last 12 months, 23 November 2025 to 31 October 2026, reporting 66 incidents involving firearm offences, of which 53 or 80 per cent involved illegal firearms, that is, homemade, unregistered, or 3D-printed firearms; 12, or 18 per cent, involved possession of stolen firearms; 6, or 9 per cent, involved licence owners, for incorrect storage; and, of note, 32, or 48 per cent, also involved illicit drugs.

TasFarmers notes that Tasmania already has the tightest standards of any state for firearm storage for those who own 10 or more firearms, or one or more handguns. These conditions are subject to periodic inspection by Tasmania Police and the recording of incidents of failure to store correctly, indicates that the system is working. Increasing the sentencing guidelines for firearms theft and possession of stolen firearms would be an added deterrent to potential thieves, in the view of TasFarmers.

They also talk about some statistics from the Australian Bureau of Statistics, in relation to the discussion suggesting Tasmanians are less safe because we have the highest rate of registered firearms per capita of any state or territory in Australia. The statistics, publicly available, that they refer to from the ABS, AIC and Department of Home Affairs, indicate that at 0.26 firearms per capita, Tasmania has twice the rate of Victoria and New South Wales, both at 0.13 firearms per capita. However, Tasmania, Victoria and New South Wales are in the same statistical bracket when it comes to the three-year average of 'homicides, all causes,' being 10, 9.4 and 9.2, respectively. Conversely, Tasmania has 3.25 times the rate of firearms per capita than Western Australia, but Western Australia has 2.26 times the 'homicide, all causes' rate, of Tasmania. Taking this into account and given that nationally only 12.5 per cent of homicides were by firearm, last three-year average, this would indicate that there is no correlation between the number of licenced firearms per capita and community safety.

I appreciate that summary and analysis provided by TasFarmers that I was quoting there. As I say, this is not a decision I take lightly. I recognise that some in our community will be deeply upset by my decision not to support gun caps, but I would support further inquiry into this matter and consideration of what is occurring across other jurisdictions in Australia.

Ms O'CONNOR - Madam Chair, with all respect to the registered firearm owners who've provided some feedback and advice to, for example, the honourable member for Elwick, I feel that if we're going to be looking at actual evidence, we need to listen to the AMA Tasmania, Medics for Gun Control, the Alannah & Madeline Foundation, for example, and particularly Tasmania Police. I just need to remind honourable members that, while the government's rationale for the whole Firearms Amendment Bill that we're debating today referred to the Bondi incident, it was a tragedy and the government pointed to a discussion about recategorisation of firearms.

To be clear, what happened at Bondi on 14 December last year, was the result of a person who owned six firearms and the consequence that day was that 15 people were killed and almost immediately following that devastating day in the history of our country was not a discussion. It wasn't just a discussion; it was an agreement the next day at National Cabinet. Our Premier was there and the agreement was to forge ahead with limits on the number of guns a shooter could hold and for rapid-fire weapons, category A or B to be taken out of the hands of the general community and reclassified to category C. Now, somewhere between our Premier standing there with other leaders around this country and where we are today, we've got a Premier who made an agreement at a national level, in response to a devastating tragedy, who allowed himself to be nobbled on it once he got back here. And I put it to you that that's because his Police minister is absolutely out of control. So, we're not talking about something that was just discussed at a theoretical level by national leaders. We're talking about an agreement.

Now, before I say the next few things I want to provide a content warning because I'm going to talk about suicide. This comes back to the issue of this being a public health question. We know that Tasmania has the highest per capita firearm ownership rate of any Australian state. We know that Tasmania has the highest rate of firearm theft of any Australian state, and we know that more than 87 per cent of firearm-related deaths in Tasmania are suicides and that comes from Tasmania Police's firearm safety data sourced from Coroners Court statistics between 2012 and 2018.

We should not allow ourselves to believe there is no evidence for caps. There sure is, there's plenty of it globally, nationally and in fact a study from here Faulkner, Ogeil, Stojcevski and Scott in 2021. It's the only peer-reviewed study specifically examining firearm suicide in Tasmania from the suicide register between 2012 and 2017. The key findings: Tasmania has the highest rate of firearm related suicide of any Australian jurisdiction; firearm users were more likely to be male, retired and in remote areas; critically, they were less likely to have a prior mental illness diagnosis or history of suicidal ideation, indicating that impulsivity and access, not pre-existing illness as the key risk factors. Another finding, 54 per cent of those who died were licenced to own a firearm at the time of their death; only 58 per cent of cases involved a firearm with a dedicated storage facility.

These findings directly support both caps and stronger storage law enforcement. I won't have it that people say there's no evidence for caps. If they're saying that, it's because they're not looking for it. It's because they're choosing to ignore it. The correlation between firearm availability and firearm deaths is among the strongest in public health research. So, people, members in this place, they'll make their decision on this amendment and the other caps amendment, but don't pretend there's no evidence to support caps because there is. It's a very significant body of research. We know from the material provided to all of us, which I hope members have read, from the Medics for Gun Control, that the National Firearms Agreement was associated with the elimination of mass shootings for over two decades and a halving of the gun death rate - the strongest natural experiment in firearms policy in the developed world. Reducing Tasmania's firearms stock was associated with an approximately 80 per cent reduction in firearm suicide, with no statistically significant substitution to other methods. Tasmania has the highest per capita ownership and the highest firearm suicide rate of any Australian state.

The Bondi massacre demonstrated the lethality risk of uncapped individual accumulation. New South Wales and Western Australia, together representing over half of Australia's population, have already legislated caps. We run a real risk here that we'll be isolated increasingly from the rest of the country as they move towards a more public health approach on firearms. The weight of the peer-reviewed evidence supports a positive effect of firearms restrictions on deaths. The debate in the literature is about magnitude, not direction. We are being asked this. Tasmania has led before as the state that bore the greatest cost of inadequate gun laws, and gave Australia Port Arthur as its turning point. Tasmania now has the opportunity to lead again and to ensure that the Bondi massacre, like Port Arthur before it, becomes a moment of lasting national reform.

Madam Chair, I can read the room, I understand what is happening here. Unfortunately, a small number of people have persuaded another small number of people in this place -

Ms Thomas - That's not fair.

Ms O'CONNOR - that there's no evidence for caps. Well, there is. There's plenty of evidence for caps. It's strong, it's overwhelming evidence. It's also just logic. Just apply the logic: less guns, less public health risk, less death. Unassailable, unarguable logic. Every member in this place is entitled to vote the way that their conscience or their constituents, effectively, direct us to vote. We're here to be responsive to public sentiment. I believe, overwhelmingly, Tasmanians want to see caps on firearms ownership. They don't want to come after licensed, responsible firearm owners. None of us do. I've got them in my family. We're not talking about 'othering' anyone here. We all know, and some of us are, licensed firearm

owners, and responsible ones at that. But this is about a public health response to the risk associated with uncapped firearms ownership, and we should always prioritise public health over other sectional, if you like, interests within our community. The honourable member for Nelson made the point very well. It's disappointing that this Council is not going to follow the evidence in this case.

Madam CHAIR - That's presuming, though. I think you need to be cautious because not everyone has spoken and -

Ms O'CONNOR - Yeah, no, good guidance.

Madam CHAIR - and you're presuming a position the Council might take. I urge you not to do that until the vote is taken.

Ms O'CONNOR - Thank you for your guidance, Madam Chair. I hope you're right. I hope I've misread the room, I really do. And if I have, it's a very good day for public health in Tasmania.

Ms ARMITAGE - Madam Chair, I plan to be respectful to members in this House. I believe that any changes to Tasmania's firearms legislation should focus on making the community safer without unfairly penalising responsible, law-abiding firearm owners. Introducing an arbitrary cap on the number of firearms a person can legally own doesn't necessarily address the underlying problems associated with firearm-related crime. A person who has undergone the licensing process, passed the required suitability checks, demonstrated a genuine reason for ownership and complied with storage and registration requirements should be assessed on their individual circumstances, not simply on the number of firearms they own. There are many legitimate reasons Tasmanians require multiple firearms. Farmers may need different firearms for different agricultural and pest control purposes. Sporting shooters require different equipment for different disciplines. Hunters and collectors also have legitimate reasons for owning more than one firearm. A blanket cap risks placing unnecessary restrictions on these people without necessarily addressing the behaviour of criminals who obtain and use the firearms illegally. Tasmania already has a permit-to-acquire system, requiring applicants to establish a sufficient reason and need for additional firearms. This provides an opportunity to assess individual circumstances rather than relying solely on a blanket numerical restriction.

I support sensible firearm regulations that genuinely improve public safety. However, restrictions should be evidence-based. I hear from the member for Hobart, yes, there's evidence, but is it compelling evidence? I've done my research as well and I've spoken to people - and no, I haven't been convinced by a small number. I've actually looked at what I've found, I've gone around, I've talked to people, I've gone to sport sites, I've gone to other places, I've talked to doctors. At the end of the day, I make my decisions on what I think is in the best interest of my community. As I said, I support sensible firearm regulations that genuinely improve public safety. However, restrictions should be evidence-based, proportionate and targeted at reducing actual risks, rather than imposing unnecessary burdens on people who have demonstrated that they can own and use firearms responsibly. The objective should be safer communities, not simply fewer firearms owned by people who already comply with the law.

The other thing worth mentioning is that, after considering hundreds of submissions, the Department of Police, Fire and Emergency Management concluded that any future consideration of firearm ownership caps should be supported by a clear evidence base

demonstrating a public safety benefit. To me, that seems entirely reasonable. If the parliament is going to restrict the lawful activities of thousands of Tasmanians, there should be robust evidence supporting that decision. But despite considerable discussion, to my mind, important questions remain unanswered. Why should the cap be five, why should it be 10? Why not four, why not 15? What evidence demonstrates that one particular figure is safer than another? Where's the modelling, where's the risk assessment, where's the demonstrated reduction in crime or harm? To date, I don't believe those questions have been convincingly answered. This is particularly important because firearm ownership, in and of itself, does not establish risk. Different Tasmanians own firearms for different reasons, as I've already pointed out. I don't support the caps. I don't believe the compelling evidence is there. Perhaps in the future, but at the moment I don't support the amendment.

Ms THOMAS - Madam Chair, I will, perhaps, provide another contribution. But also, I have a question for the member for Rumney, who is moving these amendments, in response to something that was mentioned by the member for Hobart. That was that there was national agreement to this; this is not just something that's been come up with out of nowhere. My understanding of the 2026 National Firearms Agreement is that it doesn't set a general cap on the total number of firearms a person can own. National Cabinet asked ministers to develop options for ownership caps in December 2025, but in the final agreement, which was agreed on 26 August 2026, there are no caps. It does not contain a general cap. I wonder if the member for Rumney can address that.

The agreement does set limits in specific circumstances. For example, it limits primary producers to one category C shotgun and one category C rifle, and restricts handgun ownership during the probationary period for sporting shooters. But the actual National Firearms Agreement 2026 does not include a national agreement to caps. I think it's important that that's accurate on the record when we are stating things like that here in this place.

Ms O'Connor - What about what they agreed at National Cabinet?

Madam CHAIR - Order, the member for Elwick has the floor.

Ms THOMAS - Thank you, Madam Chair. Victoria, Queensland, South Australia, Tasmania and the Northern Territory have no general ownership caps in force. Western Australia does, as we've heard, New South Wales has legislated it, awaiting commencement, and in the ACT, the bill is still before the Legislative Assembly. I think it's important that we clarify that and I'd appreciate the member for Rumney clarifying that, too.

Mr GAFFNEY - I've been listening and it's interesting. It's a difficult one, people get statistics and they use those statistics to help reinforce a position, which is fine, it's just part of it. People did mention the WA and I have this information. Western Australia changed its firearm laws in 2024-2025. The key changes included a five-gun ownership cap for recreational hunting licences, higher limits like ten for some farmers and competition shooters. They banned the reclassification of several types including leave release and button release firearms. The removal of hunting as a valid reason for licence if you don't own land or have private land access. These changes resulted in 84,000 guns handed in via buybacks and related processes, 22,000 people cancelling or letting their licences lapse. We have had the position that this is a community safe health and safety argument. However, WA Police are highlighting the reduction in guns and licences, roughly a 25 per cent drop in ownership. Then contrast this with their crime statistics for that period. The assaults are up 16 per cent, regulated weapons

offences are up 44 per cent, and homicides are up 9 per cent. So, if we're looking at evidence from a jurisdiction that has decreased the number of guns available and you're using that as a health and safety risk, the evidence doesn't suggest that in that instance. That's not to say it couldn't be across -

Ms O'Connor - Well in that very short period of time.

Madam CHAIR - Order, member for Mersey has the call.

Mr GAFFNEY - So the West Australia authorities are celebrating the removal of the guns, but it hasn't had a positive impact on the offences that have been created in that state over that period.

Ms O'Connor - Very short period of time.

Ms WEBB - Just a quick one on that, because I think we have to be really careful about picking something that's been one year in one jurisdiction of our country. We've had a whole range of global evidence put to us in areas that have a much more extended period of data to draw on. So yes, I agree with member for Mersey that sure, picking and choosing things people could support what they would like to support with whatever data they might try and find. But we have expert bodies putting it to us that a public health approach requires this sort of community-wide primary prevention sort of activity and they point to global evidence for that. So, absolutely by all means point to WA and one years' worth of data but also put in context how credible that is for making a case versus global data put before us by expert bodies arguing for a public health approach, which is the responsible approach for a lethal product.

Ms RATTRAY - Thank you, Madam Chair, and I just would like to take this opportunity to address a number of matters that have been raised through the course of this debate. The central assumption behind a cap is that reducing the number of firearms owned by licenced people will reduce firearm harm. Tasmania's own experience does not support that claim.

Since 2001, Madam Deputy Chair, the number of registered firearms in Tasmania has increased from around 117,000 to approximately 152,000, yet over that same period firearm deaths have declined as a proportion of the population. Firearm injury and armed robbery rates have remained relatively stable and firearm thefts have fallen significantly from their peak. As was observed by Dr Samara McFedrin, there is little evidence of a meaningful relationship between the number of legally owned firearms and the rates of firearm misuse. Tasmania's experience is consistent with that observation.

One of the biggest concerns around the implementation or the introduction of caps from the government's perspective, is that it's just aimed at the wrong target.

I will also address briefly, the Commonwealth government buyback process and obviously negotiations, Madam Deputy Chair, are unable to commence until a piece of legislation passes. So, there is no negotiation in play at this point in time and certainly once there is, but I also have additional information around that, and will just grab that off this wonderful technology, Madam Deputy Chair. It's coming, I promise. Also, in addition, previous advice from the Commonwealth is that they would provide funds on the basis of a fixed-price buyback with payment dependent on the type of firearm with a maximum payment of $1,000. Again, those negotiations haven't commenced, that's just preliminary.

In response - and this is a very difficult subject to discuss - and I also acknowledge that there may be people listening and please - suicide is terrible - but also what the evidence tells us regarding suicide, Tasmania's suicide rate is not explained by firearm ownership alone.

Ms O'Connor - No, no-one said that.

Ms RATTRAY - Our state also experiences higher rates of non-firearms suicide, sadly, indicating that the underlying drivers are broader social, health, and mental health issues. A firearm cap does not address, sadly, those drivers. So, the question before this House is whether we legislate based on assumptions or whether we legislate based on evidence. A firearm cap may sound simple and it may sound appealing, but there is no compelling evidence that limiting the number of firearm owners by licensed -

Ms O'Connor - That is untrue.

Ms RATTRAY - I have the call.

Ms O'Connor - I know.

Ms RATTRAY - law-abiding firearm owners will deliver a measurable improvement in community safety. What will improve community safety is targeting the people who pose the greatest risk, and that's exactly what this bill does. It strengthens penalties for serious offending, it reclassifies more rapid-fire firearms, it improves intelligence sharing between jurisdictions, it enhances vetting and assessment processes, and it gives authorities better tools to identify risk and intervene earlier. That's the proposition that's been put forward. I do have some more to add if I need to.

Ms FORREST - Thanks, Madam Deputy Chair. One of the benefits of being in the Chair is you get to listen to everybody and then perhaps get out and have a say.

Ms Rattray - I've been listening to everybody.

Ms FORREST - I'm sure you have. I wasn't suggesting others aren't, but what I'm saying is it's a benefit of being in the Chair where you sort of have to focus and listen. I want to thank members for their considered contributions wherever they land on this. It is a truly vexed issue. However, people land is based on the work they have done to reach it. I will just say that - whichever side you land on. I have kept an open mind on this right throughout. It's been one of the issues that's perhaps challenged me the most. I do take a public health view in all things because that's my background. This particularly applies when you're talking about prohibition, like prohibition of illicit drugs, prohibition of vapes, or anything else - that's where the real public health message applies.

We're not talking about prohibition here, though I know there will be some people in the community perhaps who might prefer to see a full prohibition on firearms in the state, which is completely unrealistic. I want to make that really clear and as I have seen the impact of firearm misuse. It's not nice. It was only yesterday - when we spoke on the motion that the member for Launceston brought around RAW, and we did talk about this issue and I will talk about suicide very briefly, about the very real risk of severe mental illness leading to some people, unfortunately and really sadly, taking their own lives. They're often older male

members of our community in our rural areas because they have access. Even if they've only got one, that's all you need. It's really sad and it's really horrible, and that's why we need to invest far more in preventing those tragic outcomes, because - well, most people only use one firearm at a time. So, we need to address those problems. I also have taken account, and will continue to take account, of all the available evidence. It's important to note that some of the evidence around the correlation between firearm ownership or availability and firearm misuse, whether it be in murder, suicide or a commission of a crime - I do note that police can be placed in very vulnerable situations, and I absolutely respect them and admire their courage every time they turn up for anything. But a lot of that research was done in countries that aren't Australia. Australia is renowned around the world for our tight and robust firearms legislation. Off the back of the horror at Port Arthur, we saw significant changes, good changes made. If we really want to compare like for like, we do need to be cautious about using statistics that may not reflect the reality of firearm laws that exist in Tasmania or Australia.

When we look at what happens in other jurisdictions, like New South Wales - Western Australia is a bit more like Tasmania, perhaps, it's got a large rural area, but we also need to be accurate about the West Australian situation. If we're going to compare like with like, we do need to be clear. As I understand it, in some cases, the West Australian - it's a bit convoluted, just let me get to the detail. The member for Mersey also referred to some of this, but some of it is cumulative. There isn't a hard cap of just 10 on some firearm owners. If it's for only hunting, you're capped at a maximum of five firearms. Competition shooting only: you're capped at a maximum of 10. Then you have multipurpose, hunting and competition, so doing both: your total combined cap is 10 firearms, not 15. Within the 10-firearm ceiling, a maximum of firearms could be used or authorised for hunting. For example, holding five hunting firearms leaves room for up to five competition firearms, while holding two hunting firearms allows for up to eight competition firearms. You can also have a primary producer and competition shooting. In this one, a primary producer licence carries a cap of 10 firearms. If the primary producer also qualifies for and holds a separate individual club or competition licence, capped at 10, they can hold up to 20 firearms in total in both licences. If we're going to be comparing things, and saying, 'well, Western Australia have brought in caps', they have, but they're not exactly the same as what's being proposed here. I'm not suggesting they should be. I'm just saying that when we refer to others, we need to think about what would be best for Tasmania, here.

The other thing I have a bit of a concern around is there's a bit of a risk of a perverse outcome here with the imposition of an arbitrary cap. We have heard that the commissioner, or her delegate, approves every firearm licence based on the need - I can't think of the right -

Ms Thomas - Geunine reason.

Ms FORREST - Genuine reason for use, yes. That's every firearm that's requested. They can be refused. They're often not. I've heard from the commissioner herself that it's difficult to say no when they've said, 'Well, I need it for this', and that's a legitimate purpose. So, here we are, saying that we know most of our firearm owners, the legitimate ones, don't have more than 10 firearms anyway. A number do, but most of them don't. For those who perhaps already only own five, and they're in the primary production space, or in the sporting shooting, professional shooting category, they might think, 'Well, okay, I can basically go and get 10 without having to do any more than just prove that I'm a fit and proper person, and then the genuine reason is asked of, and should be almost automatic.' That's the concern I heard from the commissioner: that it is almost automatic. It's hard to say no. I don't see how a cap will actually change that.

If the commissioner, or her delegate, is already saying, 'You have to demonstrate you have a genuine reason', whether it's one, five or 10, or you are seeking exemption for one above 10 in a cap, then you still have to make the case, you still have to meet the fit-and-proper person test.

If you say to your kids, 'Next week, you won't be able to have that', what do they do this week? They go out at get it, whatever it is. I just think it could actually increase the number of firearms in the community because people think, 'Well, the cap's 10. What if they change it later on? I'm going to go out now and get a licence for five more.' I'm not saying that will happen. It just struck me that there could be this sort of perverse outcome. People's minds do funny things around this. If you say you can't have a certain thing, what do you want? You want that.

I do appreciate and respect the request of the commissioner for caps. I also note that it was not an agreed position for specific caps at the National Firearms Agreement meeting, like, with a national cap, as I understand it. That was what came back out of it for me, and I think the Leader has confirmed that. It is a matter for each state, and each state is taking a slightly different approach. Some have ruled out caps already, some haven't, some have introduced them, like Western Australia and New South Wales. I do hold mixed views on this but, in representing my community, which is a very large rural and regional electorate, many of whom have been to see me and talked about how they operate in practice, this will present problems with an arbitrary cap. I don't see how it will necessarily prevent - when good people who are doing the right thing are being penalised for those who do the wrong thing, who steal firearms, put them into the illicit market and 3D-print guns, as others have mentioned. At this point, I won't be supporting this amendment as it relates to the caps.

Ms LOVELL - Madam Deputy Chair, I thank members for those contributions. I'll work through as quickly as I can to address all the questions that were raised. I know I do have another speak if that's needed, though.

The member for Montgomery spoke about a constituent of his who had a number of firearms. He didn't actually get to how many firearms that person had or what type of licence they held. But I will remind members that if any person is impacted by the caps, depending on the number of firearms they have and the licence they have, and believe they have a genuine reason to hold more firearms than the cap allows, they can apply for an exemption. There is a process and that's part of what we're putting in here. Not only is there an exemption process, but there's a right to appeal that process through the Magistrates Court, which currently doesn't apply, by the way. If the commissioner refuses a licence, which the commissioner has the right to do, there is no right to appeal that. This amendment would insert a right to appeal.

The member for Montgomery also spoke about the current assessment process for the commissioner to grant a licence, and that the commissioner has to assess each application for each licence and each firearm at a time. That's correct. The member for Nelson also referenced this. The current provisions in the act do require the commissioner to assess each application for a licence and each firearm that a person can hold, but there is no cap on the number that the commissioner can approve. The only provision for refusal of a licence is in section 36 of the act, which says the commissioner can refuse a licence if she or he determines that it's contrary to the public interest. So, yes, they assess each and every licence application, but that's each application at a time. There is no limit on the number of firearms a person can own, provided they hold the appropriate licence for that firearm.

Except, I will mention, there is a cap on the number of category C firearms. That already exists. So, caps do already exist in our current legislation; and under this bill, the cap for a category C licence will go from two to three. The government is already acknowledging that there is a reason to restrict the number of firearms in a particular category that members of the public can own and the number of licences they can hold. There is already an acknowledgement that in some circumstances there is a requirement for caps.

The member for Nelson spoke about the fact that this is not a punishment on gun owners that are doing the right thing. It's really disappointing that it's being seen that way and that kind of idea is being perpetuated in this debate. We have lots of restrictions on things in our community that are not safe. We already have restrictions on the ownership of firearms. We have restrictions on how fast people can drive on the road. Those restrictions are about public safety. Now that doesn't mean that somebody who's a professional race car driver or a recreational race car driver, my ex-husband raced cars at Baskerville on the weekend, he is pretty confident about his driving ability. He doesn't complain that when he's on a public road, he is limited to the speed limit that has been imposed by the legislation. It is a restriction. A restriction for safety, not a punishment and I think this is a similar situation.

The member for Nelson also asked the question about whether the current provisions allowed the Commissioner to say no to licence applications, and I've touched on that. Section 36 of the act does allow the Commissioner to refuse a licence if the Commissioner believes it's contrary to the public interest.

The member for Elwick has presented a position of Tas Farmers, and I accept Tas Farmers have a view, they have a view on this. We get that. The government have a view on this. Labor has a view. There are members around this Chamber that have a different view. This is about a difference of opinion on a policy is basically what it comes down to. Tas Farmers have a very different view to us on this policy and the member for Elwick has presented a number of reasons as to why that is, but I will remind members that the Alannah and Madeline Foundation, Gun Control Australia, the Australian Gun Safety Alliance, Medics for Gun Control, the Tasmanian Family and Sexual Violence Alliance, the Public Health Association of Australia, the Australia Institute and the Australian Medical Association, as well as the Police Commissioner of Tasmania and the Zonta Club of Hobart, actually emailed in support of caps are organisations and bodies and people who have all come out in support of caps with lots of reasons and lots of evidence behind that.

I don't have time to present all of that evidence. Members have it. You've all been emailed the same information that I have. We've had this in front of us for a long time. I'm not saying that Tas Farmers' evidence is wrong or that their arguments they're presenting are wrong. What I'm saying is there is an opinion on this side, there's an opinion on this side. It's not necessarily about picking a side on this debate, it's about deciding where we sit in amongst those varying views and what position we should take in this debate in order to find the right balance. For me, the right balance is about community safety.

The member for Launceston said the changes should focus on making the community safer without punishing - I apologise for paraphrasing member for Launceston - licence holders who are doing the right thing, and that is absolutely what I believe these amendments do. This is about finding the right balance, and I think we have found the right balance here. The member for Launceston also said that applications for licences and firearm ownership should be

assessed on individual circumstances. They absolutely still will and can be under this amendment. This amendment doesn't change anything in terms of how those applications for licences are assessed by the Commissioner, it just imposes a cap on the number of licences that can be granted without an exemption. The same assessment process will occur if these amendments were to get through.

The member for Mersey presented some statistics for Western Australia. Look again, I will just remind members that their caps haven't been in for very long in Western Australia. I think we do need to be a little careful when we're comparing statistics around impact on crime and other things when there hasn't really been a lot of time for the impact of those caps that have been imposed to flow through into the results that they're seeing in those crime statistics.

The Leader spoke about a number of things, and again, this really comes down to a difference in policy, so I'm not going to go through every point that the Leader made. I will make the point though, that the Leader spoke about a number of drivers, I suppose, or influences on suicide in Tasmania. I agree with the Leader. There is a whole heap of reasons why people suicide and, by the way, there's an awful lot the government could be doing to improve those things. Poverty, mental health support, homelessness. It's a bit of an aside to this debate, but I will note that I absolutely agree with the Leader on that and I would encourage the government to do more.

The leader also spoke about a number of measures in this bill that are about improving community safety. Nobody is arguing that this bill doesn't make Tasmania safer, it absolutely does, that's why we're supporting it, but we have an opportunity here to improve it even further and make Tasmania safer again.

The member for Murchison spoke about being a concerned about the possibility of a perverse outcome, I will again remind members the Commissioner will still have to make the same assessment for every firearm licence that is granted that the Commissioner currently has to make. It won't change anything. It won't make it easier for people to access firearms. They will still have to go through all of the same tests and processes that they go through now. What it will do is impose a maximum number that can be granted without an exemption, and reminding members there is always the opportunity for an exemption.

The question was raised about the National Firearm Agreement and that there are no caps included in the National Firearm Agreement that was raised by the member for Elwick and others and that is correct. The National Firearms Agreement founding principle is that possessing and using a firearm is a privilege conditional on the overriding need to ensure public safety.

Madam CHAIR - You have less than a minute left.

Ms LOVELL - I might need to take my next speech then. I can't seek leave to extend now, can I?

Madam CHAIR - No.

Ms LOVELL - I will come back to that when I speak again, but I will just urge members, if you have any other questions or comments to make, please do so I can respond to them with my third speak and remind members that the question here is really about public health and

public safety. We have an opportunity here to make a decision that will improve safety for Tasmanians.

Mr HISCUTT - Just to ask a further question and to clarify my point, there's no question about the commissioner's ability to grant licences. That's not the debate that I was having. Mine was about the permission to give a permit to acquire a firearm and that under section 60 of the current act the commissioner must not grant an application unless the commissioner is satisfied there is sufficient reason and need for the application to require a firearm, which to me is the exact same as the clause two which says, unless. the commission may authorise the hold of the firearm licence to possess more than 10 firearms if the commissioner is satisfied that the holder has a legitimate reason for possessing more than 10.

I feel like that is the counterfactual that's already in the clause and if perhaps the member could tell me what the difference between a legitimate reason or a sufficient reason is and why they're different after you've answered the other questions, I'd appreciate that,

Ms RATTRAY - A point of clarification for honourable members, around the fact that a person may apply to the Magistrates Court, the Administrative Appeals Division for a review of the refusal or failure to grant an application by a person for a licence or permit. They can currently but there isn't the ability to appeal the determination of an exemption, and that's section 141 of the current act. I felt that was important to provide that clarification should any honourable members require that.

Ms LOVELL - Just back to the question around the National Firearms Agreement, so I will recap that. The National Firearms Agreement founding principle is that possessing and using a firearm is a privilege conditional on the overriding need to ensure public safety. When first ministers signed the updated agreement in August, they did so to reduce the risk of firearm related harm. The agreement is also explicit that it sets minimum requirements only and that nothing in it prevents A jurisdiction from adopting more restrictive regulations. It is a floor, not a ceiling.

Caps are one of the tools the national cabinet identified to achieve that purpose. After the Bondi attack, leaders agreed that strong, decisive action on gun law reform was needed. They listed limiting the number of firearms held by any one individual among the reforms to pursue. The final agreement didn't include caps because not all states agreed to it. Any change to the agreement requires the unanimous agreement of all governments, so it reflects only what every government was willing to sign. It does not tell any one state what it should do. Western Australia and New South Wales have already acted. Tasmania already uses this tool, as well, through the existing limit on category C firearms.

The evidence shows why caps serve the agreement's purpose. Research from Harvard found that people who own six or more - and this comes to the number as well, [inaudible 12.35.47] determined these numbers - people who own six or more firearms are more likely to have firearms stolen. Theft is one of the main ways firearms reach the illegal market. Wider research links greater firearm availability to higher rates of suicide and homicide. A cap limits how many firearms can accumulate in one place, how many can be lost in a single theft, and how many are within reach if a licence holder's circumstances change. That is public safety coming first, which is exactly what the agreement asks of every government. Labor's amendments put that principle into practice. The agreement sets the minimum. It is up to this council to decide whether the minimum is enough for Tasmania.

In relation to the number, and that it's an arbitrary limit, any numerical limit involves judgement, but judgement is not the same as picking an arbitrary number. An arbitrary number is chosen without reasons. A cap is set by weighing evidence about risk against the legitimate needs of firearm owners, and the resulting number can be explained and defended. The cap must balance competing interests. Farmers and other primary producers may genuinely need more firearms to manage livestock and pests, so the scheme should build in flexibility where it is warranted, such as a higher cap of 10 for primary producers. This is a deliberate trade-off on that limit of five, which is where the evidence was around theft. A demonstrated occupational need justifies accepting some additional risk. The aim is a limit that reduces risk to the community without unreasonably burdening people who rely on firearms for their work. Many public safety measures work in the same way. I spoke about speed limits. Speed limits have to settle on a number, yet no one believes 60 kilometres an hour is the exact point at where driving becomes dangerous. The limit is set where risk falls to an acceptable level while traffic can still move. The same logic applies here. That a perfect line cannot be drawn is not a reason to draw no line at all.

I will remind members that these amendments are focused on safety, and we have taken a public health approach to this amendment. I'll go back to what I said in my original argument for the amendment. The vast majority of firearm owners are doing the right thing. Nobody is arguing any different. But even if every single firearm owner in this state followed the law to the absolute letter, there is still a level of risk. The question for us is whether that level of risk is a level we accept or whether we believe that level of risk requires a level of mitigation. Again, I argue that it does. We have an opportunity here to make a decision that will improve safety. I do believe that we have found the right balance with this. We acknowledge the concerns of firearm owners and licence holders that are doing the right thing. We acknowledge the concern of primary producers, recreational hunters and sporting shooters that use these items - firearms - as a legitimate tool of their trade or their sport. But we also accept the reality that there are people in the community who will use firearms to hurt other people. If we can do something here today to limit that risk and make Tasmania safer, that's something I believe we should do. I urge members to support the amendment.

Ms RATTRAY - Madam Chair, obviously, having safer communities is extremely important. Therefore, our efforts should be directed at criminals, unlicensed offenders and those who misuse firearms, not on imposing arbitrary limits on licensed Tasmanians who have complied with every requirement of the law. That's why the government doesn't support firearms caps. That's not the answer.

Madam CHAIR - The question is that the amendment be agreed to.

The Committee divided -

AYES 5	**NOES 9**
Mr Edmunds	Ms Armitage
Ms Glade-Wright	Mr Duigan
Ms Lovell	Ms Forrest
Ms O'Connor	Mr Gaffney
Ms Webb	Mr Hiscutt
	Ms Palmer

Ms Rattray
Ms Thomas
Mr Vincent

Motion negatived.

Clause 57 -
Section 141 amended (Reviews)

Ms RATTRAY - Madam Chair,

I move -

Clause 57, first amendment, page 81, after paragraph (d), insert the following paragraph:

(XX) by omitting from subsection 4(a), 'criminal' twice occurring.

By way of explanation, clause 57 of the bill amends section 141 of the act, which relates to reviews that, on application, by a person, may be undertaken by the Magistrates Court. The clause inserts additional review items relating to the introduction of registration of antique firearms and makes further amendments for consistency in definitions as seen in other parts of the bill. The proposed amendment to the bill is an administrative amendment that was previously overlooked. The bill provides for the removal of the word criminal twice occurring from section 29 (3)(e)

When considering an Intelligence Report or information

It is therefore logical that the same reference to the word criminal should be removed from section 141 (4)(a) of the act when a court is considering intelligence or information and must ensure the confidentiality of such. So, it's purely administrative. Thank you.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clauses 58 to 62 agreed to.

Clause 63 -
Section 164A inserted

Ms RATTRAY - Madam Chair, I move:

The amendment standing in my name to Clause 63, Clause 63, page 85, proposed new section 164 (a), subsection 2, paragraph (b),
after as soon as *insert* reasonably.

By way of explanation, one of the themes of this bill is that the recategorisation of certain firearms that currently can be on by the holders of Category A or B Licences. That

recategorisation has been part of national discussions following the Bondi incident in 2025. As a consequence of the recategorisation, the bill inserts section 164 (a) which is intended to be a transitional provision allowing current owners of firearms to be recategorised to continue to hold those firearms for the period required to assess an application for a Category C Licence. The government proposes inserting the word 'reasonably' prior to the word 'practicable'. The intention is to add an objective test to the obligation on a current licence holder who possesses a firearm that is subject to reclassification. The intention is that a licence holder who currently holds a Category A or B Licence does not unreasonably delay their submission of an application for a Category C Licence. The government's position is that the term practicable is open to interpretation and could be misunderstood.

Tasmania Police will communicate with affected licence holders during any future buyback, but it is necessary for the proper operation of the buyback that applicants who want to apply for a Category C Licence submit that application in a timely manner.

If applicants do not submit their application while the buyback is operating, there is a risk of applicants being excluded from the buyback and missing out on compensation for firearms that will be surrendered, Madam Chair. So that's the explanation for the requirement for that.

Amendment agreed to

Clause 63, as amended, agreed to.

Clauses 64 to 66 agreed to.

Madam CHAIR - We are going to go to the new clauses, so just for members to know, which ones are we going to deal with first. The first one is new clause (A) from the Leader, to follow clause 6 and then after that will be my new clauses (X) and (Y) to follow clause 21 and 23 then clause 24, the new clause from member for Elwick and then the member for Rumney will move those clauses after that, and then the Leader has another one after clause 43. We will just take it slowly so that people have a chance in the right space.

New Clause 8 to follow clause 6

A Section 3A amended, meaning of close associate of firearms dealer or employee.

Section 381 of the principal act is amended as follows -

(A) By *omitting* from paragraph (B) 'the licence', and *substituting* the 'licence and'

(B) By *inserting* after paragraph (B) the following paragraph.

(C) Is in a marriage or personal relationship with that holder or applicant within the meaning of the *Relationships Act 2003* or is related to that holder or applicant and by virtue of that relationship is or will be able to exercise a significant influence over the holder or applicant.

Ms RATTRAY - Madam Chair, I move -

That new clause (A) to follow clause 6, be read a second time.

Speaking to the proposed amendment, section 3A of the act defines a person who is a close associate of a firearms dealer. Firearms dealers are subject to further scrutiny than other types of licence holders and because of the additional responsibilities they have in dealing firearms. As a consequence, firearms dealers are currently subject to their close associates being assessed as fit and proper persons to be close associates of the dealer. Currently a firearms dealer employee is not subject to having their close associates assessed.

The bill proposes to increase the duties of a firearms dealer employee, which includes being able to trade in firearms and ammunition in the absence of the firearms dealer. As a consequence, the other place amended the bill to insert a close associates test for a firearms dealer employee. However, in inserting such a test, the other place inserted a new test which is different to the existing test.

The government accepts the amendment made in the other place but notes it is more it is a more stringent test because it now includes consideration of a marriage or personal relationship within the meaning of the *Relationship Act of 2003*. The consequence is that there are now two close associate tests that are similar but not the same and will lead to confusion or administrative error in relation to which test should apply.

The government proposes to amend the existing close associate test for a firearms dealer in section 3A of the act to a mirror the close associate test that has been introduced in the other place and will apply to a firearms dealer employee. If this proposal is accepted, it will not diminish the work of the other place but instead strengthen the standard applying to a firearms dealer to match the work of the other place and reduce the risk of confusion.

It is logical from an administrative context that the test for close associate of firearms dealer and a firearms dealer employee be uniform instead of having two separate close associate tests that test different things. This is a minor amendment that will make undertaking the appropriate test clearer, easier to administer and avoid staff assessing applications from undertaking the wrong or an incomplete close associate test. I trust that's clear on what the intention of the amendment proposed to new clause A to follow clause 6 is.

New Clause A read the second time.

New Clause B to follow Clause 21 -
X Section 33A inserted after section 33 of the Principal Act.

The following section is inserted in Division 5.

33A. Restrictions on granting certain licences relating to primary production -

(1) In this section, *associated primary production licence* means a category C firearms licence that is granted as a result of a relevant primary production application.

Relevant primary production application means an application for a category C firearms licence where -

(a) the genuine reason for possessing or using a firearm under the licence is primary production; and

(b) the applicant is an applicant to which section 40(a)(iv) applies.

(2) The Commissioner may only grant a relevant primary production application in respect of land to which the application relates, the relevant land, if less than the following numbers of associated primary production licences are in force under this Act in respect of that land -

(a) if the relevant land is less than 800 hectares: 3 associated primary production licences;

(b) if the relevant land is 800 hectares or more: 5 associated primary production licences.

(3) Despite section 16, an associated primary production licence only authorises the holder of the licence -

(a) to possess and use one straight-pull action firearm under the authority of the licence; and

(b) to use that firearm for the suppression of vertebrate pest animals on the relevant land in respect of the licence; and

(c) to use that firearm on the relevant land if the holder has the written permission of the person who -

(i) owns, manages or leases the relevant land in respect of the licence; and

(ii) is regularly engaged in the business of primary production on that land.

(4) For the avoidance of doubt, an associated primary production licence does not authorise the holder of the licence -

(a) to use a firearm specified in section 16, other than a straight-pull action firearm; and

(b) to use a straight-pull action firearm for any purpose other than the suppression of vertebrate pest animals on the relevant land; and

(c) to use a straight-pull action firearm on any land other than the relevant land in respect of the licence.

Ms FORREST - Madam Deputy Chair,

I move -

That new clause B be read a second time.

In speaking to that, I acknowledge the hard work of the Office of Parliamentary Counsel (OPC) in trying to really narrow down this -

Ms Rattray - Version 7?

Ms FORREST - Yeah. Narrow down the application of this to make it really tight, but to meet a very legitimate need of our primary producers, particularly. The bill, as introduced, moves centrefire straight-pull action firearms and button-release lever firearms into category C. Under section 31 of the act, a category C licence is available only where the genuine reason is primary production, animal population control or as a firearms collector. Section 40(a) currently limits the primary production genuine reason to two groups: a person regularly engaged in the business of primary production on the land they own, manage or lease. If we rely on the land tax exemption definitions and criteria, this assumes the primary -

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

QUESTIONS

TasTAFE - Staffing

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

With regard to TasTAFE and the DECYP RTO for the 2025-26 financial year or the most recent period in which figures are available -

(1) How many staff does each organisation employ expressed as both headcount and FTE, or full-time equivalent, and how many of those are:

(a) Teaching, training, or assessing staff; and

(b) Non-teacher or administrative staff?

(2) How many executive positions does each organisation have and what are the titles and classifications or remuneration band of each of those positions; and

(3) How many VET students are enrolled in Tasmania in total and how many of those are enrolled with:

(a) TasTAFE;

(b) The DECYP RTO; and

(c) All other registered training organisations?

(4) What is the total government funding provided to each organisation for the delivery of VET in 2025-26?

ANSWER

(1) As of October 2026, 177 headcount teachers are employed by DECYP that are qualified to teach VET courses delivered through the DECYP RTO. FTE is unavailable to be calculated accurately. The majority of DECYP teachers qualified to teach VET also teach Australian curriculum as TASC-accredited courses. Schools are individually responsible for making decisions on FTE allocation for VET delivery based on local and operational requirements. All VET teachers undertake other school responsibilities as part of their duties, including student support, pastoral care, and connecting with parents and families. TasTAFE employment statistics as of October 2026: headcount is 498 and FTEs are 440.07. DECYP as of October 2026: 19.65 FTEs and 48 headcounts are employed by DECYP to deliver non-teaching or administrative functions of the DECYP RTO. This includes corporate staff - FTE 10.4, which is a headcount of 11; and school-based VET leadership - FTE 9.25 with a headcount of 37. I did check that that was correct and it is. TasTAFE employment statistics as of October 2026: headcount 441 and FTE 380.11.

(2) The DECYP RTO has one executive position, a chief executive officer, DECYP RTO TSSA General Stream Band 8. TasTAFE commenced for the financial year 2026 with eight executive positions and at the cessation of the financial year now has six executive positions, including the chief executive. There's a chief executive officer SES Level 4, chief financial officer SES Level 3, executive director, education operations SES Level 2, executive director of quality and academic services SES Level 2, executive director, people, safety and culture, SES Level 2, and executive director, governance and corporate affairs, SES Level 2.

(3) (a) TasTAFE VET students' year to date is 19,023.
(b) In Tasmanian government schools, 2,239 individual learners are enrolled across 39 courses delivered by the DECYP RTO.
(c) 26,550 enrolments were at other VET training providers. That includes private training providers, universities, schools, community education providers and enterprise providers.

(4) DECYP directs school funding for VET in Schools delivery and operational funding for DECYP RTO administration costs are provided through separate budgets as outlined below:

- VET in Schools delivery, $1,091,074. And the total approved school resource package allocation for the 2026 school year, as the school year spans two financial years, the

allocation is funded across 2025-26, from January to June 2026, and 2026-27, July to December 2026.

- DECYP RTO operational cost, $1,785,827, operational costs for the 2025-26 funded through the DECYP budget system. This includes corporate staff salaries, classroom materials, RTO annual registration charges, software licensing fees and centralised RTO resources.

- Building our VET Workforce election commitment, $187,000. Additional funding provided to the DECYP RTO in 2025-26 to progress this election commitment to fund the training of new VET teachers.

- Finally, TasTAFE, the 2025-26 Deed of Purchasing arrangement with TasTAFE provided $105.843 million in funding to deliver subsidised training, foundation and vocational preparation programs and learner support services.

Total funding provided to other registered training organisations for the delivery of VET in 2025-26 was $19.3 million, approved under contestable grant programs.

Family and Sexual Violence - Waiting Times for Engender Equality Support Services

Ms WEBB question to MINISTER for WOMEN and the PREVENTION of FAMILY and SEXUAL VIOLENCE, Ms PALMER

[2.37 p.m.]

My question goes to the important trauma-informed and evidence-based therapeutic services provided by Engender Equality to support victim/survivors of family and intimate partner violence and concerns raised over the organisation's capacity to meet current demand. The questions are:

(1) Can you confirm that new clients seeking assistance via Engender's therapeutic services now face a three-year wait before they can access in-depth counselling support?

(2) What period of time does the government and you, as minister for the Prevention of Family Violence, consider acceptable for people to wait who have experienced or are experiencing intimate partner violence before they can access a counsellor?

(3) Can you detail the current waiting times across all waiting lists for those seeking to access Engender's programs and detail what the government intends to do to clear the backlog?

(4) What assessment or audit have you or your department done to assess how state Service cuts will impact on Engender Equality's capacity to meet demand for its services in a timely manner?

ANSWER

Mr President, I thank the honourable member for her question. I think there were actually four questions in the one question. I'll need to take your first question on notice because that is information I would need to seek. I don't have that with me now. I think I can work through

the other three. I think your second question was about what do I, as minister, think is an acceptable amount of time for a person to wait. Obviously, I would love it if no woman, man, Tasmanian child ever had to wait. That's the answer I think we would all want. We certainly recognise, as a government, that wait times are really challenging. I don't shy away from that. It is about looking at that increased demand, which can also reflect growing awareness in our community, reducing the stigma, where it was often people's hidden secret. I think there is also a stronger trust in the system, and certainly in those like Engender who work in this space. We are seeing a national trend, with all jurisdictions experiencing similar pressures, often driven by workforce constraints. Our focus is certainly on strengthening capacity across the system and ensuring that people do remain supported and connected while they're waiting and where there are wait times, services maintain contact through safety planning, check-ins and interim supports to ensure that people are remaining supported after that moment where they have reached out for help.

We have recently provided $300,000 to the Sexual Assault Support Service (SASS) in 2026-27 above its funding to continue its stepped-care approach to ensuring victim/survivors receive timely and tailored services. We have also provided an additional $200,000 to Engender Equality to support continuation of its brief intervention pilot program in 2026 and 2027.

Ms Webb - And the other questions?

Ms PALMER - I think I took on notice your first question. Acceptable wait time I answered -

Ms Webb - Details of current waiting times? And the final one was around assessment or audit by your department or your staff about how the cuts will impact.

Ms PALMER - I would need to take on notice your question about the specific wait times around Engender, which I think was your first question. I've answered the second. I've gone to addressing the third by talking about additional resources, particularly for Engender Equality and for SASS. I would need to take on notice to get the statistics around the wait times and around the audit.

Taxi Licences - Buyback or Compensation Scheme for Devalued Perpetual Licences

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

[2.42 p.m.]

Members of the Tasmanian taxi licence owners' association, as you probably know, invested in good faith in perpetual taxi licences, an asset the government created and regulated. Previous governments. Not the one you're part of, obviously. For some, this was their superannuation. They trusted the permanence of a government-issued perpetual licence. In 2008, new perpetual taxi licences ceased to be granted, and owner-operated taxi licences were introduced. Reserve prices on licences are set by the government's regulator but the prices have dropped based on market adjustments and perpetual licences becoming obsolete, compounded when rideshare services were deregulated. Plate owners, many of them retirees, tradespeople and migrants, have been financially devastated through no fault of their own.

Other states have delivered taxi licence buyback or financial compensation programs as part of their rideshare deregulation. When government policy destroys a government-assured private asset value, do you agree it's only right that government provides some measure of compensation? Will you explore designing and funding a buyback of Tasmanian perpetual licences at fair value or, alternatively, provide financial compensation to licence holders for the loss of asset value and income, consistent with the schemes being delivered in other states in response to a changed government policy?

ANSWER

Mr President, I don't have the details with me on a lot of that for the member of Hobart. I will take it on notice so I get accurate and proper information across that. We have had correspondence back and forth with quite a few of the taxi drivers, including some that are interstate and made investments purely on investment levels. I understand there's some intricacies around it, so I'll make sure the information's right, and I'll come back to you as soon as I can on that.

Air Ambulance Protocols

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

[2.45 p.m.]

First, I extend my condolences to the family and friends of a man in his sixties who died in Zeehan recently while waiting for an ambulance. It has been reported that the Zeehan ambulance station was unstaffed due to unfilled leave; that crews at Strahan in Queenstown were attending other calls; and that a crew was dispatched from Burnie, about 140 km away, arriving 78 minutes after the 000 call.

(1) As the patient reportedly was experiencing chest pain, was the use of a rescue helicopter to get paramedics to Zeehan considered during the response? And if not, why not?

(2) What are the protocols for deciding when to use an air ambulance in a remote area where a road response is expected to take well over an hour, and will they be examined as part of the investigation in this matter?

ANSWER

On behalf of the minister and the government, I also extend my condolences to the family and friends of the gentleman referred to in this question.

Based on the information available at the time of the triple-0 call, a helicopter response would likely not have resulted in an earlier clinical intervention. The Critical Care and Retrieval (CCR) helicopter is based in Hobart and when activation, mobilisation and flight time are taken into account and consideration is given as to where the helicopter could land and how paramedics would mobilise from the helicopter to and from the scene of the accident, the expected time to deploy the helicopter to Zeehan is estimated to be approximately 1 hour and 20 minutes.

Ambulance Tasmania CCR helicopter services are dispatched in accordance with established statewide clinical criteria. Under Ambulance Tasmania's operational protocols, helicopter deployment is based on an assessment of the patient's reported clinical condition, the anticipated benefit of specialist critical care intervention, operational considerations, resource availability and consultation with a coordinating retrieval consultant. The criteria for helicopter activation are primarily focused on patients with major trauma, significant alterations of consciousness, prolonged entrapment, severe burns and other critical conditions where specialist critical care, intervention or rapid retrieval to definitive care is likely to improve patient outcomes.

Regrettably, based on these factors, the incident did not meet the criteria for automatic helicopter activation. Ambulance Tasmania's protocols for air ambulance deployment are based primarily on clinical need. The protocols require consideration of the patient's condition, the likely benefit of CCR involvement, operational logistics, asset availability, competing demands for statewide critical care resources, and input from the coordinating retrieval consultant. In rural and remote areas, helicopter activation may occur where specific clinical or incident criteria are met and where the patient's condition is assessed as likely to benefit from a CCR response.

As part of Ambulance Tasmania's review of this incident, all aspects of the response will be examined, including dispatch decisions, resource availability and the application of relevant critical care and retrieval protocols. This review will include consideration of whether the response was managed in accordance with established procedures and whether any opportunities exist to further strengthen service delivery in rural and remote communities.

Again, my heartfelt sympathy.

BreastScreen Tasmania Mobile Unit - Replacement Timeframe

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

[2.49 p.m.]

In light of the public statement issued by the minister for Health on 13 May this year that indicated December 2026 delivery of the replacement BreastScreen mobile screening unit previously based in Kingston was extremely disappointing and that the minister had requested the health department consider all options, 'to either bring this timeframe forward or explore what other options there are to get a replacement bus back on the road sooner.' Compared to the more recent media statement of 3 September which stated, 'a replacement bus is now expected to be back on the road in the next 12 months.' Can the government please:

(1) Provide the current expected delivery date of the replacement Southern Base BreastScreen Mobile Screening Unit?

(2) Detail all options explored by the health department to fast track the bus build and bring forward the expected delivery date?

(3) Detail the outcomes of any discussions with other states and territories to ascertain options to purchase an existing fit for purpose bus or equivalent, including identified

obstacles to securing the provision of an earlier appropriate replacement sourced from interstate?

(4) Provide the expected timeframe in which the permanent breast screen clinic in Kingborough will be operational?

(5) Detail the government's plans to futureproof the state's eventual BreastScreen mobile screening unit infrastructure, including mechanical equipment failure, to ensure these services can meet current and future demands?

ANSWER

The Department of Health received notice from Varley Group last month revising the expected timeframe for delivery of the new BreastScreen bus to 15 February 2027 and on the road late February. Given the importance of this service to our rural and regional areas, this was not an acceptable outcome for the Tasmanian government or our community. Accordingly, the minister has since met with Varley several times and escalated this matter directly to the CEO, who committed to exploring all options to expedite the delivery timeframe as much as possible. Last week, Varley advised it will commit additional hours and overtime to complete the project at no cost to the government, with the bus to now arrive in Tasmania by 20 January 2027 and be in the community by the first week of February.

In the meantime, the BreastScreen Tasmania client travel subsidy remains available to ensure Tasmanians can access breast screening services as well as other community transport arrangements. The minister met with Varley in early April and asked them directly to work with the department and explore all options to fast-track the build. While a number of options were subsequently explored, the minister advised that the complexities around the build meant that the earliest timeframe possible for delivery was late 2026, which has subsequently been revised to early 2027, as per question one.

The department explored the opportunity of utilising a decommissioned mobile screening van from another state as a temporary replacement. Unfortunately, investigations found significant uncertainty around the vehicle's condition, repair scope, roadworthy compliance and Tasmanian certification requirements, meaning it was likely that repairs, certification and registration delays would prevent the van becoming more operational before delivery of the new MSU. The minister wrote to every other state and territory asking if there was any option for Tasmania to either loan, rent or buy a bus from them, but unfortunately, they all advised that none were available, which does reflect the high demand and importance of these services.

The permanent BreastScreen Tasmania screening clinic in Kingston is being developed as part of the Community Health Centre expansion. The development application has been submitted, and the project is expected to proceed to tender in November 2026. Construction is scheduled to commence in May 2027 with an anticipated 12-month build period.

Further to the new MSU being brought into service, in June 2026 the department completed a replacement of the mammography equipment within the existing MSU Ida. This result in both MSUs utilising contemporary new breast screening equipment and reduces downtime associated with ongoing servicing and unplanned maintenance due to breakdowns. Regular vehicle maintenance on both the existing MSU Ida, and the new MSU, once in service will be completed in accordance with the department's maintenance regime. Preventative

maintenance opportunities have recently been prioritised for MSU Ida to mitigate risk of unplanned downtime. The Department of Health is also working on procurement for a third mobile screening unit.

Education - Statement of Duties for Laboratory Technicians

Ms THOMAS question to MINISTER for EDUCATION, Ms PALMER

[2.55 p.m.]

Minister, last sitting I asked you some questions about the statement of duties for laboratory technicians in Department of Education schools, and the statement of duties having been changed, whereas previously applicants were required to have a Certificate 3 or 4 in Laboratory Techniques, or an equivalent TAFE, or post-secondary qualification. Minister, your response to my question, in relation to why was this changed, and did it have any relation to the discontinuation of TasTAFE courses, was that: it was changed so that people with degree qualifications would be eligible. However, I would have thought that that was already incorporated in the wording, which said, 'Or an equivalent TAFE, or post-secondary qualification.'

Minister, why was this change required? Are you absolutely sure it's not related to the discontinuation of TAFE courses, and any potential impacts on the workforce available for laboratory technicians in our schools? How was this statement of duties allowed to change without any consultation with the Tasmanian Association of Laboratory Managers, or even the school business managers, who recruit to these positions?

ANSWER

There was a couple of questions in your question. The question you asked about the consultation process, I will need to seek some advice around that, and will seek that from the department, so I can come back to you with what that process may have looked like. The other part of your question was asking if I was sure that the answer that I gave, and that is the advice that was given to me, by the department.

Education - Statement of Duties for Laboratory Technicians - Consultation

Ms THOMAS question to MINISTER for EDUCATION, Ms PALMER

[2.58 p.m.]

Minister, I appreciate you following up. My understanding is there was no consultation. So, if you could confirm whether that has occurred, and whether there perhaps will be any consultation, given there is concern among people who work in school laboratory settings about the proposed impact of these TAFE course cuts on our school laboratory workforce. It appears there's been no consultation. Will you commit to, yourself, consulting with the Tasmanian Association of Laboratory Managers, and school business managers, who are part of that association to hear their concerns, and address what the future workforce needs are for laboratory technicians in Tasmanian schools? And what any impact might be on safety, in particular, in school laboratory settings?

ANSWER

I would like the opportunity to go to the department, and ask them what that process looked like, and then I'm certainly happy to come back to you on that.

State of Environment Report - Draft

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

[2.59 p.m.]

Just for a bit of variety, the question I have is for the honourable minister for Planning. Regarding the draft approach for the 2029 State of the Environment Report, released by the Tasmanian Planning Commission on 9 October this year, and acknowledging that the State of Environment reporting is a statutory responsibility of the Commission under the *Tasmanian Planning Commission Act 1997*, as well as by virtue of Part 4 of the *State Policies and Projects Act 1993*. Can the government please, firstly:

(1) Clarify whether the government has provided a budget allocation to the commission specifically to prepare the State of Environment report?

(2) Confirm the TPC's draft approach for the 2029 State of the Environment report identifies the commission has estimated an additional $340,000 in ongoing annual budget is required to successfully implement the draft approach to deliver the 2029 report?

(3) Detail whether the government has had any formal or informal discussions with the commission regarding the provision of sufficient and adequate resourcing, including budget allocations, to ensure its statutory responsibilities can be delivered?

(4) Confirm the necessary budget allocation as identified by the commission will be provided to the commission in 2029 so that the 2029 State of Environment Report can be prepared and delivered within its statutory time frame?

ANSWER

I guess I could have answered that no, yes, yes, no, but I have some more detail here that gives a bit more definition to it. In regard to question one, there is no specific allocation of funds for the preparation of the State Environment Report, but preparation of the next report is currently being undertaken within the commission's existing budget and resource arrangements. The draft approach included a preliminary estimate of additional ongoing funding that may be required to support the delivery of the 2029 State of the Environment report. However, the estimate is indicative in nature and was developed to inform future planning. The commission has appointed staff to further develop the framework and refine the approach for future reporting within existing resources, and the resource requirements will be further refined through the development of the broader State of the Environment Reporting framework. Question three, yes, the topic has been discussed with the TPC. I remember it quite well and the commissioner has appointed the staff to further develop the framework and refine the approach for future reporting within existing resources, and the Chair was very comfortable with that and that was his suggestion. Any further resourcing requirements will be considered through normal administrative and budget processes.

And any future resourcing requirements will be considered through normal ministry of and budget process is also the answer to question 4, but I have had discussions myself with the chair and he's comfortable with that at this moment and happy and they were his suggestions also. Thank you.

FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026 (No. 30)

In Committee

Continued from above (page xxx).

New Clause B to follow Clause 21

[3.07 p.m.]

Ms FORREST - If we rely on the land tax exemption definitions and criteria, this assumes the primary producer has a reasonable expectation of profit, and a person regularly engaged as an employee of such a person, this implies an employment arrangement where the person is paid and the use of category C firearms is incidental to that paid employment. On many Tasmanian farms, pest control is shared with people outside those two groups: family members living on or near the property; and recreational shooters who control deer, wallabies, possums and rabbits for the landholder. Primary producers often rely on this help because they have many other jobs to do and simply don't have the time, especially on larger properties.

TasFarmers raised the genuine concerns that family members, agents and employees actively working on a property should be eligible for a category C firearm, subject to meeting all the other requirements. Without an amendment, some people who do this work who are not employees have no route to the primary production genuine reason. This includes family members with off-farm jobs, even if they live on the farm, and recreational shooters who are not paid for the work. They could not hold the classified straight-pull firearms many of them now use for pest control. So, the time limit's a problem with this.

The amendments enable, with strict safeguards, an application for an associated primary production licence that would enable a non-employee shooter to apply for a category C licence for one straight-pull centrefire firearm. For unpaid recreational shooters, the new associated primary production licence would be capped per property, based on the size of the property. The 800-hectare threshold reflects the fact that many Tasmanian farms are family-owned and operated, and larger holdings carry a heavier pest control workload. I'm referring across both of these because they are both intricately linked. Each associated primary production licence will permit a single straight-pull centre-action firearm only. Its use is tied to pest suppression on that property with the landowner's written permission. This also prevents the primary production reason preventing a general path to category C for recreational shooters. These amendments will enable recreational shooters to help a primary producer control pests on a property, giving limited access to a category C firearm, a straight-pull centrefire action firearm for that purpose, provided they meet every other requirement.

The amendments also limit how many of these licences can attach to any one property, which firearm the licence covers and what it can be used for. Straight-pull centrefire firearms

are commonly used for this purpose and, under the current legislation, have been accessible to recreational shooters. As family members and recreational shooters undertake much of the work of vermin control on the properties of primary producers, this is an essential tool and needs to be available for limited and defined purposes, as described in these amendments.

Larger properties carry a larger pest control workload. Only associated primary production licences count toward that limit. Licences held by the producer, relatives and employees are not counted. The limit applies when a licence is granted. Section 36 (4) (f) applies the act to a renewal as if it were a new application, so the limit will also apply to renewal. All other licensing requirements still apply, including the fit and proper person testing in section 29 and for category C, the new test in section 31.

So particularly with new clause B, it inserts proposed new section 33A, restrictions on granting certain licences relating to prime production. After section 33 in Division 5 of Part 2 applications, it sits with the other category-specific restrictions on granting licences in sections 30 to 33. The proposed new section specifies certain conditions that automatically apply to the issue and grant of a category C firearms licence for primary production to a person who is not the primary producer, a family member living on or near the property or a paid employee. And the applicant is an applicant to which 40(a) (iv) applies in new clause Y, a person not employed or who volunteers their services on and in respect of the land referred to as relevant land. The relevant land is the land owned, leased or managed by the primary producer. The number of associated primary production licences is limited on the relevant land, based on the size of the property. If the property is less than 800 hectares, up to three associated primary production licences can be granted, and if the property is 800 hectares or more, up to five associated primary production licences may be granted.

An associated primary production licence only authorises the holder of the licence to possess and use one straight-pull centrefire action firearm under the authority of the licence, and use that firearm only for the suppression of vertebrate animals on the relevant land in respect of the licence. That particular firearm is only to be used on that relevant land if the holder has the written permission from the person who owns, manages or leases the relevant land in respect of the licence, and is regularly engaged in the business of primary production on the land. Those requirements have to be met.

Subclause (4) provides a doubt removal provision to clarify that an associated primary production licence does not authorise the holder of a licence to use a firearm specified in section 16 other than the straight-pull centre-action firearm, and to use the straight-pull-action firearm only for the suppression of vertebrate pest animals on the relevant land; and to use a straight-pull-action firearm on any land other than the relevant land in respect of the licence is not approved.

I will speak more broadly to the provisions in new clause Y, but I note there was a question raised about being near a property. You actually need to take it in context of the current act. You can't just look at the amending act here. We're amending section 40, so you do need to look at that. But the link to the activity on the land is actually within paragraph (b) of section 40 in the principal act, which requires the applicant to:

> (b) produce evidence to the Commissioner's satisfaction that he or she intends to use the firearm solely in connection with -

(i) the suppression of vertebrate pest animals on the land; and
(ii) the destruction of animals to avoid pain and suffering.

An applicant must meet both paragraph (a) and paragraph (b) in section 40 and the reference to 'land' in paragraph (b) (i) is a reference to the land for primary production - there's something seriously wrong with my computer. It won't move.

Ms O'Connor - Do you want the act?

Ms FORREST - No, I want to read my notes. That's no good to me. It's just frozen.

Madam DEPUTY CHAIR - We're just pausing the time.

Ms FORREST - Thank you. Apologies, Deputy Chair, there's so many emails in this inbox, I can't find what I'm -

Madam DEPUTY CHAIR - It's not as bad as last week when everything went down.

Ms RATTRAY - That's true

Ms FORREST - That might have been helpful, mightn't it?

An applicant must meet both paragraph A and paragraph B of section 40 and the reference to land in paragraph B1 is a reference to the land used for primary production as referred to in paragraph A. As to the use of near, that was deliberately drafted to be vague so that the commissioner could determine if the applicant lived near the land. It would not make sense in this context to have a hard distance where the applicant must live within because that would mean, for example, an applicant who lived one kilometre from a prime production land may be eligible for the licence, but an applicant who lived 1.1 kilometre from the land would not be eligible. How many more minutes have I got?

DEPUTY CHAIR - Five minutes 45.

Ms FORREST - In that regard, this amendment seeks to address the very real issue on prime production land. My own family was an example of this, where my brother lived on the land but had his entire income from the land off the land, because my parents were too tight to pay him. If mum's watching, she will say that's true. But anyway, they didn't pay him for his services, but he carried out a lot of the vermin control on the property. He lived in a house on the property, basically they're separate titles on the property. You could have a family farm that has multiple titles and when you have succession, you have a title that's hived off to another family member and so it's not on that prime producer's land, it could be on the neighbouring property, but that person might live in a house on that property, but it's a separate title. Or it could be they have properties just over the road or could be they have a property just down the road. This is how family farms and succession works in Tasmania. We have multiple smaller holdings or even some larger holdings where family members do work on the farm to assist with that. They still have to meet all the other criteria.

The recreational shooters will be even more limited. These are people who do the work for prime producers. I'm sure if you've met with any of these people, you would understand exactly how they do their work. They require the tools for the trade to do that. They would

have liked the whole access to category C, but that was not an option in my mind and I'm sure members will understand why. They did agree they don't use push button or certainly not pump action shotguns or anything like that anyway. It's limiting those recreational shooters to a single straight pull centre fire rifle that will now be in Category C just for that purpose and only on that land with the approval of the landowner for the purposes of vertebrate pest control and animal welfare where necessary under the prime production.

I hope that's been clear to members. I urge them to support it because this is how the life of our farmers actually is and some of the bigger properties rely heavily on recreational shooters because some of you may not realise that farming is pretty tough out there. And some farmers where they can get someone to undertake some of this work without having to pay them, will do it. They may allow the shooters to take home a bit of meat like a deer or a wallaby or whatever it is, a few rabbits for their table, but they're not paid. Without this, it makes it very difficult for farmers to manage their land, to produce the food, the meat and other vegetables and stuff like we all rely on, as well as to safely and adequately manage animal welfare. A lot of these farmers aren't out on the land all the time. They're doing a whole range of other things. And if there's an animal welfare issue that needs to be dealt with, it needs to be dealt with quickly and so this enables that if that's the appropriate tool for the job.

Ms O'CONNOR - Thank you. I probably should have waited to hear what the government's latest position is on this amendment. This is a big and consequential amendment, and I know that it seeks to address an identified issue for primary producers. I understand that, but because it's such a consequential amendment, in terms of the bill that we're debating, and we have some concerns, up front I do want to acknowledge the clear effort, through the iteration of this amendment, which is now at version 7, and that's a good thing. It means it's been through rigorous testing by the mover, to the greatest extent possible. There's a clear effort here to make sure it's targeted. I understand that.

But we're not comfortable - I'm speaking now on behalf of the Greens - we're just concerned about supporting this amendment without a more thorough process of consultation on it.

I understand that what we're dealing with here, is in part of byproduct of the fact that the amendment bill changes the categorisation of firearms. But I do point honourable members to the advice that we've been provided by Tasmania Police. Perhaps it's advice that should give us a cause for pause, and maybe we can explore this some other way. Tasmania Police have provided advice, and they ask us, please to not support the amendment. The new clause (X) which creates the new section 33(a) in the principal act, as described by Tasmania Police, 'Allows for the creation of associated primary production licence', which would be a type of category C licence. That 'such a licence could be applied for if there was a relevant primary production application.' The relevant primary production application would be for a person who provides services, other than as an employee. If a person engaged in primary production, and we heard from the mover what those circumstances might be, and on a family property, or a network of family properties. The amendment creates a limit of three or five relevant primary production applications per property, depending on the property size. I ask the honourable member, even though we had some explanation then for the rationale for the 800-hectare threshold in the amendment, it seems to me that was the best guesstimate number of how, and where, you draw a line.

We had a lot of talk earlier in the discussion about caps, about, where does this number come from? I ask the question here: where does that number really come from? The proposed amendment allows the person who has an associated primary production licence to possess, and use, one straight-pull action rifle, for the purposes of suppression of vertebrate pests, on that relevant land only. The clause clarifies that it doesn't include other category C firearms.

There's two amendments we're dealing with here today, there's a new clause (x), and a proposed new clause (y), which follows clause 23. We will get to that shortly, but they're connected. On the new clause (y), which would amend section 40 of the principal act, which are requirements relating to primary production. The amendment seeks to expand section 40, to include a relative of a person, if the relative lives on, or near, the land, and provides services, other than as an employee, of a person in the Principal Act. Here is the advice that we have been given by Tasmania Police, as we consider this amendment. [TBC 3.24]

> It is the view of Tasmania Police that this will expand the availability of category C licences to recreational hunters.

Then it flows that,

> There will be more category C firearms, but only the straight pulls in the community.

Its view is:

> This will create further administrative work for firearm services, firearm safety services, further checking of evidence requirements, to confirm property sizes et cetera, and it creates a new type of licence, but does not say how long the licence will be granted for.

Police are also of the view that:

> The expansion to family members, under clause(y) is too wide. A family member need only be near to the land and does not require any activity or evidence linking the person to the productivity of the farm, or the carrying out of the farming business. Simply just to be a relative, and to live on, or near, the land.

There's no definition of what is 'Near', numerically. Is five kilometres near? Is 100 kilometres near? What is near? The view of the police is that:

> While there may be some argument for unpaid family members, who do not draw a wage, in this case the drafting is too wide, and will allow for applications for category C licences from persons who have no other association than being a relative and living near to the farm. This will expand the number of category C firearms in the community, without clearly thinking the same to be required for carrying out the primary production business on that farm.

As I said, I recognise that this amendment comes from a good place. It's identified that there is potentially a real issue for primary producers. I will just pause here for a moment and

if anyone wants to know how the war on wildlife is going, have a look at the property protection permits that are issued. We even let people here kill platypus, but I digress. I couldn't help that.

But on the basis that this is such a consequential amendment, it clearly seeks to remedy a potential issue for primary producers. I wonder if there's another way we can look at this amendment, or if we can bundle it into an examination of caps because a number of members have said, well, this needs more consideration and perhaps we should have an inquiry, but on this issue, in fact, in the same way that we support Tas Police's position on caps, we are prepared to listen to this advice and act with caution on this amendment and on that basis, at this point in time we can't support it.

Ms RATTRAY - Deputy Chair, the government supports the amendments moved by the honourable member for Murchison. By way of explanation, these amendments address the concerns the government identified with the earlier version and, in the government's view, strike an appropriate balance between maintaining safeguards around category C firearms and recognising the practical needs of primary producers.

As honourable members are aware, the government's concern with the earlier amendment was that it would have provided unpaid pest controllers with access to the full range of category C firearms and that would have presented a significant expansion of access for a class of persons who had not previously been eligible for category C licences under Tasmania's Firearms Licencing Network. But the amendment before the Council today, version seven, is substantially narrower and for unpaid persons who assist with pest control activities, access is limited to a single straight-pull action firearm. It does not provide access to all category C firearms. Importantly, it also preserves access to a firearm that many of these individuals could lawfully access prior to its reclassification under this bill without creating a broader pathway to category C firearms more generally.

These amendments acknowledge the reality of farming life in Tasmania, and the honourable member for Murchison certainly outlined that in her contribution when she spoke to the proposed amendment. The amendment recognises the reality of extending eligibility to certain relatives of a primary producer. However, it is important to be clear about the limits of that provision. This is not an open-ended expansion to all family members. The amendment applies only to relatives who live on or near the relevant property or who are regularly engaged in the primary production business, and it's also important to distinguish between those family members and the separate category of unpaid pest controllers.

So, eligible family members are recognised as part of the farming operation itself. I think a lot of us with rural backgrounds could give you many examples of that particular arrangement. They're not being treated as unpaid pest controllers. Consistent with the arrangements that apply to primary producers and others engaged in the farming business, they may hold licences for up to three category C firearms where the requirements of the act are met. By contrast, the pathway created for unpaid pest controllers is considerably more restricted. Their licence is confined to the use of one straight-pull firearm for vertebrate pest suppression on the relevant primary production property. Written permission is required and limits apply to the number of licences that can be associated with a property, and importantly, the firearm can only be used for that vertebrate pest suppression on the relevant primary production property. This is not a broader authorisation to use category C firearms beyond that property or for other purposes. Those distinctions are important. The amendment does not create broad new access to category C firearms; rather it recognises that farming in Tasmania,

as has been identified, is often a family endeavour and ensures that those family members who live on or near the property and are actively involved in the enterprise and continue to assist with its operation, including pest management activities. At the same time, it confines the new unpaid pest controller category to a very limited authority involving a single straight-pull firearm.

In conclusion, the government's view is that the approach appropriately reflects the realities of primary production in Tasmania, while maintaining the safeguards that parliament expects in relation to firearm access. For those reasons, the government's previous concerns have been addressed by the narrowing of version 7, and the government supports the amendment and acknowledges the work of the honourable member for Murchison.

Ms O'CONNOR - There are two pieces of advice that have come from Tasmania Police to government about amendments or proposed amendments to the amendment bill that we are debating today. On both occasions, the government has ignored Tasmania Police's advice. I think every member of this place should be concerned that the government, apparently so freely, ignores advice from Tasmania Police.

Now that we understand that this amendment is government policy, perhaps the Leader for the Government could respond to some of the matters raised in the advice from Tasmania Police. Now that we're creating a new type of licence, how long does the government foresee these licences being granted for, given that there doesn't seem to be any clarity in the amendment? Does the government have an understanding of what 'near' means? What does 'near' mean in the context of this proposed amendment? Does the government disagree with Tasmania Police that the drafting is too wide?

This is a piece of advice that asks us to be cautious here. We're talking about firearms, for heaven's sake. If I could just take people to the objects of the bill, they make it really clear that the purpose of the bill is to prioritise public health and public safety. It's right there on the first page of the bill. In order to do that and be sure that we're doing that, we should be listening to our law enforcement advisers, the people who are actually responsible for the process of licensing and registration, the checking of storage of firearms. Yet, on critical matters, where there are legitimate questions about public safety and access to particular categories of firearms, on those critical questions, where two pieces of advice have come to government saying we support caps, we don't support this amendment, which extends the potential use of category C - shotguns - it's been ignored.

Now, the only thing here that even mildly reassures me is that this amendment has come from the honourable member for Murchison, and I know how much work's gone into it. But I'm very, and we should all be, disappointed and worried that this government feels so casual about the status of Tasmania Police advice, including the Police Commissioner, noting that police are the first responders, noting that Tasmania Police are put at particular risk when there are firearms in the community that are part of an incident, if you want to call it that, so Tasmania Police unarguably have a particular safety concern for their workforce as well. We have some tragic history that points to that risk, tragic recent history.

I understand that this is now government policy. I'm not certain and we can't be certain that it's in line with the objects of the amendment bill. We can't be certain. We have had concerns raised with us by our law enforcement advisers, so the three questions the government is now obliged to provide full answers to Council on are -

1. How long is this proposed new licence to be granted for?

2. What does 'near' mean, because in Tasmania, if you live in Evendale, you live near Launceston, so what does near mean in the context of this amendment, and

3. How does the government respond to the concern raised by Tasmania Police that the drafting is too wide and that it will allow for applications for category C licences from persons who have no other association than being a relative and living near a farm.

It makes the point, this advice, that this amendment will expand the number of categories C firearms in the community. Madam Chair, I hope the Leader can give some really clear and frank answers to those questions.

Ms RATTRAY - Thank you very much and I will do my best with a bit of technology. First, it's not a government policy. It's the government working with the member for Murchison to support the farmers and they have contacted and there's been those versions right through, from 1 through to 7 to make sure that it fits with some comfort around that. The government is satisfied that if this amendment is read in conjunction with the existing section 40, that it is supposed to be 'near' and 'in the business of farming'.

We also have some advice from OPC. The link to the activity on the land is actually within paragraph b) of section 40, which requires the applicant to: [TBC 3.19]

> b) produce evidence to the commissioner's satisfaction that he or she intends to use the firearm solely in connection with the suppression of vertebrate pest animals on the land and the destruction of animals to avoid pain and suffering.

An applicant must meet both paragraph A and B of section 40 and the reference to land in paragraph B is a reference to the land used for primary production as referred to in paragraph A.

As for the use of 'near', that was deliberately drafted to be vague so the commissioner could determine if the applicant lived near the land. It would not make sense in the context to have a hard distance that meant an applicant must live within, because that would mean, for example, and this is the example that the honourable member for Murchison also used, that if an applicant who lived 1 kilometre primary production land may be eligible for the licence, but an applicant who lived 1.1 kilometres from the land would not be eligible.

Ms O'Connor - What if they're 10 kilometres away is that near?

Ms RATTRAY - Obviously, the commissioner will use in this case her discretion or the person who's delegated. So, I trust that answers the questions that were posed.

Ms O'Connor - Sorry I just need an answer thanks Madam Chair if I could.

Madam DEPUTY CHAIR - The honourable member for Hobart third call.

Ms O'CONNOR - Thank you. There wasn't any clarity provided in that answer about the matter raised by Tasmania Police in the advice that says this creates a new type of licence but does not say how long the licence will be granted for, perhaps the Leader could just address that part of the question.

Ms RATTRAY - I will attempt to have a response to that. Thank you.

Madam Deputy Chair I don't have a firm answer on what the licence time frame might be but under the Firearms Regulations of 2026, 17 - Period of Licence, there are various categories and they have various years or timeframes connected to them. For instance, for the purpose of section 45 H of the act, a Category A B or H Firearms Licence may specify that the licence is in force for the period of:

a) Three years from the date of issue or
b) Five years from the date of issue.

Then it goes on Category C Licences is to be granted to a person who is a primary producer may specify that the licence is in force for the period of:

a) 3 years from the date of issue or
b) 5 years from the date of issue.

So, there are limits. There's another category as well, Category C. Category C firearms are granted for a person who is employed or engaged in the business of primary production and is in force for the period of 12 months from the date of its issue, so there are already various timeframes in place.

Ms O'Connor - Will this be set by regulation?

Ms RATTRAY - The government would anticipate, for this particular category, that you would use, for the purpose of section 49(b) of the act, a category C firearms licence would be for a period of 12 months from the date of its issue. So, they're already quite well articulated in those regulations.

Ms WEBB - Madam Acting Chair, I rise to speak on the amendment. I thank the member for Murchison for the work she's done on the amendment. I have no doubt there's an issue to be addressed that's been identified and clearly does affect some members of our primary-producing community. I appreciate the extent of the work done within the constraints of the time and circumstances available to try to make best efforts to put forward an amendment for us to consider to address that issue as carefully and thoughtfully as possible, and with as much targeting in the constraint. My issue here, and the reason I'm not going to be supporting the amendment, is that I don't think that's sufficient, given what we're proposing to do, the concerns raised by TasPol in relation to this and their advice not to support these amendments.

Just as we hear mentioned in relation to other proposed amendments, there's numbers in this amendment that have been put forward without any particular justification or policy work in a substantial way behind them. We still have some uncertainty around numbers like length of licence period, for example. Just because there are licence periods specified for other sorts of licences, it's not specified in relation to this one. We can't make an assumption necessarily that the others carry across. That's not clear. The police don't think it's clear.

We also haven't had anything to help us understand the extent of this problem or, perhaps, to consider whether there's a range of ways of addressing the issue that exists. Again, in no way do I want to suggest that we shouldn't be looking to provide ways for our primary producers to be able to undertake the activities they need to undertake for the purposes of their business, and for family members to be able to assist in that. But we simply have not had this looked at from a policy perspective in a clear way to identify that issue, to identify options and to bring that forward into particular amendments or proposals in legislation that give effect to what has been identified as the best option.

There's no reason this can't be looked at properly in a separate process and, potentially, done in quite an expedited way if that's required. It is not something I think we should rush into via an amendment that, despite all best efforts - and I acknowledge the intent and good efforts made. But despite all best efforts, we haven't had the time and resources to put in the proper policy work behind this amendment. I bring people back to the fact that we're talking about a firearms bill, we're talking about a bill that requires, in its objects, that we put public safety, a public health approach at the front of it, and we have advice from Tasmania Police to say they don't support these amendments. That should give us all pause. It's absolutely a situation where we can say, 'Let's wait and see. Let's actually have a process that looks at this properly'. It could be quite a tight, expedited process, whether that's through an inquiry process, whether it's something that's facilitated through the department. Whatever it might be, it can be a fairly tight process, and we can address it in another piece of legislation when the problem is identified clearly, documented and quantified, and we've looked at different options, when we know that Tas Police have been able to provide input, and other stakeholders, quite frankly.

I know that some farming stakeholders have had input into this amendment, but not the broad range of stakeholders who may wish to necessarily, given the breadth of this act. I'm putting it to members that, on the same basis that you may have felt uneasy supporting other amendments, exactly those same potential misgivings would sit around this one. That's not a comment on the intention of it, or perhaps the eventual giving effect to it in some way legislatively. It's not a comment on the work done by the member putting it forward. I acknowledge all those things. But this is not something to rush forward on, particularly in the face of advice from Tas Police saying that we shouldn't support it. On that basis I won't be supporting it. I would absolutely support it being looked at in an appropriate process, and an expedited appropriate process at that.

Ms GLADE-WRIGHT - Madam Deputy Chair, I understand the practical concerns that lie behind this amendment. Family farms may rely on people outside a formal employment relationship to help manage pests, and I do not dismiss that reality. I acknowledge, as well, the member for Murchison. I admire the way she listens really carefully to her constituents and then seeks practical solutions to the issues they raise. I accept that this amendment is a genuine attempt to respond to the concerns of farming families. However, I remain concerned about the overall reach of this provision. I have a question about whether a person could hold licences connected to several different properties and, therefore, acquire more than one firearm through this pathway. I am getting a headshake, but maybe I will let you answer that.

Ms Forrest - I will answer that question.

Ms GLADE-WRIGHT - Thank you. I'm also concerned about what happens when the underlying arrangements end, so if a property is sold, the primary producer's licence ends,

permission is withdrawn or when the associated licence ceases, and who is responsible for notifying Tasmania Police.

I accept that an unpaid spouse or adult child who genuinely works on a family property should not necessarily be excluded because there is no formal employment arrangement. But my concern is that this amendment goes considerably further than solving that problem. The words 'relative' and 'provides services' potentially capture a much wider group of people. Whilst there is a definition of 'relative' in section 29, it is still incredibly vague. It includes 'lineal ancestors', which in a place like Tasmania, could almost include everybody.

Ms Forrest - Are you reflecting on my electorate?

Ms Webb - All of our electorates.

Ms GLADE-WRIGHT - Does a relative have to demonstrate that they are regularly and genuinely involved in managing the property? Or are the family relationships and living on or near the property sufficient? Because of these questions, I am a bit nervous about supporting this amendment. A person can provide services as - oh, another point, a person can provide services as a paid independent contractor without being an employee. Depending on how this provision is interpreted, it could potentially include fencing contractors, harvesting contractors, spraying contractors, all those sorts -

Ms Forrest - No, it can't.

Ms GLADE-WRIGHT - No? I'd like an answer then to that, because that is something that was raised in correspondence.

Ms Forrest - Say that again, what was - ?

Ms GLADE-WRIGHT - It is to do with how 'and the services that are provided' is interpreted.

Ms Forrest - In vertebrate pest suppression and control.

Madam DEPUTY CHAIR - I will allow the - no, that's fine. I think it's fair, though, that you get the actual question.

Ms GLADE-WRIGHT - That they're 'providing service'. So, what exactly does that mean?

Ms Forrest - Within the confines of that.

Madam DEPUTY CHAIR - If you could just reclarify, so you're clear with that, member for Murchison?

Ms Forrest - If there's further questions, the member can ask, yes.

Ms GLADE-WRIGHT - Thank you. As I said in my second reading contribution, my approach to this bill is about risk reduction. I absolutely accept that genuine farming needs should be accommodated, but any expansion of access to category C firearms should be treated

with caution. At the moment, I'm not convinced this amendment fits in with my public health and safety, and risk reduction arguments that are in support of the caps.

Mr GAFFNEY - Madam Deputy Chair, I rise to support the amendments, and I congratulate the honourable member for working so hard to get it to this stage. I also acknowledge and recognise whilst I'm in Devonport and Latrobe, which we consider it urban, it's fairly rural around the place and people are sort of really interested in this bill. I've met with, obviously as we all have, Tas Farmers and different recreational groups.

My issues to be raised at this stage is to the honourable member and the government and it's actually been raised with me this morning. It's not something I would probably stand up to speak about here, but the second reading opportunity has gone, so I'm going to raise it and hopefully, the honourable member or the government may like to reflect on the requests that have come from a different group and actually have a good point of view. I'm supportive of the amendment, but I'm going to raise this on behalf of this group to put it into the mix. It should be recorded on *Hansard* and should be considered.

It comes from recreational hunters believe that they should have access to category C because persons are already judged the same way regardless of the category. Every applicant is assessed as a fit and proper person under the same test in the Firearms Act Criminal history, likelihood of unlawful use, mental and physical condition, ability to control firearm, family violence orders and the rest. There is no higher personal standard for category C. Therefore, recreational hunting and vermin control is already a genuine reason.

Hunters who hold landowner permission to do the same practical work primary producers do, that is controlling feral animals and dealing with wounded game. The only real difference is the letter on the licence, not the risk or the outcome on the ground. These actions are manually operated; they are not semi-automatic. A quicker follow up shot in the thick scrub or on a moving animal reduces the chance of a wounded animal escaping and suffering. That is animal welfare and effective pest control. Primary producers already get category C access for that work.

He goes on to say - [TBC 3.57]

> There is no evidence that a licenced recreational hunter who has already passed the identical fit and proper test presents a greater public safety risk once they have permission to be on the land.

The reclassification of straight pull and button lever release centre fire rifles and shotguns into Category C does not increase the risk to public safety. These firearms have been lawfully owned and used by licenced people for years without evidence they create a greater risk than conventional bolt actions when held by people who have already passed the licencing tests.

The change is driven by national pressure rather than any demonstrated Tasmanian problem with these actions in licenced hands. It restricts people who follow the law while doing nothing to stop criminals who ignore it. Other measures in the bill that target theft and the illicit market address the actual problem. Reclassifying lawfully held firearms and then denying access to the people who already meet the same standard as prime producers does not, and so therefore they ask that they move an amendment to expand category C eligibility to include recreational hunting or vermin control, subject to the existing need permission and storage

equipment and some conversations or comments earlier about this is a health and safety. If the person has undergone the test, has been given the licence to use this sort of rifle or this sort of firearm, surely just because it's a different category of firearm that person shouldn't have to undergo another test or is not eligible just because they're not one of the ones connected to the farm, even though they may be there for vermin control, whatever.

I understand the need from the honourable member, but I think this category of firearm owner has a good case. They've already met the highest bar and now he's saying, oh yes, but you don't live near or you're not part of, even though you do the same sort of work, so therefore we're not going to give you that licence for no other reason. It doesn't seem to make sense to this group. They asked me to do an amendment. I said I wouldn't because it just came this morning. That's not how I operate.

Ms Forrest - That was my original amendment almost. I will speak to this.

Mr GAFFNEY - I'm pleased that the honourable member can speak to it because then the people who have contacted me will hear why that has occurred the way it is. I'm pleased to have been able to put that on the record -

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

FIREARMS AMENDMENT (STRENGTHENING FIREARMS SECURITY) BILL 2026 (No. 30)

In Committee

Resumed from above (page xx).

New Clause B

Madam DEPUTY CHAIR (Ms Armitage) - Honourable member for Mersey, I believe you are on your feet.

Mr GAFFNEY - Thank you, Madam Deputy Chair, I've finished.

Madam DEPUTY CHAIR - Thank you. The question is new clause B be read the honourable member for Rumney.

Ms LOVELL - Madam Deputy Chair, as other members have identified, this is clearly an issue. It's an issue that may need some kind of resolution in the legislation. I appreciate where the member for Murchison is coming from in terms of trying to come up with a solution for a group of people that are impacted by this new legislation and particularly the reclassifying of firearms. I am also mindful of the fact that the bill - and the government can correct me if I'm wrong, the bill did contain grandfathering provisions that would have enabled people who were in this circumstance to be able to continue to use these particular firearms. Those provisions were removed in the House of Assembly by way of amendment.

Ms Forrest - But that was all category C, not -

Ms LOVELL - I beg your pardon?

Ms Forrest - It was broader than this.

Ms LOVELL - Well, it was category C, so it was, yes, because the firearms are being reclassified, there was a grandfathering provision that would mean that people who had licences and held these firearms currently, and were able to under the current legislation, would have been able to continue to do so. If I understand your argument correctly, member for Murchison, that's where this group of people fall: people who prior to this bill would have been able to access this particular firearm type -

Ms Forrest - And others.

Ms LOVELL - But we're talking about this particular firearm type in relation to this amendment - this particular firearm type to undertake this particular work in these circumstances. I am mindful of the fact that those provisions were removed in the House of Assembly debate, and that was a position that we supported.

I have had concerns with this amendment from the beginning that it feels like we're trying to - and I understand why and I'm not saying we shouldn't, but it feels like we're trying to legislate for a very niche set of circumstances and a very particular group. And that might mean that that particular group is quite a small group of people. But we don't know, we don't have that information. If the member for Murchison is able to provide any more information around the scale of this, that might be helpful.

I also think I probably would have felt a bit differently about this had there been support for caps on firearm ownership in the Chamber, which there wasn't. I accept that. But I think that might have made me feel a little bit differently about this because this amendment will open access to this firearm type that has been reclassified into category C to a group of people - on top of whatever other firearm licences they have. We know that our position on that has been that, currently, without caps on other licence types and other firearm types, setting aside category C, that means essentially there's no limit to the number of guns a person can hold provided they're able to meet all of the requirements as determined by the commissioner.

I did have some concerns that I share with other members, the questions that have been raised. I hear what the government is saying in terms of category C licences being for a period of 12 months. If I can just confirm without doubt from the government that that is where these licences would fall; they would be considered category C licences and they would, therefore, be for a period of 12 months? I have the similar question to the member for Huon, and I suspect the member for Murchison will address this, in terms of what happens if the circumstances change? If, say, someone obtains one of these licences and this firearm, is engaged to do this work on this particular land at the beginning of that 12-month period, but they only do it for a couple of weeks or they only do it for a month, do they then hold on to that licence for another 11 months without having to meet the requirements of this?

I did want to make a comment, too, on something that other members have raised. That's in relation to the advice we've had from the police. As others have said, it's really given me pause for thought. Having received that advice so late in the piece this morning has made this difficult. I know the member for Nelson had been asking for this advice for some days. We only received it this morning. Putting aside where we land on this amendment, I find it

extraordinary that we're dealing with a bill on firearms where the police are responsible for all of the enforcement and other than licence holders and firearm owners, are the other group of people who are most impacted by this bill and how it operates. We have, on two occasions, had advice provided by the police that the government has chosen to act against. I find that really concerning. I find it extraordinary, actually, particularly when the government doesn't seem to be able to make a particularly strong argument about why that advice is wrong or not necessary, or not accurate, or why what this amendment will achieve should outweigh that advice. I'm still interested in hearing a bit more from the government on that in terms of how they see this operating and why they think that advice from the police is not worthy of consideration, or not worth listening to.

They are the questions I have. I do have reservations about this, but I will listen to the debate as it continues and listen to the answers because I'm genuinely trying to work my way through this and get that information to help inform the decision. But I would like answers to those questions.

Ms FORREST - Madam Deputy Chair, I'll try and address all the matters in the time I have. In broad terms, initially, and then I'll go to some specific questions, the current situation is that recreational shooters and those involved in primary production can have access to a range of firearms in category C as well as - that's right isn't it, or not? They currently have access to firearms that will be in category C. Currently, according to the farming community and recreational shooters I've talked to, they predominantly use straight-pull, centre-fire firearms. The difference between those, as I understand it - I'm no gun expert, but I've asked the experts - a straight-pull, centre-fire firearm is one you would use when you need to shoot a distance. This is for animals that are a long way off; you want to be accurate and you want to make sure you're going to shoot to kill and do it in one shot. That's the ideal from an animal welfare approach. The - and I know I will be corrected if I'm incorrect in this - that the straight-pull, rim-fire firearm is not category C, it's still in the lower categories. Straight-pull is the same sort of mechanism, but the rim-fire doesn't go as far. It's used for smaller animals - a different purpose.

The reclassification - which I'm not opposing, in that a lot of these guns should be in a higher category with higher storage requirements, and all the requirements that go with getting a category C licence - has changed the way that those engaged in primary production can operate. Going to the member for Mersey's point, maybe directly first, is that particular individual who represents a group of recreational shooters would like access to a whole range of firearms that currently aren't in category C but soon will be. They've gone through all the tests, they've already proved themselves with these firearms in that they've used them safely and effectively and haven't done anything they shouldn't with them. Originally, it seemed like an easier solution just to make it like that, for the recreational shooters and those involved in primary production. But that was never going to fly.

Most of the recreational shooters and the primary producers and their adult kids who shoot on farms don't want button release; they don't want pump-action shotguns and things like that. They just want to continue to use the straight-pull centre-fire, where it's an appropriate firearm for the job. They can still use their rim-fire straight-pull for that job. They'll still be able to do that. It's just that this particular firearm was used for larger animals, and further away, where you want to do a proper job of it. That's the reason that we moved down that path, to try to limit it to just that particular firearm that's been re-categorised. We're not creating a whole new approach here. These people have already been using these firearms; they haven't

been doing the wrong thing with them. If they haven't been storing them correctly, that's a different point. But now, these firearms will be in category C, regardless of what happens here. That as I understand it, and the Leader can correct me if I'm wrong, that these farms require higher levels of security and storage. As soon as you have a category C firearm, your security and storage requires another step up. That will apply; that will still apply.

I think, rather than saying, 'We're creating this whole new opportunity for people,' - no, we're not. We're providing an opportunity that they currently use, that's an important part of animal management, animal welfare, and crop protection, and vertebrate pest suppression and management on the land. That's what it will do. As far as this being a policy shift, well, yes, a policy shift has been made by the government right now, based on incidents in Bondi - the very tragic incidents in Bondi - that have a disproportionate impact on one sector of our community that we rely on for food that they produce and for the animal welfare that goes with some of that. If we look at that issue, it's not suddenly, giving a whole bunch of people access to a new set of firearms. They've already got them. It just means that some of these people won't have to give up a small number of what will be category C, like straight-pull centre-fire firearms. They will be able to keep them, provided they meet all the other requirements. Not only that, they'll have to have an arrangement with a primary producer, to use it only for crop protection or vertebrate pest suppression and animal welfare, on the relevant land, which is the land owned by the landowner that they've agreed with. And the size of the property, the 800 hectares, was based on looking at the average size of farms, talking to the prime producers who have large farms; larger farms tend to have more paid employees. When we originally looked at it, I had 10, but they said, 'No, no, we don't need that many, we have paid employees as well. We do use these recreational shooters, but five will be plenty.' It was around seeing how big the property is, and the smaller ones, they don't have to pay as many people, and they rely on their family to help with that task. That's the reality of it. It was on advice from TasFarmers who know the rural properties in the whole state as to how that was arrived at. You can say it's an arbitrary figure, it probably is, but it was based on evidence from people who know the land, know the size of the farms, know how they operate.

The question that member for Rumney asked about grandfathering, it's still requiring the category C requirements for that firearm. There will still be all the tests that everyone's has to go through. It'll still be the highest storage requirements and all that sort of stuff. It means that the people who are currently using straight-pull centre-fire firearms who do it on a particular piece of property, now they'll be much more restricted, on a particular piece of property with the approval of the landowner for that purpose as long as there's only three on a small farm, and up to five on a larger farm, then they can use it for that purpose. Now they can - and going to the member for Huon's question about whether you can use have one for each farm. No, if you can get approval for three farms; on Farm No 1 you might be one of the people out of two or maximum three. On another farm you could also be that person, the same farm. You have to store it; you have to secure it. You have to keep it safe, like you would if you had other another firearm of the same category. That's how it has to be stored. Most people, as I understand it from talking to people who own firearms, I'm not one of them, if you have category A and B firearms and a category C firearm, because you're entitled to do so, you store them all together because it's much more secure and they're all together. There are much more rigorous requirements around that.

Madam DEPUTY CHAIR - You have 1.5 minutes left.

Ms FORREST - I wanted to speak about the police advice.

Madam DEPUTY CHAIR - You do have a third call.

Ms FORREST - I know. I know the police don't support me. Maybe I'll use my third call to talk about that. There was another question that someone had, and I can't remember what it was.

Mr Gaffney - Member for Huon, about services.

Ms Lovell - Circumstances changed if they stop. If they're given a licence to only undertake that work for three weeks, say, do they get to hold on to that licence for the rest of the 12 months?

Ms FORREST - Right, if they've been approved for holding it and they kept it securely and did all the right things there would be no reason why they wouldn't. I know my time's run out.

Madam DEPUTY CHAIR - No, you still have a minute left. I stopped while the other member was speaking.

Ms FORREST - Then they would have to reapply in the next 12-month period. If it's a recreational shooter, while they have that permission from the landowner, they are one of those three say, and so the farmer is then limited of how anybody else they can get on there. As far as the question about people providing services, you have to read it in context of the whole provision. You have to read it all together, as well as with section 40 of the principal act. It relates directly to the land for the suppression of pests and animal welfare issues. If that person was also doing fencing, they'd have to still have met all the requirements. There'd only be one of those one people that would be able to do it. If they were doing both jobs, that's fine, but they're not someone who's coming into the bit of fencing and shoot a few pests on the way, they've still got to meet all those other requirements.

Madam DEPUTY CHAIR - Your time has run out. Do you want to sit down and receive someone else to speak?

Ms THOMAS - Madam Deputy Chair. My question to the honourable member for Murchison is in relation to the national reform agreement. There are there have been elements of that national agreement relating to category C licences. I was wondering if you've considered all -

Ms Forrest - What was that, sorry?

Ms THOMAS - The national reform agreement that states have signed up to. Can you explain if there's any implications in your amendments to what's been agreed through the national reform agreement, or does it sit outside of what's been agreed?

Ms O'Connor - The National Firearms Agreement?

Ms THOMAS - Yes.

Ms FORREST - Just to go direct to that question from the member for Elwick, I'm not aware that there is. That would be a matter the police or the government would perhaps be aware of it. But it is very contained, very narrow in its application. If I can go to the police response, I absolutely respect and value the police view on this. It's not that I have any disrespect here, and I hope that is absolutely understood. I'm trying to do a job on behalf of my constituents, and many others in Tasmania, here. When you read through the advice - and I think someone read all of it, they've confirmed that this is very narrow. It's contained. It creates a new category where someone can be engaged in primary production but it doesn't open up a whole new ballpark and enable a whole range of new people to access these sort of firearms - one type of firearm, without going through the fit and proper person test for being limited to one firearm of that nature and on a particular property at the approval of the landowner. There are limits on that as well.

The issue with family members is to acknowledge this is how family farms work. They're different in other states. You have those really big corporate farms in other states, which are run very differently. We have a lot of family farms. A lot of them are soldier settlement farms after the war. A lot of them have been bought - you know, the farmer will buy the farm next door and then the farm next door, and they gradually expand. But it's different in Tasmania. We need to bring in legislation that suits the needs of Tasmania. There are tight restrictions. Going to the question of 'near' and I know that I read it out originally - the Leader read out something very similar, if not the same, about that question. It's up to the commissioner, as the commissioner does now, to make a determination if someone has a genuine reason for needing that firearm. If they're assessing it under this provision, they'll have to say: 'Well, you show me the evidence you're related, show me the evidence that you've been shooting on this farm before'. They probably already have the actual firearm in question, or others that they've been doing it with. And you can easily show a connection by relationship, except perhaps on the north-west coast, where we're all related, but there are limits to that, with all due respect to my constituents. When I discussed this with OPC as well, if you try to prescribe something down to a particular kilometrage, when we know that some of the family farms can be across the road and down the valley, but they're still owned by the same person, or owned by the brothers or the parents and a son or daughter, that's how it works in Tassie. We have to be able to deal with that.

Was there another question the member for Huon asked that I haven't responded to?

Ms Webb - Services other than as an employee.

Mr Gaffney - She's done that.

Ms Webb - Oh, did she? Okay.

Ms FORREST - There is no perfect solution here. We're reacting to the tragic events of Bondi, and we know how awful that was and how we never want to see that thing again. But there had been a range of failures that led to that point. What we're trying to do here is ensure that property owners, farmers, primary producers can do their work in a way that they have done that gives them access to the appropriate tools for the job. People want to talk about road safety and stuff like that - and we experienced a bit of this last Friday, actually, which was sort of pleasant, but not. If we were told today that we had to do our job without a computer, without a phone, without access to internet, the critical tools for our job, how would we get on? These are critical tools for the job in a very confined and restrictive manner. It's intended to be very

narrow, it's intended to be specific, with a focus on public safety. And to say there'll be more guns coming to the community because of this is not true because these people already have the guns. Some of them will be able to keep them. Many of them won't. The only ones who will, will be those who are acting to support a farmer grow the food we need and manage animal welfare that we need, and do the job that they do and actually make a living. If you don't appreciate how hard it is on farm, maybe you should go and spend a little while there because it is hard work, and it's never easy. That's why they'll always get people to do something for nothing when they can, speaking from experience. I hope that's answered the questions.

Ms RATTRAY - A couple of points of clarification and I've certainly been listening to the contributions. In regard to the clarification from OPC, the honourable member for Murchison provided her version and I read it off a piece of technology here earlier, the clarification from OPC came after police had given the advice being referred to during the debate. That's for clarity. The government did listen to the advice, but the restrictions in place with the amendment have satisfied the government that the risks are minimised. These firearms, but for the reclassification - and this has been again articulated by the honourable member for Murchison, would have been already available to these shooters. Applicants will still have to apply and be granted a category C licence, and apply for and be granted a permit to acquire the single straight-pull allowed under this amendment. And under section 3(c) of X, firearm owners will need the written permission of the primary producer, which we've already stated, and the licence is tied to that permission and to that land. If that permission is withdrawn or the land is sold, et cetera, the grounds for that licence are gone, the shooter would not be licensed and the firearm would need to be seized or surrendered.

In the Firearms Regulations of 2026, 17(3), specifically deals with primary producers and their employees, and will only grant a licence for 12 months. The length of that licence is for 12 months. So, it would be presumable that it would be a 12-month licence. I hope that's clear.

Ms LOVELL - Madam Deputy Chair, I thank the member for Murchison and the Leader for those responses. But the Leader still didn't answer my question around the advice from the police.

Ms Rattray - Yes, I did. I said that the clarification from OPC around this amendment came after.

Ms O'Connor - We never saw that. Did we see that?

Mr Hiscutt - It was read out.

Ms LOVELL - We haven't seen the clarification. My question was, why is the advice not worth listening to, or outweighed by the benefit you think this amendment would deliver?

Ms Rattray - I did say that the government did listen to the advice.

Madam DEPUTY CHAIR - Perhaps the member for Rumney can ask her question and then the Leader can respond.

Ms LOVELL - It does still leave us in the position where I think most of us in the Chamber are acknowledging that this is a genuine issue that needs to be resolved and appreciate

where the member for Murchison is coming from. But my concern remains that the solution, or the potential solution we hear, is not a solution that's supported by the police, that the police still have concern about that, and so perhaps it's not the best way to address that concern. I think we've all acknowledged that it is a real concern and something that we understand there is a group of people who have a very genuine need to be able to continue to access these firearms for the work that they're doing. But it is difficult to support something that where we have advice from the police asking us not to support it, or not asking us not to support it, but saying that they don't support it and raising concerns about it and you know, particular concerns about the way it's drafted.

I know the Leader has responded to some of those concerns. I'm not entirely comforted by that response so I do feel that while this is a very genuine issue and needs further consideration, and I'd urge the government to consider it further and look at how they might be able to work with the police to come up with an amendment that does solve the problem but doesn't leave the same concerns.

It's difficult to vote for something against the advice of the police when we're talking about firearm reform.

Madam DEPUTY CHAIR - The honourable member for Mersey.

Mr GAFFNEY - Thank you. I digress a little bit and give me a little leeway here, Madam Deputy Chair, but I think for people listening at home, and there will be a lot of people listening to this debate, I would just like to highlight that recently this is a very important amendment and the honourable member for Murchison has done a lot of work on this to get it to this place and yet the time constraint that's been put on the member for Murchison is unfair and that was because of a session order we changed in the last six months because she has had to rush her response to something. And it's something that people listening on the outside should be aware of and I think it's something that we need to reconsider or address at a later stage. But I just would like to put that on the record because it's very important that people understand that we also have constraints in this place that sometimes are not for better. So, thank you for your leeway.

Madam DEPUTY CHAIR - The honourable member for Hobart.

Ms O'CONNOR - Thank you.

Madam DEPUTY CHAIR - Actually, sorry member for Hobart, you've already spoken three times.

Ms O'CONNOR - Oh, have I?

Madam DEPUTY CHAIR - Yes, you have.

Ms O'CONNOR - That's alright. Thank you. I'm happy to sit down.

Madam DEPUTY CHAIR - I thought it was a nice try. The honourable member for Elwick.

Ms THOMAS - Thank you, Madam Deputy Chair, I appreciate all of the contributions of members on this amendment and as other members have noted, the hard work member for Murchison has put in and the consultation that she's been undertaking, particularly with the farmers affected by what is proposed here. I appreciate the government information that they've provided in support. I think the member for Romney put it really well. I, like the member for Romney, accept that there is possibly an issue caused here. I'm not sure I feel entirely comfortable with exactly what's proposed in the amendment and I know we've had a little bit of time since we've gone away from when we, in fact, adjourned the debate reported progress for the purpose of actually trying to understand what was being proposed here a bit better and do a bit more research ourselves on what was proposed and consultation. I'm still just not feeling entirely comfortable with it and I wonder if - and I know the member for Nelson has also suggested that there may be another way to explore this outside of making a law here in this place today and I know the member for Murchison has had her third call on this. I wonder if the government has turned its mind to that at all or would if we didn't pass this amendment today.

And if we don't pass this amendment today, it's not incorporated into this bill. What, when will be the time frame, and maybe I should know this, but can you just remind me perhaps when will be the time when this comes into effect and has the impact that the member for Murchison is seeking to address here on this farming community?

Ms Forrest - Just point of objection, if I might, you could always agree to the amendment and then review it as part of the process to see how it actually works. There's two ways of looking at that.

Ms THOMAS - So I guess that that could be perhaps a part of what the government considers. In terms of timing. I guess my question now is to the government, what are the other options here, given there seems to be a rather broad level of concern, not by all members, I appreciate that, but that there is an issue that perhaps needs to be addressed to minimise the impact of what's proposed through approving this amendment. In terms of timing, what other options could be explored? When would this come into effect and have impact and what other exploration could be looked into in between times to look at other ways of addressing this?

Ms RATTRAY - Just seeking some advice, Madam Deputy Chair. Thank you. A couple of matters to respond to. My adviser and I need to have some writing lessons. It's linked to the funding and the buyback. That's still in negotiation obviously after there's a piece of legislation. That will be when things are put in place once that's occurred. There won't be any reclassifying until the buyback is sorted. The timeframe for reclassification is linked to the funding agreement - I got that right.

From the Commonwealth for buyback and when the Tasmanian Government sets up the scheme, the government is not going to proclaim reclassification until the funding is secured and the buyback scheme is all set up. No actual timeframe because there's quite a bit of mechanics to work through prior to that, but I just want to also reiterate here that the government did listen to the advice, but the restrictions in place with the amendment have satisfied the government that the risks are minimised and the suggestion from the honourable member for Murchison by interjection that there could be a review if it's not working, well, that'll be part of the review process. The government is going to continue to provide support to this amendment.

Madam DEPUTY CHAIR (Ms Armitage) - The question is -

That new clause B be read a second time.

The Council divided -

AYES 8	NOES 6
Ms Armitage	Mr Edmunds
Mr Duigan	Ms Glade-Wright (Teller)
Ms Forrest (Teller)	Ms Lovell
Mr Gaffney	Ms O'Connor
Mr Hiscutt	Ms Thomas
Ms Palmer	Ms Webb
Ms Rattray	
Mr Vincent	

New clause B agreed to.

New clause B read a second time.

New clause B made a part of the bill.

New Clause C
New clause C to follow clause 23
C - section 40 amended requirements relating to primary production.
Section 40 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph

(a) be a person who:
(i) is regularly engaged in the business of primary production on land owned, managed or leased by the person; or
(ii) is a relative of the person referred to in subparagraph (i) within the meaning of section 29(2)(a), if the relative lives on or near the land referred to in that subparagraph; or
(iii) is regularly engaged as an employee of a person referred to in subparagraph (i); or
(iv) provides services other than as an employee of a person referred to in subparagraph (i) in respect of land referred to in that subparagraph.

Ms FORREST - Madam Deputy Chair, I spoke to the new clause C in broad terms, but I will speak to it specifically. New clause C amends section 40 of the principal act by inserting a new paragraph (a) to clarify who may access a category C firearm. This includes a person who is regularly engaged in the business of primary production on land owned, managed or leased by the person, or is a relative of that person if the relative lives near or on the land, and we've already had the discussion about what that means, or a person who is regularly engaged as an employee by the person referred to in that subparagraph or, with the limitations as described in the new clause we've just passed, provide services other than as an employee, like

a volunteer or recreational shooter, to the person regularly engaged in the business of primary production on land owned, managed, or leased by that person, that is an unpaid person.

Paragraph 40(a)(i), as it appears in the amendment, that's a person who is regularly engaged in the business of primary production on land they own, manage or lease, and there is no change in that to the principal act.

40(a)(ii) 'a relative of that person who lives on or near that land' is the new provision to enable family members to continue to provide that service of vermin control on their properties or the properties of their family members where it's relevant and where they meet all the other requirements.

40(a)(iii), 'a person regularly engaged as an employee of that person,' which there is no change in the principal act to that.

40(a)(iv) 'a person who provides services in respect to the land other than as an employer of that person, that is, they are not paid.' That's the new provision that we've been speaking about in the previous amendment.

Just to speak particularly on those new provisions, paragraph (ii) recognises that family members living on or near the farm commonly share pest control and the humane destruction of injured stock or other wildlife. It responds to TasFarmers' requests and other requests I've heard as well from family members working on properties to be eligible, particularly for those family members who make their income off the farm, and there are many of those, because often you can't make a living for two families on one farm. Conditions imposed by proposed new section 33A do not apply to these family members.

Subparagraph (iv) covers people who help the primary producer on the land but are not employed by them. The paragraph is framed by the person's relationship to the land and the producer, not by whether they are paid. If these applicants seek a category C licence, they are subject to the per property limit and to one firearm limit, and that's one straight-pull centre-fire firearm, and the use conditions specified in proposed new section 33A. The primary producer remains the centre for every category. Each new provision depends on a connection to a person who is regularly engaged in the business of primary production on that particular land.

The two clauses work together, the one we've just dealt with and this one. New clause C opens the primary production genuine reason to appropriate people and new clause B - section 33A - imposes additional restrictions on the newest group. So, it's not an open category, it's just a narrow, specific category. In every case the applicant must still meet the fit and proper person test and satisfy all other requirements.

The category C, section 31, also requires evidence that the need cannot be met by a category A or B licence. So, the commissioner is not going to grant these licences if the job they need it for can be dealt with by a firearm that's in category A or B. If the job can be done with a straight-pull rim-fire firearm, the commissioner won't grant it. If it can't be done with that firearm, they need a straight-pull centre-fire, then they'll have to make the case - it's not automatic. The commissioner will make those decisions, as the commissioner does now, but there are strict limitations around the number and the application of it has to be on that land with the approval of the primary producer, as described, as we've already debated in the previous amendment.

I urge members to support this amendment because the other one will look a bit silly without it.

New clause C agreed to.

New clause C stood part of the bill.

New clause D
New clause D to follow clause 24 -
Section 46A inserted

After section 46 of the Principal Act, the following section is inserted in Division 7

46A. Non-application of certain general conditions in specified circumstance.

(1) A condition imposed on a licence under section 46(bv) does not apply in respect of a firearm that is located or stored at an address other than the nominated storage location in respect of the firearm for more than 24 hours if -

(a) The licensee has notified the Commissioner in accordance with that condition of the address where the firearm is primarily located or stored; and -

(b) The firearm has been removed from the nominated storage location, in respect of the firearm, so that the licensee may use the firearm, for the genuine reason, for which the licensee may possess, and use, the firearm.

(c) The licensee returns the firearm to the nominated storage location, in respect of the firearm, once the licensee has used the firearm, for that reason.

(2) For the avoidance of doubt, nothing in subsection (1) removes any other requirement under this Act, or a condition of a licence, in respect of the storage, transportation or use of a firearm, while the firearm is used, located, or stored, at a location other than the nominated storage location, in respect of the firearm.

Ms THOMAS (Elwick) - I move that -

New clause (d), circulated in my name, be *inserted* after clause 24, and read a second time.

This new clause inserts section 46(a). Its purpose is to distinguish temporary removal of a firearm, for lawful use, from an actual change of its nominated storage location. I support accurate storage information for Police and the National Firearms Register. Police need reliable information about where firearms are stored, including when responding to incidents. My amendment does preserve that objective. The government has explained that the notification

requirement, included in the existing clause, is not intended to capture ordinary hunting, or competition trips. But the concern raised through consultation is whether temporary secure storage during those trips, is clearly accommodated by the legislation. A firearm may be securely stored at accommodation between activities during a continuing trip. Licence holders should be able to understand their obligations from the legislation. This amendment provides an express exception, with defined conditions.

(1) A licensee must have notified the commissioner of the address where their firearm is primarily located, or stored.

(2) The firearm must have been removed, so the licensee may use it for the genuine reason, for which possession, and use, are authorised.

(3) The licensee must return it to its nominated storage location, once it has been used for that reason.

The amendment therefore does not create an unrestricted ability to nominate one address, while permanently storing the firearm somewhere else. Actual return to the nominated storage address is a condition of this exception. There is no fixed limit of 48 hours, 72 hours or seven days. The exception instead turns on the authorised purpose of removal, for that genuine use, and return to the nominated location. This aims to accommodate trips of different lengths, without choosing an arbitrary duration.

Proposed subsection (2) expressly preserves every other requirement under the Act, and relevant licence conditions, concerning storage, transport, and use. Secure safekeeping remains essential throughout any trip. This is a practical clarification that gives effect to the distinction that government says that it intends. So, I commend this new clause to the committee.

Ms O'CONNOR - A couple of questions for the honourable member for Elwick. Is this a gap that was identified through consultation? If so, with whom? Is there any advice you're able to share from Tasmania Police, for example? Noting that Tasmania Police's advice on this bill has been followed in a patching variable way. Is there any assurance you can give the Council about the consideration behind this amendment, and whether or not the Commissioner of Firearms Services are comfortable with it?

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - The government does not support the proposed new section 46(a), but it acknowledges the honourable member for Elwick, in her endeavours to put this together. The purpose of these amendments is to ensure Tasmania Police has accurate and near real-time information about where firearms are stored. That objective is important because the firearms register is only as useful as the information it contains. If storage information is out of date, the register cannot effectively perform its purpose. That information is important for the administration of the firearms licensing system, and it also assists police when responding to incidents, conducting compliance activities, investigating offences, and executing warrants by providing reliable information about where firearms are likely to be located. Accurate records contribute to the safety of police, licence holders, and the broader community.

Importantly, the notification requirements are directed at the storage of firearms, not their temporary use, possession, or transport. During consultation, concerns were raised that a person

might need to notify Tasmania Police every time they took a firearm hunting, attended a shooting competition, or otherwise lawfully used a firearm away from its usual storage location. That is not the intent of the bill. A licence holder is not expected to notify Tasmania Police simply because a firearm is temporarily in their possession and being used for the genuine purpose for which it is licensed. For example, if a person takes a firearm hunting for several days, the firearm may be away from its usual storage location, but that does not mean its storage location has changed. The firearm is being used, not stored elsewhere. The proposed new section 46A seeks to address the circumstance that is already outside the intended operation of these provisions. It's the government's view that the amendment is therefore unnecessary. I say that with the greatest of respect to the honourable member. Indeed, it risks creating confusion by implying that the notification requirements would otherwise apply wherever a firearm is temporarily removed from storage for lawful use. The government considers the bill already strikes the appropriate balance and it supports the maintenance of accurate and current storage records while avoiding unnecessary reporting requirements for ordinary and lawful firearm use. Again, that's not supported by government.

Ms THOMAS - Thank you, Madam Chair. I appreciate the information provided by the government. It probably answers one of the questions from the member for Hobart in relation to advice from Tasmania Police in that I think it's aligned with what the government's position is. It is disappointing that the government appears to have changed its tune - its position - since last we sat, when it did indicate that it would support all three of my amendments because had I known that it intended not to support this one, I perhaps would have sought to instead amend clause 24, which is the clause that is causing some angst to particularly sporting shooters, which is where this gap was identified in response to the member for Hobart's question. They are particularly concerned that section 46, as amended, as we've approved in clause 24 of the bill, says:

> The licensee must notify the Commissioner in an approved form of any change in the licensee's name or residential address -

Then clause 24 (bb):

> if the firearm is to be located or stored at an address for more than 24 hours, the licensee must notify the Commissioner in an approved form of the address -
>
> > (i) at least 24 hours before the firearm is located or stored at that address; or
> >
> > (ii) if there is less than 24 hours' notice of the firearm being located or stored at that address, as soon as practicable, and no later than 24 hours after the change in location occurs;

The concern is if someone is taking a firearm from Hobart to Launceston for a shooting competition, for a hunting trip, camping hunting trip, what this clause reads is that that firearm will be located somewhere different for more than 24 hours by that registered firearm owner - it won't be located or stored at the registered address. Sporting shooters are trying to avoid, through the amendment that I'm proposing, this having to be tested in the court and risk what they will perceive to be breaching the law. It wasn't exactly clear in the government's response there how that can be read any differently. If the firearm is to be located at an address for more

than 24 hours, if you're taking it up north for a shooting competition or for hunting, it's going to be located at an address for more than 24 hours. By the letter of this law, they will be required to notify the commission. Now that's going to create significant administrative burden if that's the case for Firearm Services. It'll create administrative burden for shooters as well. I note our members might be interested to know there is an Information Sheet No. 29 about conveying firearms and ammunition and it gives, I guess, information to registered firearms owners about what 'convey' means and the requirement for conveying firearms, but that's not mentioned anywhere in this particular section as being any sort of exception to this requirement. So, I'm not sure if the government intends to update this information sheet or should my amendment not see favour how they're going to explain that although it's not written in the law, there appears to be an exemption or an exception if you are locating your firearm somewhere else for more than 24 hours you don't have to notify the Commissioner because that's not what this says and that's the concern. Registered firearm owners want to do the right thing. They don't want to risk falling foul of the law. They are concerned about the way this is written, which we cannot amend now, not at this particular time anyway. They are concerned that they will fall foul of the law and so I urge honourable members to support this amendment.

Madam DEPUTY CHAIR - The honourable leader.

Ms RATTRAY - Thank you. Government appreciates you raising the fact sheet and that will be updated, Madam Chair, as you know, once the bill passes with all the relevant information so that if it's Fact Sheet 29 or whatever it might look like, so that people know clearly how to comply.

Madam DEPUTY CHAIR - The honourable member for Rumney.

Ms LOVELL - Thank you, Madam Chair. Sorry I've just dropped something.

I just would like some further clarification on the question the member for Elwick asked then that I don't think was answered. I apologise if I missed it, but I appreciate we're talking about a different clause now because it linked to this amendment, clause 24 in the bill.

It's just clause 24(B)(b) - so the question that member for Elwick raised and I know she's only got one speak left on this amendment, so I didn't want to jump in and ask this question myself. If the firearm is to be located or stored at an address for more than 24 hours, the licensee must notify the Commissioner in an approved form of the address and then it's stipulated when.

Does that mean that people who the member for Elwick's amendment is intended to cover, so people who might be taking their firearms on a hunting trip or a sporting shooter taking their farm on a sporting trip, do they need to notify the police - the Commissioner, I'm sorry - about where that firearm is going to be stored for the purposes of that trip or during that trip if the trip is longer than 24 hours? That's the question that has sparked this amendment.

Madam DEPUTY CHAIR - The honourable leader.

Ms RATTRAY - Thanks, Madam Chair, I have some further information. If a person is undertaking a trip and the firearm is remaining in the person's possession, then 46(B)(b) does not apply.

If the person stores, locates or stores the firearm overnight, then the requirement under 46(B)(b) is not activated.

Excuse me, I think there's some bugs around, Madam Chair.

Madam DEPUTY CHAIR - Keep them over there.

Ms RATTRAY - Persons travelling, conveying firearms, storing or locating them for less than 24 hours does not activate the reporting requirement. The rule applies when a person no longer has possession of the firearm and it is for longer than 24 hours. Correct, a person who is taking a firearm on a hunting or sporting trip does not need to notify the commissioner unless the place of storage becomes static for more than 24 hours and not in the owner's position.

Ms LOVELL - If I can just clarify, because what I thought I heard you say there is that if the firearm was in a location for longer than 24 hours, they did have to notify the commissioner. I think what you're saying is if somebody takes a firearm on a trip and it remains in their possession, so say they're camping for a week and they have met whatever requirements they would normally need to meet on a camping trip with a firearm, it's longer than 24 hours, does that mean it's still in their possession if they're storing it as they're required? So just for the avoidance of any doubt, I can see nods, which I hope will satisfy the people that have raised this issue with the member for Elwick. If you're a sporting shooter, recreational hunter, whatever purpose you might have to be travelling or with the firearm or take it away from its normal place of storage and you're meeting all the requirements that are currently the requirements, that you don't need to notify the commissioner of that, even if it's longer than 24 hours. It's not, I guess, the new permanent place of storage.

Ms RATTRAY - I will just provide that clarification. Thank you for your patience, honourable members. No requirement if the firearm is in the person's possession. Ms Lovell is correct. She has correctly stated the camping and travelling situation. Thank you for assisting honourable member.

Ms LOVELL - Thank you.

Madam DEPUTY CHAIR - Honourable member for Elwick, third call.

Ms THOMAS - Thank you, Madam Chair, I appreciate that being placed on the record, but is it prescribed anywhere that that's the case, that if the firearm remains in someone's possession, that notification requirement doesn't exist? Is it prescribed in the bill anywhere or in the existing act anywhere? If it's not prescribed in there, is it in regulations? If not, what is the risk associated with prescribing it? What are the potential unintended consequences that could occur? What's the harm that can be done by actually making it explicit through the amendment that I'm proposing?

Ms RATTRAY - Furthermore, the firearms owner must still comply with the conveying and storage requirements under the act, so they're already prescribed under the act.

Mr HISCUTT - Just wondering if the Leader could provide where in the act, they may be?

Ms RATTRAY - I will get my advisers on to that. They are actually in the regulations. I can even tell you exactly where.

Mr Hiscutt - You're good.

Ms RATTRAY - It's under (10) storage of firearms and firearm parts by licence holders, and there's a number of areas 1, 2 A, B, C, D, E, F and then 1, 2, 3. There's a whole range of them and it's Part 2, storage and safety requirements, (14) safety requirement for conveying other firearms.

Ms Thomas - I didn't hear any unintended consequences, but I appreciate I've had the third call.

New Clause D negatived.

Madam CHAIR - We will just now go to the next new clause. The honourable member for Rumney is not moving hers. So, we now have new clause D. And it is the new clause D because the previous clause D was defeated. New clause D, the Leader's amendment.

New Clause D to follow Clause 43
Section 108 Amended Inspection of Firearms

Ms RATTRAY - Madam Chair, I move -

That the new clause D be now read a second time.

I'm voting against clause 36 and inserting a new clause to amend section 108, inspection of firearms. The Act currently provides two sections that consider the inspection of firearms by a police officer. These provisions appear at section 82, relating to inspection of registered firearms, and section 108, relating to the inspection of firearms that are carried. The bill provides, at clause 36, to insert an additional section, 82A, that would relate to the inspection of any firearm and is broader than section 82. This was intended to capture cases where a person may not be the registrant, or a firearm may not be registered. The government has reviewed this section of the bill and considers that having three sections that deal with the inspection of firearms can be confusing, and proposes this can be simplified by amending existing section 108 to apply to any person in possession of a firearm. 'Possession' is a wider definition and inclusive of 'carry'. If this council accepts this proposition, then the insertion of section 82A would not be required. This proposed change will consolidate and simplify the relevant sections, and provide clarity for police officers undertaking their duties. This is about now reflecting the change in section 108 of the bill so that police may demand the production of a firearm for inspection when that firearm is in a person's possession. I urge honourable members to support the new clause D.

New Clause D read the second time.

Title agreed to.

Bill reported with amendments.

[5.45 p.m.]

Ms RATTRAY - Mr President, before I move that the bill, as amended, be taken into consideration tomorrow, I'd like to acknowledge the work of honourable members in the course of this. I know that it was said earlier that when you start something and then you have a break and then you come back to it, you've got to get your head back in that space. I really acknowledge the work that everybody has put into working on the Firearms Amendment Bill. So, a heartfelt thanks. Mr President, I move -

That the bill, as amended, be taken into consideration tomorrow.

Motion agreed to.

TASMANIAN COMMUNITY FUND AMENDMENT BILL 2025 (No. 55 of 2025)

Second Reading

[5.46 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, as the advisers leave the Chamber, I'd like to also place on the record my personal thanks for their support during the course of that bill.

Mr President, I move -

That the Tasmanian Community Fund Amendment Bill 2025 be read a second time.

Firstly, on behalf of the government, I would like to acknowledge the outstanding work undertaken by the Tasmanian Community Fund. Most of us know the Tasmanian Community Fund as the TCF. The Tasmanian government is committed to ensuring accountability of the Tasmanian Community Fund and its processes. To this end, the government is proposing targeted amendments that provide enhanced transparency and community confidence in the governance, decision-making structures and processes of the Tasmanian Community Fund. The amendments address several issues and concerns identified in the Auditor-General's August 2024 report, 'The Tasmanian Community Fund Referendum Support: an assessment of grant funding to Australians for Indigenous Constitutional Recognition Ltd'.

The amendment bill before us seeks to improve the rigour and transparency of the statutory framework that applies to the operation of the Tasmanian Community Fund through requiring the Tasmanian Community Fund board to: conduct and document due diligence; adopt a better practice grant management framework; provide regular guidance, training and clear direction to assist with remaining apolitical and impartial; and, finally, adopt better practice record management. The amendment bill provides explicit direction that Tas Community Fund board must undertake actions apolitically and must act in a professional and impartial manner in performing its functions and exercising its powers more generally. As 'apolitical' is not defined under the *Tasmanian Community Fund Act 2005*, the ordinary dictionary meaning is referred to. This defines 'apolitical' as 'having no interest in political issues and not involving obligations to a particular political party'. It's believed this amendment will provide greater public confidence in the Tasmanian Community Fund and an understanding that the TCF board's duties will remain apolitical and consistent. This, it is

hoped, will help in consolidating the important role the TCF board holds within the Tasmanian community.

The amendment bill makes it explicit that the TCF board is to comply with the requirements of the *Archives Act 1983* and the *Audit Act 2008*, ensuring accurate and accountable record-keeping is maintained, as should be expected. The inclusion of this amendment highlights the importance of accurate record-keeping into the future. Importantly, the amendments ensure that the TCF is complying with a contemporary, best-practice, grants management framework.

As required under the *Public Accounts Committee Act 1970*, the amended bill highlights that public funds, provided to the TCF Board, for the distribution of grants, are considered grant expenditure. This amendment allows for these grants to be scrutinised by the Public Accounts Committee - more work for the Public Accounts Committee, Mr President - as, and where, it is considered necessary and appropriate. This will provide rigour surrounding TCF Board process and peace of mind that public funds are appropriately expended.

The amendment bill seeks to enhance the grants management process of the TCF, on an ongoing basis, including the need for the TCF Board to conduct an independent, external audit of its compliance with its grants management framework, every four years. It will also enable the public to be consulted on the Tasmanian Community Fund's strategic plan and ensures accountability by directing the TCF Board to prepare, publish and annually report against the strategic plan.

The principles of these amendments strengthen accountability and build an important framework for the expenditure of public funds by the TCF Board while ensuring they remain apolitical, independent and transparent. The proposed amendments do not seek to limit the independence of the TCF Board, rather, they are intended to explicitly articulate the parliament's expectations in relation to the prudent and appropriate management of public funds the Tasmania Community Fund administers on behalf of the Tasmanian community.

These amendments bring the board's accountability and governance obligations into line with those of other statutory boards with similar responsibilities for public funds. In essence, the Tasmanian Community Fund provides a service to the Tasmanian community, and the proposed bill will allow the Tasmanian community to have more oversight and input into the functions of the fund, its board and the way it distributes grants to the community. This amendment bill will enable the conclusion of matters in relation to the Auditor-General's report, and I commend the Board for actioning the recommendations stipulated in the report.

The Tasmanian Government has consulted with the TCF Board Chair on the revisions in the Tasmanian Community Fund Amendment Bill 2025 and has been advised that the proposed amendments are supported by the TCF Board. It is the minister's belief that we must proceed with the bill to provide Tasmanians with surety that the government has acted on the Auditor-General's recommendations, and support the continued work of the Tasmanian Community Fund.

The bill will become a driver of change through which Tasmanians can be provided surety, surrounding the transparency, independence and equity in the TCF Board and processes going forward. I commend the bill to the Council.

[5.53 p.m.]

Mr GAFFNEY (Mersey) - I rise to speak to the Tasmanian Community Fund Amendment Bill 2025. It's a bill that comes to us at a moment when it matters more than ever to regain community confidence in the government's decision-making processes and the institutions it implicitly supports. The Tasmanian Community Fund or the TCF, as it is commonly known, is at its heart, very much a good news story. It has supported thousands of projects that make life better for people across our state, from small volunteer groups to major community organisations. It even extends support for mainland-based not for profits, if it will make a positive difference within our community. The TCF has helped build playgrounds, restore heritage sites, support mental health programs, and support a variety of community clubs and organisations. It is one of those institutions that quietly does a lot of good without necessarily seeking attention. Perhaps that's something that can and probably will change.

The TCF has also faced recent controversy with the 2023 grant to the Australians for Indigenous Constitutional Recognition, the AICR, an organisation that has now changed its name to the Council of First Nations. It's a group which campaigned for the Yes vote in the Voice referendum in what was a highly divisive campaign. The subsequent Auditor-General's 2024 report arising from the controversy raised questions about governance, documentation, and the clarity of the board's obligations. The findings didn't suggest anything necessarily overtly untoward, but they did highlight protocol weaknesses that, if left unaddressed, could be seen to undermine public confidence.

As an example, the report stated:

> The TCF's position statements supporting the Yes vote could have created the perception that any subsequent funding decisions were not objective.

For the record, the TCF directors issued a statement saying that they strongly disagree with the report's findings, as the TCF had issued the grant in the belief it came under the 'educational purposes' category. The TCF board did argue that it had been denied procedural fairness by the Audit Office and that it had chosen to support the AICR's application at a time when all three parties were in support of the Voice and before the Liberal Party later withdrew its support for the Yes campaign.

Therein lies the nub of the problem. A benign entity's decision, made with good intentions and full support from all sides, can then be held up and vilified by a turncoat as a wrongful and improper choice - and boy, did it cause a stir. It was perfect fodder for a lot of indignant comments, complete with self-righteous rage and reporting in various sections of the media.

When Tasmanians hear from critics and state ministers that the probity of a public grant-making body has been questioned, it's bound to cause concern. Where there's a suggestion of a lack of clear frameworks or consistent processes, it can further erode trust in public bodies. For aspirant right of centre politicians, a bit of white-anting of the TCF board makes for easy headlines with little blow back, especially if it's casting doubt on an organisation that has always been held up as a fully community-focused and benevolent organisation.

Our community starts to question how the decision-making works, whether politics plays a role, or if the rules are being applied fairly and free of bias. The classic suspicion arises that it's 'not what you know but who you know,' which then becomes the default expectation and

understanding - a suspicion that can gain credence if supported application is not back in favour of another.

I don't believe the controversy that prompted the drafting of the bill was not necessarily about any single grant or any single decision, although realistically, it was the Auditor-General's report that was a key trigger. It's about ensuring consistent process and transparency in its level of governance to avoid the risk of future controversy. A highly sensitive issue when it comes to the political viewpoint feels aggrieved enough to create a lot of adverse publicity and it's left to the TCF board to prove they've done everything right to prove a negative to the naysayers.

The Tasmanian Community Fund has enormous strengths. It has a long track record of supporting projects that genuinely improve the lives of Tasmanians, has a board that is committed, experienced and deeply engaged with communities across the state, and has earned genuine goodwill from the organisations and communities it supports.

The TCF's independence has always been one of its greatest strengths. It's not a government program, it's not a ministerial grants scheme, it's a community-focused body that makes decisions at arm's length from government - that autonomy is precious and the bill will hopefully reinforce its independence without allowing any undue government influence on its decisions, and coming from a local government background, we all know how important the TCF has been in trying to nurture programs within our small municipalities and has been highly regarded and still is.

The fund's direct connection to local communities is another significant attribute. It funds projects that often fall outside traditional government programs - projects that are grassroots, community-driven, and tailored to specific local needs. I think one of the most significant changes is the explicit requirement that the board actions and decision-making must, in every way, be demonstrably apolitical and act in a fully professional and impartial manner. Like most Tasmanians, I would think that for a grant-making authority, one tasked with the distribution of millions of dollars of public money, sound governance protocols would be at the front and centre of every action. We understand that altruistic principles have always guided the board. However, it's an extraordinary situation where the key tenets for sound governance principles must now be amended and prescribed in an act of parliament. In stating these obligations clearly, the bill hopefully removes any doubts or grounds of attack that might question the TCF's governance processes and to prove beyond doubt that its decisions are always guided by an objective rationality and fairness. In responding to the Auditor-General's findings, the bill also expressly prohibits the board from providing grants that it believes may be for a political purpose. This is a safeguard, not because the board has been alleged to have acted improperly, but because the public needs assurance that the funds cannot be used, or perceived to be used, for political gain. It's also perhaps introducing another slightly grey area in in the bill, a point I'll come to in a moment.

The bill requires the board to prepare, publish and comply with a prescribed grants framework that specifies the principles and practices that apply in respect of the provision of grants. The bill introduces a new clause 7A on the need for a defined grants framework, one that goes further to state the framework must be prepared in accordance with and must reflect any Treasurer's Instructions and best-practice standards. That's quite a long bow in terms of political influence and oversight by the Treasurer. The role of the Treasurer is one of the most

senior in government and is one of the elders of political policy influence in controlling the Treasury and where public money is spent.

If we were to seek to unravel the implications of the new phrasing in the new clause 7, we uncover an interesting quandary. New clause 7A and its subclauses relate directly to the preparation of a grants framework which, by the wording of the enabling clauses, suggests the TCF grants framework must align absolutely with Treasurer's Instructions within the meaning of *Financial Management Act of 2016* and, by direct inference, with Treasury Document FC-12, Grant Management, which imposes minimum accountability, delivery and acquittal requirements for grant administration. It must also comply with the traditional and far more detailed assessment and acquittal requirements in the Treasury's 28 pages of 'Best-Practice Guide for the Administration of Grants'. These all regulate the distribution and acquittal of government funds granted through government agencies. The question then is: are the funds distributed by the TCF to be seen as being the same as government funds which are under the direct control of government policy priorities, or are they funds held in trust for the benefit of the Tasmanian community as a whole, and not just those the government and its allies approve of? If so, then for what reason is the Treasurer allowed to control the principles and practices of the TCF's grants framework? It's a potentially compromising and onerous governance requirement of the TCF's autonomy, one which may be unnecessary given the other stipulations in the bill in terms of the board's accountability to the Public Accounts Committee.

We have numerous acts that includes governance boards subject to minister's instructions. It appears the TCF board is to have a similar level of oversight and control by a senior member of the government, very much as if it was a government-owned entity. If the government is determined to introduce Treasurer's Instructions, I must ask what is preventing the government from considering the structure and intent of clause 18 of the *TasTAFE Skills and Training Business Act 2021* relating to ministerial directions? It's a clause that asserts the independence of the TasTAFE board while prescribing a far more collaborative approach from the minister. I'm sure a similar, more collaborative definition in the bill around the Treasurer's Instructions can only enhance the apolitical intent and strengthen the governance of the TCF. It is an issue I had the opportunity to discuss with the members of the TCF board, and so sensitive and complex points as the phrasing of any improvements to Treasurer's or minister's instructions have the potential to be taken out of context and cause further problems. The TCF board are quite aware of the furore that led to this bill and are keen to get back to delivering the very best outcomes for the TCF and the Tasmanian community.

In my conversation with the TCF board members on the nature and implications of Treasurer's or ministers' instructions, one of the key determining parameters is the nature of the entity to which instructions apply. I'm still trying to understand exactly how the government sees the TCF. Perhaps the honourable Leader, in closing, will be able to explain exactly how the TCF will be defined under the Treasurer's Instructions, as the bill states that the TCF board is a State authority for the purposes of the *Archives Act 1983* and the *Audit Act 2008,* and it's a statutory authority for the purposes of the *Public Accounts Committee Act 1970*, all of which are quite specific defined terms with differing degrees of accountability and responsibilities, and to whom or what. And yet, the provisions within the Treasurer's Instructions appear to treat the TCF board as an accountable authority, as if it were a government department, business or agency. Does it then risk becoming little more than a management committee under the Treasurer's direction, control and influence, rather than a truly independent and autonomous board?

New clause 7A has an implicit requirement to align the TCF grants framework with the expectations of the Treasurer's Instructions and the additional grant administration requirements relating to the grant and acquittal of public money. It's a clause that potentially puts it in direct conflict with one of the functions of the TCF board, within the meaning of the *Tasmanian Community Fund Act 2005*. Clause 7(2) has six subclauses defining the purposes for which grants may be made by the board, five of which relate to charitable, sporting or recreational, cultural or arts, educational or any other community purpose approved by the minister on the recommendation of the board. Subclause 7(2)(e) is the outlier in citing grants can be made by the TCF board for religious purposes. Can the honourable Leader advise us where else in government funding processes over the last 20 years has public money been granted to be purely used for religious purposes with no wider cross-community benefit?

In an increasingly secular Tasmania, I'm not sure the religious purpose criteria will ever pass the pub test. Yes, section 46 of the *Constitution Act 1934* guarantees freedom of conscience and the profession of religion, and it bans religious tests or oaths for holding public office. But there's nothing there about the government having the responsibility to fund religious entities. More generally, funding works based on an inclusive community benefit, not an exclusive religious want. Our national constitution is famously secular in the pluralistic model where no single religion can prevail over another, although that can be hard to reconcile, given the power and influence of some faith-based organisations. However, the religious purposes criteria for the TCF could well be as unacceptable to many Tasmanians as political purposes was to the most ardent critics of the TCF board - a complaint which led to the government's drafting of this amendment bill. Given the rise in the wealth of religious bodies and the generous tax concessions they enjoy, what justification is there to have 'religious purposes' in the act, especially where the opportunity exists for those entities to apply for grants that can benefit the whole community as a truly secular activity, not just their ambitions to expand their reach into our community? I would think that any TCF funding application would naturally fit under any of the other five categories.

In the case of the bill before us, which contradictory doctrine will prevail? Do we have the public benefit test, acquittal requirements and accountability implicit in the Treasurer's Instructions and the new grants frameworks, or do we still have grants for religious purposes? We can't have both. Perhaps as a bit of an amendment, we need to consider the potentially malevolent effect of having those two points together in an updated act. One sees the government introducing a political influence clause which the bill was designed to prevent, and if it stays in, then secular government principles falling foul in endorsing grants of public money becoming made for religious purposes. The neatest solution may be to dispense with both the influence of the Treasurer's Instructions and to remove the 'religious purposes' rule. Neither of which would inhibit a religious entity from being eligible for a grant, what might be termed as a genuine Christian purpose of supporting the Tasmanian community.

In looking further into accountability, even without the Treasurer's control, the bill does have the added safeguard that grants awarded by the TCF can, where necessary and appropriate, be considered by the Public Accounts Committee. However, a board operating under the aegis of the Treasurer will naturally be influenced by the Treasurer's Instructions, which will in turn evolve to reflect the government's policy preferences and priorities. So much for a truly apolitical and independent board, methinks.

The Tasmania Community Fund is a valued institution. It has supported countless projects that strengthens communities, builds resilience and improves wellbeing, but like any

public body, it must evolve. It must keep place with modern expectations. Speaking for my electorate, and I'm sure there are many others, the TCF is a key funding partner for many community organisations and groups. Its contribution is rich and varied and I know many of its awards have made a critical difference to the vitality of my community.

In a cost-of-living crisis, there are an increasing number of people in our communities who simply cannot afford to spend money beyond the bare essentials, and even that can be a problem. TCF grants give access to activities and programs that would otherwise be unavailable to those that need them most, and I commend the TCF for its incredible contribution in supporting the social fabric of Tasmania.

This bill is respectful of the TCF's independence and strengthens its back-office functions in ways that can maintain public confidence from all sides. The Tasmanian community needs to know the TCF is well governed and its grant processes match [INAUDIBLE 6.12.05] expectations. We all need to trust that decisions are fair and secular and transparent. I'm very confident that the TCF board and its leaders at the moment are very good people and very professional, but we need to ensure that that continues in our legislation. We also need to know its deliberations are free from undue government influence, and I await the government's response to my concerns on those points.

It should be noted that, given the precarious financial situation we face is a direct result of this government's management in the last 14 years, the government should not seek to exert its influence over funding that previously was independent of government. I fully support the intent of the bill. I appreciate the hard work that's gone into the bill, but I have reservations on certain elements of it. I look forward to the debate.

[6.13 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on the Tasmanian Community Fund Amendment Bill and, to be honest, I do so with some scorn. As members here would agree, over the time that I have had the honour to represent my electorate in this place, I've banged on a fair bit about transparency, about accountability, about good governance in the public interest. These are all core interests for me. They are core fundamental principles that fuelled my initial decision to stand as an elected representative and which have served as my daily lodestar ever since I arrived here, which is why I find it so offensive to see those principles of transparency, accountability and good governance reduced to being politicised, punitive, stalking horses, as we see with this ham-fisted, retributive and arguably unnecessary bill.

As such, I can indicate right now from the outset, as you may have guessed, that I'm not inclined to support this bill. I acknowledge some sound amendments that have been circulated by some members here, which we may get to in the committee stage, and which would certainly make some small improvements to it. However, in the main I remain unconvinced that this is good or necessary legislation. I also put on the record right now that I'm a big fan of the TCF. My background before coming to this place was, of course, in the community services sector for a period of two decades. So certainly, I am well aware of the value of this institution, the good work that it does, and the impact and difference it's made in the lives and communities of Tasmanians. That goes without saying.

I think it's worthwhile - in the way of background to this bill and for the benefit of members who may not have been in this place at the time, as well as for others who may be listening - to revisit the background of this latest iteration of the bill before us now. Notably,

this context is missing from the Leader's second reading speech, as well as from the bill's fact sheet and other background materials provided to us. Let me assist with that. The Tasmanian Community Fund, the TCF, was established in 1999 following the sale of the Trust Bank. According to its website, since its first funding round of the year 2000, the TCF has assessed more than 9900 grant applications with more than $152 million awarded to over 3310 projects statewide - quite an accomplishment on behalf of our state.

It's worth noting that every TCF annual report since the 2000-2001 financial year are currently available on the organisation's website. All detailing grants provided, amounts and standard financial records, all provided there in those reports. Each annual report also reiterates the purposes for which the board may provide grants, as stipulated by section 7, subsection (2) of the *Tasmanian Community Fund Act*. I would hazard a guess that these annual reports received cursory or minimal examination in the main since 2001, broadly, perhaps by governments of the day or by this place. However, they are there as a staunch record of the work done.

Then we come to the federal Voice to Parliament referendum in 2023. It's worth reminding people that Tasmania had a tripartite position of support for the referendum 'yes' campaign - tripartite support. Some have pointed out that it is arguable that the Australians for Indigenous Constitutional Recognition Ltd (AICR) grant application approved by the TCF board was both consistent with the state's tripartite position of support for the referendum 'yes' case and the specified educational purposes as provided for under section 7 of the *Tasmanian Community Fund Act.* However, as history tells us, a Liberal senator who actively campaigned for the Voice to Parliament 'no' case, which was absolutely his democratic right to do so, but he took offence at this grant provided by the TCF and referred the matter to the Tasmanian Audit Office.

Which brings us to the Auditor-General's No. 2 of 2024-25: Tasmanian Community Fund referendum support and assessment of grant funding to Australians for Indigenous Constitutional Recognition Ltd, released on 8 August 2024. The Auditor-General's review did not examine the TCF's general grant administration processes but instead examined how the grants administration framework and other policies were applied to the AICR grant. The audit report found significant record keeping gaps, including how the TCF board arrived at the position to support the referendum 'yes' case, and an inadequately documented grant management framework.

These are serious failings and there is no two ways about that, particularly in the context of an entity responsible for the distribution of public monies in the public interest. However, my opposition to this ham-fisted, interventionist, punitive bill should not be misconstrued as denying the need for continual review, strengthening of transparency and oversight mechanisms, and governance. Of course, there's always room to reassess, to examine, to test, to modernise our accountability checks and balances and procedures, and the TCF should not be considered exempt from such probity expectations that other public entities or figures would be. The critical point here, though, is the proportionality, the effectiveness and the consistency - consistency is something I'll come back to - by which identified reforms are to be implemented.

The Auditor-General's 2024 report, let's remind ourselves, contains the following recommendations, and I quote from page 8 of that report: [checked]

We recommend the TCF:

1. Conducts and documents due diligence including recording the legislative basis, key considerations, conflicts of interest, assessment of risks, and any advice relied upon in reaching its decisions.

2. Adopts better practice grants management to objectively assess the relative merit of grants with clear reasons why applications are approved or denied.

3. Provides regular guidance, training, and clear directions to staff to ensure they are able to comply with Tasmanian State Service principles of remaining impartial and apolitical while following the Board's directions.

4. Adopts better practice records management in accordance with the *Archives Act* and associated guidance. [TBC]

Those were the recommendations from the Auditor-General's reports. They said nothing, zero, zip, about amendments to the act, or the need for legislative reform - zero. Instead, they detail the need for improving administrative record-keeping, decision-making records, and ensuring staff are adequately trained and mentored to ensure State Service principles of impartiality, and apolitical activity are maintained. Fair enough, good recommendations. It's worth noting on that last point though, that in the formal DPAC response to the Auditor-General's report, the secretary of DPAC states, in relation to the staff, provided to assist the TCF board,

> These staff are employed by my department. I will ensure staff receive clear, and regular education, and instructions regarding this. This will be documented in the service level agreement between the TCF board and DPAC. [TBC]

So, what happened following the 2024 Audit Office report? Well, as detailed in the TCF annual report of 2024-25,

> In August 2024, Audit Tasmania tabled its performance audit report on a grant provided to Australians for Indigenous Constitution. The Board accepted and has implemented -

And has implemented, I emphasise, Mr President.

> all recommendations. The Board has also commissioned an independent review of the TCF's grant management process, due in late 2025.
>
> In addition, a stakeholder engagement report has been commissioned to capture community perceptions of the TCF and its processes. This will be delivered later in 2025 and will guide improvements in our community engagement.

It would be reasonable, in anyone's book, to, maybe, have a subsequent independent review to double-check how thoroughly the Auditor-General's recommendations had been implemented, before trying to barrel through unnecessary, performative, legislation, such as this.

Ms O'Connor - Highly political legislation.

Ms WEBB - Highly political, and performative. Particularly from a government, which likes to trumpet its mission to slash red tape and unnecessarily regulation, at that. But, of course, we know that policy only applies to corporate mates, apparently. We're not expecting to see that applied consistently, across both private and state sectors, I wouldn't think.

I wonder if we would be seeing such an attempted legislative overreach, if the TCF had provided grant assistance to community organisations supporting the 2023 Voice to Parliament Referendum No case, either instead of, or additional to, the grants provided to the Yes case supporters. Perhaps, we'll probably never know, but I can hazard a guess. However, the upshot is, it is arguable the complaint to the Auditor-General was the catalyst for this bill. In fact, it's pretty obvious that's the case, and that complaint was, in fact, politically motivated.

The sad irony is that, should any of us, or a member of the community now, or into the future, have concerns over the TCF's grant decision-making processes, good luck having the Audit Office accept a referral such as that which sparked this saga back in 2023. Since then, we've seen the Audit Office increasingly limited, due to government underfunding, which has particularly reduced the Audit Office capacity to accept additional referrals. I think the budget of the Audit Office will probably stop this sort of investigation ever occurring again, sad to say. That was an aside, but I'll get back to the bill.

I mentioned the consideration of consistency by the government; there is one last point I wish to make about that before I move on. I recognise that across all the ill-conceived versions of this bill the government has put before the parliament, the 2024 Auditor-General's report findings have been cited as the justification. However, I may be more inclined to accept those justifications, if we had seen the government move as quickly to respond to and legislate the Integrity Commission's recommendations delivered in its 2022 report on grant commitments in election campaigns. One of those recommendations politely reiterates the need for the 2011 Audit Office report's recommendations to provide greater transparency and accountability for the Premier's Discretionary Fund to be finally implemented, please, a decade later-plus. Actually, 15 years later now. So, this is interesting, clearly this government quite happy to cherry pick which independent recommendations regarding strengthening the apolitical and impartial, transparent and accountable provision of public money via grants will be implemented and enforced, in fact legislated in an unnecessary piece of legislation, and which will be ignored indefinitely.

It's all public money. These are all grant programmes expending public money, but we're only jumping on top of this one for politically motivated reasons. How about the government step up on the grants that are provided in election commitments and follow the recommendations and legislate them that the Integrity Commission has made. How about they pick up that Audit Office report from 2011 and legislate and put in place transparency and accountability around the Premier's Discretionary Fund, the allocation of grants under that, Mr President, public money? How about we see the government get all excited and hot under

the collar to legislate those ones? We don't, Mr President, we haven't seen it and that's why this bill sticks out like a sore thumb and actually tells us, politically motivated overreach.

I wish to now turn to the specific provisions of the bill before us.

Clause 4 on page 4 of the bill seeks to amend the Principal Act to clarify the TCF Board falls under the auspices of other statutes which provide frameworks for the oversight of public monies and record keeping. Broadly speaking, there should be no problem with that. However, again I query whether it's necessary or whether this is the most legislatively efficient manner to achieve the identified desired outcome.

Section 4, subsection (1) of the principal act, the *Tasmanian Community Fund Act 2005*, already states and I quote:

> The Tasmanian Community Fund established under the repealed act continues in existence as an account in the Public Account.

End of quote. So, it's my understanding that as the TCF fund is an account within the Public Account, it would already fall under the auspices of the *Public Accounts Committee Act 1970*. However, I'm sure that members currently on PAC or the government can provide their understanding of whether that's the case or not. If there is a valid question over whether the TCF does fall under that act or not, potentially it would make more sense to review the *Public Accounts Committee Act 1970* to ensure its scope is sufficiently broad to capture all such statutory public accounts sourced funding and allocations rather than this piece meal approach of cross-referencing individual acts by individual acts.

Again, if it exceeds the Auditor-General's 2024 Reports Recommendations and potentially imposes unnecessary statutory duplication here, it does exceed that report.

Moving on to Clause 5. These provisions are basically telling the board, which let's remember, right here, right now, this board is appointed by the Governor based on the recommendations of the minister. That's who constitutes this board, and these provisions in Clause 5 are telling that board how to suck eggs. That's what they're doing and it's offensive. These really are amongst the most egregious components of this bill.

I'm aware members have circulated welcome amendments to this clause which will provide for more detailed consideration should the bill get to the Committee stage and we address those amendments. However, I do want to place on the record now my objections to the unnecessary interventionist and micromanaging aspect of this clause.

Ms O'Connor - It's patronising.

Ms WEBB - The bill seeks to amend Section 7 of the principal act, which details the functions of the board. The act specifies the following purposes for which the board may distribute grants:

a) Charitable purposes
b) Sporting or recreational purposes
c) Cultural and arts purposes
d) Educational

e) Religious purposes, and
f) Any other community purpose approved by the Minister on the recommendation of the Board

Additionally, Section 7, subsection 5(b) requires the board to exercise its functions and powers and I quote:

In the best interests of the Tasmanian community.

The government's amendments are now trying to stipulate that the board, when exercising its statutory powers and functions, must not do so in a political manner or for a political purpose.

To briefly revisit the Auditor-General's 2024 Report, it did not find that the TCF Board had acted in a partisan or politicised manner. Instead, the report found there was inadequate documentation and record-keeping regarding that decision-making process for that particular grant, a finding which we would all agree would require rectification. None of us would dispute that and in fact the TCF have reported subsequently they have implemented all the recommendations that the Auditor-General put there for making the relevant improvements. However, it is clear Clause 5 of the bill is excessive and also impractical. Social and political engagement has a very broad arc. It is by its very nature subjective considerations in these spaces. We can have a broad or extremely narrow interpretation if we're talking about a political manner or for a political purpose. Very vague and very subjective, and a lot of the organisations and groups who make applications for funding to the TCF are operating in spaces that are to do with social issues or providing social services, or existing on topical challenges faced by the community.

This is going to be, I think, very interesting to see, how the board has to navigate, if this were to come to pass, not acting in a political manner or for political purpose. As any feminist will tell you the personal is political? It's arguable choosing to engage with community, education and charitable endeavours is a political decision, just as choosing to not engage with such endeavours is also a political decision. A key point of consideration when it comes to appropriate impartiality, which I think is what we are aiming for here, particularly when it comes to access to public assets and resources, is to avoid partisan politicisation. That's what's required to be avoided, that is, being influenced by or having a perceived or actual bias towards any particular political party.

Most people understand that within the context of the public sector principles as implemented by the State Service Code of Conduct provisions. A further quick note on this point, the 2024 Auditor-General report recommended clear guidance be provided to staff at the TCF to ensure they are able to comply with the Tasmanian State Service principles of remaining impartial and apolitical while following the board's directions. The staff that was directed towards and to reiterate, but instead, sorry, the government targets the board with these amendments in this bill in the most offensive way, I think.

To reiterate, as previously cited, the DPAC Secretary's formal response to the 2024 Auditor-General's report stated clearly that the seconded staff to the TCF were DPAC's responsibility and the recommended training and guidance would be provided as per the report's recommendations by DPAC. They took it on to make sure that that impartiality was brought to bear as per the State Service Code of Conduct.

There's more that I could say on the absurdity of Clause 5's provisions, particularly because I think they are patronising to a board that selected and appointed in the manner that the TCF board is selected and appointed and that we already have in the existing act a requirement that that board makes decisions in the public interest for Tasmania.

One thing I do still want to say about clause 5's provisions is that I believe it could also have a chilling impact on consideration of community organisations, applications seeking assistance for, for example, migrant support programs or climate change awareness projects, all of which could be counter to party political positions held by someone somewhere, the government of the day, perhaps, something that might come through and are we now going to see the TCF board baulk at consideration of some things put forward if they feel concerned that somebody in, for example, the government of the day is going to take exception politically to it and accuse the board of acting in a political way by providing funding to a climate change awareness activity or to a migrant support program, for example, just as examples.

If that's the case, if there's a chilling effect here, either for community members and organisations putting themselves forward for grants or in the minds of TCF board members, as they're making consideration of grants, because of the potential risk now, demonstrated risk that somebody associated with the government of the day or another political party might accuse them of being politicised. I think that's incredibly problematic.

Clause 5 of the bill seeks to impose specific grant frameworks detailing the principles and practices applicable to the provision of the TCF grants. Similarly, the new Clause 7(b) details requirements for a strategic plan to be prepared every four years, and then Clauses 7 and 8 seek to insert new annual report and auditing provisions.

Again, when considering the legislative test as to whether these new provisions are necessary, it's pertinent to note, that the TCF's current grant frameworks and guidelines are available on its website. Its strategic plan, 2026 to 2030, which spans four years by my count, is also currently available on its website, all in accordance with the 2024 Auditor-General's report recommendations. All in accordance. Nothing needed to be legislated about that.

As I've previously mentioned, all the TCF annual reports since the year 2000 are currently available on the website. I appreciate some may ask, 'What is the harm of legislating these requirements, particularly if the entity in question is already undertaking the specified requirements and actions. What's the harm in that?' The main point that I would emphasise in response to that question is by again pointing to the government's justification regarding politicisation and this bill being a politically motivated slap-down of an entity rather than being a genuine good-governance-motivated reform.

A key consideration when assessing politicisation is consistency. If we were to see a bill introduced by the government requiring the same grant frameworks, independent auditing, strategic plans, and annual report compliance for the range of grants the government has direct responsibility for, such as the Premier's Discretionary Fund, then we'd see some form of consistency and genuine attempt to improve good governance practices in the public interest, but where are those reforms? There is no consistency. This is not genuinely about promoting good governance. The TCF had already demonstrated a thorough response towards improving good governance in response to the recommendations in the Auditor-General's report. This is

the government lauding it over them, slapping them down, and actually inappropriately legislating where it wasn't needed.

Where could we expect to see good governance, transparency, and accountability put in place in a framework around the grants programs that the Integrity Commission pointed to in its 2022 report? The pork-barrelling avoidance requirements that the Integrity Commission pointed to - nothing more politicised than not implementing the recommendations of an independent entity made to you because you'd rather be able to keep buying votes - nothing more politicised than that.

Before I move on, it's worth noting that the other place raised the fact the current TCF Chair has stated the need for a holistic review of the *Tasmanian Community Fund Act 2005*. That to me sounds a constructive and commonsense suggestion, rather than this piecemeal, politicised, selective, unnecessary amendment bill. That is what we would be doing if we were genuine about ensuring the TCF is operating under a modern and fit-for-purpose legislative framework, delivering on the community's expectations for genuine transparency, accountability, and good governance.

Before I wrap up, I have some questions I hope the Leader can respond to in her summation. I'll move through them, hopefully clearly, so that they can be noted and then included.

(1) Can the Leader cite any other instances where Tasmanian legislation contains directions such as requirements for entities to behave professionally, as Clause 5 Subclause (b) presumes to do? Such behavioural standards may be detailed in codes of conduct, for example, but it is rather patronising to have them stipulated in a statute, and I don't believe that it is something we would see elsewhere.

(2) Will additional administrative resourcing be provided to the TCF to meet the new strategic plan development and publishing requirements?

(3) Will additional resourcing be provided to the TCF to fund the new auditing requirements as detailed in Clause 8 of the bill, including the engagement of an auditor?

(4) If the government considers the Audit Office to be an appropriate auditor to undertake the work specified under Clause 8, will the Audit Office receive additional resources from government to undertake that work?

So, when considering legislation in this place, we regularly ask what the issue or the problem is that specific bills are attempting to fix. To reiterate, the Auditor-General's 2024 report made four non legislative recommendations. The TCF have then since reported in the last two annual reports updates on how those four recommendations have been implemented. 2024-2025 Annual Report acknowledges the Auditor-General's report stating all recommendations have been accepted and implemented, including the commissioning of an independent review of the TCF's grant management process during late 2025.

Further, a stakeholder engagement report was commissioned to capture community perceptions of the TCF and its processes and was delivered later in 2025 to guide improvements

in community engagement. The most recent TCF annual report tabled last month, in turn, states and I quote from the Chair's opening statement:

> The year was also an important period of reflection and renewal for the fund. The board undertook significant consultation, strategic planning and review work to inform a refreshed direction for TCF and the future design of its grant making approach.

I won't take up time going through further detail that is available in those annual reports because they're transparently, accountably and publicly available all the way back to 2000. Further, the TCF's strategic plan for 2026 to 2030, also publicly available on the organisation website along with its other governing documents which are intended to provide an integrity hierarchy and governance framework, also include the funding framework and annual funding plan which details funding pathways, priorities and resource allocation. It includes the grant management framework, which establishes the standards and processes governing how funding is designed, assessed, approved and managed, and it also includes the individual funding guidelines, which set the eligibility, funding range, duration and requirements for each funding opportunity.

As far as I'm aware, there has not been subsequent independent assessments reporting ongoing concern that the implementation of the Auditor-General's recommendations have been inadequate in any way, and perhaps the government can confirm when they sum up whether in fact, they have identified any inadequacies in the response to an implementation of the Auditor-General's recommendations made in that report, such that warrants-

Ms Forrest - I can confirm that the PAC hasn't done a follow-up review of this one.

Ms WEBB - But may well though, at some stage, because if there was no inadequacies identified, and in fact, if the response and implementation to those recommendations has been tracked by the government and regarded as sufficient or even beyond sufficient, why on earth are we legislating anything unless we are being performatively politicised by this government?

So, I'm going to conclude it with a note of warning 'independent' cuts both ways. It's a test for any government to accept an independent entity's decision not only when the decision is consistent with government policy, but also when it may diverge from government policy. What then? Will this bill have set the dubious precedent that the next time the TCF makes a grant decision, which the government of the day disagrees with, the knee-jerk response will be then to bring in yet a further amendment to this bill or yet a further tightening of controls around decision making?

This bill risks, in fact, is overreach, and it risks entrenching the politicisation that the government apparently wishes loudly to proclaim that it is horrified by. Nonsense. This bill is an overtly politicised sledgehammer crashing down in a performative manner, ostensibly to crush the very political behaviour the government purports to be appalled by. Yet the Auditor-General's Report No 2 of 2024-2025, which, yes, was a wakeup call and yes, warranted a response, but it certainly did not warrant this legislation in this bill before us.

Nowhere did that report call for legislative amendments. Instead, what we're seeing here is an absolute overreach, unnecessary piece of legislation from the government and I think it risks politicising the Tasmania Community Fund Board and its activities much further than any

single decision which has been addressed in terms of process did in 2022-2023. So, with that I absolutely am sceptical about this bill and have no intention of supporting it, but I will if it moves into the Committee stage. I'd be very interested to discuss the proposed amendment, which at least will address some minor matters to make it better.

[6.45 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the honourable Leader for bringing forward the bill. I'd just like to make a few general remarks about the bill and the policy behind it. I don't think there's anyone here who doesn't recognise the fantastic work that the Tasmanian Community Fund does. They provide support to incredible work being done at the local grassroots level in our communities, they help to enliven community connections, they shine a light on important issues and they make things happen that otherwise might not have had a chance to. The Tasmanian Community Fund is just that: support to our Tasmanian community. It's funded by Tasmanians, supports Tasmanians and improves our state. To ensure that this remains the case, I don't think it could hurt to make our expectations clear about what should or should not be prioritised for consideration of funding.

This bill seeks to require the TCF board to: conduct and document due diligence; adopt a better practice grant management framework; provide regular guidance, training and clear direction to assist with remaining apolitical and impartial; and adopt better practice record management. I believe if we're best to support the Tasmanian community, having these measures in place is reasonable.

I thank the government for further being clear about the definition of 'apolitical'. This was defined with an ordinary dictionary definition and means 'having no interest in political issues and not involving obligations to a particular political party'.

I note the Tasmanian community causes and events that may be considered for funding by the TCF might be part of a wider movement or campaign, perhaps relating to things like suicide awareness and prevention or environmental causes. In these events, I'm sure that assessment would take into account how this would directly and specifically impact and improve the lives of Tasmanians and their communities. I believe it's also important to emphasise that the TCF should not be prioritising projects which might already have copious amounts of funding and might not directly relate to the improvement of Tasmanian lives and communities.

This bill also highlights that public funds provided to the TCF board for the distribution of grants are considered grant expenditure. An amendment in this bill therefore allows for these grants to be scrutinised by the Public Accounts Committee, as and where it's considered necessary and appropriate. Additionally, this bill enables the public to be consulted on the TCF strategic plan and ensures accountability by directing the TCF board to prepare, publish and annually report against that strategic plan.

The TCF and the board have special knowledge, expertise and skill. They're best placed to consider and prioritise which Tasmanian community projects are most worthy of funding and which will have the greatest and most positive impact. However, as I've mentioned, it cannot hurt for us to provide additional guidance on this and mandate good record keeping, audit and compliance, and due diligence practices.

Importantly, the TCF board is and should remain independent. This is the very purpose of making clear expectations around ensuring that the granting of funds is apolitical and of benefit to Tasmanian communities.

I would like to ask how these measures will be implemented and how the TCF will be supported and resourced to add these new duties to their organisation. Things like ongoing training and guidance, as well as devising new strategic plans and reporting requirements do have a cost and take time to implement. They're important requirements to mandate, and I'd like to know how the government will be supporting the proper application of them in this short and medium term. I look forward to hearing the contributions of other members on the bill.

[6.49 p.m.]

Ms THOMAS (Elwick) - Mr President, I rise to make my contribution on the Tasmanian Community Fund Amendment Bill 2025. As other members have, I want to begin by acknowledging the important work of the Tasmanian Community Fund and the considerable contribution it has made to communities across Tasmania over many years. The fund supports organisations and projects that make a genuine difference to the lives of Tasmanians, including many small community organisations that would otherwise struggle to access the resources they need to deliver services and initiatives. It's a very important institution, and one of its defining features is its independence from government. That independence is not incidental; it's fundamental to the purpose of the fund. The Tasmanian Community Fund was established to ensure that funds set aside for the benefit of Tasmanians would be administered at arm's length from government, with decisions made in the best interests of the Tasmanian community. That principle is central to my consideration of this bill.

I also want to make it very clear from the outset that I, too, am a strong supporter of good governance, transparency and accountability in the expenditure of public money. I've consistently advocated for these principles throughout my time in this place, and I apply them equally to government departments, statutory authorities, local government and independent boards. The Tasmanian Community Fund should be no exception. I also acknowledge the important work of Tasmania's Auditor-General. I have enormous respect for the role of the Auditor-General in independently scrutinising the use of public funds, identifying shortcomings in governance and accountability, and making recommendations to improve the way public institutions operate. His work is essential to maintaining public confidence in our institutions, and I take his findings and recommendations seriously. That includes his August 2024 report examining the Tasmanian Community Fund's decision to publicly support the 'Yes' campaign in the Voice referendum, and its assessment of a grant of approximately $558,000 to Australians for Indigenous Constitutional Recognition. The Auditor-General identified significant shortcomings in the processes followed by the fund. These included inadequate documentation of decisions, insufficient consideration of risks and potential conflicts of interest, and a failure to adequately demonstrate that the grant had been assessed in accordance with an established grants management framework. The Auditor-General also identified concerns about whether the board had adequately considered the appropriateness of a state entity publicly supporting a particular referendum outcome. These are serious matters, so I do not seek to minimise these findings, excuse any shortcomings identified or suggest that the fund should be immune from scrutiny because it is independent. Independence does not mean an absence of accountability. Indeed, I would argue that the independence of a statutory body makes robust governance and accountability arrangements even more important. However, there is an important distinction between strengthening governance and

accountability, and unnecessarily constraining the independence of a statutory decision-making body. That is the distinction which concerns me about this bill.

I've taken time to examine the Auditor-General's report and the recommendations he made. There were four. First, that the Tasmanian Community Fund conduct and document appropriate due diligence, including the legislative basis for its decisions, key considerations, conflicts of interest, risks and advice relied upon. Second, that it adopts better practice grants management processes to objectively assess the relative merit of grant applications, with clear reasons for decisions to approve or decline funding. Third, that it provide regular guidance, training and clear directions to staff to ensure they can comply with Tasmanian State Service principles of remaining impartial and apolitical while following the board's directions. And fourth, that it adopts better-practice records management, in accordance with the *Archives Act* and associated guidance. I support these recommendations. They are sensible, practical measures, directed at addressing the governance deficiencies identified by the Auditor-General, and I support the elements of this bill that seek to invent stronger grants management, strategic planning, record-keeping and independent auditing requirements. I also recognise the value of providing greater clarity about the application of existing accountability legislation, including the *Audit Act*, *Archives Act* and the role of the Public Accounts Committee, although I do note the very good points made by the member for Nelson in regard to these provisions. In response to questions I put to the government, it confirmed that the provisions clarifying the application of those acts do not confer additional powers or impose substantively new legal obligations.

Ms Webb - Unnecessary.

Ms THOMAS - As the member for Nelson pointed out, they are there to provide clarity. I have no difficulty with that. They are not necessary, but I can see no risk of unintended adverse consequences from having these particular provisions explicitly legislated.

But what I find much more difficult to reconcile with the Auditor-General's report is clause 5. It goes well above and beyond the Auditor-General's recommendations. Clause 5 seeks to amend section 7 of the principal act in two significant ways. First, it would prohibit the board from making a grant where it believes, on reasonable grounds, that the grant is or may be for a political purpose. Second, it would introduce an additional statutory obligation requiring the board to act independently, apolitically, professionally, impartially and in the public interest when performing its functions and exercising its powers. Neither of these specific legislative changes was recommended by the Auditor-General. This is an important point. I mean, fancy telling a board to act professionally.

Ms Webb - Appointed by the Governor on the advice of the minister.

Ms THOMAS - Yes. The Auditor-General identified deficiencies in how decisions were made, assessed, documented and justified. He recommended improvements to those processes. He did not recommend that parliament introduce a broad statutory prohibition on grants for political purposes. Nor did he recommend the additional overarching statutory obligation now proposed for the board. Indeed, the Auditor-General considered the board's existing obligation under section 7 of the act, to act in the best interests of the Tasmanian community. His concern was that the board had not adequately demonstrated how its decisions satisfied that existing obligation - that existing obligation. That raises one very obvious question: if the existing legislation already requires the board to act in the best interests of the Tasmanian community and the Auditor-General has identified deficiencies in how the board demonstrated compliance

without obligation, why is the response to introduce further overlapping statutory duties, rather than ensure the existing obligations are properly discharged? The government has not convinced me that these additional provisions are necessary. Nor has it convinced me that they will not have unintended adverse consequences for the very community organisations and purposes the fund was established to support.

This brings me to an important aspect of the existing legislation that I believe deserves much greater attention. Section 7(2) of the *Tasmanian Community Fund Act 2005* sets out the purposes for which the board may make grants. These are charitable purposes, sporting or recreational purposes, cultural and arts purposes, educational purposes, religious purposes and any other community purpose approved by the minister on the recommendation of the board. Political purposes are not expressly included in that list. The legislation already establishes that the fund exists to support community purposes. It does not provide an unrestricted power to fund whatever activity the board chooses. The existing act already places limits on grant-making. When we read that provision alongside section 7(5), which requires the board to act honestly and in the best interest of the Tasmanian community, it is clear that the board's discretion is already not unlimited.

Now, I acknowledge that there may be circumstances where a legitimate community purpose intersects with political debate or public policy advocacy. That is precisely why I'm concerned about introducing a broad and undefined prohibition on grants that are or may be for a political purpose. The existing act already requires the board to determine whether a grant serves an authorised community purpose. The Auditor-General identified deficiencies in how the board assessed, documented and justified its decisions against its statutory obligations, but he did not recommend that parliament introduce a further prohibition on political purpose grants. So, I asked the government, what is the specific deficiency in the existing section 7 that necessitates this additional restriction? Can the government identify a grant that would currently be lawful under section 7(2) but would be prohibited under the proposed new section 7(2A)? And if so, why would the Auditor-General's recommended governance reforms not adequately address the risk associated with that grant?

There is also an interesting issue with section 7(2)(f). That provision allows grants to be made for any other community purpose approved by the minister on the recommendation of the board. The legislation already sets out five specific categories of grants, together with a sixth category requiring express ministerial approval. If the government is genuinely concerned about the possibility of grants being made for purposes outside those specifically prescribed, why has it not examined that provision? Indeed, isn't it somewhat ironic that the government proposes additional restrictions on an independent board while retaining a provision that expressly allows the minister to approve additional grant purposes? It sounds political to me. I'm not suggesting that we should necessarily remove paragraph (f), though. It may serve an entirely legitimate and useful purpose in allowing the fund to respond to emerging community needs. If that was the case, though, we'd probably come and legislate for it. But its existence highlights why we should be careful about imposing additional restrictions without first demonstrating where the existing legislation is inadequate. The Auditor-General identified failures in governance and decision-making processes. He recommended improvements to these processes. But what I'm yet to understand is why the implementation of those recommendations, together with the existing statutory requirements, are insufficient to address the problems identified.

My concerns are compounded by the fact that the proposed prohibition on grants for political purpose is not accompanied by a statutory definition of that term. I specifically questioned the government about this - and I'm grateful for the work put in to providing me with a response ahead of the briefing - and the response I received was that defining 'political purpose' could be unnecessarily restrictive and that the ordinary dictionary meaning should apply.

The government also assured me that legitimate community advocacy on matters of public policy would not automatically be considered a political purpose. Now, I welcome that assurance, but it certainly does not resolve my concern. Many community organisations undertake advocacy as an entirely legitimate part of their work. Organisations working in homelessness, disability services, family violence prevention, environmental protection, health, education and social justice frequently advocate for changes to government policy. They may challenge government decisions. They may campaign for legislative reform. They may publicly disagree with ministers or political parties, and they may do so because they genuinely believe those changes are in the best interests of the communities they serve. That is not necessarily party-political activity; it is often an essential part of achieving positive community outcomes.

The government has told me that such advocacy would not automatically be excluded, but if that is the intention, why not provide greater certainty in the legislation? Instead, we are introducing a broad prohibition on grants that are or may be for a political purpose, without defining what that means. The government has confirmed that the words 'may be', are deliberately intended to allow the board to refuse funding without definitive proof that a grant will be used for political purposes, provided it has reasonable grounds for its belief.

I question whether it's necessary to introduce such a broad restriction in response to the particular circumstances examined by the Auditor-General in response to one particular grant decision. Let's not forget that. While I appreciate that the government says this discretion is not intended to discourage legitimate advocacy, I remain concerned about the uncertainty it creates. I'm yet to be convinced there won't be unintended adverse consequences from the proposed change and, whilst the government has assured me that legitimate community advocacy would not be automatically excluded, I've not seen sufficient evidence that these provisions will operate without discouraging legitimate applications.

I'm concerned that the broad and undefined reference to 'a political purpose' could discourage otherwise eligible community organisations from applying for funding, particularly where their proposed activities involve education, community awareness, advocacy or discussion of matters of public policy. These activities may fall squarely within the purposes already prescribed under Section 7(2) of the act, yet organisations may be reluctant to apply, or be unsuccessful when they do, if their projects could be perceived as political. Even if the board ultimately determines that such projects are eligible, the uncertainty itself may have a chilling effect, as the member for Nelson referred to, discouraging applications that could otherwise deliver genuine benefits to the Tasmanian community. We should be careful that in seeking to prevent one perceived misuse of the fund, we do not inadvertently discourage the very community initiatives the fund was established to support.

There's another aspect of this legislation that troubles me. The Tasmanian Community Fund is deliberately established as an independent statutory body. Its decisions are not meant to be directed by the government of the day. That independence is designed to protect the fund

from political interference. And yet, in responding to a controversy surrounding a decision made by an independent board, the government is now seeking to impose additional statutory restrictions on the board's decision making. It's trying to somewhat duplicate the existing provision in section 7(5), which requires the board to act honestly and in the best interest of the Tasmanian community, with an additional provision that requires it also to act independently, apolitically, professionally and, for a second time, in case they miss it in the subparagraph already prescribed, in the public interest. It's rather untidy.

There is also a potential tension between the two requirements the government is seeking to introduce through clause 5. On the one hand, the board is required to act apolitically in performing its functions and exercising its powers. On the other hand, it is required to determine whether a grant is, or may be, for a political purpose. Neither term is defined, so I question how these two requirements are intended to operate together in practice. Surely a board can act independently, impartially and without political bias while making a decision to fund a legitimate community project that involves public policy, advocacy or education about a politically contentious issue. The fact that a subject is political does not necessarily mean that a decision to fund a project relating to that subject is itself politically motivated. Without clear definitions, I'm concerned that the board may feel compelled to take an overly cautious approach, potentially excluding projects that would otherwise satisfy the purposes of the fund.

That brings me back to the fundamental question: what problem are we actually trying to solve here? If the objective is to ensure that the board makes independent, impartial and evidence-based decisions, then the existing statutory obligations supported by the Auditor-General's recommended governance improvements provide a framework for achieving that. If the objective is to prohibit particular categories of grants, then parliament should be clear about precisely which activities it intends to exclude.

We should not conflate political bias in a board's decision making with the political nature of an issue that a community organisation may legitimately seek to address. They are two very different things, and I'm not satisfied that clause 5 adequately distinguishes between them.

I acknowledge that parliament has every right to establish the legislative framework within which a statutory body operates, and I accept that independence does not place any board above the law or beyond accountability, but I think we need to be very careful about the precedent we set. When an independent board makes a controversial decision that the government does not agree with, should our response be to strengthen its governance processes or to legislate further restrictions on the decisions it is permitted to make? They are not the same thing.

I also cannot ignore the circumstances in which this legislation has arisen. The former board made a decision to support the 'Yes' campaign in the Voice referendum. That decision attracted significant political controversy and that came at a cost to those board members, who were very well-intentioned. The Auditor-General subsequently examined the fund's processes and identified serious governance deficiencies. The government then moved to change the legislation and there have since been substantial changes to the composition of the board. It came at a cost to them personally and professionally, and that's shameful.

I'm not suggesting that the Auditor-General's findings were politically motivated - quite the opposite. I respect his independence and his work. Nor am I suggesting that the former board's decisions should be beyond inquiry or accountability, but I am concerned that the

government's legislative response appears to go beyond what was necessary to address the deficiencies identified. It raises the question of whether this is simply about improving governance or whether it is also about ensuring that a future board cannot make a decision of which the government disapproves.

I cannot know the government's motivation, and I do not pretend to, but the circumstances create that perception, and I think the government has an obligation to address it. We should be very cautious about allowing a political controversy to become the basis for unnecessarily restricting an independent statutory body. The irony is that legislation intended to ensure the fund remains apolitical may itself be perceived as a political response to a decision that attracted the government's disapproval.

Ms Webb - One hundred per cent.

Ms Forrest - You'll get tongue-tied in a minute.

Ms THOMAS - I think I already have. That is not a perception we should dismiss lightly. There is a saying about using a sledgehammer to crack a nut. I think there is a legitimate question about whether that is what we are being asked to do here. The Auditor-General identified specific governance failures and made recommendations to address them. The fund has already undertaken work to implement those recommendations, and the government has advised me that finalisation of the grants management framework will complete that process.

The legislation before us contains a number of additional governance measures, so why is clause 5 necessary? What deficiency remains that cannot be addressed through the Auditor-General's recommendations, the existing statutory duties of the board and other governance improvements in this bill? That is the question I've been unable to satisfactorily resolve. It's not enough, in my view, to simply say that the board should act independently, impartially and in the public interest. Of course it should. I would hope every member of this parliament agrees with those principles. But the fact that a proposed legislative obligation sounds desirable, does not by itself establish that it is a necessary, appropriately drafted or proportionate response. Good legislation requires more than good intentions. It requires clarity, necessity and an understanding of the practical consequences.

The Auditor-General's report was also concerned with the decisions and processes of the former board and there have since been substantial changes to the board's membership. The fund is operating under new leadership, and work has been undertaken to strengthen its governance arrangements. That does not remove the need for proper legislative safeguards, but it is relevant when considering the proportionality of the government's proposed response here. We should be legislating for the long-term good governance of the fund, not simply reacting to the conduct of a former board that the government disproved of or the political controversy surrounding one particular decision.

I want to be clear about my position. I support the principle of stronger governance and accountability for the Tasmanian Community Fund. I accept the Auditor-General's findings and support the implementation of his recommendations. I support the provisions of this bill that strengthen grants management, strategic planning, record-keeping and independent auditing, and I wholeheartedly support the continued independence of the Tasmanian Community Fund, but I'm concerned that it goes beyond the Auditor-General's recommendations, and I'm concerned that clause 5 is not necessary or justified. I'm also

concerned the bill duplicates aspects of existing statutory obligations, introduces uncertainty through the undefined concept of 'political purpose,' and risks unnecessarily constraining the independence of the board. I'm also concerned about the circumstances that have given rise to this particular legislative response.

For those reasons, I intend to oppose clause 5 when we reach the committee stage of the bill and I'll be asking the Council not to agree to that clause. If clause 5 is removed, the remaining provisions will still deliver substantial governance and accountability improvements, they will still address the matters identified by the Auditor-General, and they will do so without imposing the additional restrictions on the board's decision-making that concern me. I intend to support the second reading so that we consider these matters in detail. However, I want to make it clear that I reserve my final position on the bill should clause 5 remain. I'll listen carefully to the Leader's response and to the contributions of other members, but I'm not presently satisfied the case for clause 5 has been made.

The Tasmanian Community Fund is too important an institution for its independence to be diminished without a compelling justification. We can respect the Auditor-General's findings, demand the highest standards of governance and accountability, and still question whether every element of the government's legislative response is warranted. Indeed, that's our responsibility as legislators. Our task is not simply to respond to the controversy that gave rise to this bill, it is to ensure that the legislation we pass is necessary, proportionate and serves the long-term interests of the Tasmanian community. I look forward to hearing contributions of other members.

Ms Rattray - Through you, Mr President, I respectfully ask that the honourable member for Murchison move that the debate stand adjourned.

[7.13 p.m.]

Ms FORREST (Murchison) - Mr President, since you've given me the call, I'll move -

That the debate stand adjourned.

Debate adjourned.

MESSAGES FROM THE HOUSE OF ASSEMBLY

House of Assembly Government Business Scrutiny Committee

[7.13 p.m.]

Mr PRESIDENT - Honourable members, I have two messages from the House of Assembly.

Mr President,

The House of Assembly, having passed the following resolution, begs now to transmit the same to the Legislative Council and to request its concurrence therein: resolve that the House of Assembly requests that the Legislative Council give leave to the honourable the Minister for Infrastructure and Transport and the honourable the Minister for Energy and Renewables and

Minister for Parks and Heritage to appear before and give evidence to the House of Assembly Government Business Scrutiny Committee.

Helen Burnet
Acting Speaker
House of Assembly
18 November 2026

[7.14 p.m.]

Ms RATTRAY - Mr President, I move -

That the message from the House of the Assembly be taken into consideration tomorrow.

Motion agreed to.

Statutory Holidays Amendment (Central Coast Municipality) Bill 2026 (No. 24)

Mr PRESIDENT - Honourable members, the final message from the House of Assembly, Bill No. 24.

Mr President,

The House of Assembly has agreed without amendment to a bill intituled A Bill for an Act to Amend the *Statutory Holidays Act 2000*.

Helen Burnet
Acting Speaker
House of Assembly
18 November 2026

ADJOURNMENT

[7.16 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, before I move the adjournment, I would just like to acknowledge that the honourable member for Montgomery has had his bill passed in the other place and so that's both Houses. On behalf of everyone here, we sincerely congratulate you. Hasn't taken you long, has it? It's a lesson for us all, so thank you and all the very best. Look out for the next one.

Mr President, I move -

That at its rising the Council adjourn to 11.00 a.m. on Thursday 19 November 2026.

Motion agreed to.

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

That the Council do now adjourn.

The Council adjourned at 7.17 p.m.