PARLIAMENT OF TASMANIA

DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Thursday 19 November 2026

Preliminary Transcript

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Thursday 19 November 2026

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

QUESTION ON NOTICE - ANSWER

No. 69 of 2026 - Homes Tasmania

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

[11.03 a.m.]

Mr VINCENT (Prosser - Minister for Housing and Planning) - Thank you, Mr President. I have answers to question number 69 this year from the member for Murchison. There are a lot of questions here relating to Homes Tasmania and community housing and some of the costs. There is an extremely comprehensive answer to that and with the member's permission I seek leave to table the document.

Leave granted.

Document tabled and incorporated.

See Appendix 1 (page xx).

TABLED PAPERS

Special Report of the Parliamentary Standing Committee of Public Accounts No. 74 of 2026 - Macquarie Point Stadium Opinion Piece

[11.04 a.m.]

Ms FORREST (Murchison) - Mr President, I have the honour to present the Special Report of the Parliamentary Standing Committee of Public Accounts No. 74 of 2026 - Macquarie Point Stadium Opinion Piece.

Mr President, I move -

That the report be received and printed.

Report received and printed.

Mr President, I move -

That consideration of the report and its noting be made an order of the day.

Motion agreed to.

LEAVE OF ABSENCE

Member for Pembroke - Mr Edmunds

[11.04 a.m.]

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

> That the honourable member for Pembroke, Mr Edmunds, be granted leave of absence from the service of the Council for this day's sitting.

Motion agreed to.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before we move to our orders of the day, I'd like to welcome to the Chamber the TasTAFE Work Pathway students who are joining us in the parliament today. We welcome you to the Chamber and hope you have an enjoyable time looking at the Tasmanian parliament. We've just gone through our standard procedure for the opening of our session and then shortly we will go on to some legislation and work through the rest of the day. On behalf of all members, welcome, and we hope that you enjoy your time, particularly in the Legislative Council this morning.

Members - Hear, hear.

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

Third Reading

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

> That the bill be now read the third time.

Motion agreed to; bill read the third time.

TASMANIAN COMMUNITY FUND AMENDMENT BILL 2025 (No. 55)

Second Reading

Continued from 18 November 2026 (page xx).

[11.17 a.m.]

Ms FORREST (Murchison) - Mr President, I rise to speak in broad support of the Community Fund Amendment bill, but I do have concerns about certain aspects of it. Some of these have been well articulated by other members, so I won't go into the same detail as they

have because I know we want to get on with dealing with this bill. By way of background, the Tasmanian Community Fund was established following the sale of the Trust Bank and formalised in its own right by the *Tasmanian Community Fund Act 2005*. It receives a reserve [INAUDIBLE 11.18.12] appropriation index to CPI, and its independent board distributes that money, at its own discretion, for charitable, sporting, cultural, educational, possibly religious, and other approved community purposes.

For 20 years it's operated with a high degree of autonomy from government and made more than 3000 grants across the state. That independence was deliberate. When the TCF Act was debated, members were concerned to ensure the fund could never be used for the political purposes of the government of the day, nor could they get their greedy mitts on the money, perhaps, was the other way of putting it. As a model, it served Tasmania well. Independence of this kind retains public confidence, if it is matched by rigour, transparency, and accountability, commensurate with the fact that this is public money, for the public benefit.

This bill has its genesis in what was a bit of a difficult chapter for the Tasmanian Community Fund. This bill, despite that, is a bit of an interesting reaction to that occurrence -

Ms Webb - That's a generous characterisation.

Ms O'Connor - That's one word for it.

Ms FORREST - Sorry?

Ms Webb - Very generous characterisation.

Ms FORREST - Yes, I am being a little bit less brutal than you were, perhaps, but anyway.

The Auditor-General's report No. 2 of 2024-25 examined two connected matters but, as others have stated, the recommendations in that report didn't call for what we see here. The Auditor-General did call for significant changes to their processes and governance arrangements, to enhance their transparency and accountability mechanisms, and I note that the TCF have acted on those recommendations. Not only have they acted, they've also reported their actions in their annual reports. There are many other entities in this state, who could take a leaf out of the TCF's book and, when they get recommendations from the government, actually report on their actions against it. Now, our members would know that the Public Accounts Committee reviews the Auditor-General's performance audits from time to time, to hold those -

Members - Hear, hear.

MOTION

Attendance of Ministers in the Council at House of Assembly Government Businesses Scrutiny Committee

[11.05 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move that the resolution of the House of Assembly be agreed to.

Motion agreed to.

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I move that a message be transmitted to the House of Assembly acquainting that House accordingly.

Motion agreed to.

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

Consideration of Bill as Amended in Committee of the Whole Council

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

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

Motion agreed to.

Amendments read the first time.

Amendments read the second time.

Amendments agreed to.

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

Third Reading

Bill read the third time.

TASMANIAN COMMUNITY FUND AMENDMENT BILL 2025 (No. 55)

Second Reading

Continued from 18 November 2026 (page xx).

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Ms FORREST (Murchison) - Mr President, I rise to speak in broad support of the Community Fund Amendment bill, but I do have concerns about certain aspects of it. Some of these have been well articulated by other members, so I won't go into the same detail as they have because I know we want to get on with dealing with this bill. By way of background, the Tasmanian Community Fund was established following the sale of the Trust Bank and formalised in its own right by the *Tasmanian Community Fund Act 2005*. It receives a reserve [INAUDIBLE 11.18.12] appropriation index to CPI, and its independent board distributes that money, at its own discretion, for charitable, sporting, cultural, educational, possibly religious, and other approved community purposes.

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The Auditor-General's report No. 2 of 2024-25 examined two connected matters but, as others have stated, the recommendations in that report didn't call for what we see here. The Auditor-General did call for significant changes to their processes and governance arrangements, to enhance their transparency and accountability mechanisms, and I note that the TCF have acted on those recommendations. Not only have they acted, they've also reported their actions in their annual reports. There are many other entities in this state, who could take a leaf out of the TCF's book and, when they get recommendations from the government, actually report on their actions against it. Now, our members would know, that the Public Accounts Committee reviews the Auditor-General's performance audits from time to time, to hold those entities to account. It's funny how sending a questionnaire to various departments asking them to update the committee on actions they've taken leads to a whole flurry of activity. It shouldn't need that. The TCF here have provided a really good example of what you do.

I know this has been a frustration of the Auditor-General as well, and he has commenced including outstanding matters in his annual reports. From my discussions with him, the Auditor-General also has an expectation that every department or entity that has recommendations from a performance audit - as well as financial performance, but let's stick

with the performance audits - that they include the recommendations made by the Audit Office and what they're doing about it in their annual reports. The TCF are well ahead of the game here, so all credit to the board. I note that the previous board had some pretty challenging times around this period and the new board, led by Kym Goodes, has certainly stepped up into this space, so I acknowledge her work.

The Auditor-General's report was on a referral from an external party due to the board's decision in February 2023 to publicly commit the TCF to supporting a yes vote in the Commonwealth Voice referendum, and its subsequent decision in June 2023 to award a grant of some $557,800 to Australians for Indigenous Constitutional Recognition Ltd (AICR), jointly with reconciliation [TBC], to run an educational media campaign in support of that outcome. The Auditor-General's conclusion on a limited assurance review was that neither process met an effective standard. That was about the process. Change was needed, but is this bill the change that was actually requested or recommended? It seems that the board has acted and is now operating in accordance with the Auditor-General's recommendations.

It's worth setting out what that finding rested on. I know that the then board of the TCF disputes the findings, as is their right, but I wish to refer briefly to what the Auditor-General found, he said,

> On the referendum position itself, the board could not demonstrate or document its reasons for taking a public stance on a Commonwealth referendum question. In line with the state only information and records management standard. [TBC]

They would claim that they did, but the Auditor-General wasn't provided with it, so there's a bit of he said, she said here, but this is what the Auditor-General found and I have huge regard for the work of the Audit Office, and I believe that if it was available, they would not have said it wasn't.

In my view, this comment follows through the whole next bit I'll say, is it's a shame this occurred, this whole incident occurred on such a sensitive issue. The Audit Office report said the TCF had not sought or considered the extensive publicly available guidance cited at length in the report's appendix. That stated that public entities should not use public resources to support a particular referendum outcome. The TCF could not point to evidence that risks associated with the decision, including reputational risk and the risk of being seen to favour one side of a contested political question, have been assessed in line with its own risk management framework, and my previous comments sit over the top of that comment as well. I go back to the point again, it's a real shame that this was on this particular sensitive matter.

On the ground itself, the Auditor-General found that the board's earlier public support for the yes case created, at the very least, a perception that its later decision to fund AICR was not objective and that this perception was never managed or even acknowledged, despite the TCF's own conflict of interest policy requiring exactly that. I acknowledge the contested views on that. There was, according to the Audit Office report, no documentation showing how the grant connected to the educational purposes ground in section 7 of the TCF Act, no document assessment of value for money and no consideration of what would happen to that value for money if the referendum failed - which, sadly, it did.

The significant share of the grant, $120,000, went to a national media campaign with no clear record of the proportion, if any at all, that was directed toward Tasmania. I can understand why concern was raised about it, but what the Auditor-General was focusing on was the processes, documentation and decision making that sat behind this decision. As I said, the board did contest these matters and maintained the report did not accurately reflect its own view on how those matters were handled.

What the Auditor-General also noted was that the board had accepted but never implemented its own 2020 internal audit recommendations on precisely the points later raised. Recommendations to document funding rationales, tie decisions, including to section 7 of the act, and apply a structured risk assessment. This has been claimed by the government, perhaps, why this legislation is being is being brought forward and progressed. I know it was some time ago now - it was how many elections ago? One or two? However many. It could have been seen then and it still could be seen now as a political act of itself. When we look at what was actually recommended, it seems like this is a political response rather than a response in recognition of actual recommendations made.

As I said, the board strongly contested much of that report and its response is on the public record and members can form their own views of that. But whatever view members take, the practical lesson here is the same: an independent statutory board handling several million dollars of public money each year does need a statutory framework robust enough that good practice does not depend on the judgement of whoever happens to be sitting around the table at the time and transparent accountability mechanisms that don't depend on that either. It has to be enduring model that just makes it really clear what the responsibilities are. The bill is fairly clear in this, it's just that some of their processes that sat behind it, according to the Auditor-General, were lacking.

The bill, in clause 5, if we look at what it actually does, requires the board to act apolitically, professionally and impartially in performing its functions and exercising its powers generally. That's quite insulting, really.

Ms O'Connor - Patronising.

Ms FORREST - Yeah, patronising is maybe a better word. I think one of the other members in this Chamber raised the question: what other legislation has a direction to the board - it might have been member for Mersey?

Mr Gaffney - Member for Nelson.

Ms FORREST - Nelson, was it? Who said: what other legislation has this sort of provision where you have to act professionally? Surely, when we appoint people to boards, that's an expectation for judicial responsibility.

Ms Rattray - Especially a skills-based board.

Ms FORREST - Yes, exactly. The bill does make a range of provisions that appear to clarify that the board must comply with the *Archives Act 1983*. I think it is a requirement but it's for a removal of doubt clause. Also, that's responding to the addressing of record keeping.

It also makes clear that TCF grants are grants expenditure for the purpose of the *Public Accounts Committee Act*. As I said, in my time, which has been a long time, the Public Accounts Committee has never scrutinised the TCF or their framework. There was a time when they used to come in annually and brief members on their plan; they haven't been doing that in more recent times. I think that would probably be a helpful thing for them to do: just a general briefing once a year on their plan and the last year's decision that they've made.

Ms Rattray - Through you, Mr President, we're always provided with a list.

Ms FORREST - That's right. But they also came and briefed the members of the Leg Co. I think that would be a good thing to try to reinitiate. Parliamentary scrutiny is important to ensure transparency and accountability in decision making, but it also would give, and does give, the TCF board an opportunity to demonstrate that accountability through such a process. It doesn't necessarily need to be a Public Accounts Committee inquiry; it can be through other mechanisms engaging with the parliament. I just put that out there and I hope that may be something that could be followed up. I'm also not convinced that their power isn't there for the Public Accounts Committee to call them, but this is a removal of doubts clause, so it's not offensive in that regard. I have met with the current chair, Kym Goodes, and as I've said, is a very competent and accomplished leader. She informed me at the time - this is some time ago when this first hit the deck, so it's a while back now-and I've seen much more evidence since, that the TCF board is effectively operating under the provisions of the bill already. Well, for one, on the assumption that it will become law, but also that's what good governance looks like. They've responded to the Auditor-General's recommendations, so you do have to ask how much of this bill is actually needed.

The bill also required a published grant management framework aligned with the Treasurer's instructions as though the TCF were an agency under the *Financial Management Act*. That's an interesting approach for an independent board like that, and I know other members have raised this - there may be more questions in the committee stage on that.

It requires independent external performance audits of that framework every four years, rather than leaving that to an internal audit whose recommendations can be accepted and then quietly left on the shelf, I guess. Maybe that's a positive thing. It does require public consultation of at least 21 days before the board finalises its strategic plan, followed by annual reporting against it. They're all mechanisms that should and do happen now, as I've seen it.

As I know, the current board has already moved to adopt many of these disciplines in practice ahead of the bill passing, or assuming it passes - a published funding framework, clearer documentation, more structured risk assessment - and that's welcome and should be acknowledged. The bill may ensure the TCF's accountability does not rise and fall on the composition of the board with a memory of a difficult audit.

I think it is questionable what we actually need to do here. There may be some things - the removal of doubt clauses isn't offensive, some of the other changes in clause 5 probably are offensive, and I know there are proposed amendments to that. What is critical is that any changes made must not compromise the genuine independence of the Tasmanian Community Fund board in deciding which community organisations receive support. That independence was established when the fund was created from proceeds of the Trust Bank and that must be preserved.

As I said, I do have some concerns with clause 5 as it appears in the bill, but I will support the bill into the committee stage and reserve my judgement on the final outcome.

[11.33 a.m.]

Ms O'CONNOR (Hobart) - Thank you, Mr President. I rise to speak on behalf of the Greens on the Tasmanian Community Fund Amendment Bill 2025 and indicate, as my colleague and spokesperson for communities in the House of Assembly indicated during that debate in the other place, that we don't support the bill in its current form.

Our particular concern - and this is a matter that's been raised by a number of speakers - is around clause 5. This is a highly political bill and I find that very ironic because it is a bill which seeks to patronise and direct the Tasmanian Community Fund board to act or not act in a certain way, when the principal act that governs the board is very clear that the board has to act honestly and in the public interest. So, I note that irony.

Now, I have some intimate, professional understanding of the way the Tasmanian Community Fund operates because between 2010 and 2014, as the Minister for Communities, I had oversight, if you like, of the Tasmanian Community Fund. What a privilege that was, but I'd like to share with members the process.

The process is hands off other than a signature. The grants come up that the board has examined methodically, tested against the act, selected community grants for approval, and a table comes up for noting. As minister, I would sign that table, Mr President. I sought to and successfully suggest a chair to the board, which was approved by the Governor, the former head of, I think it was the Heart Foundation, the wonderful, Heather Thomas, who was an excellent chair; who succeeded the previous chair; the former Mayor of Flinders Island, Lynn Mason. The Tasmanian Community Fund has a long and proud history of excellent governance and chairs of its board. So that was the process. That is, I presume, still the process for a ministerial sign-off on Tasmanian Community Fund grants. Certainly, when I was minister, I understood this money was held and governed in trust by the Tasmanian Community Fund on behalf of the people of Tasmania. And what a difference it's made since the Tasmanian Community Fund was first established. Tens and tens and tens of millions of dollars out of the sale of the former Trust Bank invested into community organisations, community groups all over the island. And in many cases changing lives, creating opportunities, generating new ideas, activating communities, building connections. What a wonderful thing it is, the Tasmanian Community Fund.

Mr. President, it's something that's special and precious to this island, and it enables community groups that would not otherwise be able to access usually relatively small sums of funds, but sometimes some quite substantial grants have been awarded. I also was part of the tri-partisan public press conference that was held with then Labour leader Rebecca White, Premier Jeremy Rockliff and myself as Greens leader, when we stood together out the front of this place and said there is tri-partisan support for a voice to parliament. There was no contention that there was division on this issue of giving First Nations Australians the bare minimum, might I say, the bare minimum of a voice to parliament. And it felt like a really positive day, Mr President, when you have the leaders of three political parties standing together for an idea bigger than all of us.

Now we know what happened to the voice campaign. We know that vast sums of money, much of it from still undisclosed sources, was poured into preventing Aboriginal people from

having a Voice to Parliament and sowed enough distrust and confusion in the community that the voice referendum failed. Now, politically, one of the key Tasmanian players in opposition to the Voice to Parliament is outgoing Senator, was outgoing Senator - I mean, he's still a senator - Liberal Senator, Jonno Duniam.

Now that's the context for the grant that was awarded after - again a process that, while the Auditor-General has raised questions about that process, Mr President, the Tasmanian Community Fund Board accepted there could have been improvements in the process but stood by the decision. And it was after that decision was made, that Senator Jonno Duinam, offended that the board would fund a community initiative to promote inclusion and a voice to parliament, Jonno Duinam presumably referred the matter to the Auditor-General.

Now we have to take seriously the Auditor-General's report and findings, Mr President, and the recommendations, which have been detailed in other excellent contributions on this bill, were around governance and reporting requirements. There was no recommendation that a bill such as this be brought to this place. As other members have said, the Tasmanian Community Fund Board has listened to the Auditor-General's report, and recommendations, and instituted all those recommendations, and is reporting against them.

My other intimate experience of the Tasmanian Community Fund came shortly after the 2014 state election. The Liberals, having won a significant majority, swanned into this place with their noses in the air, and thought to themselves clearly: yeehaw, here we are, we have got the limousines, we have got the jobs, we have got access to the public purse. And within a very short period of time, after winning office in 2014, a decision had been made on floor 11 to transfer administration of the Tasmanian Community Fund, from its independent process, through the Public Account, into DPAC, the Department of Premier and Cabinet. As it happened, a previous chair of the board, having obtained this knowledge, contacted me directly to let us know what was planned. Not just planned, well underway as a plan. And that was to take the money that is set aside for the fund and bring it under the newly elected premiers administration. Luckily, the call came in on a sitting day, so I got up and asked the question of the premier, about whether or not it was true that his government wanted to get its hooks into - its sticky little fingers - on the Tasmanian Community Fund monies. Which would have enabled them to play with around $7 to 8 million a year. You should have seen his face. He looked like a rabbit in the spotlight because he had been busted. He had been busted trying to take that money, out of its independent governance, excellently managed, and stick it in his own department. No doubt for a bit of political largesse, and pork barrelling, into the future.

Well, because he was busted, and because the budget had not yet been set, that plan was, thankfully, abandoned. That is important context, as well, to understand this bill. 12-years ago, among their first acts, the Liberals tried to get their hands on the TCF funding. A few years ago, with one of their Liberal senators in their ear, cranky about one grant, unleashed the Auditor-General on the Tasmanian Community Fund.

I am not going to make a long contribution here, I thought it was important to set that context, but I do recommend to honourable members, just even have a look at the Tas community funds' last annual report. During 2025-26, with the focus on removing barriers to enabling children and young people, aged 8 to 19, to remain engaged with learning, and connected to their communities, and increasing the capacity and capability of organisations, and communities, across Tasmania, and remembering under their act, acting with honesty and in the public interest. The Tasmanian Community Fund allocated a substantial sum to the ABC,

$998,000, to deliver four Takeover Programs, across regional and suburban Tasmania, between 2026-2031, to amplify the voices of young Tasmanians, build storytelling and communication skills, and strengthen local community engagement, Through a long-term, multi-year program. The TCF was 'proud', it says, 'to support the ABC's Takeover Program', which assisted young people in Burnie to share their unique stories with Tasmania, and the rest of Australia. What a beautiful project. What a lovely thing to invest in. Glenorchy City Council was the recipient of a $1 million grant to deliver a safe, inclusive after school Youth Hub in the Glenorchy Central Business District that connects young people aged 12 to 17 with health, learning and employment pathways by providing qualified youth engagement staff, youth lead programming, nutritious food and a supportive environment during the highest needs hours of the day. Again, a truly worthy project. The Youth Hub is making a significant difference in the community with more than 50 young people at a time attending each afternoon.

There's $50,000 awarded to Sustainable Living Tasmania for the Tasmanian Youth Climate Leaders Program to empower young Tasmanians aged 10 to 19 to build the skills and confidence to deliver local action projects that strengthen their resilience and well-being in responding to climate change.

There was $25,000 allocated to the Narryna Heritage Museum to improve access for Tasmanian students to place based maritime heritage, learning through curriculum linked digital resources, on-site education activities and walking tours that connect our beautiful city's harbour history with broader trade, migration and cultural stories.

There's a $50,000 grant for the Derwent Catchment Project, again very important investment, connecting to land and sea pathways to support Aboriginal young people to build confidence, skills and employment pathways through culturally safe land management training, working on country, mentoring and practical learning.

Over the course of nearly a quarter of a century now, the Tasmanian Community Fund has spent in the order of $130 million, I think it is, and all of it has gone into building community and building connections. This one grant, that's so offended a very conservative Liberal senator, has brought us here to this bill. It is truly patronising.

Apart from it being a clearly political bill, it is truly patronising to direct a board which, under this act, is obliged to act honestly and in the public interest to act under this amendment bill independently, apolitically, professionally - give us a break - impartially and in the public interest when performing its functions and exercising its powers. The question has been asked and, it is the relevant question, what kind of other professional independent board is directed in such a way under statute?

If there's any examples that the Leader can provide for us, I am sure all members would be interested to hear about that. After a quarter of a century of service to the broader Tasmanian community, but to communities and people who we all represent, this is the kind of garbage treatment that this government is dishing out to the TCF.

We don't support the bill with clause 5 in it. I'm thankful for the work that's gone into some proposed amendments from the honourable Member for Elwick and the honourable Member for Huon and will listen with interest to the debate. But clause 5 as it is, it should just go. For members who are uncertain about that, I ask you to go and have a look at clause 7 of the Principal Act. It's very clear what the functions, powers and responsibilities of the

Tasmanian Community Fund are, and I would argue, that across a quarter of a century of servicing the needs of the communities that we represent, the Tasmanian Community Fund has acted honourably, honestly and in the public interest. We should not insult the board and the people who work with the board to administer those funds by allowing this bill to pass in its current form. I hope members recognise that this bill, which patronisingly directs the Tasmanian Community Fund to act apolitically, is a political exercise.

I do note, just on my way out, that the bill was brought in by the former minister for Community and Multicultural Affairs, the honourable Madeleine Ruth Ogilvie. It has now been established that at the time that she brought this bill in, she was under investigation for pork barrelling; being part of a pork-barrelling exercise, which happens here, under the Liberals in government, all too regularly and is part of the reason that the state's finances are in the mess that they are in.

Primarily, I encourage members to support the honourable member for Elwick's amendment to strike out clause 5. I think that there will still be some of that governance tightening that the government says is the important part here. We will still maintain echoes, if you like, of the recommendations made by the Auditor-General, notwithstanding the fact he made no recommendation to amend the *Tasmanian Community Fund Act 2005*. But we can be responsive to the Auditor-General's recommendations by striking clause 5 out, because it's patronising, political, and actually repetitive, as the member for Elwick pointed out yesterday, with the use of the words 'public interest'. Some very good contributions on this bill.

We can strike out clause 5, which is the offensive, unnecessary, patronising and repetitive part of this bill and retain those other governance improvements in the interests of the Tasmanian Community Fund itself and, more importantly, in the interests of all those communities who, over the journey, have been able to apply for these funds and make a difference in those communities.

In closing, I want to sincerely and warmly thank everyone at the Tasmanian Community Fund, the board and previous chairs for their dedicated, outstanding work administering those funds that are held in trust, quite literally, on behalf of the people who we represent. I commend the honourable member for Elwick's first amendment to clause 5, but should the bill go through with clause 5 intact, we will not be supporting it.

[11.54 a.m.]

Ms LOVELL (Rumney) - Mr President, I just wanted to make a brief contribution, really. A lot of members have already made really good contributions on this bill and raised a lot of the similar issues that I have with it. I did want to put on record how important the Tas Community Fund is to all of our communities and I, like other members, have spoken about we've all got community groups, sporting organisations and others that we're aware of that have received or been beneficiaries of grants from the Tasmanian Community Fund and what a difference that has made to the services and the programs that they're able to provide. The Tas Community Fund was established as an independent fund, and that was very, very intentional at the time. It's really important that that principle is protected.

I understand that the bill is responding to the Auditor-General's report and its findings. There were some deficiencies found, but I do want to also, as the member for Murchison and others have done, acknowledge the work of the board of the Tas Community Fund. They have already responded to many of those recommendations and those findings. They're already

doing a lot of what's contained in this bill, and I know they've worked really hard on that. I want to commend them for the work they've done.

We do, of course, support good governance, and transparency when we're talking about public money. Of course we should, and I think we all do. But, as other members have noted, it's really important that strengthening governance doesn't become an excuse for politically motivated overreach.

I think we all know why we're here. That's been really well outlined. We know what the concerns are. I think there is significant concern still about this bill, in its current form. I appreciate there are some amendments that will be debated in the committee stage. I look forward to that debate. I'm really coming to that debate with a very open mind. We've got some principles that we want to protect, but there are absolutely some amendments, and changes, that can be made to the bill that protect those principles, but don't get into the territory of the overreach, that we see with this current bill. I support the bill but will be looking forward to the debate through the committee stage, and those amendments. I will listen with interest to that debate.

[11.57 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I would just like to acknowledge the contributions from honourable members and add my appreciation to the Tasmanian Community Fund. I've been here on quite a bit of their journey, and have certainly seen our communities, and the communities that I've represented, over my journey, benefit from the Tasmanian Community Fund. Obviously, their strategy did change a little bit, at one stage, and there wasn't as much infrastructure funding coming through, or not receiving grants, through the Tasmanian Community Fund. I think that's a fair assessment of what I saw. But I also want to put on the record that I've wrote many letters to support community groups in their endeavour to receive funding for a wide variety of projects. Whether they be for infrastructure, or whether they be for a community benefit program that's being rolled out. I always worried about three-year funding, getting something in place for three years, and then a community group having to try and gain funds, again, and again, after that. It's been a real challenge for a lot of community groups, but I also acknowledge the work that they have done.

I've known a number of the Tasmanian Community Fund Board, and particularly chairs over the journey too. I would just like to acknowledge the work of Sally Darke. I have taken the opportunity, on many occasions, to catch-up and have a have a chat with Sally. I've always appreciated it when her and Lola would come to my Scottsdale office. They will call in, make an appointment - call-in after making the appointment, because you never know whether I'm going to be there - and we would talk about the plans for the fund. That's always been very much appreciated. I just feel it's important that we acknowledge that work.

And also, they had to read all those letters that I wrote, and genuine support, too. I remember one time, way back, up in the back blocks, when we had our big old briefing room. You remember that one, Mr President? There was some sort of - I suppose it was a bit of an indication that members of parliament's letters were probably better off not to come with an application. I took high offence to that. That policy, or that intention, changed very quickly. Because we do know our communities, or we certainly feel like we know our communities, and we do know whether something might, or is probable, to be a success or not. That did

change after that, I believe, or I hope they didn't throw my letter out. How would I know? But groups that I did support were successful, and some unsuccessful.

I also recall the fact that they put in a very solid process where a community group or organisation could ask for feedback. That was really important that those community groups and organisations understood why their application had been unsuccessful and perhaps they needed to change their approach. I felt that that was worthwhile putting on the record because I've had a lot of experience with the TCF over my 22-year journey.

In response to honourable members' questions - and some will overlap - so I'm not actually going to attribute them to anyone in particular, I think I will keep that broad and if there's something that hasn't been addressed, I will endeavour to do that through the course of the committee stage. I know that honourable members will certainly take me to task on that.

In regard to the question around how exactly the TCF will be defined under the Treasurer's instructions, as the bill states that the TCF board will be 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*, in accordance with the *Financial Management Act 2016*, of which the Treasurer's instructions are considered within, the TCF would be considered a state authority with the following definition: [TBC 12.02]

> State authority means anybody or authority, whether incorporated or not, that is established or constituted under a written law or under the royal prerogative; and
>
> A body or authority which, or of which, the governing authority wholly or partly comprises a person or persons appointed by the Governor, a minister or another state authority.

The requirement to develop a grants management framework that reflects relevant Treasurer's instructions recognises that TCF distributes significant amounts of public money and should do so in accordance with contemporary standards of probity, transparency, risk management, and accountability. The intent of proposed section 7A is therefore not to alter the independence of the board but to ensure the TCF's grant administration practices are consistent with contemporary public sector grant management standards and community expectations regarding the stewardship of public funds. It is noted that there is no requirement for the minister or government to approve the grants management framework.

There was a question asking where else in government funding processes over the last 20 years has public money been granted to purely use for religious purposes with no wider cross-community benefit. The government is not aware of a comprehensive record that would enable an assessment of all government-funded grants over the past 20 years that may have supported activities with a religious purpose. Many government grant programs have historically provided funding to faith-based and religious organisations where the funded activity delivers a community benefit. Examples would include welfare services community infrastructure, education, emergency relief, food relief, aged care, youth services, or community development initiatives. The bill does not amend the existing purposes for which the Tasmanian Community Fund may provide grants, including the existing provisions relating to religious purposes. The amendment bill is primarily concerned with improving governance, transparency, and accountability arrangements.

Ms Webb - None of those things are religious purposes that you read out. None of them.

Ms RATTRAY - I will continue on. Decisions on grant applications remain the responsibility of the TCF board, which must assess applications against the legislative framework, the objectives of the fund and the criteria set by the board in relation to specific grant programs, and the TCF's broader strategic direction.

There was a question around confirming whether any inadequacies have been identified in the response to, or the implementation of, the Auditor-General's recommendations. The four recommendations are largely considered as complete. Finalisation of the grants framework in the coming months will complete the implementation of the Auditor-General's four recommendations.

The bill is intended to provide a clearer legislative framework and introduce mechanisms to ensure the TCF continues to operate in a transparent, accountable and contemporary manner. Embedding these requirements in legislation helps ensure the ongoing application of consistent governance and accountability arrangements.

There was a question around citing other instances where Tasmanian legislation contains directions such as the requirement for entities to behave professionally, and I know this was raised by more than one honourable member, and it's referred to clause 5. Such behavioural standards may be detailed in codes of conduct, for example, and then goes on to talk about the fact that they considered it patronising to have them stipulated in a statue and looking for examples.

The provision is not intended as a prohibition; rather, it establishes a clear expectation regarding the manner in which board members should undertake their functions and exercise their responsibilities. The amendment is not intended to create a separate professional standard of board members; rather it provides a principles-based expectation that board members act professionally in performing their statutory duties. This includes making informed and objective decisions, applying appropriate governance and risk management practices, managing conflicts of interest and maintaining proper records and acting with integrity and diligence.

The use of 'act professionally' is intended to provide flexibility and avoid the need to prescribe an exhaustive list of behaviours or standards in legislation. It allows the board to have regard to contemporary governance practices and relevant standards applicable to similar boards across Australia. I acknowledge that there are a number of amendments that will be discussed through the course of the Committee stage, should this see progress that far.

There was a question around the additional administrative resourcing to be provided to the TCF to meet the new strategic plan development and publishing requirements. The TCF receives an annual reserve by law appropriation, which in 2025-26 was $8.674 million, increasing to $8.891 million in 2026-27, and then for the 2027-28 allocation, it's $9.113 million. The board is responsible for determining how these funds are allocated and expended in accordance with its statutory functions. The preparation, consultation, publication and review of a strategic plan are considered core governance responsibilities of the board, with these activities to be accommodated within the board's existing resources and budget setting processes.

The amendment bill does not prescribe a complex or resource-intensive planning process; rather it seeks to ensure that the board articulates its strategic priorities and provides greater transparency and accountability to the Tasmanian community regarding the stewardship of public funds. Consistent with its existing powers, the board may determine the level of resources it allocates to strategic planning, stakeholder engagement and publication activities, having regard to its operational requirements and the funding available to it.

There was also a follow-up question by another honourable member, so I'm not going to read out the top of that - you've already got the numbers that I've just provided. Around the resourcing, the requirements introduced by the amendment bill are intended to strengthen transparency and accountability in the administration of public funds consistent with its existing responsibilities. The board will determine the level of resourcing.

In relation to training and guidance of TCF staff, this is the responsibility of DPAC, that is working closely with the board to ensure that these obligations are met.

Another one around resourcing, and to fund the new audit requirements, as detailed in the response about when I gave the dollars, and what sits with that? The board is responsible for determining how its annual appropriation is allocated to meet its statutory obligations, including that governance, compliance, and assurance functions. The audit requirements, introduced by the amendment bill, are intended, again, to strengthen transparency and accountability, in the administration of public funds.

The last one that I have, is, again, about the Audit Office; if government considers the Audit Office to be an appropriate place to undertake the work specified in clause 8, and will the Audit Office receive additional resources from government? The board is responsible for determining how its annual appropriation is allocated, to meet its obligations, including governance, compliance and audit functions. The TCF can engage anyone they deem fit to complete the required audit function. Certainly, a self-determination for the board there.

As I've said, if there are any outstanding questions that honourable members have, happy to do my best to provide those responses through the committee stage. I commend the bill to the Council.

Bill read the second time.

TASMANIAN COMMUNITY FUND AMENDMENT BILL 2025 (No. 55)

In Committee

Madam CHAIR - Members, there are three proposed amendments to clause 5, but I understand only two are likely to be moved now, and we will move them in order where they appear in the bill. That means the member for Mersey is first then, if the member for Huon chooses not to move hers, the member for Elwick will be next. That's the order they appear in, in terms of amending the bill. You can't jump around. You can make a substantive contribution on the amendment that may refer to an option, but we can't go backwards.

Mr HISCUTT - Clarification; if the member for Elwick's amendment to clause 5, paragraph (a) is the same timing as the member for Huon's -

Madam CHAIR - No, it's not. One is still [INAUDIBLE 12.16.57]. That's the way it works. Members will need to think about what they want to do.

Mr HISCUTT - When there's a first amendment and a second amendment, can they be taken as individual amendments?

Madam CHAIR - They have to appear in the order in which they amend the provisions in the bill.

Mr HISCUTT - I understand that, but the first part of both of those amendments affects the same clause.

Ms Webb - No, they are different parts of the clause though.

Mr HISCUTT - They're not. The second amendment is before the other, but the first amendment of both is page 5. They are both the same.

Ms Webb - I think you're getting confused between there's that and then there's also that. So, that's one set, and yet, you do them separately.

Madam CHAIR - I'm going to suggest that someone move that we report progress so that we can have a discussion with members about what they actually want to achieve here because it's very messy and we want to make sure that no-one feels like they've been aggrieved in this process. So, I think if maybe the Leader might seek to report progress. We can stay in the Chamber and have a discussion. We can do 1-4 first if you want.

Ms RATTRAY - That'd be lovely, thank you.

Madam CHAIR - We'll do 1-4, then [INAUDIBLE 12.20.01] dispense with the member for Mersey's amendment, and then we might report progress on clause 5.

Ms GLADE-WRIGHT - Chair, can I just say, I'm really happy to not move my amendment, but if the member for Elwick's goes down -

Madam CHAIR - Let's have this discussion outside of this bit now. We'll report progress and we can have a discussion, okay? It's far less messy that way.

Clauses 1 to 3 agreed to.

Clause 4 agreed to.

Ms RATTRAY - Madam Chair, in the interest of having a discussion around an orderly process for presenting the suite of amendments, I move -

That the Committee reports progress and seeks leave to sit again.

Motion agreed to.

Progress reported.

SUSPENSION OF SITTING

[12.22 p.m.]

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

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

This is in order to have a discussion.

Sitting suspended from 12.23 p.m. until 2.30 p.m.

QUESTIONS

Northern Student Residence - Availability to St Helens Students

Ms LOVELL question to MINISTER for EDUCATION, Ms PALMER

Minister, your department says the Northern Student Residence exists to provide accommodation for east coast students undertaking years 11 and 12 in Launceston. Yet St Helens families are now being told their children cannot secure places. Why has accommodation, previously available to east-coast students, become unavailable, and what will you do to fix it?

ANSWER

All of our government high schools throughout Tasmania have now been extended to years 11 and 12, for the purpose of reducing barriers, and ensuring that students do have an option, that they can remain in their local area, for the entire duration of their schooling. However, there are some students in rural, or regional areas, which may prefer to attend their nearest college for years 11 and 12. This is a personal decision, sometimes due to the courses that a student might be seeking to undertake. We are proud to provide three student residences across Tasmania, through the Department for Education, Children and Young People, supporting our rural and regional students to complete years 11 and 12, at a college, if that is their preference.

To be eligible for accommodation at a departmental residence, I understand students must live at least 56 kilometres away from their nearest college. Places are not guaranteed, and they do depend on availability. The department's Northern Student Residence offers accommodation for students from the east-coast, Flinders Island, north-east and central Tasmania, undertaking years 11 and 12 studies, at either Newstead College, or at Launceston College.

I am advised that for 2027 applications they exceeded the places that are available at the Northern Student Residence. That particular residence has a maximum capacity of 54 beds. The 2027 application process has been undertaken, under the department's new Statewide Student Residence Operating Model Policy and Procedure, which introduced an admissions panel process, to support consistent and transparent decision-making. All applications were assessed by the panel, against the statewide policy criteria. Meeting the eligibility criteria does not, however, guarantee a resident's placement where demand exceeds available capacity.

Where applicants meet the policy criteria, the panel was required to prioritise eligible students for the limited places available. Prioritisation considered the extent to which residents' accommodation was necessary for a student to access their intended education program. This included quite an assessment process of the level of in-person courses that they may actually need to attend in person, the requirements of the students' proposed subjects, and whether those subjects could, indeed, perhaps be accessed through the Virtual Learning Tasmania, or other delivery options.

The application process is now nearing completion, and I understand offers are being made to successful applicants this week. I have been advised that there are currently 12 eligible students that are on the waiting list. Should places become available, as the offer and acceptance process is finalised, further offers can then be made from those who are on the waiting list now. I have also been advised that families placed on the waiting list have been provided with information about the outcome, and also alternative education, and alternative accommodation options, including local provision VLT where appropriate. Also, I understand, there is limited availability of Student Residence accommodation in Hobart, which could be another option for them.

Victim/Survivor Delays Raised by the Ombudsman

Ms WEBB question to MINISTER for EDUCATION and MINISTER for CHILDREN and YOUTH, Ms PALMER

[2.35 p.m.]

My question, minister, is about the Ombudsman Tasmania Annual Report 2025-26, which was tabled earlier today, and raises serious concerns about, and I quote from page 13 of that report:

> ... increasing delays for victim-survivors and others accessing their own personal information at the Department of Education, Children and Young People, (DECYP). The situation has continued to worsen, with applications for personal information under the *Personal Information Protection Act 2004* and *Right to Information Act 2009* now regularly taking up to two years to receive responses.

The report goes on to say that these concerns have been raised formally with your department by the Ombudsman's office on multiple occasions, yet despite acknowledgement of the seriousness of the problem, steps taken to address the backlog have been implemented slowly, with the situation worsening over the year.

So, the questions, minister, are these. First, when were you made first aware of the Ombudsman's concerns over this unacceptable delay for victim/survivors to access their own personal information from your department? Second, what is the department's current schedule to clear the backlog and ensure future requests are dealt with expeditiously? And third, what steps are you taking as minister to ensure all necessary remedial action is prioritised?

ANSWER

I'll see if I can get the answer to your first question from my team about when I may have first become aware, but I can certainly address the other two aspects of your question. We certainly recognise the impact of delays on care leavers who are seeking access to their personal records through right to information requests and we continue to take steps to address the significant backlog of applications.

We also recognise that the government must avoid additional trauma through preventable delays to RTI requests. I certainly recognise that. Now we have undertaken considerable work to strengthen information handling practices, including written guidance for responding to inadvertent releases of third-party personal information in RTI applications, with oversight from the Ombudsman. Actions that the Department for Education, Children and Young People have been undertaken are as follows: There's a dedicated manager who has been employed to specifically provide oversight for the RTI function; following a resourcing reprioritisation earlier this year, six positions were filled from July 2026, which has increased the capacity to assess and release records; written guidance has been developed to support a trauma-informed approach to managing applications from care leavers, and this includes strengthening the use of trauma-informed language in correspondence and providing guidance on support services for individuals accessing potentially distressing information; also, the government is actively engaging with key stakeholders, including law firms, to identify the critical information needed by their clients to ensure a timely response to applications.

I'll just seek some advice on the first part of your question.

Ms WEBB - And the timeline for clearing the backlog?

Ms PALMER - To the honourable member, what I can say is I'm not sure of the exact date when this was first raised with me. I've certainly had periodic updates from the department on this matter, and it was also raised with me with when I last met with the Ombudsman. I can tell you that I've also had correspondence from people directly affected by this, which we've also tried to manage.

I can say that between August and November of this year, outstanding 2024 applications reduced from 71 to 47 and outstanding 2025 applications reduced from 179 to 158 and, during October 2026 alone, the department finalised 16 applications from these cohorts, each involving an average of more than 2500 pages of information.

I can tell you I am aware of the impact any delay can have in getting information. I remain confident that the department has strengthened the team that is dealing with this and remains focused on substantially reducing the backlog to address any unintended trauma through preventable delays to RTI requests. My expectation is that they continue to work through this, yes, very conscious of the delays, but also very conscious that these matters need to be dealt with very carefully.

Macquarie Point Stadium - Extra Costs Associated with Project

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

[2.42 p.m.]

Minister, now that we understand the cost of building the proposed Macquarie Point stadium will be more than $1.13 billion, as indicated around this time last year, and that the state's contribution will almost certainly be over the promised cap of $875 million, we're trying to understand some of the extra costs associated with the stadium's construction.

Are you able to provide information to Council on the projected costings for the rapid bus transit system? Whether or not the funding for the northern access road and the budget for it has changed? And what the projected cost of the pedestrian safety upgrades on Macquarie Street will be for the stadium? I know that these are complex questions in some ways, but if you can't answer them today, can you commit to coming back at the earliest opportunity to answer these questions?

ANSWER

This is probably out of order a little bit, but the footpaths and everything like that are the responsibility of Macquarie Point with what they need to do as part of the plan for it, so I don't have access to that, but I can and will talk to Macquarie Point. It mightn't be back here by Monday or Tuesday, but I'll get that as soon as I can for you or a good indication on that.

The rapid bus I will also clarify because that's right in the middle of doing the final business plan to go to the Victorian government. So, I'll double-check my facts on that before I come back, but I can come back to you pretty early next week for that one.

In relation to the northern access road, the Tasmanian Budget provides $78.9 million of new funding for construction of the northern access road. I believe all the planning and the port access and the ability for everything else to work around that port access for the future of that whole area is still on track and meets within that budget for things at this stage.

The other two points I will find out, but I will have to come back probably separately on each one for you.

Flexibility of Regional Land Use Strategies

Mr HISCUTT question to MINISTER for HOUSING and PLANNING, Mr VINCENT

[2.45 p.m.]

Regarding the regional land use strategies, will the remaining regional land use strategies, including the Cradle Coast Regional Land Use Strategy, be flexible to allow changes to growth and development patterns where circumstances change during the period of the strategy, such as unexpected population growth, rapid economic change, or the fallout from major disasters?

ANSWER

Even as a planning minister and a former mayor and running a planning authority, I always get nervous when I start to talk on behalf of what planning can and can't do. It's the nature of the beast, I'm afraid.

Thank you for the question. A lot of us in the room here have been part of planning authorities at council and understand the intricate nature of the regional land use strategies and

some of the restrictions that we've had for the last 10 or 12 years with it. That's why what we've been going through on it for the last three years and continue to go through is vital to make it a living document and to make sure that it is a living document. I think this is where you were going to with your question. While they provide a long-term strategic framework, they must be reviewed regularly to address the emerging challenges and opportunities.

The government recognises growth patterns, economic opportunities, and community needs can change significantly over time. Factors such as population growth, major new industries, infrastructure investment, or even significant natural disasters may require a strategic response not anticipated when the strategy was done. That's why the regional land use strategies will be supported by ongoing monitoring, including housing and land supply monitoring so emerging issues and opportunities can be identified early. This allows [INAUDIBLE 2.47.41] review and amendment of the strategies in response to changing circumstances. So, yes, it has got that flexibility built into it, which it hasn't had for the last 10-12 years.

It's also important to remember that a regional land use strategy is only one part of the planning framework and under the *Land Use Planning and Approvals Act*, the Tasmanian Planning Policies were made in July 2026 and provide the planning scheme with the capacity to accommodate change and provide flexibility where circumstances arise that are unforeseen during the preparation of the strategy or those circumstances can be strategically justified. Proposals not anticipated by the land use strategy can be assessed on their merit against the Tasmanian planning policies and other relevant statutory consideration. This allows for important developments and changing community needs not anticipated by the regional land use strategy.

In short, the strategies provide strategic direction and certainty, while the broader planning system provides the flexibility needed to respond to changing circumstances. Together, they ensure Tasmania can accommodate growth and respond appropriately to the changes in the future. Probably one of the hardest things for each of the three areas, to get their head around that, the southern area was very quick and efficient to do theirs, even though there was a lot of arm wrestling going on. The north and the north-west - the easiest way to describe it from my simple terms is that they have had trouble adjusting their thinking to the flexible way of doing it, and that it is a living document, where they're still thinking they've got to get everything perfect and spot on from day one and that's caused that bit of angst that's dragged it out. By the time we get it in, you could say a good 12 months longer than it probably should have been, but we're very much in the throes of fixing that now. I've got to say, the Cradle Coast Authority and the NTDC have really had a significant change in direction and the way they've been working with my office and the State Planning Office to make sure that this is a living, breathing document. Thank you.

Historical Forced Adoption Redress Scheme

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

[2.50 p.m.]

Noting the Historical Forced Adoption Redress Scheme, which fully launched on 15 June 2026 following an interim scheme of March 2026, but which excludes those adoptees who are forcibly adopted, can the government please:

(1) Detail -

(a) How many applications the Historical Forced Adoption Redress Scheme has received to date, inclusive of the March interim scheme?

(b) How many were deemed compliant?

(c) How many applications have been completed since commencement of both the interim scheme and the June scheme to date?

(d) How many were considered noncompliant? And please also provide a non-identifiable summary of reasons why those applications were considered either partially or fully noncompliant with the redress scheme criteria.

(2) Confirm whether any unsuccessful applicants sought a review of that decision and, if so -

(a) how many reviews have been sought; and

(b) what outcomes there were of those reviews?

(3) Detail any costings derived from any modelling of impacts, should adoptees also be included in the redress scheme.

(4) Detail whether a form of appropriate memorial inclusive of both parents and adoptees affected by the Historic Forced Adoptions Tasmanian policies and practices is being actively considered and, if so, what consultation with those affected is being planned or is underway?

ANSWER

Thank you, Mr President. I'll just go through the questions and provide the answers.

(1) (1) (a) 208 applications have been received to date, inclusive of the interim scheme.

(2)

(b) Of the 153 applications assessed so far, 150 have been approved or deemed compliant.

(c) For the avoidance of doubt with respect to application numbers and what is meant by 'completed application numbers' as at 20 October 2026 are as follows:

- total number of applications received full and interim: 208;
- total number determined: 153;
- total number assessed and waiting determination: 31;
- total number received and awaiting assessment: 24;
- total number approved: 150; and
- total number declined: 3.

I note there were 20 applications for the interim scheme. All interim scheme applications progressed to applications for the full scheme. Applicants that did not meet the interim scheme criteria, i.e. urgent circumstances, of which there were three, were considered as full applications when the full scheme went live. The above total figures, i.e. 208, include interim and full scheme numbers.

(d) Four applications were originally declined or deemed noncompliant. Of those four, three were declined as the applicants were not Tasmanian residents. One of these decisions was subsequently reviewed and the application was approved. One was declined as it was deemed not to be, on the balance of probabilities, a forced adoption.

(3) (2) (a) One.

(b) The one review request has led to the reversal of the original decision based on the additional information provided via the review application. This application has now been approved, resulting in three applications in total not being approved to date.

(3) The scheme provides redress to mothers affected by historical forced adoption practices. No modelling has been undertaken in relation to adoptees affected by historical forced adoption practices.

(4) A form of memorial inclusive of both parents and adoptees affected by historic forced adoption practices is not actively being considered. However, the government will continue to listen to the views of those affected by historic forced adoption practices.

Answer to Question - Laboratory Technician Statement of Duties

[2.54 p.m.]

Ms PALMER (Rosevear**s -** Minister for Education) - On indulgence, I have an answer to follow up a question from the honourable member for Elwick yesterday. It's in relation to a statement of duties for the Department for Education, Children and Young People laboratory technicians.

I'm advised that the September 2026 amendment to the department's Laboratory Technician's Statement of Duties was a targeted amendment to the essential qualification

requirement. I have again been assured that there has been no reduction in the expected skills, knowledge and experience for this valued component of our education workforce. The reference, in the updated equivalence skills, would still require an applicant to demonstrate an equivalent skill set to Certificate 3 in Laboratory Techniques, as a minimum. This was not a broader review, or redesign, of the laboratory technician role. There has been no change to the primary purpose, duties, selection criteria, classification, reporting arrangements, or substantive responsibilities of laboratory technicians. To be clear, there is no change in what existing employees are required to do, and no adverse effects for these employees.

The amendment went through the department's established formal approval process, for changes to an essential requirement. The limited nature of the amendment, and the absence of changes to the role, duties, or existing employee's employment arrangements, meant that the broad employee consultation was not undertaken in this instance. I understand that at the beginning of November, the department commenced internal discussions, to work through any concerns staff may have about the Laboratory Technician statement of duties, and to discuss, a potential further, broader review. The department intends to establish a working group for these discussions, and I expect representatives from the laboratory technician workforce will be part of this group. I have also asked that other relevant stakeholder representatives, such as school business managers, and the Tasmanian Association of Laboratory Managers, are considered as well.

Macquarie Point Stadium - Costs to TasNetworks for Electrical Line

Ms O'CONNOR question to MINISTER for ENERGY and RENEWABLES, Mr DUIGAN

[2.57 p.m.]

Minister, further to my earlier questions to the minister to Transport and Infrastructure, relating to Macquarie Point stadium associated infrastructure, do you have anything you can share with the Council about the projected cost to TasNetworks, of the line that will be required into the Macquarie Point site, and in all likelihood, a substation onsite? If so, are you able to share that information with the Council, given that it is a matter of significant public interest, and will add to ballooning costs for the stadium?

ANSWER

I think, potentially, not a lot has changed since last time we discussed this. There is a connection application from MPDC with TasNetworks. That work is ongoing. There is no - certainly not in front of me, or I am not aware of, any outcomes -

Ms O'Connor - Budget, or costings?

Mr DUIGAN - I am not aware of any of those things.

Ms O'Connor - Will you bring them back, when you become aware?

Mr DUIGAN - Well, look -

Ms O'Connor - I will ask again.

Mr DUIGAN - Ask again. But certainly, I don't have anything in front of me now. It is a piece of work that is ongoing.

Child Safety Officers - Vacancies

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

[2.58 p.m.]

Minister, how many child safety officer positions are vacant across the state today?

ANSWER

I don't have the current number, as of today, but what I do have with me is data, as of 7 October 2026. If you're wanting it, as of today, I will have to take that on notice, but I can give information, that I have with me, as of the 7 October.

There are currently 109 FTE child safety officers statewide, funded through this budget. This is an increase of 2.1 FTE from 106.9 FTE in June 2026, reflecting recruitment of additional key workers for children in care, as provided for in the 2026-27 Budget. There are 103.44 FTE occupied, being a vacancy rate of 5.1. So, that's 5.56 FTE below establishment. I can give that to you in regions. In the north there are 25.5 FTE child safety officers. The workforce in the north is 0.46 FTE below, or 1.7 per cent below establishment. In the north-west there are 20.7 FTE child safety officers. The workforce is 3.3 FTE below, or 13.75 below establishment. In the south there are 57.2 FTE child safety officers in in the south, and the workforce is 1.8 FTE under, or just slightly over 3 per cent below establishment.

Ms Lovell - Through you, Mr President, while the ministers on her feet, you said in your answer about the north-west, I think you might have meant to say that it was 13 point something per cent, and I don't think you said per cent. You just said below. I just wondered if you wanted to -

Ms PALMER - I'll read it. I will read it again.

Ms Lovell - Just the north-west one, I think you just left it.

Ms PALMER - Just to clarify. So, in the Northwest, there's 20.7 FTE child safety officers. The workforce is 3.39 FTE below, or 13.75 per cent below establishment.

Ms Lovell - And if you are willing to take the rest on notice, I would appreciate that.

Ms PALMER - Yes, we can. We can certainly do that.

TASMANIAN COMMUNITY FUND AMENDMENT BILL 2025 (No. 55)

In Committee

Resumed from above (page xx).

[3.02 p.m.]

Madam CHAIR - If members can be sure they've got the updated amendment from the member for Elwick, number 2, will be. And there's a new amendment that may or may not get tried by the member for Mersey. For clarity for maybe anyone who's been watching previously that we will move through this clause with amendments. The member for Mercy has the first amendment, then the member for Elwick, and then potentially the member for Huon, and then back to the member Elwick. We will just proceed through clause 5 but I will have an eye to the members to take the call. When the Leader's ready, she can indicate and we will make a start.

Clause 5
Section 7 amended (Functions of Board)

Mr GAFFNEY (Mersey) - Thank you, Madam Chair, I rise - to move an amendment in my name such that clause 5, page 4, before paragraph a, *insert* the following paragraph:

X by omitting paragraph E from subsection 2.

In speaking to the amendment, I'm looking at the functions of the board, which is section 7 of the primary act, prescribes the criteria by which grants may be made by the TCF Board, and I will share them for the record.

a) charitable purposes; and

b) sporting or recreational purposes; and.

c) cultural and arts purposes; and.

d) educational purposes; and

e) religious purposes; and

f) any other community purpose approved by the Minister on the recommendation of the Board.

In terms of supporting broader strategic focus areas sub clause 7, 2E is an outlier as it explicit in citing the grants, that grants can be made by the TCF board solely for religious purposes. For those listening, an outlier is a person, thing, or data point that differs significantly from the rest of the group or data set. All other criteria are all inclusive, but the religious purpose one is not.

In an increasing secular Tasmania and one that is increasingly wary of religious influence, I'm not sure whether providing a grant for religious purposes quite fits in modern day Tasmania. There needs to be an equal playing field and not one that favours a religious entity or request. Indeed, yesterday at the parliamentary breakfast I heard on several occasions the MC saying that Tasmania has the lowest percentage of people who follow the faith.

Yes, Section 46 of the *Constitution Act of 1934* guarantees freedom of conscience and the profession of religion, but there's nothing there about the government or public bodies having the responsibility to directly fund religious entities for private purposes. Moreover, TCF grant funding works based on the basis of funding and inclusive community benefit, not

necessarily an exclusive religious belief or benefit, nor for the benefit of any other private group.

However, religious purposes could be as unacceptable to our wider Tasmanian community as political purposes was to the government and the most ardent critics of the TCF Board's actions, it was a series of such complaints which led to the government insisting for a review and bringing on this bill. In practical terms, the sub clause has no reason to exist as religious entities can and already do successfully apply for grants which can benefit the whole community as a truly secular activity.

I would think that any TCF funding application by religious entity would naturally fit under any of the other five categories, and there are numerous examples of these grants being awarded. We may also have other another significant government issue if the religious purposes criteria remain in place, one where the Treasurer's instructions can now regulate part of the board's functions and how they interact with religious purpose funding.

Leaving the sub clause in place creates a quandary in governance. The Treasurer needs to be seen to be free of any religious influence in any of his decision making for the public good, and yet the sub clause suggests otherwise. In the case of the bill before us, which contradictory doctrine will prevail? Do we have the Treasurer's instructions and the new grants framework with its additional public benefits test, acquittal requirements and implicit accountability? Or do we still have grants for religious purposes?

I'm not sure if we can have both, and it appears the government may well find itself with the conflict of interest if the religious purpose sub clause remains as part of the amended act. I would like to think of the amendment as a bit of a prudent housekeeping which will further strengthen the reputation and the independence of the TCF and board and I urge honourable members to support this amendment.

Ms RATTRAY - The government recognises that culture is an important part of community wellbeing and excluding religious purposes may unreasonably limit the scope of activities the board could consider supporting, such as development of facilities or programs supporting social cohesion in communities. I did provide a little bit earlier, but the decision on grant applications remain the responsibility of the TCF board, which must assess applications against the legislative framework, the objectives of the fund and the criteria set out by the board in relation to specific grant programs and the TCF's broader strategic direction. In addition, the consideration of this point could be included in a future broader review of the act. At this point in time, the government does not support the amendment.

Ms WEBB - Thank you, Madam Chair. I rise to support this amendment. It makes absolute sense. Religious purposes and funding for that from the public purse via this fund is absolutely inappropriate. It blatantly doesn't belong there. The fact that the government can't point to any single grant, I would say, ever offered by the TCF that was done so under this particular criterion that wouldn't have also fitted into another criterion in the list is telling.

We lose nothing by removing this inappropriate part of this list: part (e) - 'religious purposes'. We lose nothing by removing it. We gain actual consistency and an appropriate separation of church and state. Anything that is culturally related will clearly be captured by (2)(c) - 'cultural and arts purposes'. For example, it might also be captured by (2)(a) - 'charitable purposes'. It might even be captured by (2)(d) - 'educational purposes', for example. If the

government is able to point to any single thing that has ever been funded by the TCF purely under (2)(e) that would not have been supported under other things in that list, then there might be an argument to keep it here. I absolutely do not believe that that can be provided by the government. If they could provide it, they would have provided it to us already as an argument. So, we lose nothing by taking 'religious purposes' out, other than to make this consistent with an appropriate governance structure of separation of church and state.

All the things in the Leader's summing up on this bill that were mentioned being funded through the TCF to faith-based NGOs, for example, like emergency food relief or other sorts of services and support, all of that is captured under charitable purposes, for example, or one of the other things in this list. Nothing is lost by taking out 'religious purposes'. It's not to do with whether it's a faith-based recipient of the grant; it's to do with what the grant is for. Public money through these grant rounds should not be spent on religious purposes. Full stop.

I thank the member for Mersey for bringing the amendment. It's only appropriate that it's supported. It's absolutely ridiculous to suggest delaying it to another time. We might not have the TCF Act come back before us for quite some time. It's here now, we can fix this right now. It should never have been included in the first place, and I think any reasonable member of parliament would recognise that this is an appropriate way forward.

Amendment agreed to.

[3.13 p.m.]

Ms THOMAS - Thank you, Madam Chair. I rise to move an amendment to clause 5 in my name. I move -

Page 5, paragraph (a).

Leave out that paragraph.

As I foreshadowed during my second reading contribution, I have significant concerns about clause 5 of this bill. I've circulated two amendments on clause 5, which I'll move and speak to separately.

As set out in my second reading contribution, my concern remains that clause 5 goes beyond what the Auditor-General recommended and risks unnecessarily constraining the independence of the fund. The AG simply did not recommend a statutory prohibition on grants for political purposes. I remain unconvinced that further restrictions are necessary. My first amendment seeks to remove the political purpose grants prohibition. My first amendment seeks to remove paragraph (a) of clause 5, which would insert a new section 7(2)(a) prohibiting grants where the board believes on reasonable grounds that the grant is or may be for a political purpose.

I want to be absolutely clear about something: I'm not suggesting that the Tasmanian Community Fund grant should be used to support political parties, candidates, or electoral campaigns - far from it. I do not believe that is what the fund was established to do and I would not support public money being used for these purposes. But there is an important distinction between funding party-political or electoral activities and funding legitimate community organisations whose work may involve public policy, advocacy, education or debate about matters of public interest. The existing act already sets out the purposes for which grants may

be made. Political purposes are not expressly included among those prescribed purposes, although I acknowledge that legitimate community activities may sometimes interact with political debate.

My concern is that the proposed new prohibition introduces a broad and undefined concept of political purpose without adequately distinguishing between improper political expenditure and legitimate community activities. The government has assured me that legitimate community advocacy would not automatically be excluded, but the legislation itself does not provide that clarity. I'm concerned, as I said in my second reading contribution, that otherwise eligible community organisations may be discouraged from applying for funding for educational, charitable or community purposes because their activities involve public policy, advocacy or other activities that could be perceived as political.

I don't want to be repetitive because I did outline a lot of this in my second reading contribution. I think it's pretty clear what this first amendment here seeks to achieve and I do encourage honourable members to support this amendment.

Ms LOVELL - Madam Chair, I'm rising to speak in support of this amendment. I think a number of members, including myself, raised concerns around particularly clause 5, but the changes that this bill was bringing in that were clearly in response to a political motivation. Going back to what I said in my second reading speech, we can be champions of good governance and transparency, but that doesn't mean we use that as an excuse for political overreach where we shouldn't.

I have no issue with the act including a requirement for the board to act independently and impartially. They would argue the same; they agree with that already. They already do it, many could argue. But I do think including the words in the bill as it stands, 'independently', 'apolitically', 'professionally', 'impartially' and 'in the public interest', as other members have said, is really patronising; it is overreach. It is insulting to suggest that they wouldn't act professionally or apolitically. They are members of a board of an organisation that's been set up in a way that was very intentional. While they have acknowledged there have been some deficiencies and have taken action to rectify that, there is no need for us to go to these lengths. Frankly, I would be very uncomfortable to pass a piece of legislation that sent such an insulting message to an organisation like the Tasmanian Community Fund.

I thank the member for Elwick for bringing this before us. I think this amendment, for me, personally, entirely fixes the concerns I had with the bill and makes it something that I can support without any concern. I'll be supporting the amendment.

Mr HISCUTT - I will just note that this is only the first amendment which is being discussed here, so not the second amendment, which will be moved later, which talks about the independent professional bits and pieces as well. So, just on the first amendment and removing that.

I thank the member for bringing the amendment, and seeing the other foreshadowed amendments here, I think this is a very close one. I could listen to the debate that's being put forward and see reasons for both things. I also think that it is reasonable that this isn't used for political purpose and all this act that is currently put in there says that if the board believes on reasonable grounds that the grant will be used for political purpose, it shouldn't be done. I don't think that's too unreasonable a request. It's not putting any other conditions on the board; it's just to say that. I think we can all agree that is right. Whether we should legislate it or not is

another question. Are they doing it? That's another question. But this is not putting an imposition.

I'll foreshadow that I will be supporting the second amendment that does remove the apolitical and professional impartiality bits that have been added. But for this amendment, I won't be supporting it, but I'll be very interested to see how it goes and then the debate on a subsequent amendment, which may be foreshadowed by the member for Huon.

Ms WEBB - I briefly stand to say that I support this amendment. For all the reasons laid out by the member for Elwick in her second reading speech, and in her comments just now, on the amendment. What is intended, with this particular part of this clause 5(a), is delivered by other aspects of the act, and by the governance arrangements that have been put in place, and can now be readily monitored, because they're very transparently reported on, and in the public domain, already. I believe the intent of this is being delivered through other means, and it is unnecessary, and insulting, to have it put in here. I support the amendment.

Ms RATTRAY - At this point in time, the government does not support the amendment. Acknowledging that, if this amendment fails, there is another amendment coming by the honourable member for Huon, and that would be more preferable. In this case, the government will oppose this amendment but will look favourably upon the honourable member for Huons amendment.

Ms THOMAS - I appreciate it is the government's prerogative. I would urge honourable members, though, to support this amendment. I think it says a lot, the fact that the government is happy to support another foreshadowed amendment, perhaps says a lot, given their original intent here, in trying to put these provisions in the bill. This would suggest that, perhaps, the other foreshadowed amendment, should this one not see the favour of the House, is still seeking to achieve, to a degree, what the government is trying to achieve, in putting this prohibition, into the bill. I would urge honourable members to support the amendment, as I have put it here, in this first amendment to clause 5.

Ms O'CONNOR - I rise just briefly to speak in support of this very sensible amendment, and I hope other honourable members see that it's substantially improves the bill, and takes the needless politicisation, and patronising, of the Tasmanian Community Fund, out of it, to a significant extent.

Ms RATTRAY - To follow-on, it was difficult to answer, in my previous call, because it is a foreshadowed amendment by the honourable member for Huon. But it is something that has been considered, obviously, by the government. It was the government's initial preference to continue to use the term 'political purposes.' But the government acknowledges the view of members. It was clear through the second reading contributions, which is why there has been that assessment of where to best go. With the greatest of respect, to the honourable member for Elwick.

Ms WEBB - Just to be very clear, something I did not mention when I rose before, was I am particularly concerned about clause 5(a), that this amendment is seeking to strike out, having a chilling effect on community groups, and community members, who may wish to put forward proposals and applications to the TCF. The member for Elwick mentioned that, briefly, in her remarks.

I am also concerned about the potential proposed amendment, if we were not to make this amendment, for the member for Elwick, and there's a further amendment that we are all aware of, is proposed to come next, if that happens. I am also not in support of that amendment, because I believe it has a significant chilling effect, also. So, my preference is we go with this amendment, absolutely, and take this unnecessary part out altogether. It's unnecessary. It's delivered in other ways in its intent, and we should absolutely look to where we can be a light touch legislator, and only legislate what's required, rather than things that add in additional complexity, or additional opportunities for there to be things like chilling effects, particularly on community groups and members who are trying to access public money to do the good work that they're doing.

Madam CHAIR (Ms Forrest) - The question is the amendment be agreed to.

The Council divided -

AYES 9	**NOES 4**
Mr Edmunds (Teller)	Ms Armitage
Ms Forrest	Mr Hiscutt
Mr Gaffney	Ms Palmer (Teller)
Ms Glade-Wright	Mr Vincent
Ms Lovell	
Ms O'Connor	
Ms Rattray	
Ms Thomas	
Ms Webb	

Amendment agreed to.

Ms THOMAS - Madam Chair, I rise to move a second amendment to clause 5 standing in my name.

Second amendment page 5, paragraph (b) proposed new paragraph (ab), *leave out* 'independently, apolitically, professionally, impartially and in the public interest when performing its functions and exercising its powers.' *Insert* instead 'independently and impartially.'

My second amendment seeks to simplify the additional statutory duty for the board proposed under paragraph (b). Rather than requiring the board to act independently, apolitically, professionally, impartially and in the public interest, I propose that the requirement be confined to acting independently and impartially. I recognise the importance of these principles. The board should make its decisions independently without political bias or favouritism, but I question the need to introduce additional, potentially overlapping statutory duties relating to professionalism and the public interest when the existing act already requires the board to act honestly and in the best interests of the Tasmanian community. And I believe it is patronising and offensive to legislate that a board should act professionally. I mean, really?

My amendment would retain an express expectation of independence and impartiality, which surely implies political neutrality, while avoiding unnecessary duplication, and the most basic expectations of any board member on any board. Importantly, my amendment would also

distinguish between the board's obligation to make decisions apolitically, and the subject matter of the projects it may fund. A board can act apolitically while considering an application involving a politically contentious issue, and this is implied in a requirement to act impartially. What is critical is that the board's decision is made independently and impartially, and in accordance with the statutory purposes of the fund. Political neutrality, impartiality in decision-making, is not the same as prohibiting funding for community activities that involve political issues and this is a distinction I believe this legislation needs to recognise.

We've been through, in our second reading contributions, the circumstances that gave rise to this legislation. We've been through the Auditor-General's findings and recommendations involving the former board, and there have since been substantial changes to the board's composition. I'm concerned, as outlined in my second reading contribution, that the government's response goes beyond addressing the governance problems identified, and risks imposing additional restrictions on an independent statutory body in response to a particular controversy. The remaining provisions of this bill strengthen grants management, strategic planning, record keeping.

Madam CHAIR - I urge you not to go into a second reading speech, member. Just address your mind to the amendment, if you wouldn't mind, thank you.

Ms THOMAS - Sorry. Yes, thank you. I appreciate that guidance, Madam Chair.

I described in my second reading contribution using a sledgehammer to crack a nut, and that's what I'm trying to avoid with my second amendment here. My amendment seeks to address concerns in a more targeted way.

I want to be transparent with members about my intentions in moving this amendment. While I'm moving two amendments to improve clause 5, my preference remains that clause 5 be omitted from the bill entirely. For that reason, regardless of the outcome of these amendments, I intend to vote against clause 5 standing part of the bill when that question is put. However, should the Council determine that clause 5 is to remain, I believe these amendments, this second amendment, would result in a more measured and proportionate provision. It would preserve the independence and impartiality of the fund, without using the word apolitical. So, I commend my amendment to the committee.

Ms WEBB - Madam Chair, because I'd like to put on the record the way I'm voting on amendments, I rise to say I'm fully supportive of this amendment. It's sensible; the member has given a clear explanation of it; and I'm happy to support it.

Ms RATTRAY - Thank you, Madam Chair. On behalf of the government, I just want to indicate to the Chamber that the government does not support this amendment for the same reasons that I outlined in my previous contribution on behalf of the government. That is, they feel that it was an appropriate pathway, particularly in light of, as we've mentioned here a number of times, what brought this bill to our Chamber. In light of that, the government won't be supporting the amendment.

Ms O'CONNOR - Madam Chair, in a similar vein to the member for Nelson's most recent contribution, I'm standing to indicate that I'll be supporting this amendment. And to thank again, the honourable member for Elwick for helping this Council to have the opportunity to take some of the unnecessary politics and patronising out of this clause.

Madam CHAIR (Ms Forrest) - The question is that the amendment be agreed to.

The Council divided -

AYES 10	NOES 4
Mr Edmunds	Ms Armitage (Teller)
Ms Forrest	Mr Duigan
Mr Gaffney	Ms Palmer
Mr Glade-Wright	Mr Vincent
Mr Hiscutt	
Ms Lovell	
Ms O'Connor	
Ms Rattray	
Ms Thomas (Teller)	
Ms Webb	

Amendment agreed to.

CHAIR - I am going to move, when the Leader's ready, that clause 5, as amended, stand part of the bill. I just draw members attention to Standing Order 144, on calling divisions. If you have got any queries, read it, and be sure that you are acting accordingly.

Clause 5, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clauses 8 and 9 agreed to.

Title agreed to.

Bill reported with amendments.

[3.48 p.m.]

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

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

Motion agreed to.

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

Second Reading

[3.49 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Thanks, Mr President, and I appreciate honourable members' patience through the course of that previous bill, and I thank them all for their contributions.

Mr President, I move -

That the bill be now read a second time.

The Sentencing Amendment (Good Character) Bill 2026 makes important amendments to the *Sentencing Act 1997* (the *Sentencing Act*), by restricting the use of good character evidence when sentencing adult offenders, for defined, serious, offences, and in deciding whether or not to record convictions. The bill represents a significant, victim/survivor focused, reform. It recognises that a person's reputation, professional standing, community status, or history of socially approved conduct, should not diminish the seriousness of criminal offending, or the harm caused to other persons. This bill delivers on the government's commitment to stop the inappropriate use of good character references by offenders being sentenced for serious offences. At a national level, victim/survivor advocacy groups have been campaigning for change in this area and the government thanks the leader of the Your Reference Ain't Relevant campaign, Harrison James, who met with the Attorney-General to advocate for these reforms and also brief members of the Council recently, and a number of times, and as late as this morning. We thank Harrison very much for his dedicated approach and he spoke eloquently this morning when he presented to honourable members.

The government also thanks the advocacy groups and victim/survivors for their contributions and ongoing support. The government acknowledges all victim/survivors who may be listening or watching today, or reading *Hansard* later, and acknowledges the profound trauma that affects victim/survivors of sexual abuse and violent offending. This also affects their families, their caregivers, advocates, and supporters. If at any time you feel you need support, please reach out to a support service and there is a list of providers of free, confidential support at the Tasmanian government's Keeping Children Safe website and the 'Help and Support' link found at the top centre of that page.

The presentation of good character evidence during sentencing proceedings, typically through the handing up of references, can be profoundly distressing and offensive to victim/survivors and their families. It can further traumatise victim/survivors by trivialising the harm that they suffer, especially where it gives the impression that an offender may be less culpable for their offending; it may give the impression that the offender's reputation is a more important consideration than the harm their offending caused. This may undermine victim/survivor confidence in the justice system.

Tasmania joins other leading jurisdictions around Australia who have made these important legislative changes. They are New South Wales, Queensland, and most recently Victoria, having introduced reforms restricting use of good character evidence. There's a bit more work for Harrison to do as he goes around the country.

Public and stakeholder consultation on a draft consultation bill occurred from 9 June to 5 July 2026. A total of 20 responses were received with 13 published in accordance with the relevant publications policy on the Department of Justice's community consultation website. The government have listened to stakeholder concerns and amended the consultation bill. A

key concern raised was about abolishing good character evidence outright or extending the abolition of all offences. Stakeholders told us that this may prevent courts from assessing broader context, that removing information at sentencing may cause unfairness to an offender, and that casting the net too wide may have unintended consequences for marginalised groups.

The amended version of the bill will restrict the ability of an offender to rely on evidence or submissions in support of their good character to reduce their sentence if they are being sentenced for a serious offence. These amendments are not about infringing the important principle of individualised justice or preventing an offender from being able to present the court with evidence in mitigation about their rehabilitation or their lack of previous or relevant convictions. The bill targets the use of good character evidence that is used to establish a person's reputation or to ask the sentencing court to make a broad, moral assessment that the offender is otherwise a good person.

Evidence should not be admissible to establish that the offender deserves leniency because they are generally regarded as a good person. This follows the model used in Queensland, which has allowed us to focus on the types of good character evidence that victim/survivors have reported as problematic for many reasons. These are evidence or submissions, such as personal references supporting an offender or their standing within, or positive contributions to, the community. The most common form of a personal reference, also known as a character reference, is a letter provided to the judge or magistrate which usually contains subjective and non-professional opinions about an offender's personality traits. The author may not be aware of the nature of the extent of the offending; The author need not attend court to give evidence.

There is concern that these often use language which diminishes the experience of victim/survivors by minimising criminal conduct. For this reason, the consultation bill was amended to restrict the availability and use of these specific problematic forms of good character evidence in sentencing.

Under this bill, a court will not be able to take into account as a mitigating factor, personal references or submissions or evidence about standing or contributions to the community unless, a two-stage test is met. It must be relevant to either the offender's prospects of rehabilitation or their risk of reoffending, and the court must consider it appropriate to do so, having regard to three criteria. They are the nature and circumstances of the offence, the harm caused to the victim of the offence and the vulnerability of the victim of the offence.

Noting that the same restrictions and expectations will also apply to a court's determination of whether to record a conviction for a serious offence. This is not intended to infer that any other offending which causes harm to someone is never not serious. Stakeholders raise concerns about the consultation bill operating as an effective blanket abolition of good character evidence for all known offences, that version of the bill had exceptions for offences that were not serious offences which then triggered an interest of justice test.

Some stakeholders were concerned that this would be unnecessarily confusing. That is why the government have limited this definition. The definition of serious offence has been amended in the final bill. It is targeted at those offences which cause victims physical and psychological harm. Grouping a cohort of serious offences under this term is a legislative tool used consistently in our criminal justice legislation.

The consultation bill's definition had referred to the definition of offence within the meaning of the *Victims of Crime Assistance Act 1976* and added the qualifier that it be an indictable offence. In response to feedback that this approach was potentially confusing, the amended definition includes, among other things, offences involving violence by one person against another dealt with on indictment. This distinction means that an offender convicted of an indictable offence that is ultimately dealt with summarily will not be unfairly prejudiced by being categorised in the same way as an offender convicted of that offence on indictment in the Supreme Court.

All family violence offences are captured under the definition of serious offence, except for breaches of orders under section 35 of the *Family Violence Act*. Breaches of family violence orders were removed from the definition that had been in the consultation bill. This was in response to strong stakeholder concerns about the potential for unintended and disproportionate consequences for victim/survivors of family violence.

Specifically, concerns were raised that people may be convicted after being misidentified as the primary aggressor because they engaged in mutual or retaliative acts against the principal family violence perpetrator. It would not be just to exclude this cohort of people from presenting evidence about their character that may assist the court to understand their personal circumstances and the context of their offending. The definition of serious offence also imports a new expanded version of the definition of sexual offence from section 11 A of the *Sentencing Act*. The bill makes the expansion by adding further offences, from the *Criminal Code 1924*, *Sex Industry Offence Act 2005* and the *Police Offences Act 1935*. This means that criminal code offences of distributing, possessing, and accessing child exploitation material, will all be captured as serious offences, for the purpose of the good character evidence reform, and for the *Sentencing Act 1997's* definition of 'sexual offence', generally. So too will the offences of communicating, with intent to procure a child, or young person, and failure by a person, in authority, to protect a child, from a sexual offence.

This expands both definitions, to capture a broader range of child sexual offences. Not just those involving physical contact or attempted physical contact. It demonstrates that the law will apply a consistent approach to all child sexual offenders. The offence of assault, with indecent intent, under section 35 of the *Police Offences Act 1935*, has been added to the definition of 'sexual offence.' This broadens the good character reform scope, regarding sexual offending, even that which is dealt with summarily. It is the sexual nature of this summary offence, which makes it distinct from, for example, an offence of violence, dealt with summarily, which would not fall within the definition of 'serious offence', in new section 11(AA).

Finally, some offences under the *Sex Industry Offences Act 2005* have been added, and these are procuring, causing, or permitting, a child to provide sexual services, in a sexual services business, and receiving a fee, or reward, known to be derived directly, or indirectly, from sexual services, provided by a child, in a sexual services business. These child prostitution offences have maximum penalties of 15 years imprisonment. The bill also mentions offences outside the definition of 'serious offence.' It makes clear that a sentence in court is not required to treat good character evidence as a mitigating factor, when sentencing for a non-serious offence as defined, if this is not appropriate in the circumstances.

The government has listened to stakeholder concerns and ensured that the ability to consider a lack of prior convictions remains as a separate sentencing consideration. This

ensures that the sentencing process remains individualised, focused on the specific matter before the court, without restricting other sentencing principles. However, it is important to point out that this reform complements, rather than replaces, existing legislative guidance on sentencing certain sexual offenders, in section 11(A) of the *Sentencing Act 1997*. In fact, the reach of that section is broadened by the addition of further offences to the definition of 'sexual offence', in that provision. Specifically, subsection(2)(b), of the section 11(A), is not amended. It stands to require that: in determining the appropriate sentence, for an offender convicted of a sexual offence, the court is not to take into account, the offender's good character, or lack of previous convictions, if the court is satisfied that those factors assisted the offender in committing the sexual offence. The government introduced that amendment in 2016.

The reforms in this bill will not apply to children, and young people, who are aged under 18 when they committed the offence. In some circumstances, a child can be sentenced as an adult under the *Sentencing Act 1997*. This happens when the *Youth Justice Act 1997* excludes them from its reach, because the offence in question falls within its definition of 'prescribed offence.' Similarly, the reform will not apply to a court's consideration of whether or not to record a conviction, for a serious offence, where the offender was a child, or young person, when they committed the offence. A government amendment, in the other place, passed to achieve this, in respect of recording convictions. The consultation bill did not include the restriction to adults, which meant that children being sentenced under the *Sentencing Act* as adults would have been impacted by this reform. That outcome is inconsistent with one of the principles of our Youth Justice Blueprint, being diversion of young people from the criminal justice system. While the impacts of serious offences can be the same regardless of the age of the offender, children and young people are still developing cognitively and emotionally. Evidence of character will be particularly relevant to their rehabilitation prospects and future offending risk.

The act would commence on royal assent, and the amendments will apply to relevant court sentences and orders regarding offences committed both before and after commencement. The government sincerely thanks the stakeholder groups and the members of the public who contributed to the development of this bill in the consultation process. This bill reflects several changes made as a result of that important stakeholder feedback. I commend the bill to the Council.

[4.06 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I rise to speak on the Sentencing Amendment (Good Character) Bill 2026. Given that this is an important and consequential bill for how justice is administered in this state and given the importance of us giving it proper and due consideration and the fact that the comprehensive briefing was only held this morning, I move -

That the debate on this bill stand adjourned.

Debate adjourned.

CONVERSION PRACTICES PROHIBITION BILL 2026 (No. 45)

Second Reading

Continued from 17 November 2026 (page xx).

[4.07 p.m.]

Ms WEBB (Nelson) - Mr President, I believe that I had concluded my remarks previously on the bill, and I'm very keen to hear contributions from other members.

Mr GAFFNEY (Mersey) - Mr President, I rise to speak to the Conversion Practices Prohibition Bill. Before I start, I'd just like to congratulate all of the other speakers who've spoken about this bill. I think it's been quite illuminating, and I've had positive comments from people who have been listening. I have to put on the table: it's not a short speech, because this is a very important topic. I'd like to record my thoughts on it.

It's a bill that's been a long time coming in addressing what has been an increasingly vexatious issue and one to which the government made a well-intentioned but somewhat half-hearted attempt to bring on a few years ago, only for it to wither on the vine of the parliamentary process from direct criticisms of its scope and functionality from all sides, and it ceased to be.

In considering the bill, the central ethos is to prohibit forever what are known as conversion practices and everything that's associated with them. Conversion practices are pseudoscience and [inaudible 4.08.49] in modern day Tasmania, almost like something from the dark ages, with the belief through active therapy and moralistic instruction people can be cured back to the straight and narrow path of heteronormative compliance. Sadly, it's a belief that caught the eye of many less-enlightened organisations that embrace conversion practices as a way of reducing sexual sins in their faith-based communities and beyond. The consequences of these practices have been unforgivable, with lasting damage to many perfectly healthy people. These are people who have been subject to coercive control within the faith-based organisations they trusted to have their best interests at heart.

We might be mistaken for thinking it's an isolated issue with small, localised examples. Sadly, it's an international issue, with the United Nations Human Rights Council report estimating that conversion practices occur in at least 68 countries across every continent. It's about time for our small corner of the world to reduce that number.

The outcome of conversion practices are almost always highly traumatic for the person, especially when they've been coerced or deceived into being part of such a pseudoscience therapeutic practice. Dr Jessica Taylor and Jaimie Shrive recently published an alternative to the widely discredited *Diagnostic and Statistical Manual of Mental Disorders*, or the DSM, with their own *Indicative Trauma Impact Manual*. It's a fully trauma-informed and non-pathology manual for health professionals, and one to better understand and help people suffering from psychological trauma and distress. In it they have a definition of conversion therapy and its potential impact. I'd like to share it with you, as it gives an entirely rational perspective, and one that underpins exactly what the bill is seeking to prevent from ever happening again in Tasmania. [TBC 4.10]

> Conversion therapies are harmful and abusive practise that aims to change a person's sexual orientation, or gender identity, which can be traumatic, because it involves invalidating a person's sense of self and identity, and can result in significant psychological harm. Conversion therapy is based on the false assumption that being lesbian, gay, bisexual, transgender, or non-binary is a mental disorder, a crime, or a sin that can be cured or changed.

> Conversion therapy can involve a range of harmful practises such as electroshock therapy, aversion therapy and torque therapy that aims to shame, or guilt people into changing their sexual orientation or gender identity. These practises often work by trying to create a negative association between the sexuality, or identity and the outcomes, or consequences and feelings. Due to this highly abusive practise is common for people to suffer significant psychological harm. People who are subjected to conversion therapy may also experience a sense of betrayal, particularly if they are forced into it by family members, religious institutions or medical professionals. This can lead to feelings of anger, resentment, humiliation, shame and a sense of loss of trust in those around them.

Mr President, the calmness of these words and the fact that these therapies are technically still perfectly legal, fully describes what is an abhorrence to modern day Tasmania. The reality is that conversion practises are like something from the Dark Ages, dreamt up as a unique torture, almost as a means of righteous persecution by entitled members of a sadistic cohort of those they deem to be less worthy. That's exactly why this must be stopped. As I already mentioned, the government's failed attempt to address the issue was intended as a natural progression from the Tasmanian Law Reform Institute's, or the TLRI's 2022 report on conversion practise legislation at that time. With its 16 recommendations relating to health and anti-discrimination legislation, recommendations that it thought would provide effective and sustainable improvements on current legislation in Tasmania, the report was explicit in stating that the recommendations would not affect:

1. Legitimate healthcare conducted by appropriately qualified health professionals in line with declared standards;
2. Statements, expressions of faith, philosophical or personal views about sexual orientation or gender identity;
3. Public acts done in good faith for academic, artistic, scientific or research purposes, or any purpose in the public interest or;
4. Supportive care, guidance or mentoring of a child by a parent or guardian.

Mr President, it seems that whilst the government did make an attempt on a bill, its energies were drawn to other matters: a new AFL team, a new stadium and the projects have a couple of Spirits that blew out and needed a brand-new home. We had a couple of dual breaking elections in that time, as well, just to add to the mix. However, the Greens took another view, and it's due to their current influence over the government, and preserving its ability to govern, which has got us to this stage. The government consultation draft took the TLRI report and sought to amend existing acts. However, after its failure to progress, the Greens took a different approach. It is one informed by the TLRI report, combined with the best parts of mainland legislation, much of it, which has come into being since the TLRI investigation and report.

What we have before us today is a bill that has been through a rigorous three-part process. Firstly, the exposure draft, supporting material in frequently asked questions put up for community consultation feedback. And one where its submission window was extended, due to the level of community interest and input. Then came the second draft which took account of the feedback, together with expert guidance from the Anti-Discrimination Commissioner, and further supporting documentation detailing the changes. I understand, due to the sheer number of individual submissions, it was unrealistic to publish them all. However, those from

organisations and representative bodies from all sides of the debate were freely available on the bill's website.

I would like to think the process so far has given everyone the opportunity to fully engage with the bill and its evolving drafts. The timeline has allowed pertinent changes to be made and done in a timely manner to allow a measured process. The bill made its way to the other place for its first reading on 10 September. It then matured for a further seven weeks before it came up for its second reading debate and with a conscience vote from members of the government.

I have often remarked on the remarkable ability of the other place to comment on the weaknesses in a bill in their second reading contributions and then wave it through to the Committee stage without amendment or any further consideration; enough to say the bill before us grabbed the full attention of the other place with an extraordinary range of contributions and both heated and calm debate that extended into the early hours.

Yes, there are a number of seemingly vexatious amendments which failed to pass. There are also a number of significant amendments which improved the bill and spoke of the Greens' willingness to engage with the government and departments concerned and those of individual members. I commend all sides for that approach as we have a bill before us that has been fully scrutinised in the other place and one which may need little, if any, further amendment on our part.

There is no doubt that the bill has prompted a response from our Tasmanian community and beyond, including the mainland. I think it's fair to say that I'm not sure if I can name a bill that has led to such an enormous number of emails and correspondence in our inboxes. We have emails from all sides of the debate that must be getting close to being measured by the thousands. Some of the most pointed views have come from the representatives of the very faith-based organisations that have previously espoused such practices. This time the angle is the risk to their apparent existing freedoms if the bill were to pass.

The Rt Rev Dr Richard Condie, Bishop of Tasmania, has shared two papers with us, both of which were countersigned by 16 other faith-based leaders of various denominations. All agree at the outset that they fully support laws that, and I quote from the opening sentence of his most recent analysis:

> The signatories support laws that protect people from coercive, abusive, and generally harmful practices directed towards their sexual orientation or gender identity.

The use of the word 'general' in that capstone sentence does suggest that they still have doubts that such practices are harmful and the not genuinely harmful ones should be allowed to continue. The latest paper is a more succinct version at 19 pages long over the 25 pages of the original critique and proceeds to explain everything that they see as being wrong with the bill and how it might affect their activities. Amongst many others, their analysis has strong concerns that the bill fails to clearly distinguish harmful conversion practices from ordinary religious practice, parental guidance, counselling, and support freely sought by adults. Dare I suggest that organisations that are still litigating to avoid paying compensation for the historical sexual abuse of young people by members of the clergy might want to reflect on their stance. They could easily have banned conversion practices of any kind without the need for

this bill, so what stopped them? Or is it that all that's now beside the point and we should put it to one side, as that is all in the past now?

However, I would like to commend the Greens as they do appear to have considered many of the concerns of faith-based organisations and addressed them in the amended version of the bill before us. Bishop Condie's input has been respectful and measured as always when compared with some others. A particularly active contributor with a blast of emails originated from George Christensen as the campaign director of CitizenGO. He has directed an email blizzard from disaffected supporters in our direction and finished up by sending us a 351-page PDF with thousands of names with no indication of where in Australia they came from. His campaign has echoed a number of those opposed to the bill, one that has led to hundreds of emails filling our inbox. His latest missive came in his usual direct style, and I'd like to quote a few excerpts so we can all reflect on its true nature. Perhaps we can be grateful that it only came in a bold font and not in a shouty caps lock that some political leaders seem to enjoy.

> You were warned. Nearly 11,000 people signed our CitizenGO petition opposing the Greens' Conversion Practices Prohibition bill and demanding ironclad protection for prayer, pastors, parents, counselling, conscience and free speech. To the members of the Legislative Council, this issue may soon be in your hands. Do not rubberstamp an ideological experiment patched together through last-minute amendments; refer it to a full public inquiry or reject it. [TBC]

I'm not sure if it is the most persuasive rhetoric, but it's exactly the sort of thing we need to be aware of. No doubt there may be those in our community that relish such divisive language, as it is reflective of one aspect of the aggressive approach from those that wish to preserve the status quo, and condemn all sinners to hell's fire.

We have also had many more considered emails from church members, to balance out that invective. These were expressing their genuine concerns, that their religious freedoms will be affected, their rights infringed, and various other concerns, relating to what they feel the bill will stop them from doing. I found many of them were reassured by being made fully aware of the drafting in the amended bill, and the context of amendments that address most of those deeply held concerns. I greatly appreciate those considered and fair-minded presentations.

However, I cannot help thinking that the bill has given some church groups, and their leaders, an opportunity to take offence at an apparent slight. Almost as if they were the victims in this. Perhaps, the fact it is a bill led by the Greens has led to heightened anxiety in many church groups, which often comes from a more conservative perspective. Indeed, it does seem somewhat disingenuous, when it's church-based groups that came up with the idea of conversion practices in the first place. In previous cases it was all about saving gay and trans people from sin and bringing them back to the purity of God's teaching, often under extreme levels of manipulation, coercion, and control. With that coercive opportunity about to be banned, it is now all about consent.

In terms of consent, it is a case of where and if. The church community feels, if someone's given permission, then it should be okay to say and do, whatever they like to them, so long as it's defendable on religious grounds. Therein lies another layer of coercive control, although a far more subtle version. That is not to say it's meant with ill intent, it is more the case of espousing the established beliefs, tenets and practices of the group. Dare I say, as a form of

passive, quasi-religious group think. I'm assuming we have all received numerous emails, expressing these concerns, in different forms of language. I'd like to quote an excerpt from one apparently well-meaning example, of what I'm talking about.

> A Christian who is struggling with same sex-attraction, or their gender identity, has the right to request support, encouragement, prayer, accountability, exhortation, and biblical teaching to help them live in obedience and submission to God. [TBC]

As we can see, these are sincerely held beliefs, and I wonder who is struggling in terms of that statement. For such groups to adapt to the requirements in the bill, may well be a challenging struggle for them, and yet the transference of the struggling is onto a person who may well have no issues at all with their orientation or identity, other than those imposed on them by their own church. We should not forget, nor deny, the significant proportion of the Church's values and learnings have evolved and been passed from generation to generation.

The other profound issue of contention is the issue of consent, and one that overlaps with the previous point. There is a view that if a person willingly says yes, then what is the problem? Some faith-based organisations, and advocates, have been quite outspoken on the issue. It is often those self-same organisations, including Bishop Condie's cohort, a group which declares their distaste for coercive and genuinely harmful practices, yet expects an exemption if a person consents to those self-same practices. Dr Miranda Hahn, and over 50 counter signatories, wrote to us, saying,

> It is not possible to give informed consent to conversion practices, because they are based on false, misleading, and fraudulent, pseudo-psychological claims about sexual orientation and gender identity. The pseudoscience on which they are based and the harm they inflict are never disclosed to those who undertake them.

An update, and a letter from Laurel House, went further:

> It has also been suggested that adults should be able to consent to conversion practices. Consent is important, but consent cannot make a harmful and ineffective practice legitimate. People who seek conversion practices may do so because they have been subjected to profound social, familial or religious pressure to change who they are. Where a practice is based on false claims about its effectiveness, and delivered within significant power imbalances, the existence of an expressed willingness to participate does not resolve the question of whether meaningful informed consent is possible. This is particularly important because conversion practices can occur within relationships of dependency and authority, including families, religious communities, therapeutic relationships, and other trusted institutions. Laurel House has experience in sexual violence, demonstrates the importance of understanding consent within its broader context of power, coercion and vulnerability.

These are powerful statements and I will expand on some of those points later. What does not surprise me anymore is the fact that many faith-based organisations feel they have the absolute right to express views and ideas that are completely innocent of any evidence-based

scientific research to back them up. Faith and belief systems have their place, but not where they overlap with objective evidence, and especially when it concerns health services of any kind.

Can you imagine the furore if we were talking about bringing a conversion practice to remove a person's religious beliefs to cure them of an apparent affliction? But then religious beliefs are a legally protected right. Thus, the right to be accepted as you are by faith-based organisations and your sexual orientation or gender identity should be protected in exactly the same way and free from the fear of being converted or cured by righteous clergy.

That is not to say that church groups are all of the same mind and thinking, far from that. Whilst we have had various multi page misses from the 17 faith-based organisations led by Rt Rev Richard Condie and similar missives from other churches, church groups and individuals, there is one denomination that has a unique view and does not project the anxiety, fears and objections expressed by others. The Uniting Church in Australia has no such concerns and in fact welcomes the bill with an open Christian heart and nothing to fear. It is not just the outliers in one or two odd congregations, it is a national ethos. We have all received contributions stating their national position and one that is heartily endorsed by an almost countless number of Tasmanian Uniting Church congregations.

A notable comment came from Chresley Elphinstone, who's the secretary of the church council of the Wynyard Uniting Church,

> Our support for this crucial legislation is deeply rooted in the core commitments and the values of the Uniting Church. Central to our faith is the conviction that every single person is inherently precious and entitled to live with absolute dignity because they are God's children. We believe that Christian practices should never be weaponised to cause harm, isolate or condemn individuals based on whom they are or whom they love.
>
> Every individual, including all LGBTIQA+ members of our community deserves to feel safe, respected and protected by the law from these dangerous and outdated practices. As our representative in parliament, I strongly urge you to stand up for human dignity, safety and equality by voting in favour of the Conversion Practices Prohibition bill. [TBC]

One of the most striking in terms of the effort involved bringing it to us was from the Rev Dr Cornelia Hoffman, in her role as the ordained minister of the Cradle Coast cluster of congregations of the Uniting Church, which is a cluster of congregations with members from Queenstown all the way through to Port Sorell. With the addition of a doctorate in law, Cornelia is uniquely placed to assess the bill and its implications both in terms of Tasmanian law and canon law, enough to say that she and her congregations are entirely supportive of the bill. I would like to share an excerpt of her letter, one of 38, many of which came from the members of my electorate. Letters which give a sense of the balance and empathetic perspective of the Uniting Church in Australia.

> In 2022 at its 16th National Assembly, the Uniting Church in Australia resolved that conversion practices are harmful to people's mental health and wellbeing and affirmed the dignity of each person and with the following resolution.

1. Affirm the Uniting Church statement, Dignity in Humanity, which states that every person is precious and entitled to live with dignity because they are God's children.

2. Affirm that prayer and pastoral care are long-held Christian practices that will continue to be offered to support and uphold people, including LGBTIQA+ people and these Christian practices should not be used to harm or condemn people, including LGBTIQA+ people.

And thirdly, recognise that sexual orientation and gender identity change efforts are harmful to people's mental health and wellbeing.

And finally, request the Assembly Standing Committee to develop a process to provide a national resource for congregations, agencies and individuals to learn how they can prevent harm from ideology and practice.

I hold a doctorate in law and appreciate the opportunity in studying the bill as well as learning about the road of ending conversion practices in Tasmania/Lutruwita. I'm heartened that the bill adopted the ethos of the 2022 report of the TLRI of being educational and preventive and that is primarily built upon the TLRI model. I believe it to be a fair and pragmatic bill, also adopting some provisions from neighbouring states that have stood the tests of real time and experience.

The continuing occurrence of conversion practices in Tasmania is sad and deeply concerning and regrettably leaves no alternative than to legislate against such harmful practices. Accordingly, considering the above, I support the Conversion Practices Prohibition Bill of 2026 and I urge you to do the same.

What more can I add?

I welcome the fully-inclusive approach of the Uniting Church as one which truly accepts people as they are, with an unconditional welcome. A welcome to which, to my mind, is the perfect embodiment of the Christian values, so many of which seem to come out with a 'but' from other churches when deciding whom to accept into their fold. Dare I suggest that members of the other faith-based organisations may want to examine their own conscious as a point of reflection on what their faith is actually about. Is it about inclusion and openness or is it about exclusion and closure in service to a judgmental patriarch?

If we now look at the body of the bill, and starting with clause 5, it's the one that seems to have caused the greatest consternation and discussion as it defines the meaning of a 'conversion practice' and further defines what a conversion practice does not include. In examining clause 5, defining the meaning of 'conversion practice' comes in two main parts: what is and what is not considered to be a conversion practice. It is both the foundation and capstone of the bill. As a capstone, everything else comes back to its defining terms.

In considering the bill, I'm of the firm belief that holistic and evidence-based care is an absolute requirement in anything relating to sexual orientation and gender identity. As the

intent of the bill mostly relates to the needs of younger people, it is a highly sensitive area of legal and health policy and that is from where our sensitive analysis has to be based.

For me, the first part of clause 5 is pretty much self-explanatory; although I'm not quite sure about subclause (1)(b)(i) and the single use of the word 'inducing', as it suggests a neutral and permissive power balance in the effect of the subclause, as if a person might agree willingly. I wonder if the subclause might be strengthened to include the word 'coercing', as in inducing or coercing the person to change, suppress or eradicate their sexual orientation or gender identity. I'd ask the honourable member for Hobart to consider that. The reason I ask is what we have read and heard in a number of harrowing accounts of lived experience of conversion practices, the initiation of which were often the complete antithesis of anything neutral or benign in compelling people to agree. 'Inducing' is the carrot approach and 'coercion' is the stick to compel through whatever means possible.

The forceful nature of such interventions is recognised in the sole use of coercion in the bill, in clause 29, in the consideration of the report by the commissioner. If coercion is an important measure in considering a report, then, surely, it should be part of the critical definition of a conversion practice. The lived experience of people compelled to participate in these practices is a damning indictment. The fact that it is involuntary amplifies the long-term sense of powerlessness, it brings a person seeking to overcome the traumatic impact of those experiences.

The third set of subclauses brings us to what a conversion practice does not include. Again, on first impressions, it all looks to be quite reasonable. The definition of 'the health service must be provided by a registered health practitioner' is one of the key strengths in the bill. The term 'registered health practitioner' is a recognised term that includes a wide variety of health professions governed under the National Australian Health Practitioner Regulation Agency (AHPRA) Registration and Accreditation scheme is an unequivocal definition. What it does is to offer a safeguard by eliminating the risk of untrained and unqualified people being involved with helping people with gender dysphoria, or other concerns relating to gender or orientation. It should ensure that pseudoscience practitioners are excluded from being involved in delivering health services in the terms of this bill.

Mr President, to reinforce the point, we all received an open letter countersigned by over 50 healthcare providers with their thoughts on the bill. One of the key quotes in that letter was;

> The bill seeks to prevent untrained and unqualified people from purporting to diagnose or treat sexual orientation, or gender identity, as false or dysfunctions. This will be beneficial for all health practitioners, because it will prevent the devaluing of our professional standards by non-medical specialists with damaging and non-evidence-based belief systems, and reduce the risk of irrevocable damage to the therapeutic trust caused by unethical, unregulated and unsound conversion practices. [tbc 4.35]

Mr President, while subclause 3A is quite succinct in defining the permissible actions of a registered health practitioner, I'm not sure the set of sub clauses quite hit the spot. What we do know is the best evidence-based health service referred to in the sub clause is an evolving field of medical practice, and often with research that is based on quite small sample numbers. That's not to dismiss the value of current research. It's just that we must ensure the word in the bill does not become accidentally outdated.

In considering the scope of this, we obviously have the *Australian Standards of Care and Treatment Guidelines for Trans and Gender Diverse Children and Adolescents* as the current default for health practitioners to draw on. Of all the submissions that have come our way, it's the one from Laurel House that spoke most directly to a possible resolution of the apparent quandary. How to reflect the need for current best practise in a way that doesn't inhibit access to the most appropriate health services. I would like to quote from the submission from Laurel House on the topic of ensuring that clinical judgement reflects contemporary evidence-based practise. [TBC 4.37]

> Laurel House supports the exclusion of legitimate health services from the definition of conversion practises. It is essential that the legislation protects evidence-based healthcare, including gender-affirming care, identity exploration and therapeutic interventions that support a person's well-being without seeking to change or suppress their sexual orientation or gender identity. However, Laurel House considers that the current drafting would benefit from additional clarification. The exemption applies where a registered health practitioner has assessed a service as clinically appropriate in the registered health practitioner's reasonable professional judgement. While professional judgement is an important safeguard, the provision does not explicitly require that that judgement to be informed by contemporary evidence-based practice, rather than solely based on opinion or beliefs. Whilst we acknowledge that this subsection, or the exemption, exists in conjunction with, and to, complies with all relevant legal, professional and ethical requirements, we do not believe this alone adequately guides the application of professional judgement outside of those requirements. Conversion practices have historically been delivered by some registered health practitioners despite the absence of any credible evidence supporting their effectiveness and despite widespread professional consensus regarding their harmful nature. Accordingly, clinical judgement should not be assessed solely by reference to an individual practitioner's judgement, but against contemporary scientific evidence.

I would welcome the member for Hobart's thoughts on this contribution from Laurel House, and how the clause might reflect evolving scientific evidence in the delivery of appropriate health services in contemporary evidence-based practise.

Ms O'Connor - And just to be clear, through you, Mr President, we're talking Clause 5 (3A).

Mr GAFFNEY - Yes. Yeah, well, subclause 3A.

Ms O'Connor - Yes.

Mr GAFFNEY - I would welcome the member for Hobart's thoughts on this contribution from Laurel House, and how the clause might reflect evolving scientific evidence in the delivery of appropriate health services in contemporary evidence-based practise. I would also like to refer back to Taylor and Shrive's definition of conversion therapy', in their *Indicative Trauma Impact Manual* I quoted earlier. The definition also identifies that such therapies can be forced on a person by medical professionals. I must ask if the bill offers strong

enough safeguards to control such an outcome. If there is a doubt, we could have an opportunity to further strengthen the subclause, to acknowledge, and fully resolve the issue.

Another point of concern for many correspondents from a faith-based background, is how the bill will affect their ability to engage with fellow members of their congregation, especially if it's anything to do with their sexual orientation, or gender identity. As an example, of these concerns, that the bill would suppress free speech, and curtail a freedom of conscience, a recent email plea for amendments, gives an indication of the pastor's thinking, in which he requests that: [TBC 4.40]

> The definition of a conversion practice is more clearly defined, and that Tasmanians who are genuinely seeking help, do not have their human rights violated, by poorly nuanced legislation that would muzzle those to whom they would turn.

It's perhaps symptomatic of the opposition campaign that we're getting many emails in a similar vein. Whilst there is a degree of anxiety in faith-based communities, there does appear to be - well, I hope - a genuine misapprehension, where discussing anything relating to sexual orientation, or gender identity, in relation to the person's religious beliefs, will become an offence, in the bill. In my replies to these queries, I've suggested that the phrasing of subclause 3(b), would, naturally, cover a wide range of supportive conversations with a person so long as, they are without judgment, or direction. In some correspondence there was the suggestion a person may have self-harmed, or had other health issues, before speaking with a member of the clergy about their concerns. I would like to think that a person disclosing, or revealing, such matters, would trigger an immediate safeguarding concern that goes beyond the nature of the conversation, and hopefully one where a member of the clergy has been trained to respond in the correct manner.

Thinking, in terms of further safeguards in the bill, or maybe to be included in the regulations, how might we address a situation where the person facilitating conversation feels the discussion is going beyond their knowledge and capabilities? As a further safeguard, and thinking in terms of mental health first-aid, should there be something in the clause to advise the person to seek advice, and support of a GP? It could be a rational addition and give greater clarity to the intent of the subclause and reduce the risk to all sides. And would it be better as a part of supporting guidelines in the educational materials?

The final subclause of section 5 is the part that has brought a lot of attention, in terms of defining exemptions, and other members have mentioned it, to what constitute 'a conversion practice.' The, 'of itself', has attracted a great deal of comment, maybe only from those who oppose the bill. Therein lies the motive, to remove it, and have a potential ambiguous escape clause for continued abuse. While some may wish this term to be removed, to my mind it is actually an essential qualifier to what follows. However, on this point, I'm ready to listen to the comments, and thoughts, from other members, especially into the committee stage. Within the 10 subclauses, we have a swathe of realistic qualifications, and exceptions, which should satisfy even the most anxious supporter of the freedom, to say whatever they like, under the guise of religious autonomy.

Some of the most meaningful contributions to the consideration of the bill have come from parents and the guardians of children, and young people, who are seeking to understand their gender identity, and sexual orientation. For many families, the lived experience of their

child's journey has been especially difficult. In some cases, it can be said to be a confronting, and distressing experience, which is both from the perspective of the children, that they have happily embraced their new selves, and those who have struggled to rationalise, or settle into a single identity. In reflecting on those experiences that have been shared with us, and as I have already discussed, the health services offered by registered health practitioners should be guided by contemporary evidence-based practise, and which is fully informed by national guidelines.

One of the things I particularly welcome in the bill is the recognition of the essential role that parents and guardians play in the lives of their children. For most young people in a healthy family dynamic, their parents, grandparents, or carers, are the first people they turn to, when they are confused, uncertain, struggling, or simply trying to make a sense of who they are. Families need to be able to have honest conversations. Sometimes those conversations are easy and, as I've already suggested, they can often be quite difficult. I also do not believe we want to live in a society where caring parents and guardians feel they have to weigh up every word before speaking to their child about deeply personal matters. We all know that most parents are motivated by a desire to support their children and help them navigate life's innumerable challenges. The bill as amended expressly states that guardians discussing or providing guidance, support or advice on matters relating to sexual orientation, gender identity, sexual activity or religion with a child does not of itself constitute a conversion practice. It is an essential acknowledgement of the vital role families play in raising and supporting their children.

The subclauses in this section of the bill also clarify instances where health practitioners can provide unambiguous information about the options available to a person and to help them explore their identity in a safe environment. I would like to think these caveats can give parents and guardians the confidence to know their children's needs can be fully considered in an evidence-based health service context and openly explored with a registered health practitioner.

We have all received emails from people who have struggled with exploring their identity and orientation and have often turned to health services for help, in some cases with mixed results, and it speaks to the concerns of Laurel House in ensuring contemporary, scientific evidence-based practice.

One of the most insightful records of lived experience came from a young person who had attended the Royal Hobart Hospital's gender clinic as a 13-year-old for assessment and potential treatments and therapies. The person has since detransitioned age 16 and was reflecting on the nature of their whole experience as being one in which their health service anticipated a singular outcome, to transition, without exploring a more holistic assessment of the person's needs. They've gone on to suggest that we urgently need an independent clinical and governance review into the Tasmanian Gender Service. I have to ask if it's something that can be considered, whatever the outcome of the bill, and maybe something for the government to address as well.

In acknowledging the previous point, what has also been added to the consultation draft of the bill is a subclause to recognise that a person may wish to reconsider their transition to another gender. The subclause rightly restricts such a discussion to be facilitated by health practitioners, where a person can actively explore the implications of retreating from whatever stage of the transition process they may have got to. It is, in my mind, another pragmatic adjustment to remove doubt and provide greater certainty in the genuine intent of the bill to be

empathic to the needs of a person in doubt about their orientation or identity. It may also add another element, ensuring a more comprehensive approach in delivering health services.

The term 'health practitioners' used in this subclause and the others within the subclauses in 4 does raise a concern with me. In terms of the bill, a 'registered health practitioner' is a defined term in the interpretation clause, whereas 'health practitioners' is not. Does this need to be addressed as it could be interpreted to allow unregistered allied health practitioners, such as counsellors and social workers? It might also allow alternative therapy practitioners such as hypnosis, reiki healers and the likes to accept these roles. It is a foreseeable problem. Would a simple amendment adding 'registered' as a prefix to each instance of 'health practitioners' remove any risk of misappropriation of the deliberate misuse of the term? There were two instances that I can recall where that's not the case.

One question I've raised is the role of counsellors. A number of the emails and submissions we have received have come from what I would describe as multidisciplinary teams, which often take an integrated and holistic approach to supporting the people that came to them for support. Counsellors are often included and can have a positive role to play in a therapeutic alliance with the person seeking support and continuity of care. I understand that some faith-based organisations have made the case for them to be allowed to continue with what's described as pastoral guidance and counselling, and therein lies the rub. If we open the door to counsellors, do we risk allowing unqualified quasi health practitioners back into the fold?

One possibility could be for the role of counsellors to be sanctioned under the supervision of a registered health practitioner on a referral basis in a multidisciplinary team. It could ensure the required professional standards are maintained. I'm thinking about areas that may not have as many registered health practitioners as in other areas, and it's something that we have to look at the reality of in Tasmania and the islands. We can also have social workers that may get involved in divisive cases alongside family courts and other legal matters. I would welcome a perspective of where these professions may fit within the functions and functionality of the bill and if any accommodational safeguards may need to be made, either in the bill itself or as part of its regulations.

As a further point of consideration, the education side of the bill does seem to relate to restorative processes for those that might transgress. I would like to raise the thought on the availability and prevalence of suitable specialist and support services. The bill references registered health practitioners as being qualified to engage with people seeking support and advice. In a circumstance where a person speaks to their GP and the GP doesn't feel they have sufficient expertise or knowledge, is there a register of appropriate specialists? I was pleased to hear from Dr Miranda Hann, and I'm sure the honourable member will reinforce that in her response at the end.

We may also have to consider their distribution as over half our population lives outside of Hobart and people in northern Tasmania may prefer to seek mainland health services. Do we have enough qualified health practitioners with specialised knowledge and training to meet the current demand, let alone an increase which may come from the passage of the bill? We know all too well the ongoing shortage of psychologists in our northern and north-west public schools and I can only imagine how long the waitlists are for those with capabilities to help young people explore their gender identity.

Digging further, might I suggest that it could be an additional function of the commissioner to offer a navigation service for the benefit of health practitioners, peoples and families that might be seeking support? So often the access to information is a barrier to successful outcomes. I would like to think that the bill will lead to a new approach and one that's more supportive than prescriptive.

For the record, and in looking to the proposed amendments to the *Anti-Discrimination Act 1998* relating to sexual orientation, I would ask the honourable member in her response why the definition of 'sexual orientation' was changed after public consultation closed? It was an issue that was raised with me. And why the New South Wales and South Australian model was not followed? The point has also been raised with me, and I'll put it into *Hansard*, that making a change to the definition without the opportunity for consultation or public feedback was not beneficial and one that deserves greater scrutiny.

Would the honourable member be willing to move or consider support or make comment on the potential of an amendment keeping the sex-based definition and perhaps adding 'asexuality' like New South Wales? Indeed, it has also been suggested to me that in many clauses in the bill it would be beneficial to add 'or sex' after 'gender' and perhaps the proposed change is a case in point. It detracts nothing from the inclusive nature of the clause and opens up what can sometimes be seen as a narrow definition.

I've raised a few possibilities for amendments and points for further consideration in what is a sensible and pragmatic bill. I also thank sincerely everyone that has contacted me from all sides of the debate and many that have shared quite harrowing recollections of both past and ongoing experiences in their lives. I know between us all, we can and will do better to support some of the most vulnerable members of our community.

A strong endorsement for the bill came from a letter we all received from 28 Tasmanian parents at the beginning of November. I believe this quote says it all:

> As parents of trans and gender-diverse young people who are directly impacted on by this decision you make in relation to this bill, we wish to highlight that the bill passed through the House of Assembly with relevant strengthening amendments and widespread cross-party support.
>
> This speaks to the importance, comprehensiveness and appropriateness of the bill as it now stands. It demonstrates that the bill reflects a balanced and reasonable approach to ending conversion practices in a way that does not infringe on the rights and the freedoms of others.

In closing, I'd like to share a small excerpt of an email from Anthony Venn-Brown, who was awarded the OAM in 2020 for service to LGBTQ community and is a founder and CEO of Ambassadors & Bridge Builders International. His lived experience and principled advocacy for victim/survivors of conversion therapies is an inspiration to us all.

> As a former evangelical church leader, I understand the fears that some people of faith have about reforms of this kind. I also know that understanding the depth and persistence of the harm can help address those fears. Faith communities can play a positive role in prevention by ensuring that people seeking support are treated with dignity and compassion.

> Good intentions did not protect me from harm, nor have they protected the many people who've shared their experiences with me. Tasmania now has an opportunity to combine legal protection with education, prevention and access to redress. I ask you to listen carefully to survivors and support the bill with its comprehensive protections intact.

Mr President, we have a pragmatic bill which gives us a range of clarifying expectations to faith-based organisations that must be easy enough for even the most opinionated clerics to understand. It also does nothing to inhibit their religious freedoms other than to bring a degree of accountability in protecting some of the most vulnerable people in Tasmania. The bill also has powerful safeguards to prohibit any form of conversion practices from ever again darkening our shores; together with the recognition that parents and guardians have a central place in caring for the wellbeing of their children and that any healthcare service they engage with must be the best they can possibly be. It is enough to say that I thoroughly support the bill to progress to the committee stage and I look forward to hearing contributions from other members in that process and I congratulate the honourable member for Hobart and the Greens and all those people downstairs who have strengthened this bill and I look forward to its passing.

[4.56 p.m.]

Mr DUIGAN (Windermere) - Mr President, I rise to speak on the Conversion Practices Prohibition Bill 2026. No surprise, I think, like everyone in the Chamber, I over the past weeks and months have received plenty of correspondence on this one from Tasmanians from all walks of life in my electorate and beyond. Again, as has been described, there are plenty of divergent views on this issue and on all sides. Some have shared personal experiences of significant harm arising from conversion practices. Others have expressed their genuine concerns about religious freedom, parental rights, freedom of conscious pastoral care, and freedoms of expression.

I want to acknowledge all of those people who took the time to contact me and all of us. Whether I ultimately agree with their position or not, I appreciate the respectful way that the vast majority have engaged in this debate. I also acknowledge those in the Chamber with us today who have had significant input into this over time. I know that there are lots of people, those who have provided briefings, and I have to say that I wasn't able to attend a lot of the briefings, so I come to this perhaps without the depth of knowledge that some others may have gleaned from those opportunities.

As I say, this is a conversation that's been going on for some time in this Chamber and in the other place. I think just about every Tasmanian would agree that we come from a central place that people should have the right to be themselves protected and to be themselves without fear, shame, or judgement and to be safe and accepted. I think that's a pretty shared view from all that I have heard on this bill.

The first point that I would make about the legislation in front of us is that it makes me somewhat uncomfortable - not because of the sensitive topic, I am very much an advocate of the philosophy of 'live and let live,' and I don't seek to change anybody, but my discomfort lies more around the prospect of overreach and using the blunt instrument of legislation as a method to put boundaries around conversations. I think that takes us necessarily into some pretty grey areas and I think I would find myself more comfortable dealing with legislation that has some more absolutes. However, here in this place our job is to carefully consider the legislation

before us, the evidence supporting it, the concerns raised about it, and its likely operation in practice. In fact, as a government member, it's quite unusual that I stand here at the back end of that process scrutinising the legislation with that great freedom offered by the Liberal Party, and that is a conscience vote. With that freedom, I should, like others that I have listened to in this place and learned from over the course of the past five years, luxuriate in the failings of the proponents of this bill, the shambolic way it was brought to the other place, the very, very shaky consultation project, no second reading speech, dozens of amendments on the day of introduction. But, Mr President, I won't do that. I won't do it because, although the bill is, in my view, imperfect and its development something of a 'choose your own adventure', I accept the central proposition. I accept that practices which seek to change, suppress or eradicate a person's sexual orientation or gender identity are wrong and they cause harm. The weight of evidence, and the experiences shared, make it difficult to conclude otherwise. Where coercive practices occur, where people are made to feel less or damaged or sinful, where vulnerable people are subjected to attempts to change fundamental aspects of their identity, I believe the law has a legitimate role.

However, acknowledging that harm exists does not end the conversation. In my mind, the question before us is whether the bill strikes the right balance. I note, as highlighted by the member for Launceston, this bill goes well beyond the Tasmanian Law Reform Institute recommendations of 2022. And I quote,

> The TLRI observes that there are aspects of the proposed bill that reflect the recommendations of the TLRI. However, there are also several aspects that are not based on its views and recommendations. The primary concern of the TLRI in relation to the proposed bill is the use of the criminal law framework as a primary response to conversion practices -

Ms O'Connor - It's not a primary response.

Mr DUIGAN -

> including some circumstances without proof of injury, rather than a backstop measure of last resort for egregious and repeated conduct. There are serious penalties provided for in the bill, and many correspondents have raised concerns that ordinary family conversations, expressions of religious belief, pastoral care or professional discussions may be unintentionally captured. The bar to allege harm is low and the net to capture offence is wide, and neither are well defined.

And I think there is a real question over the consequences of the bill and its potential to have a chilling effect on the support available to our most vulnerable kids and young people, as they struggle through the challenges of gender distress. Family members, medical practitioners, and trusted support networks may feel less free to engage on the issues, to answer the questions, and to have those honest, difficult conversations. I know there are chop-outs in the bill for certain cohorts, but I do think the spectre of potentially having these conversations misconstrued presents a risk, particularly in the provision of professional services, and particularly in the circumstances of family breakdown. Almost universally, parents want the best for their kids. They navigate difficult conversations every day on any topic you can think of, but they do not want to be placed in a situation where they feel unable to discuss issues relating to relationships, sexuality, faith, identity or personal wellbeing. Likewise, many

Tasmanians draw enormous support and guidance from their faith communities and, although I am not one of them, I do not believe that holding religious beliefs should be treated as unlawful, nor do I believe that respectfully expressing a religious view should be treated as unlawful. The bill does confer new powers, a new architecture of investigation, reporting compliance and enforcement. It is without question an extension of state oversight into deeply personal areas of family and religious life. Again, it is the issue of balance.

I note that the bill goes to considerable lengths to specify conduct that does not, of itself, constitute a conversion practice. It expressly protects guardians discussing and providing guidance, support or advice to children, participating in a public debate. It expressly protects health practitioners who provide information in good faith, and those provisions are not minor details, and I take some comfort that they provide some of the necessary protections the bill absolutely requires. It expressly states that religious beliefs may be expressed in sermons, religious education, pastoral care and prayer. I would also point to amendments that have been made in the other place as having significantly improved the bill and will follow with interest the course of amendments that are proposed in this House. I recognise some members of our community and members of my electorate will remain concerned. I also recognise that there are Tasmanians who have waited a long time for parliament to acknowledge the harm conversion practices have caused in their lives.

For me, I have attempted to distil this very complex issue and the imperfect remedy before us down to a simple proposition: is the bill with its overreach and ambiguity worse than the prospect of people suffering harm through cruel and coercive conversion practice? No legislation is perfect and I am able to reconcile supporting this bill to committee on the basis that on balance it does more good than harm.

The true test of this bill will be how it is administered in practice and whether the protections parliament intends are faithfully applied. It's my understanding that people seek support because they are experiencing confusion, uncertainty or distress. They should be able to explore those issues in a safe environment. The objective must be to support individuals in understanding themselves, not to predetermine the outcomes of those conversations.

Complaints under this legislation must be assessed carefully and proportionately, and we have a duty to ensure that is the standard. I do have reservations, however, I believe the bill's purpose to prohibit harmful conversion practices outweighs its impact on curtailing or prohibiting good-faith conversations, and for that reason I will be supporting the bill into the committee stage. Thank you.

[5.07 p.m]

Ms THOMAS (Elwick) - Mr President, I rise to speak in support of the Conversion Practices Prohibition Bill 2026. This is an important bill dealing with deeply personal matters: identity, faith, family, health care, dignity, and the right of every Tasmanian to live free from harm and discrimination. Throughout my consideration of this bill, I've tried to approach those matters with care, compassion and an open mind.

As other members have noted, I too have received a significant volume of correspondence from people across Tasmania and from interstate. Some have urged me to support the bill; others have expressed genuine concern about its potential effect on religious freedom, parental guidance, pastoral care, personal autonomy and access to exploratory health care.

I thank every person who contacted me by email or telephone or met with me in relation to this bill, including those who shared intensely personal experiences. Some correspondence came from survivors of conversion practices; some came from parents of transgender and gender-diverse children; some came from parents whose children had desisted or detransitioned; some came from people of faith, including clergy who support the bill and clergy who fear its consequences.

I also thank those who met with me, including Rodney Croome, Glen Worrall, parents of transgender children, and representatives of the Australian Christian Lobby. Those discussions were respectful, thoughtful, and valuable. They helped me understand not only the strongly held views on both sides, but also the lived experiences behind them.

I said throughout this process that I would scrutinise the bill thoroughly, listen to feedback and consider all views before deciding whether amendments were needed and ultimately how I would vote, and that is what I've done. After carefully examining the bill as amended by the House of Assembly, considering the submissions and correspondence, and weighing the competing rights and concerns involved, I am satisfied that this bill strikes an appropriate balance.

At its heart, this bill sends a simple but powerful message. Every person has the right to be who they are, whatever their sexual orientation or gender identity. The time for stigma and shame is well and truly over. So too is the idea that a person is broken, disordered, or deficient because of their sexual orientation or gender identity, or that they need to be fixed. People have a right to be supported as they explore who they are. They have a right to receive compassionate guidance and appropriate health care, and a right to reflect, question, seek advice, and even change course during their journey.

This bill does not take those rights away. What it says is that there is no place in Tasmania for practices directed at changing, suppressing, or eradicating a person's sexual orientation or gender identity, or inducing them to do so. There is no place for practices that weaponise shame, fear, family pressure, spiritual authority or professional power against a person. There is absolutely no place for conduct that begins from the premise that an LGBTIQA+ person is inherently wrong and must be changed. No place for that.

The evidence and the personal accounts shared with me demonstrate that these practices can cause profound and lasting harm. Survivors have described shame, isolation, damaged family relationships, loss of faith, anxiety, depression and trauma. Those accounts cannot be dismissed as belonging only to the past. They show why legislation is necessary.

I want to take the opportunity to address the principal concerns raised with me and explain how I approach them. The first concern was that the definition of a conversion practice is too broad. People pointed out that the definition does not require repeated conduct, coercion, a lack of consent or proof that harm has already occurred. They were concerned that a single conversation, prayer or act of parental guidance could be captured. I consider that concern carefully.

The definition does not capture every conversation about sexuality or gender identity. It contains important elements that must be established. The practice or conduct must be directed towards a person on the basis of their sexual orientation or gender identity. It must also have

the purpose of changing, suppressing or eradicating that orientation or identity, or inducing the person to do so. Purpose and context are important. A respectful conversation is not automatically a conversion practice. Neither is a person asking questions, expressing a belief, discussing treatment choices or helping someone to explore their identity.

It is true that a single act may satisfy the definition. I understand why some people would prefer a requirement for sustained conduct or a course of conduct. I can understand why some people may think that way and all members have been very respectful in this debate and I'm grateful for that. However, a single act can be serious and harmful. That is the reality. It could involve degrading ritual and exorcism, a coercive intervention or another practice capable of causing significant injury. I do not believe the law should be powerless merely because conduct occurred once.

As we heard by the courageous people, the survivors of practices, who were courageous in coming to talk to us about what they've experienced, one individual occurrence can cause harm. Importantly, the provision criminal provisions contain additional elements. The offence relating to injury requires intentional engagement in the practice, actual injury and negligence as to whether the conduct would cause that injury. The broader education and prevention framework is designed to respond proportionately below the criminal threshold. Not every report leads to prosecution. The bill provides for education, information, facilitation and prevention, as well as enforcement where appropriate.

The second major concern raised with me related to freedom of religion, prayer, religious teaching, and pastoral care. I received many emails from Christians who feared that they would be unable to preach their beliefs, pray with someone who requested prayer or provide pastoral support consistent with their faith, and I take freedom of religion, conscience, and expression seriously. This bill does not prohibit people from holding or expressing religious beliefs. It does not ban sermons, religious education, prayer, or pastoral care.

The House of Assembly amended clause 5 to expressly identify sermons, religious education, pastoral care, and prayer as forms of conduct that do not of themselves constitute conversion practices. The bill also protects expressions of belief or principle, statements about what a religion teaches, and the communication of general requirements relating to religious orders or membership and leaders of religious communities.

Some correspondents remain concerned about the words 'of itself.' They argued that removing these words would create stronger protection and I considered that closely. Those words are important because they prevent the listed activities from being automatically prohibited merely because they occur. At the same time, they prevent a label such as prayer or pastoral care from becoming a blanket exemption for conduct that otherwise meets the definition of conversion practice.

Prayer is not prohibited, pastoral care is not prohibited, and religious teaching is not prohibited, but calling something prayer or pastoral care should not provide immunity where it is used as a targeted practice to change, suppress or eradicate another person's sexual orientation, or gender identity. That is a reasonable distinction. Many faith leaders who contact me do support the bill. They spoke about the dignity of every person, and their belief that faith should never be weaponized to shame, isolate, or condemn someone, because of who they are. Their contributions demonstrate that this bill is not a contest between faith, and LGBTIQA+

people. Faith communities themselves hold a range of views, including strong support for those protections.

The third concern I heard related to parents, grandparents and guardians. Some parents, grandparents, and guardians, told me they feared that ordinary conversations with their children could result in complaints, investigations, or even allegations of child abuse. The House of Assembly responded to this concern by broadening the relevant provision, from parents to guardians, in expressly protecting discussion, guidance, support, and advice, about sexual orientation, gender identity, sexual activity, and religion. Parents remain free to parent. They can discuss values, and beliefs, ask questions, seek professional advice, talk about treatment and non-treatment options, and guide their children through difficult decisions. Nothing in this bill asks parents to abandon their responsibilities or requires them to. However, parental status cannot provide a blanket exemption for conduct that genuinely constitutes a conversion practice. Children can be particularly vulnerable to pressure from the adults, and institutions, upon whom they depend. The appropriate balance is to protect ordinary, loving, and responsible parenting, while ensuring children are also protected from harmful practises. I am satisfied the amended bill achieves that balance.

I also carefully considered concerns about the treatment of children as child abuse victims. The House Assembly removed the proposed express addition of conversion practices, as reportable conduct under the *Child and Youth Safe Organisations Act 2023*. The existing threshold, concerning conduct that causes, or is likely to cause, significant emotional, or psychological harm, remains relevant. Scheduled to addresses, organisational civil liability, where a conversion practice is directed towards a child. It does not turn an ordinary family conversation into child abuse. The conduct must first meet the definition of a 'conversion practice.'

The fourth concern related to consent, and personal autonomy. Some people argued that a competent adult should be free to seek prayer, counselling, or support, to live in accordance with their own beliefs, including a religious commitment to celibacy, or a particular way of life. I understand the force of that argument. Adults are entitled to make choices about how they live. They are entitled to explore their values, seek spiritual counsel, and ask trusted people for support. They are entitled to decide what relationships they enter, and what conduct accords with their own beliefs. The bill does not prohibit these personal choices. However, consent does not take an otherwise qualifying conversion practice outside that definition. That reflects the reality that consent can be complicated by shame, fear, misinformation, family pressure, spiritual authority, and unequal power relationships. A person may, technically, volunteer for a practice, because they have been told that they are broken, unacceptable to God, unwelcome in their family, or destined for rejection, unless they change. The fact that a person has asked for help does not necessarily make every response to that request safe or appropriate. The bill therefore draws the line, according to the purpose, and nature of the conduct, rather than relying on consent alone. I am satisfied that people do remain free to seek genuine, open-ended, and non-directive support. What is prohibited is targeted conduct, intended to change, suppress, or eradicate, their sexual orientation or gender identity.

The fifth concern I heard involved healthcare, counselling, gender distress, and support for people who desist, or detransition. Parents wrote to me about children with complex mental health, developmental or trauma histories. They feared clinicians would avoid open-ended exploration or feel pressured towards a predetermined outcome. I considered this concern, Mr President. Young people experiencing distress deserve comprehensive, individualised, and

evidence-based care. Their psychological, developmental, social, medical, and family circumstances, should be considered. They should not be pushed towards a predetermined outcome. The bill expressly excludes appropriate, good faith, health services, provided by registered health practitioners, in accordance with legal, professional, and ethical, requirements. It also contains a broader exclusion for genuinely facilitating a person's coping skills, development or identity exploration, to meet that person's needs. That protection is not confined to registered health practitioners. The avoidance of doubt provisions further protects health practitioners who provide good faith information about treatment and non-treatment options, including benefits, risks, limitations and uncertainties. They protect practitioners helping a person explore their identity without directing, predetermining, or seeking to influence them towards a particular outcome. They also protect discussions about a person's desire or intention to detransition, desist, reverse, discontinue or modify a social or medical transition. These provisions are important. They recognise that people have a right to explore their identity. They have a right to appropriate clinical assessment, and they have a right to receive information about all available options. They also have a right to change course. Supporting someone to explore is not conversion. Providing impartial information is not conversion. Helping someone to desist or detransition is not conversion either. The line is crossed when the conduct is directed towards achieving a predetermined outcome of changing, suppressing or eradicating the person's orientation, or identity. That is clear to me in this bill, Mr President.

The sixth area of concern involved third-party reports and the powers of the commissioner. The bill permits any person to make a report. Some correspondents feared vexatious complaints by people with no direct involvement, and intrusive investigations undertaken against the wishes of the affected person. That concern required particularly close attention. A third-party report does not automatically establish wrongdoing, nor does it automatically lead to a formal investigation or tribunal proceeding. The commissioner must have regard to the affected person's privacy, safety and wishes. The commissioner cannot refer a report to TASCAT without the affected person's consent.

The House of Assembly also inserted a materiality threshold for formal investigations. Consideration must be given to matters, including serious noncompliance, serious or systemic practises, practices affecting a class or group of people, and whether an investigation would advance the objects of the act. Respondents also have a right to apply to TASCAT in specified circumstances, and compliance notices can be reviewed by the tribunal. The commissioner's processes are not criminal trials. Criminal offences remain matters for courts and the ordinary criminal standard of proof. I will always scrutinise coercive statutory powers carefully. However, having done so, I am satisfied the bill contains meaningful safeguards, while preserving the capacity to identify systemic or concealed practises

The seventh concern involved the positive duty imposed on organisations and potential liability for employees, contractors and volunteers. The positive duty requires reasonable and proportionate measures to eliminate conversion practices. It does not demand the impossible, nor does it make an organisation automatically liable for every unauthorised act by an individual. What is reasonable and proportionate will depend on the organisation, its resources, its level of control, the role of the person involved and the risks that can be reasonably anticipated. The vicarious liability provisions also recognise whether reasonable precautions were taken. Organisations exercising authority over vulnerable people should take reasonable steps to prevent harm. That is not an unreasonable expectation.

The eighth concern was retrospectivity. The amended bill makes clear that the prohibition, positive duty, offences and enforcement provisions apply prospectively. My understanding is historical disclosures may be received for acknowledgement, information, support, research and education. Historical conduct may provide context for identifying patterns, but it cannot by itself form the basis of enforcement action under the new scheme. That is my understanding, Mr President, and I feel that that is an appropriate balance between recognising survivors and preserving fundamental legal fairness.

Finally, many correspondents asked for a parliamentary inquiry. Others strongly opposed one, arguing it would simply delay protection. I did give consideration to this too. But the Tasmanian Law Reform Institute has already undertaken a substantial inquiry into conversion practises. The bill has been subject to consultation, extensive public advocacy, submissions, debate and amendment in the House of Assembly. Members of the Legislative Council have received detailed correspondence and submission submissions from survivors, families, faith communities, legal organisations, healthcare professionals and advocacy groups. We have had the capacity to seek further briefings, test the drafting and move amendments where necessary. I'm satisfied that there has been sufficient opportunity to identify and examine the central issues, so I do not believe a further inquiry is necessary before the council determines the bill. The bill also requires an independent review after five years. Importantly, that review must consider how the legislation balances freedom of religion, belief and expression, parental rights, children's rights and freedom from harm and discrimination. It must also consider the effect of the legislation on healthcare, therapeutic and counselling outcomes relating to sexual orientation and gender identity. That review provides an important accountability mechanism. It will allow parliament to assess the legislation against real experience and evidence.

This bill deals with competing rights and deeply held beliefs. Reasonable people have raised genuine questions about its reach, but freedom of religion does not include a right to harm another person. Parental rights do not remove a child's right to safety and dignity. Personal autonomy does not require the law to ignore coercion, misinformation or profound power imbalances. Healthcare must be free to explore, assess and inform, but it should not be used to impose a predetermined identity or outcome. I'm satisfied that the amended bill respects those distinctions. It protects religious expression without allowing religion to become a shield for harmful conversion practices. It protects responsible parenting without leaving children exposed. It protects genuine healthcare and identity exploration, including the ability to desist or detransition. It establishes an education and prevention mechanism so that the burden does not rest solely on survivors after harm has occurred.

Importantly, the bill sends a clear message about the Tasmania we want to be. A Tasmania where people are not told they are broken because of who they are. A place where shame is not used as a tool of control. A Tasmania where every person can live with dignity and authenticity. A place where people can receive guidance and support throughout their journey, including if they question, explore or change course, but where there is no place for practices designed to erase or supress their identity. The time for stigma and shame is over. The idea that LGBTIQA+ people need to be fixed belongs in the past.

I thank everyone who engaged with me on this bill. Whether they supported or opposed the bill, their contributions strengthened my understanding and ensured that I tested the legislation carefully. Having done that work, I am satisfied the bill strikes an appropriate balance. I support the bill.

[5.27 p.m.]

Mr EDMUNDS (Pembroke) - Mr President, I am standing to echo the comments of the previous and most of the other speakers throughout this debate, and I won't be speaking for very long. I think before I start, I acknowledge that we have had a lot of briefings, emails phone calls, personal stories, which I acknowledge are difficult to tell over and over again, but hopefully they lead to the desired outcome - views and opinions shared with us to help inform the decision that we make.

I know there have been a lot of acknowledgements of different members of parliament and the work that they've done throughout this process, but I certainly would like to personally acknowledge Ella Haddad and the sage counsel she's provided through this, the effort that she's put in with stakeholders, that frankly is a credit to her. So, I think she should be acknowledged as well.

It will probably come as no surprise to anybody that I will be supporting this bill, while being open minded, as members in the other House were, to amendments, which as we've seen and others have acknowledged, have strengthened this legislation. Support for the bill, though, is a long-standing position of both my party and I believe clearly the view of members of my electorate.

I appreciate there have been concerns raised, but I would point to the experience in other jurisdictions that have led on this topic and their experience and note the comments from the mover about the review provisions. I believe the appropriate safeguards, if you want to call them that, are definitely in place.

For a bill like this, which is banning conversion practices, you really simply need to put yourself in the shoes of somebody who might be going through that process - which I'm not sure if it's the right language - and I think we should be asking others to do the same. I think, as parliamentarians, we have a duty to safeguard people when they're at their most vulnerable or indeed, vulnerable people, full stop. To put yourself in the shoes of somebody who might be facing a mega institution and you're a single human being, I think we have to be realistic about the position that that person would be in. Obviously, that's really the basis of where my personal support for this bill or this action comes from.

We should accept people the way they are. Acceptance is where my head is at on this bill. Our acceptance of people as they are. And I hope through the passage of bills such as this and others in the broader LGBTQIA+ legislative mix, it's our acceptance of people as they are, but also, I think people's acceptance of themselves and ourselves. With those few words, I support the bill.

[5.31 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I want to sincerely and warmly thank all members for their very thoughtful contributions and the questions that have been asked of us. It's been a long, empathetic and impassioned public debate, and I sincerely appreciate how members in this place have engaged in a thoughtful, sincere, and constructive manner. After the tone of some of the debate in the other place, which was regrettable, I am grateful that this Chamber has been able to engage in this debate in a more compassionate and respectful way, and I thank members for that.

At the outset, before responding to specific questions, I want to give a very broad response that I believe covers the majority of the issues that have been raised during public debate on this bill. The definition of conversion practices requires a person to direct a practice or conduct towards another person on the basis of their actual or perceived sexual orientation or gender identity for the purpose of changing, suppressing, or eradicating it or inducing the same. Indeed, it was explained to us just beautifully only a short time ago by the honourable member for Elwick. The short and simple answer, I think, in understanding that definition and its clarity resolves 99 per cent of questions that ask, 'Is this hypothetical situation a conversion practice?' The answer is: is it for the purpose of changing, suppressing, or eradicating a sexual orientation or gender identity? If not, no, it is not a conversion practice. If it is for literally any other purpose, it is not a conversion practice - literally any other purpose.

This is not vague; it does describe what a conversion practice is, and it is clear what a conversion practice isn't. When people ask about open-ended exploration, medical caution, professional judgment, conversations, religious teachings, guidance or support, I'm sure some of these questions are sincere. However, a lot of these phrases arise from misunderstanding or false information or disinformation that's circulating at the moment, which was referred to in an excellent contribution by the honourable member for Nelson, which does appear designed to create confusion and anxiety.

To be clear, if a person has a moral view that other people should not be gay or transgender and seeks to make another person or people change to live their lives by their standard, then this bill does become relevant. Prohibiting a person from doing this is not an infringement on their rights because it's not a right that anyone has. Allowing these harmful acts to continue, however, does very much infringe on other people's rights. The phrases 'open-ended exploration,' 'medical caution,' 'professional judgement,' 'conversations,' 'religious teachings,' 'guidance or support' are categorically not any sort of reasonable expressions of this sort of conduct. For all those who are sincerely worried about any of these matters, don't be. They are not impacted by this bill.

For any of those people driving the public campaign who mean these terms as a euphemism for attempting to stop gay or transgender people from being gay or transgender, for example, I invite you to reflect on why you do not spell this out, and you rely on euphemisms. I further invite opponents of this reform to consider the hypocrisy of criticising this bill for not being clearly defined, when misleading euphemisms are being used and relied upon, to confuse the public, and hide true intention.

On the specific questions raised by members, the honourable member for Murchison raised some important questions about the Anglican Code of Conduct, and those same questions were raised with the Greens, and with me personally, by Bishop Condie. Who I have enormous regard for. I listened very carefully, and we listened. This code of conduct applies to church workers, and it requires them to be faithful in marriage, and chaste in singleness. In respect of the concerns, specifically, in relation to the definition of 'sexual orientation', paragraph (a) of the proposed definition reads: [tbc 5.36]

> A person's emotional, affectional, and sexual attraction to, or intimate, or sexual relationship, with persons of a different gender, the same gender, or more than one gender.

This is the Schedule One amendment. The construction of the definition makes it clear it is not talking about, whether or not a person is in a sexual relationship, but what that person's sexual relationship is with a particular gender, or genders. In other words, it refers to a person's sexual preference, based on gender. That being said, as I said in my second reading, we have listened to concerns, and are inclined to support the proposed amendment, to remove the reference to 'intimate', or 'sexual relationship', and make it absolutely clear, the definition does not apply to a person's sexual activity, generally. The member for Murchison accurately identified the relevance of clause 54(e), which provides that: [TBC 5.36]

> The making, application, or communication of general requirements, in relation to religious orders, or membership, or leadership, of a religious community, is not, of itself, a conversion practice.

The members supposition, that a code applied to all members of the clergy would not be captured, and targeted application to individuals, is essentially correct. All three elements of the definition of 'conversion practice', read together, are relevant here. It has to be directed towards a person, so a general rule does not fit into this. Although an individual application of it, to a person, for the purposes of changing, suppressing, or eradicating, their sexual orientation, or gender identity, may.

In terms of individual applications, it also needs to be on the basis of sexual orientation, not activity. In the circumstance of an abstinence requirement, that's not dependent on sexual orientation, this criteria would not be met. It has to be for the purpose of changing, suppressing, or eradicating, a sexual orientation, or gender identity. This means the purpose would have to go beyond the mere enforcement of the code of conduct rule. The enforcement of the rule would have to be the purpose of trying to change, suppress, or eradicate, a sexual orientation, and, as I understand it, from the code of conduct, which Bishop Condie described to me, it does not do that.

To summarise, while it is not impossible that a rule of this nature could be used as part of a conversion practice, it is not likely. To any extent that it was, it would have to involve a very deliberate targeting of people, based on their sexual orientation, or gender identity, for use as a tool for change, to change a person, or to suppress, or eradicate, that sexual orientation, or gender identity.

I note that the common argument put from opponents of this legislation is that they oppose coercive practices. That's good to hear. The only scenario we can think of where a code of conduct like this could, potentially, be used for the purpose of changing, suppressing, or eradicating, a sexual orientation, would be where a person was threatened to have their employment terminated, if they did not change, suppress, or eradicate, their sexual orientation. Of course, that is when the *Anti-Discrimination Act 1998* might also come into play. It's hard to see how such an event could be considered anything other than coercion. On this basis, we don't think there's grounds for any reasonable objection to the application of this bill, in respect of such a code of conduct.

I recognise that there's a view amongst some, that the exemptions under the *Sex Discrimination Act 1984* of the Commonwealth, also extends to apply exemptions under the *Anti-Discrimination Act 1998.* However, as I understand it, the *Sex Discrimination Act 1984* does not cover sexual activity. In other words, they may be longstanding existing legal frameworks entirely separate to this bill that should be considered in respect of these matters.

The member for Murchison also asked if I could confirm that the matters covered in clause 54 can only form part of a conversion practice where they're directed at a person on the basis of their sexual orientation, or gender identity for the purpose of changing, suppressing or eradicating it. I can certainly confirm this is the case. I'd also add that the member's comprehensive and detailed explanation of that clause was spot on, and I believe, very helpful for this debate. The member for Murchison also queried whether funding and resources will be provided to give effect to this legislation, should it pass, and she did acknowledge, however, that this not may be a question that we can't answer. I'm certainly of the belief that the passage of this bill would necessitate some funding. We've seen it with other private members' bills, and indeed we're establishing a commissioner, and that is the Conversion Practices Commissioner, who will be the Anti-Discrimination Commissioner, and their office in this bill. I expect this would more or less mandate some degree of funding be provided, at the very least, and I'm sure that's a matter, should this bill pass, that the commissioner would take up with government. Later during my contribution, I will outline more details in respect of funding in response to the honourable member for Montgomery. The honourable member for Montgomery has asked for a broad outline of the intent of clause 5. From our perspective, we think clause 5, subclause 1, is a fairly direct descriptor of our intent, that, if I would try to paraphrase that clause in a more accessible way, I might describe it as something like to prevent people from being targeted, based on their sexual orientation or gender identity, for the purposes of trying to make them no longer be that sexual orientation or gender identity.

Mr President, in relation to the constituent letter the member referred to, regarding the ability to still have genuine conversations and non-directive exploration, I can confirm that the bill does not capture this conduct. And again, it was put very well by the honourable member for Elwick. The bill provides that quote. Genuinely facilitating a person's coping skills, development, or identity exploration to meet the person's needs, including by providing acceptance, support or understanding to the person, is not a conversion practice under 5(3B). This is not the "avoidance of doubt" clause. It's an outright exemption clause, Mr President. Regardless of this provision, non-directive exploration is inherently not for the purpose of changing, suppressing, or eradicating a person's sexual orientation, or gender identity. It is about helping people, fundamentally.

Some of the language in the letter prompts me to make a segue into some other matters that have come up through the broad public process throughout this bill, so I hope the member will indulge me in taking a short detour, while I'm responding to his questions. To be clear, I do not seek to impugn the motives behind that letter, and particularly, as the parent of a transgender child and a mother of four, or any other particular example of correspondence. It merely provides the opportunity to talk about particular examples of language that can certainly be used appropriately but can be misused with other motives. There have been some aspects of public debate on this bill that have, amongst other things, cast aspersions on gender affirming care. This bill emphatically does not mandate gender affirming care generally, or gender affirming care specifically. It bans conversion practices. And there's a very wide gulf of behaviour between these two things.

Even so, some misinformation and misuse of terminology has been widely distributed, and I feel it needs a response. Some contemporary branding exercises have tried to rebrand conversion practices or conversion-adjacent practices in a pseudo medical setting, as so-called exploration. Particular caution should be taken when exploration is posed as an alternative to gender affirming care. First and foremost, because gender affirming care does, in fact, often begin with a person exploring their identity, exploration simply is not an alternative to gender

affirming care. If exploration is genuinely open and non-directive, then gender affirming care should not be something viewed with inherent scepticism. If it's treated as an undesirable approach, then how genuinely open the exploration may be, certainly comes into question. The implication is that those who provide gender-affirming care, like the wonderful Dr Miranda Hann who briefed us on Tuesday morning, look for any small thing to latch onto to push people who are not trans into being trans. This is patently untrue.

As a parent who's been through this process with my beautiful son Jasper, I can reassure the House it is a professional, empathetic, rigorous, lengthy, expert process that fully enabled my beautiful child to explore their gender identity. I'll just pause here for a moment to say a few things about Jasper, because from time to time during this debate in the other place and up here, I've thought about Jasper and all those trans kids particularly and the struggle that they go through. The thing about Jasper is as soon as he could talk - I thought I had a daughter called Mara, my first girl - it was just 'No, I won't wear a dress'. Jasper tried to pee standing up. Jasper said to my mum when he was three years old, 'Nana, there's been a mistake, I'm not a girl' - three years old.

I thought Jasper was a lesbian, and like many parents of transgender children, I had no guidebook to take me through this. I just knew that my kid was miserably unhappy and suffering. If I had my time over again, I wish that Jasper had access to puberty blockers much earlier. I found out Jasper changed his name after his 18th birthday on Facebook. There were things I failed at as a parent when I found out that Jasper was transgender. There are things I wish I'd done better, there are things I wish I'd said better, but like every parent of a transgender child, you are looking at this person you love with all your heart and you want the best for them. You just want the best for them, and yes, I tried the 'Maybe you need a bit more time to think about it'. I tried all of that, but Jasper wasn't happy, really miserably unhappy, suicidal ideation, you name it.

What Jasper hated - and we heard from Reverend Liena Hoffman in the briefing about the person who put the message in the box at the Uniting Church about 'I hate my boobs' - Jasper hated his boobs. This is my way of saying to people who choose to deny the existence of transgender people or people who think that they know better or wish to target those people, I say shame on you, shame on you.

At lunchtime today the LGBTI Friendz group heard from transgender people about a vile trend in recent times of targeting transgender people, and this is having a particularly damaging effect on children and young people. So, it has worried me that this debate has had such a focus on trans people - it is terribly unfair.

Ms Forrest - They need to think about the impact they are having.

Ms O'CONNOR - Exactly. Thank you, honourable member for Murchison. They need to think about the impact they're having.

Ms Forrest - These are real people.

Ms O'CONNOR - That's right. As the honourable member for Pembroke said a short time ago, try emphasising and then have a good hard look at yourself.

As I was saying, there's an assumption that there's an affirmation-only model here and that's been part of the misinformation that we've been fed throughout this debate. It's just another form of a very well-trod homosexual recruitment agenda conspiracy, and it's not founded in reality.

On a similar vein, there's been a lot of misuse of the phrase 'gender dysphoria' on this issue. By way of background, the *Diagnostic and Statistical Manual of Mental Disorders* (*DSM*) first introduced the diagnosis of transsexualism in *DSM-III* as a psychosexual disorder. In 2013, the *DSM-IV* eliminated this diagnosis and introduced a diagnosis of gender dysphoria. Again, I'd argue that medicalises the reality of transgenderism.

It's important to note that 'gender dysphoria' is not a clinical term for being transgender; it's often presented as such to try to pathologise trans people. Gender dysphoria describes the psychological distress that results from an incongruence between one's sex assigned at birth and one's gender identity. It describes a state that can, but doesn't always, accompany being transgender. Gender dysphoria can be treated through open-ended exploration of a person's feelings and experiences of gender identity and expression, social affirmation through things like changing pronouns, legal affirmation through things like changing a name or gender on documentation or medical affirmation. Conversion practices are not a treatment for gender dysphoria. Presenting gender dysphoria as synonymous to being transgender is a similar error, whether deliberate or not, to presenting postpartum depression as synonymous with being pregnant. The first can arise from the latter, but they're not the same thing, nor does the presence of a diagnosis of the former imply that the latter is a mental health condition.

Going back to the honourable member's question - I'm sorry I did wander off a bit there. The member for Montgomery also raised the matter that came up during briefings regarding a possible interpretation that a parent telling a child not to sleep with their boyfriend could potentially be captured by the bill. Without restating in full again what I've already said, in the definition of 'sexual orientation', it relates to the gendered nature of a person's sexual relationships, not to sexual activity generally. In this context, it means that a parent is likely attempting to suppress sexual activity for a purpose other than the suppression of a sexual orientation, likely because the parent considers the child is too young to be sexually active - and I'm sure there are parents here who can relate to that or parents as children who can relate to that or young people.

To add a bit more in respect of the interpretation of 'sexual orientation', in order to be interpreted contrary to how we've described it, a court or tribunal would have to effectively interpret the definition to be trying to say that it covers any sexual relationship if a person happens to have a gender, and this would clearly be counterintuitive to the interpretation. If that was the intent of the definition in this bill, it would merely read 'sexual relationship with a person', as the phrase. 'A different gender, the same gender, or more than one gender' would be a long series of functionally redundant words. If there is any potential ambiguity, a court or tribunal will have regard to the clear purposes and objectives of the bill, as well as the extrinsic material, including this excellent debate we've had, describing what the bill will do.

Although we will support the amendment to remove the phrase 'intimate or sexual relationship', should the amendment not pass, the attention to this matter during this debate will no doubt make the interpretation of it abundantly clear.

There's also the practical application to consider. These matters aren't applied automatically by an algorithm. Anyone applying the act must have regard to objects and principles, which would make it clear that an interpretation outside of the clear purpose and objects of the act should not be made. The DPP and the conversion practices commissioner would not attempt to progress a matter that is clearly not in the public interest to progress and is not the purpose of the bill.

The member for Montgomery also asked about the costs of the bill, as well as the impact on staffing levels. The Victorian Equal Opportunity and Human Rights Commission administers the civil response scheme in Victoria. Their initial funding for 2021-22 was $500,000. It increased to $800,000 in the following two years. They've since sought ongoing funding of $798,000 per annum. Obviously, Victoria's a much larger jurisdiction than ours, so we anticipate the education, prevention and response scheme in Tasmania could be adequately resourced with a much lower level of funding than this. Naturally, the new commissioner would make a budget submission with an accurate estimate, but based on the Victorian experience, it is unlikely, in our view, to be a substantial sum. In the past five years in Victoria there have been no prosecutions, no civil response scheme investigations, and only a small number of reports a year. From that we anticipate there's unlikely to be any requirement for ongoing funding to the courts, the DPP, or TASCAT as a result of this bill.

In respect of Tasmania Police, there will likely need to be funding for education and support. In Victoria, the Equal Opportunity and Civil Rights Commission provides this through their budget allocation. We would anticipate such support would be provided in Tasmania through the Conversion Practices Commissioner. I also note that a lack of prosecutions in Victoria does not necessarily indicate a lack of police investigations. The Victorian Equal Opportunity and Civil Rights Commission have noted the lack of prosecutions in that state may be influenced by the costs that police may have to bear in proving injury, which may provide a disincentive for investigations. These matters may be the subject of recommendations or requests for funding or be canvassed during the proposed statutory review of the bill. The precise experiences and resource demands in a Tasmanian context would have to be assessed and monitored. Again, overall, we don't anticipate high resourcing demands.

The member for Montgomery also asked for a response regarding the commissioner's power to set rules. I understand from previous conversations that this may be a reference to the commissioner's capacity to issue guidelines. I can confirm the guidelines the commissioner can issue are educative tools, including to give advice on how to comply with the act. In no way is there any power for the commissioner to actually set any sort of enforceable rules. Does this address the question do you think?

Mr Hiscutt - Yes.

Ms O'CONNOR - Thank you. The honourable member for Launceston asked for responses to various matters raised in correspondence and submissions in respect to the matters raised by the LGB Alliance. The bill does not mandate affirmation in any context. It prohibits targeting a person on their sexual orientation or gender identity for the purpose of changing, suppressing, or eradicating that sexual orientation or gender identity, or inducing the same. Merely questioning, disagreeing, or not supporting or facilitating a person in affirming their gender identity does not meet this threshold. Just like any healthcare decisions, there are many factors health practitioners consider. If the purpose of a decision is to prevent health risks, then it is inherently not for the purpose of changing, suppressing, or eradicating a sexual orientation

or gender identity. The bill explicitly leaves good-faith medical decisions made by registered health practitioners in the hands of existing rules; it does not mandate anything or interfere with those decisions.

With regard to the specific differences between children and adults, principles throughout the bill have particular regard to the increased risks to children and it is an aggravating factor in criminal offences if conduct is towards a child or another vulnerable person. The LGB Alliance's accusations of a 'bait and switch' is frankly false. We have been upfront about this bill also covering gender identity. In fact, all the conversion prohibition legislation around the country covers gender identity. The LGB Alliance may not support this and that actually makes me sad to see one collective group of marginalised people not being supportive of another group of marginalised people is dispiriting. So, the LGB Alliance might not support this, they might not understand this, but none of that means anyone is being deceptive. Protecting the rights of transgender people does not detract from the rights of lesbian, gay, or bisexual people. In fact, it lifts us all up.

I also reject the notion that our revised definition of sexual orientation erases same-sex attraction. It simply doesn't. In respect of the claims of Women Speak that the bill treats sexual orientation and gender identity as interchangeable, it's not true. They're clear and separate terms. The bill does, however, provide the same protections from conversion practices. The *Anti-Discrimination Act* prohibits discrimination against a range of attributes, and we know what those attributes are, but they include age, race, sexual orientation, gender, and gender identity. To suggest these matters are all considered interchangeable as Women Speak Tasmania has because they're afforded the same protections is nonsense. Women Speak Tasmania also discussed autism in respect of gender identity. It's been an unfortunate element of this debate. People with autism are not less capable of understanding their gender identity than anyone else. It's offensive to suggest otherwise. I further note this highlights the selective nature of groups who support rights that are based on sexual orientation but not gender identity. There's also a correlation between autism, and non-heterosexual sexual orientation, but these groups don't make the same offensive insinuations about these matters.

Some of the correspondents read in by the honourable member for Launceston, related to the impact of the bill, and questions about the impact of the bill on exploration of gender identity. I did outline earlier that there's an explicit exemption for this conduct, and this conduct, if genuine, does not meet the definition of conversion practices. Correspondence was read in by the member, which included seven questions, which I'll briefly respond to:

(4) Have the rights of people of different faiths to teach their faith communities, including their children, on these issues in accordance with those phases been protected in the legislation?

The short answer is yes. The avoidance of doubt provisions outline that these matters are not of themselves a conversion practice. If a person is targeting another person, on the basis of their sexual orientation, or gender identity, for the purpose of changing, suppressing, or eradicating it, this goes considerably further than any reasonable interpretation of the word 'teaching.' To the extent that a person wants to impose their views of what a person's identity should be, on another person, which is not a right anyone has, and therefore, does not merit protection.

(5) Have the rights of individual adults to freely choose conversion, or freely choose to reverse conversion, been protected in the legislation?

It gets a bit lost in this debate, but something worth noting is that this legislation does not impact any decisions a person may make about themselves. It regulates what people can do to others. It seeks to prevent harm to our fellow rainbow Tasmanians. The short answer is that a person who performs a conversion practice is still captured, even if the other person consents. In relation to reversing conversion practices, the bill does not prevent, in any way, undoing the harm, and damage, caused by a conversion.

(6) Have the rights of trusted confidants, and friends, to provide invited support, during important life decision-making processes, been protected in this legislation?

The bill prevents targeting a person, based on their sexual orientation, or gender identity. In order for trusted confidants, and friends, to be captured, they'd have to be, not only engaging from a perspective of, fundamentally, not supporting the person's identity, but actively taking steps to change, suppress, or eradicate it. Frankly, this wouldn't be much of a trusted confidant, or friend. I also note in clause 5(3)(b), that it provides a broad exemption for: [TBC 6.03]

> Genuinely facilitating a person's coping skills, development, or identity exploration to meet the person's needs, including by providing acceptance, support or understanding to the person.

If a person is not approaching development, or identity exploration, of another person, for the purposes of meeting a person's needs, and instead, approaching from a perspective of meeting their own wishes, and satisfying their own misunderstanding, or bigotry, it's difficult how anyone could consider this 'a right.' Let alone 'a right' that merits overruling protections against practices that can, do, have, and cause significant lifelong harm.

(7) Have children been protected from parents, guardians, or health practitioners, making irrevocable decisions. For example, medical interventions that the child might wish they could change once they reach adulthood?

This is a criticism of gender affirming care. What I will state, is that conversion practices cause lifelong harm, not gender affirming care. I'm very happy to report to the Council that Jasper is a very happy, and successful young man, with a beautiful partner, working hard in Melbourne, and I could not be more grateful for the gender affirming care that Jasper received. I'm sure I speak for him too. I also reiterate that this bill does not apply to registered health practitioners conduct, that complies with existing requirements and done in good faith.

(8) Have parents, or guardians, been protected from health practitioners making decisions about their children without parent, or guardian, involvement?

The bill does not regulate health care. Healthcare professionals have standards that apply to, with regard to consent from guardians. This bill doesn't go anywhere near those matters.

Question 6. Does the legislation ensure that each individual is accountable for their own behaviour, but not accountable for the illegal behaviour of other individuals? Yes. Vicarious liability laws are not uncommon and only apply when an employer does not mitigate risks. A person being held to account for a failure to mitigate risks and comply with regulatory frameworks is being held accountable for their behaviour.

Question 7. Does the legislation provide clear selection guidelines for the commissioner to ensure the reference body includes people with diverse relevance, perspectives, and expertise? And that's a very good question. Yes, the commission may appoint, as members of the reference body, persons who, in the opinion of the commissioner:

a) have been directly affected by a conversion practice, or.
b) possess skills or experience the commissioner considers appropriate, or.
c) have appropriate knowledge of, or experience in, matters relating to gender and sexual diversity.

What the reference body does not include is a perspective of people who support the continuation of conversion practices. Should the bill pass, M. President, parliament will have made a decision about whether or not conversion practices should be prohibited. It would not make sense to establish a reference body for the purpose of continuous re-litigation of whether or not the regulatory framework should exist.

The member for Launceston also asked for an explanation for why the bill deviates from the model recommended by the Tasmanian Law Reform Institute. And, as I outlined in my second reading contribution, there are a number of reasons for this. The starting point of our drafting was the TLRI report, and recommendations, and we're thankful to the TLRI for undertaking that really important work. Throughout the drafting process a number of significant challenges with implementing this model became apparent. One example was the recommendation that the *Civil Liability Act 2002* be amended to clarify that a conversion practice is a civil wrong. The advice received was that this was fundamentally incompatible with the act, specifically section 3 (a)(1), which reads, "this Act does not create or confer any cause of civil action for the recovery of damages." There were other amendments to other acts that, while not outright incompatible in the TLRI report, had similar conflict with the frameworks under those acts. There are also practical concerns with the multi-regulator model that was proposed by the TLRI.

We're aware from the commission of inquiry that a fragmented regulatory model creates gaps, confusion, and circumstances where the appropriate entity to investigate becomes uncertain and therefore has the potential to enable harm. There was also significant difficulty in determining what the appropriate entity would be to investigate certain scenarios under the proposed TLRI model. The model effectively extended the role of the Health Complaints Commissioner to the primary regulator for non-healthcare settings, which would not be within that officer's expertise. I note the Health Complaints Commissioner made a submission to this bill supporting the Anti-Discrimination Commissioner's role in performing the functions that will have been allocated to them, should this bill pass. Furthermore, the Anti-Discrimination Commissioner recommended the establishment of the Conversion Practices Commissioner. It's also relevant that the TLRI's report was handed down shortly after legislation to prohibit conversion practices was introduced in other jurisdictions. Following that report, there's been a period of intervening time in the Victorian model, in particular, could be evaluated after five years of operation.

Mr President, the honourable member for Launceston also asked for a response to three matters raised by the Australian Christian Lobby. These matters are:

1. Parents must remain free to guide their children on questions of sex, sexuality, gender, relationships, faith and morality.
2. The bill allows parents to discuss these matters, but only if it's not seen as a conversion practice; a term the bill does not define.
3. The bill protects parents merely discussing these matters, while the South Australian law expressly protects parents providing ongoing guidance, as well. Parent includes advice, values and expectations, not simply neutral discussions.

In response, I note that the bill was amended in the House of Assembly to include guidance, support and advice under clause 5(4)(f).

I also note that the claim the bill does not define conversion practices, a claim made by the Australian Christian Lobby, is factually false. Clause 5(1) very clearly defines conversion practices, and as I outlined in my second reading, all definitions around the country are similar. Unfortunately, for the Australian Christian Lobby, just because they don't like something, it doesn't mean that it does not exist. The bill does not prohibit parents from guiding their children, on questions of sex, sexuality, gender, relationships, faith and morality. It prohibits conversion practices, which requires it to meet that test that's in the clause I'm discussing. The honourable Member for McIntyre asked a range of questions about what happens in several scenarios.

These included: what happens when a doctor believes a particular treatment is inappropriate, but a patient or family member believes the doctor's advice is discouraging their gender identity? What happens when two qualified medical practitioners reach different conclusions? What happens when a psychologist recommends further assessment, but that recommendation is interpreted as an attempt to influence the young person's identity? What happens when a councillor believes that a young person needs more time to understand their feelings before making decisions about medical intervention?

As the member for McIntyre acknowledges, there is registered medical practitioner exemption in the bill, and this is highly relevant to these scenarios. The member for McIntyre asked all of us to consider whether that is sufficiently clear and broad or practical, and I simply point out that a registered medical practitioner is exempt. If they act in good faith and comply with all of the existing requirements of their role and if they're not trying to change, suppress or eradicate the sexual orientation or gender identity of their patient.

With respect, I turn the question back to those who suggest the narrow exemption provision isn't clear or broad enough about this and why it would be impractical to simply comply with the existing requirements and do so in good faith. Surely this is our default expectation of registered health practitioners and not some onerous requirement. I ask the honourable member for McIntyre if she'd be satisfied if someone provided her with healthcare acting in bad faith or that violated their legal, professional or ethical duties?

I will just go back to the definition of a conversion practice. It has to be on the basis of sexual orientation or gender identity, and it has to be for the purpose of changing, suppressing or eradicating that sexual orientation or gender identity. To be clear, if a professional opinion,

or indeed any action from anyone is on the basis of literally anything other than for the purpose of changing, suppressing or eradicating a person's sexual orientation or gender identity, then it is not a conversion practice if it is for that purpose, it is not legitimate healthcare.

With respect to the elements of how a person interprets advice, this interpretation is not relevant. What is relevant is what can be proven to the appropriate evidentiary standard, and I will deal with that more briefly shortly. We're hearing a lot of phrases like wait and see or open-end exploration. Many of these are descriptors of legitimate conduct. Many of these phrases are also euphemisms used by people who have a view that people should only be heterosexual or cisgendered, and they want to impose that view on other people.

The reality is that the phrases used are entirely irrelevant. What is relevant is the purpose. Respectfully, these phrases, these terms, these questions being put to us, I'm not accusing the honourable member of McIntyre of this, but there has been a push and we heard a fair bit about it in the other place, but a fair bit of muddying the waters. There's a claim being put about by a former colleague of mine, for example, in the other place, that these practices or matters would be banned because it's politically easier for them than the truth, the truth being the bill does not ban waiting and seeing or open-ended exploration.

It bans conduct that targets a person on the basis of their sexual orientation or gender identity for the purposes of changing, suppressing or eradicating it. That's the frame through which conduct will be assessed, not catch phrases or euphemisms. The Member for Mcintyre's emphasised there should be no automatic presumption that a recommendation to wait or a parent seeking a second medical opinion is a conversion practice and that there should be no presumption that a child who decides not to proceed has had a conversion practice occur.

Simply put, there's no such presumption. None of that is in the bill, in no shape or form, full stop. Hopefully end of story. A matter was also raised about a person misinterpreting advice and that leading to a person being captured under this bill. There's been some suggestion during the public debate that the inferences and interpretations of people that a conversion practice has occurred, just by saying it has, will be sufficient to prove or cause a presumption that a conversion practice has occurred, and this is just not the case. Our legal framework places the burden of proof on the accuser. A person's conduct will need to be proven to the relevant standard, whether it be civil or criminal. A person cannot simply assert the conduct has occurred and have that as a default presumption. Concerns that a person may misinterpret a bad choice of words or medical advice or guardian advice are unfounded. That is not how our standard of evidence works. This kind of thinking is a criticism of our entire legal evidentiary framework, not our bill, and I think it's a red herring.

The honourable member for McIntyre put it to us that, and I quote: [TBC 6.16]

> Asked us to consider a mother or father who says I love you and I accept you, but I'm concerned about the medical decisions you're considering. I want us to speak to another specialist before proceeding. Surely that is not a conversion. Surely that is not abuse. Surely that is not something that should expose a parent to legal complaint.

Well, they are the things I said to my child, honourable member for McIntyre, as I was reading it out. It was resonating with me. It's not conversion, it's not abuse, it's parental love and concern, and this is not something that should expose a parent to legal complaint. The bill

simply doesn't do this, and it's clear that it doesn't do this. That statement is manifestly not for the purpose of changing, suppressing, or eradicating the sexual orientation or gender identity of a child or young person.

In order for a report to be lodged, the lowest-level response under this bill, to actually be considered when the report is lodged, several matters must be taken into account.

These include, under the bill:

> 27(e) - before any action is taken in relation to a report, regard should be had to the privacy, safety and wishes of any person affected by the alleged conversion practice;
>
> 27(f) - the response should be informed by the needs and wishes of any person affected by the alleged conversion practice;
>
> 27(g) - the response should be appropriate having regard to the nature of the report;
>
> 27(h) - the response should be fair to all persons concerned;

Even if the commissioner considers that there are reasonable grounds that a conversion practice has occurred, 29(e) requires them to consider:

> the nature and extent of any harm caused by the conversion practice;

Even if some of these implausible scenarios were somehow captured by the definition of conversion practices, which they are categorically are not, there are so many additional layers of protection before any action could actually be taken.

The honourable member also had questions regarding in-school conduct. These questions were in relation to a student who is, and I quote:

> Confused, distressed, or uncertain about what they're experiencing.

Well, that was certainly Jasper's story, and it is the story for all trans young people, which is why we need to protect them and wrap our legislative, loving arms around them.

The first question is:

> What happens when a teacher believes a young person needs further help before making a significant decision?

Well, if a student's confused, distressed, or uncertain about what they're experiencing in relation to their gender identity or sexual orientation and a teacher suggests they might need help before making a decision, that's good. It sounds like they need and want help. I fail to see how this could in any way be considered for the purpose of changing, suppressing, or eradicating a sexual orientation.

The second question was:

> What happens when a school counsellor believes the young person's difficulties may involve other emotional, social, or psychological issues that should be explored?

It has to be said that if a professional believes that a person's sexual orientation or gender identity is a symptom of emotional, social, or psychological issues, this hypothetical councillor frankly sounds like they're a quack. Nonetheless, the question really is what do they do? If they believe the person's identified sexual orientation or gender identity is wrong and should be changed, suppressed, or eradicated, and then they undertake to change, suppress, or eradicate it, then it may be a conversion practice.

The third question asked by the honourable member:

> What happens when a teacher encourages a student to speak with their parents or guardians before taking further steps?

It's worth noting at the outset that children under the age of 18 generally require parental consent for medical interventions. Certainly, suggesting that a student speak to their parents, or guardians, before taking further steps, is not a conversion practice and probably quite good advice.

These matters aside, I have to say, throughout this process, there has been a regrettable focus on the rights of people to get involved in the personal healthcare decisions of others. I just ask, in general terms, we need to stop that. Is it appropriate or professional, in general terms, for a teacher to throw in their two cents to students about what they think about that student's medical or healthcare, decisions? I guess it depends on the relationship, but these are very private and personal matters and the focus on the rights of everyone who knows a person to get involved and be completely unfettered in what they can say or do to try to influence a person is, frankly, a bit odd. I don't think those rights exist. While there are many matters that are not a conversion practice, it is worth pointing out that conduct can avoid meeting the threshold of being a conversion practice, but is still, potentially, quite invasive and inappropriate.

The honourable member also asked about whether we thought the Victorian model goes too far? Short answer, no. While some have argued it does, the evidence is that there are three to four reports a year, zero investigations and zero prosecutions so far. The evidence just does not support the notion that it goes too far. The model is, however, the most effective model at preventing conversion practices. If one opposes the prohibition of conversion practices generally, then the Victorian model would likely be the least appealing on that basis. It appears to be having some positive effect in preventing the harm caused by conversion practices.

We note the claim made, in the other place, by opponents of this bill, of a chilling effect. To be clear, banning something is always intended to discourage that conduct from occurring. It is intended that this bill would discourage conversion practices. To any extent that a non-conversion practice is chilled, I suggest that this could be greatly assisted by opponents desisting from making false claims about what this bill prevents. If there is any real evidence that the Victorian model goes too far, there would be case examples, presented of ordinary conversations, that have been captured, and none have been presented.

The honourable member for McIntyre asked: it needs to be clearly articulated why the bill states the Office of Conversion Practices Commissioner is to be established. The Anti-Discrimination Commissioner is to be appointed as the Conversion Practices Commissioner, so is it just relating to the education that is going to be rolled out with the passage of this bill? The Office of the Conversion Practices Commissioner is established to administer the education and prevention scheme, which involves both the report process, and investigation process. It certainly goes beyond the initial education rollout. I point the honourable member to the immediate next clause 22, which outlines all the functions of the commissioner for a full accounting of their functions.

The honourable member for Mersey asked if we would consider an amendment to clause 51(b)(2), to include 'coercion', as well as 'inducement.' While we do not immediately see any risk of adding the word in, we'd need to consult a bit more. Our preference is to retain the language that is used in Victoria and other jurisdictions, and we are reluctant to introduce additional language that is not used in other jurisdictions, and that we haven't, for example, consulted the Anti-Discrimination Commissioner, Equality Tasmania, people with lived experience about. Our advice is that 'coercion' is effectively covered in this clause already. That being said, we would be very happy to discuss it further, should timing permit, in the committee stage. We can do that.

The honourable member also asked about Laurel House's recommendation for the framing of the registered health practitioner exemption. The principle raised by Laurel House was certainly sensible. Unfortunately, there were some practical challenges. Adopting language like that around compliance with contemporary evidence-based practice would create several problems. It would set a de facto process of tribunals and courts deciding, or potentially overruling, medical practitioner regulation on a case-by-case basis. This could mean that courts, rather than those with clinical expertise, would be making these decisions. It would also mean there would be a great deal of uncertainty over medical standards until a matter came before the courts. In the event that technically permissible standards are misused to pursue a conversion practice agenda, the good-faith test can put a stop to this. We've had a lot of different proposals to mull over in these paragraphs and, ultimately, we're of the view that putting in good faith was the right approach. It doesn't venture into interfering with healthcare standards but does prevent exploitation with bad-faith conduct.

The honourable member also asked about the risks of conversion practices from registered health practitioners and if the bill provides adequate protection. The Victorian Equal Opportunity and Human Rights Commission has noted difficulties with their own clause, which applies solely if, in the provider's reasonable professional judgement, their conduct is necessary to provide a health service or to comply with the legal or professional obligations of the health service provider. They found that reasonable professional judgement was a very challenging standard to test.

Our bill was initially informed by this by having this as an additional requirement to professional obligations rather than an alternative. Following consultation, this was further refined by replacing the professional judgement paragraph with a reference to good faith. The honourable member asked how the bill can deal with advice regarding GP referrals, and that's a matter probably more appropriately dealt with by GP professional bodies and excellent people like Dr Miranda Hann. That being said, the commissioner would no doubt consult with bodies such as the Royal Australian College of General Practitioners, which would inform them of what would be appropriate to include in guideline materials.

The honourable member queried the use of the language 'health practitioner', as opposed to 'registered health practitioner' in a number of paragraphs in clause 5(4). Given the qualification of registered health practitioner in clause 5(3), I can appreciate why the member would query this. We were comfortable with a broader application in these paragraphs for a few reasons. Firstly, as an avoidance of doubt clause, it's appropriately qualified rather than an outright exemption, so conduct that exceeds the paragraph's parameters can still be considered a conversion practice. Secondly, the construction of these paragraphs have inbuilt guide rails and safeguards. For example, the conduct in paragraph (h) has to be in good faith and paragraph (i) discusses exploration, but the context of 'without directing, predetermining or seeking to influence the person towards a particular outcome'. These qualifications make us comfortable with a broader use of 'health practitioner' compared to 'registered health practitioner'.

The honourable member asked about where social workers fit into this bill. Social workers and the like were considered in respect of the clause 5 subclause (3) exemption, but we decided that the exemption for registered health practitioners could safely be extended to social workers and similar professions. The registered health practitioner exemption is considered appropriate because of the robustness of professional, legal and ethical requirements already placed on those professions. Other professions aren't nearly so thoroughly regulated and, as such, don't have a safety net to pin the exemption on.

Nonetheless, there are still some additional protections. While 5(3)(b) is broad and doesn't apply only to those sorts of professions, it does provide a fairly broad exemption for the kind of reasonable conduct that they may engage in. The definition of 'conversion practice' as well requires for it to be for the purpose of changing, suppressing or eradicating the sexual orientation or gender identity of the person which is ultimately not something that reasonable conduct runs the risk of doing. Barring those factors in mind, our view is that social work and similar professions will not be inappropriately interfered with in exercising their reasonable professional judgement.

The honourable member asked if there's a register of appropriate health practitioners people can refer to. It's certainly my understanding that this is the case, although I don't have any specifics I can provide to the member.

I might just pause for a moment, Mr President, and seek your guidance because I'm about to crash into the end of the clock and I only have a page remaining. I seek the leave of the Council -

Mr PRESIDENT - You can seek leave to extend by a specified time.

Ms O'CONNOR - I'll say five minutes and come in under.

Ms Palmer - You can only extend once.

Ms O'CONNOR - I'll say 10.

Ms Forrest - We'll keep going on like the race caller.

Ms O'CONNOR - I see your five and raise you a 10.

Leave granted.

Ms Rattray - Only this once.

Ms O'CONNOR - Thank you, glorious Leader and thank you to the Council for that.

The member asked whether we'd consider a sex-based definition as opposed to a gender-based one for the definition of 'sexual orientation'. We'd support whichever term the community preferred, subject to legal advice, and we'd certainly want to engage with Equality Tasmania, the Anti-Discrimination Commissioner and people with lived experience. However, I note that the *Anti-Discrimination Act 1998* refers to gender as an attribute, and not sex. The use of gender would be more consistent with our act. An understanding I do have, and I have no doubt that this is not at all where the member would be coming from, given the kindness of her heart, is that groups like the LGB Alliance would like the language changed from gender to sex, seemingly because they think gender is more inclusive to transgender people and they also have an outdated and binary view of humanity. They think there are boys and there are girls; and it's just not the way it is. On this basis, we'd be reluctant to go down this road, as it may cause some harm and conflict from the community.

In respect of the honourable member for Windermere's contribution, I just briefly like to point out that, in similar terms to his colleague, the honourable member for Bass, Mr Ferguson, in the other place, he erroneously referred to an offence in this bill that does not require proof of injury. That offence was removed from the draft bill based on feedback through our extensive drafting, consultation and engagement process. So, I refute the claim made by the honourable member for Windermere that this has been a shambolic process, or shambles, I think, he said. It has been anything but. So, he talked about it as choose your own adventure, which I thought was really dismissive and unfortunate language. And, I just sort of suggest to the honourable member for Windermere, who I've known for nearly 40 years, and I have a lot of time for that, it that if he does have a live and let live attitude, he might refrain from pseudo-medical trans-denying phrases like gender distress.

That is my summing up to the second reading. Again, it's been one of the, a very powerful debate in here, some absolute pearler speeches, and it makes me proud to be a member of the Legislative Council. Mr President, I commend the bill to the House.

Mr PRESIDENT - I'll just allow the honourable member for Hobart a minute to get some advice from the Clerk.

The question is that the bill be now read the second time.

Bill read the second time.

[6.33 p.m.]

Ms O'CONNOR - Mr President, first of all, I again want to thank everyone. Mr President, I move -

> That the Council does tomorrow resolve itself into a Committee to further consider the bill.

Ms FORREST (Murchison) - Mr President, can I ask the question as to how long we intended to sit tonight? Is this the end, are we rising now, regardless, or we're going on to other matters? Maybe the Leader can respond.

Mr PRESIDENT - With indulgence, I think, because the honourable member for Hobart has the call. So, it's a hard one to answer. Right.

Ms Forrest - We're not continuing with this, though?

Ms O'CONNOR - That's correct.

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - With your indulgence then, Mr President, we won't be continuing with the Conversion Practices Prohibition Bill this evening. That's not the intention, but we possibly will need to have a dinner break and -

Ms O'Connor - Tonight?

Ms Forrest - Why aren't we doing this then?

Members interjecting.

Mr PRESIDENT - We'll put the vote and everyone has a vote and that will decide where we go. So, we have a motion now that would have to be amended if the honourable member for Hobart wanted to go into Committee this evening. So, we've got a question before us that puts us into Committee tomorrow, so we would have to negative that and then -

Members interjecting.

Mr PRESIDENT - So I'll put the question, so that's pretty clear. Not all members are prepared to go into the Committee stage. That's why the question was put that we go in tomorrow. So that motion is before us.

Motion agreed to.

MODULAR HOUSING FINANCE GUARANTEE BILL 2026 (No. 47)

First Reading

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

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

That the second reading is made an Order of the Day for Tuesday next.

Motion agreed to.

MESSAGE FROM THE HOUSE OF ASSEMBLY

Housing Land Supply (Miscellaneous Amendments) Bill 2026 (No. 15)

The House of Assembly has agreed to the amendments made by the Legislative Council.

SUSPENSION OF SITTING

[6.39 p.m.]

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

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

This is for the purpose of having a discussion with the honourable members.

Sitting suspended from 6.39 p.m. to 6.47 p.m.

MESSAGE FROM THE HOUSE OF ASSEMBLY

Firearms Amendment (Strengthening Firearms Security) Bill 2026 (No. 30)

The House of Assembly has agreed to the amendments made by the Legislative Council.

ADJOURNMENT

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

That at its rising the Council adjourn to 9.45 a.m. on Friday 20 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 6.48 p.m.