



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 25 June 2026

REVISED EDITION

Contents

THURSDAY 25 JUNE 2026	1
ANSWERS TO QUESTIONS	1
No. 38 - PREMIER'S ANNOUNCEMENT TO CEASE PUBLIC FUNDING OF GREYHOUND RACING	1
TABLED PAPERS	2
APPROPRIATION BILL (NO. 1) 2026 - ADDITIONAL INFORMATION.....	2
APPROPRIATION BILL (NO. 1) 2026 (NO. 18)	3
THIRD READING	3
APPROPRIATION BILL (NO. 2) 2026 (NO. 19)	3
THIRD READING	3
FIRST HOME OWNER GRANT AMENDMENT BILL 2026 (NO. 20)	3
THIRD READING	3
LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM) BILL 2026 (NO. 10)	3
CONSIDERATION OF BILL AS AMENDED IN COMMITTEE OF THE WHOLE COUNCIL	3
LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM) BILL 2026 (NO. 10)	3
THIRD READING	3
PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (NO. 8)	4
SECOND READING	4
RECOGNITION OF VISITORS	6
RECOGNITION OF VISITORS	9
QUESTIONS.....	27
MACQUARIE POINT STADIUM - PRECINCT POWER SUPPLY	27
EDUCATION - FUNDING FOR A FAIRER WORLD PROGRAM	28
ANSWER TO QUESTION - UNIVERSITY OF TASMANIA - LAND SALE DEED POLL	28
ELIZABETH COLLEGE FACILITIES	29
ANSWER TO QUESTION - DISABILITY COMPLIANCE IN SCHOOLS	30
HOMES TASMANIA MAINTENANCE.....	31
AI DATA CENTRES - ENERGY GENERATION INVESTMENT	32
FIRMUS - ENERGY GENERATION - CONTRACT TERMS	33
FIRMUS - ENERGY GENERATION - CONTRACT TERMS	33
FIRMUS - ENERGY GENERATION - CONTRACT TERMS	33
CONVICTED CHILD SEX ABUSERS DIVESTING ASSETS	34
ANSWER TO QUESTION - EASTERN SHORE BASKETBALL FACILITIES	36
PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (NO. 8).....	36
SECOND READING	36
PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (NO. 8).....	38
IN COMMITTEE	38
SUSPENSION OF STANDING ORDERS	39
THIRD READING FORTHWITH	39
PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (NO. 8).....	41
THIRD READING	41

RESIDENTIAL PARKS BILL 2026 (NO. 2)	42
SECOND READING	42
RESIDENTIAL PARKS BILL 2026 (NO. 2)	56
IN COMMITTEE	56
ADJOURNMENT	66
PARLIAMENT HOUSE CAR PARK - USE BY CHARITY GROUPS	67
MEMBER FOR MURCHISON, MS FORREST - SHARING OF PRIVATE EMAIL TO MEDIA	68

Thursday 25 June 2026

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

ANSWERS TO QUESTIONS

No. 38 - Premier's Announcement to Cease Public Funding of Greyhound Racing

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

[11.08 a.m.]

I have the following questions regarding the Premier's announcement that the Government will cease public funding for greyhound racing in 2029:

- (1) Which of the following costs associated with greyhound racing does the Government intend to cease funding in 2029?
- (2) If greyhound racing continues to be a lawful activity and government funding ceases, how does the Government intend to fulfil its existing statutory obligations under the *Racing Regulation and Integrity Act 2024* and any other relevant legislation, including obligations relating to integrity, regulation, licensing, animal welfare, enforcement and oversight?
- (3) Has the Government obtained legal and/or Treasury advice regarding its ability to withdraw funding while continuing to meet those statutory obligations and, if so, will it release that advice or a summary of that advice?

ANSWER

Mr President, I have an answer to question no. 38 on the Notice Paper from the member for Elwick, Ms Thomas, and it's three responses to the three questions.

- (1) It remains the government's policy that greyhound racing in Tasmania will be phased out by 30 June 2029. The Tasmanian Racing Integrity Commissioner will prepare a phase-out plan for the greyhound racing industry to be tabled in parliament.

This phase-out plan will serve as a strategic and operational guidance document in the management of the phase-out of greyhound racing, including financial requirements and funding to 30 June 2029, and any industry funding, animal welfare, and rehoming requirements after that date.

- (2) The government remains committed to the passage of the Greyhound Racing Legislation Amendments (Phasing Out Reform) Bill.

The government's position is that the legislation delivers an orderly transition, strong animal welfare protections and certainty for participants.

The legislation will provide a balanced and practical pathway to 30 June 2029, safeguarding animal welfare while allowing industry participants time to transition. The government's focus remains on the passage of this legislation.

- (3) The government reiterates its commitment to the passage of the Greyhound Racing Legislation Amendments (Phasing Out Reform) Bill.

Work has started on the new racing industry funding deed to ensure the financial sustainability of the Tasmanian racing industry. This is especially important to provide certainty to the industry following the government's announcement of a phase-out of greyhound racing by 30 June 2029.

A project to assess options for the next deed has commenced, being conducted by a working group overseen by the Department of Treasury and Finance and the Department of Natural Resources and Environment. Importantly, this is not a review into whether there will be funding; it is a review of what the funding model looks like beyond 2029 for the thoroughbred and harness racing codes.

This is a complex matter and is subject to the usual budgetary process. The Joint Standing Committee on Greyhound Racing Transition resolved on 25 May 2026 to pursue the following work plan over the coming months in line with its terms of reference. They are:

- an examination of other jurisdictions, including any parliamentary or statutory inquiries, decisions to phase out the industry, transition frameworks implemented, animal welfare issues, support for participants, compensation arrangements, timelines followed, and social and economic impacts;
- financial, economic and animal welfare impacts of the proposed phase-out of greyhound racing in Tasmania; and
- the future of the Tasmanian racing deed.

The government will engage with the committee in providing clarity on these matters. It's signed by the honourable Roger Jaensch.

Ms Thomas - It doesn't answer any of those three questions.

TABLED PAPERS

Appropriation Bill (No. 1) 2026 - Additional Information

[11.12 a.m.]

Mr DUIGAN (Windermere - Minister for Energy and Renewables) - I seek leave to table a breakdown of the expenses for the 2026-27 Budget and forward Estimates for Output Group 7: Renewables, Climate and Future Industries Tasmania. This is a breakdown requested yesterday, during the Budget debate.

Leave granted; documents tabled.

APPROPRIATION BILL (No. 1) 2026 (No. 18)

Third Reading

Bill read the third time.

APPROPRIATION BILL (No. 2) 2026 (No. 19)

Third Reading

Bill read the third time.

FIRST HOME OWNER GRANT AMENDMENT BILL 2026 (No. 20)

Third Reading

Bill read the third time.

**LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM)
BILL 2026 (No. 10)**

Consideration of Bill as Amended in Committee of the Whole Council

[11.15 a.m.]

Mr VINCENT (Prosser - Minister for Local Government) - 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.

**LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM)
BILL 2026 (No. 10)**

Third Reading

Mr VINCENT (Prosser - Minister for Local Government) - Mr President, I move -

That the bill be now read the third time.

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

The Council divided -

AYES 10

Ms Armitage
Mr Duigan
Mr Edmunds
Ms Glade-Wright
Mr Hiscutt
Ms Lovell (Teller)
Ms Palmer
Ms Rattray
Ms Thomas
Mr Vincent

NOES 3

Mr Gaffney (Teller)
Ms O'Connor
Ms Webb

Bill read the third time.

PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (No. 8)

Second Reading

[11.24 a.m.]

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

That the bill be read the second time.

The Public Health Amendment (Prohibited Tobacco and other Products) Bill 2026 (the bill) delivers a practical, measured response to a problem that is now affecting communities, businesses and services right across Tasmania. Tasmania has a strong track record in addressing smoking and tobacco-related harm. That progress has been hard-won, and it is valued by our community.

However, the rapid growth of illicit tobacco, vaping products and other unregulated nicotine products is now putting that progress at risk, particularly for young people. The illicit market is now estimated to account for between 50 and 60 per cent of the total tobacco market, and it has grown rapidly in recent years across the nation. These products are not just a health issue; they present a growing illicit market that operates outside the law, undermines public confidence and creates an uneven playing field for those who are doing the right thing.

Efforts to protect the health of the community are being undermined. Our children and young people are being targeted. Law-abiding retailers are being undercut. Consumers are exposed to products with no safeguards. The trade is increasingly linked to organised criminal activity, placing frontline enforcement officers in harm's way as they carry out their duties. These officers show up every day to protect our Tasmanian community and must be able to do their work safely.

This bill responds directly to these challenges, and it is designed to keep Tasmania's laws effective in the face of rapidly changing risks and to continue protecting the health and wellbeing of the community. It takes strong targeted action to address clear gaps in the current framework and to reduce the use and supply of illicit tobacco, vaping and other unregulated products.

The *Public Health Act 1997* was not designed for the market we are now dealing with. In its current form, it predates the emergence of new nicotine products and the rapid growth of the illicit market. As a result, parts of the framework are no longer well aligned with the realities faced by enforcement agencies, businesses and communities today. Updating the framework is necessary to ensure it remains credible, enforceable and fit for purpose in a changing market.

The bill therefore makes several key amendments to the *Public Health Act 1997*.

First, the bill introduces stronger enforcement powers to more effectively address the sale, supply and possession of illicit tobacco and vaping products. This includes the creation of a new offence for the sale or supply of illicit vaping products and significantly increased penalties for the sale and supply of illicit tobacco and vaping products.

Being strong on illicit tobacco is the fiscally responsible option for our state. In 2025-26 alone, tobacco control officers have seized approximately 3.3 million cigarettes - that's an amazing number - 2000 kilograms of loose tobacco and 26,000 e-cigarettes as at 31 March 2026. This equates to around \$6.7 million in street value and approximately \$10.1 million in avoided excise. That is revenue not returning to government, not supporting essential services and instead flowing through an unlawful market that undermines both public health and legitimate business.

Over the same period, 186 infringement notices were issued, totalling \$173,838 in fines. That is less than 2 per cent of the estimated tax avoided. At that level, penalties are not keeping pace with the profits driving the illicit market.

This bill begins to change that. It allows the state to act faster and hit harder with stronger penalties and clearer powers to shut down illegal operators and take the profit out of it. These strong penalties reflect the serious public health risks posed by these products and send a clear message that unlawful trading in these products will not be tolerated.

Secondly, the bill introduces stronger enforcement powers to support compliance with Tasmania's smoking product laws. The bill introduces new powers to close businesses that sell illicit products or that operate outside of the licensing framework.

This is a practical and necessary shift. At present, illegal operators can treat fines as a cost of doing business or simply not pay them. Closing a premises stops the activity altogether. It disrupts supply, removes the ability to trade, and removes the financial incentive to continue unlawful behaviour. These measures will support enforcement agencies to take timely action where unlawful activity is occurring and help ensure the regulatory system operates effectively.

Thirdly, the bill introduces additional restrictions designed to reduce the visibility and accessibility of smoking products. The bill prohibits the sale and supply of smoking products from vending machines and bans the display of smoking paraphernalia in retail stores. These measures are intended to reduce the visibility and normalisation of smoking products by

ensuring they are kept out of view of consumers, and particularly children and young people. When these products are less visible and less accessible, they are less likely to become part of everyday behaviour for the next generation.

The bill also strengthens enforcement provisions relating to the obstruction of nominated officers and the sale of smoking products to children. These amendments ensure that enforcement officers have the necessary powers to carry out their duties effectively and help maintain strong protections for young Tasmanians. Frontline officers must be able to perform their duties safely and effectively. As members of our community, they should be able to carry out this work with confidence and return home safely at the end of the day.

The government recognises amendments tabled and agreed to in the House of Assembly, which have strengthened the bill at this stage. These amendments enhance transparency and accountability in the framework. They include requiring a public register of smoking product licences and introducing annual compliance and enforcement reporting. I'll just take a break, Mr President.

Recognition of Visitors

Mr PRESIDENT - While you take a break, I'll welcome students from year 5 at Dominic College, who are joining us in the Legislative Council Chamber today. What we're currently doing is the second reading part of a piece of legislation to prohibit tobacco and other products. It's a health-related bill and honourable members of the Council will get an opportunity to speak to the bill as we go through the process. On behalf of all the members here, welcome to the Chamber and we hope you enjoy your time in the Tasmanian parliament today.

Members - Hear, hear.

Ms RATTRAY - A very important public health bill, Mr President.

A number of broader matters raised during the House of Assembly debate will be considered through the development of a standalone act, ensuring these reforms can proceed now while more comprehensive changes are developed in a considered and structured way. The reforms contained in this bill represent the first stage of a broader program of legislative reform. They are an important first step in modernising Tasmania's approach to tobacco and nicotine prevention.

This bill focuses on what cannot wait. It addresses clear gaps in the current framework, targets unlawful activity, and strengthens our ability to respond quickly and decisively where the risks are greatest. At the same time, it creates space for more comprehensive reform to follow.

The second stage, to be completed by the end of 2027, will see smoking, vaping and nicotine laws consolidated under a standalone act for Tasmania. Strong regulatory frameworks are an essential part of reducing tobacco and nicotine harms and are recognised internationally as among the most effective population health measures.

However, regulation alone is not enough. Evidence shows that effective tobacco control requires a comprehensive approach across multiple measures. The standalone act will take a

system-wide view, bringing together prevention, cessation and long-term regulatory settings to ensure Tasmania's framework reflects contemporary evidence and leading practice.

There will be a further strengthening system-wide approach to tobacco through the release of the next Tobacco Action Plan and the forthcoming Health Revolution: Tasmania's 20-year Preventive Health Strategy, where tobacco remains a priority for the state.

These reforms will progress alongside our existing and ongoing initiatives to help people who use tobacco or e-cigarettes to quit whilst continuing to encourage young people to remain smoke-free and vape-free. They will further protect the health and wellbeing of all Tasmanians and help keep children and young people safe from the harms associated with smoking and nicotine products. They will also protect legitimate businesses and frontline enforcement staff and futureproof our laws against new and emerging smoking and nicotine products. The progress Tasmania has made has not happened by chance. It reflects sustained effort across the community and that effort must continue.

I encourage members to support the passage of this bill and the reforms it delivers to protect the health of Tasmanians and strengthen the integrity of the system. It's acknowledged the support for this bill from key stakeholders, including the Department of Police, Fire and Emergency Management, the Department of Treasury and Finance, Quit Tasmania, and the government. The government looks forward to working together to improve and protect the health of Tasmanians into the future.

Before I commend the bill to the House, I would like to take this opportunity to flag with members that should the bill proceeding through the second reading stage be supported, then go through the Committee stage, that it would be very desirable to have the third reading of this today because it is such an important piece of public health legislation when we're talking about the public health of Tasmanians. There is some urgency, I'll just flag that, and that might be something that members might address their mind to as we work our way through it, but certainly not pre-empting anything. That will be at the will of the House.

I commend the bill to the House.

[11.38 a.m.]

Mr GAFFNEY (Mersey) - Thank you, Mr President. I rise to speak on the Public Health Amendment (Prohibited Tobacco and Other Products) Bill 2026. This bill, while a hesitant step in the right direction, perhaps does not truly reflect the needs of Tasmania. Whilst I'm supportive of the draft legislation, you may not feel that this is the case after my second reading speech contribution. However, it's opportunities like this where the government of the day needs to hear from a variety of supporters, advocates, concerned citizens and critics.

While I cautiously support the bill, I am concerned that the government is not doing enough on the matter. I urge the government to be quick to take more drastic steps as the Tasmanian nicotine situation is only becoming more untenable. I think I heard the honourable member say the 20-year national reform program, or something like that? I remind members in this place, the 2014 goal of this government was to make Tasmania the healthiest state by 2025. Now we have another one, 20 years in advance, so I'd just like to go back to that space.

Ms Rattray - It's the 20-year Preventive Health Strategy.

Mr GAFFNEY - Thank you. I've spoken on the impact of tobacco and vaping products in this Chamber on several occasions. Recently, I spoke on Adjournment and raised concerns for the lack of monitoring action by the government on sales of illicit tobacco and vaping products, so I'm pleased that the bill is before us. Particularly, I highlighted my concerns regarding the sales and advertisement of such products, which would have a negative impact on children. Indeed, I received photographs only yesterday showing smoking paraphernalia - that's decorative bongs - outside a local primary school at children's height level, and even a cigarette tobacco retail outlet with enticing toys and ice creams at the entrance: very attractive to children. These concerns were voiced to me by learned and knowledgeable community members and relied upon statistical information revealed through questions on notice showing that the government had only undertaken minimal action in this space.

There have been several issues that have been raised with me: firstly, that Tasmania is the only state with increasing smoking rates; secondly, the government has failed to reduce smoking rates and has continuously demonstrated its indifference to smoking uptake in Tasmanian children, our excessive relapse rate and providing or resourcing quitting support through education and community building.

Next is the reduction of numbers of enforcement officers over many years. That issue is followed by funding cuts; cuts to Quit funding mean under-resourcing the community resource that is highly likely to reduce smoking uptake, prevent relapse, and assist quitting, that is, community education through advertising on various forms of media. This has been proven time and time again to reduce smoking rates.

The issue is the failure to reintroduce infringement notices for sales to minors. These were eliminated on the pretence that the government was 'tough on crime' and would prosecute, but it did nothing.

Another issue is the continued failure to prosecute retail sales to minors.

During the debate we should be asking the question: what efforts does the government intend to put in place to reduce smoking rates? Unfortunately, this bill is not enough. Illicit trade is not the only reason for an increase in smoking rates. In my Adjournment speech some weeks ago, I raised a few straightforward, pragmatic solutions, and I asked the government to live up to its 'tough on crime' mantra. In my Adjournment, I called upon the government to step up investigative and enforcement efforts to protect and improve the health outcomes of the future generations of Tasmania.

I am pleased and acknowledge that the government is attempting to create harsher penalties and offences for said products, introduce additional enforcement powers and improve the laws on displays of paraphernalia, as well as the sale of smoking and vaping products to minors.

However, I note the retailers and retail organisations, such as the Australian Association of Convenience Stores (AACS), which have substantial tobacco industry links, are supportive of this legislation. As was emphasised to me by a concerned Tasmanian, I quote:

That this was not surprising as the Bill will protect the revenue of big tobacco.
This Bill is a gift to big tobacco and to retailers.

The University of Bath research organisation Tobacco Tactics refers to the AACS in this way, and I quote:

All three major transnational tobacco companies in the Australian market, Philip Morris International ... British American Tobacco Australia ... and Imperial Brands ... have been AACS members since at least 2018. The companies are listed as 'Diamond and Emerald Members' on AACS' industry news page.

It was also disappointing that the Tasmanian news media outlets including the ABC did not question the CEO of the AACS about links to big tobacco when they interviewed him. I note that it is critically important to our democratic system of lawmaking that the involvement of corporate interests is well documented and suggest that proponents of legislation must make efforts to be forthright, objective and transparent. Transparency about meeting with big tobacco is crucial for avoiding conflicts of interest and potential for political interference. Has the minister or any members of the government or their staff met with the tobacco industry or its front organisations while developing or progressing this bill? If so, they must make clear with whom they have met and on what dates.

Are the dates and details of meeting of officials and members with tobacco lobbyists recorded on the Health department, Police, Treasury or Department of Premier Cabinet website? If not, why not? Consultation results are made public, as are many other government communications. It's not unreasonable to expect full and frank disclosure by those dealing with representatives of cashed-up industries such as tobacco.

We need to do more to address the sale of illicit tobacco products and vapes. If the legislation will enable the government to address this issue, I'm in favour of it. Nonetheless, we need to do more.

I did appreciate a briefing I received, and the direct responses to the questions raised by myself and the honourable member for Montgomery. It was mentioned at that meeting that a more comprehensive piece of legislation, as has been outlined by the Leader, is planned for 2027, and that's a good thing, but could the Leader in her response provide a bit more information about the government's intention for the next tranche of amendments towards a possible standalone act? I think that the people listening would be appreciative of that.

It was also pleasing to read that the Tasmanian government has stepped up its enforcement efforts regarding illicit tobacco and vaping products. However, the many years of enforcement neglect in relation to sales to minors have contributed to increasing smoking rates in Tasmania. As such, this is an ongoing issue that will need years of efforts to rectify.

Recognition of Visitors

Mr PRESIDENT - I'd like to welcome another group from Dominic College, year 5. We're currently going through the second reading process of a piece of legislation and honourable members in the Chamber all have the opportunity to speak to the bill. If it passes this stage, we then go into a Committee stage to have a closer look at it. I know all members here will join me in welcoming you to the Legislative Council this morning.

Members - Hear, hear.

Mr GAFFNEY - One must ask whether the government will ensure that there is adequate staffing within Public Health to monitor smoking rates, collect data, conduct research, liaise with other agencies both interstate and locally, and develop guidelines and amendments to legislation when the tobacco industry tries to subvert tobacco controls.

Furthermore, it has been brought to my attention that the government has significantly cut Quit programs, which are known to be effective in educating the public and reducing smoking rates. This is both disappointing and somewhat unwise, noting the increasing healthcare burden in Tasmania, as well as the health cost to Tasmanians caused by nicotine addiction.

In my recent Adjournment speech I referenced statistics that indicated a severe resourcing deficiency. Minimal prosecutions and a lack of resources were undermining enforcement, leaving legitimate shop owners, who pay substantial sums for licensing, to be undercut by illegal operations. This was unacceptable then, and it remains unacceptable. Moreover, we're now seeing cuts to resourcing for community advocacy about the scourge that tobacco addiction is to our society and our healthcare system.

That said, I must recognise that the government announced recently that over 150 infringement notices had been issued and near \$7 million of illicit products had been seized since 1 July 2025, noting those numbers are a little bit different because of the different dates. This is a pleasing result, and I hope that the government will continue to strive for better results in this area.

However, I'm informed that there were no infringement notices or prosecutions of sales to minors. The government might like to confirm otherwise that suggestion as I'm not certain of its accuracy. We should be protecting children from all tobacco and vape sales. The government has been sadly neglectful of our children. Will the government reintroduce infringement notices for sales to minors?

We must take care not to use recent positive results as an excuse to sweep the issue under the rug as 'solved'. Managing the illicit sale of tobacco is an ongoing battle and will need continued investment. A few raids this year does not make up for decades of policy failure.

I remind the government, as many others have, that the dollars spent on reducing unregulated tobacco sales will benefit health outcomes of Tasmanians. The avoided healthcare costs from managing the harm of nicotine addiction cannot be underestimated. For all its talk of fiscal responsibility, the government continues to ignore the benefits of adequate tobacco regulation.

As we speak, the proliferation of unregulated tobacco is wreaking havoc on Australia. We do not know what is within imported cigarettes, nor do we know the long-term damage of vapes. There is no guarantee that imported cigarettes do not contain asbestos, heavy metals or other harmful substances. Moreover, there is emerging evidence that shows that e-cigarettes are unsafe, potentially causing harm to the respiratory, cardiovascular and neurological systems.

Clause 5 in the bill is concerning: that is, the power of nominated officers. It is sensible to provide protection for nominated officers. Does that mean that the government is intending to appoint more people as nominated officers? No doubt, there may need to be extra training. Some questions I seek answers to from the Leader are: would extra resources be given to the department to train people as nominated officers, as presumably they would live all over the state, and there would be travel and accommodation expenses? Given that the government is cutting public servant numbers, who would supervise these nominated officers and be responsible for their actions? Are existing nominated officers trained? How many are there? Where are they located? What are their qualifications and responsibilities?

It is noteworthy that nicotine addiction is still the central driving force of the adverse health effects of new alternative nicotine products. There has been some progress in regulating cigarette content and engineering, albeit minimal. However, there's much more to be done.

Moving back to the legislation, while I'm of the mind that if it is acting on the illicit sale of tobacco, the government should be given what it needs - I do have some concerns regarding the operation of the bill.

I was pleased to read the strength and veracity of the submissions to the public consultation of the legislation. While many were in favour of the legislation, I would highlight some concerns I'd like to hear addressed by the Leader.

One key concern I read in the public submission from Dr Kathryn Barnsley and Prof Leonard Crocombe was the role of the secretary and the potential for political appointments to overtake expert involvement.

The Director of Public Health is not empowered to close premises or make similar such decisions, nor can councils. This leaves open the risk of government appointees to the position of secretary to be not suitably qualified in tobacco control nor public health.

Should the proposed consolidatory legislation continue in the same manner, it will sideline public health experts, Public Health and the Director of Public Health in favour of political appointees. This promotes real risk to the long-term, regulatory rigour and efficacy, as well as watering down the professionalism and expertise of public health actions.

In fact, one citizen forwarded to me the following comment:

I'd be interested to hear the arguments because all I've heard are weasel words, the whole Public Health Act is about legal issues for which the Director and councils are responsible. Also, the Director and councils can already close unhealthy premises under the Act. Why not illicit tobacco shops. The only reason for carving out the director of public health is to undermine his responsibilities and to ensure that political appointees like the secretary who have no relevant qualifications can manipulate matters. We have seen this with the Salmon debacle where the director of public health has also been undermined by people in NRE with no relevant qualifications.

It's a political power grab. To protect businesses - not people. They did the same thing with COVID with their 'commanders' overriding health.

This position by the government was explained at the briefing received, but I think it is valuable if that explanation was already reinforced in the debate. Indeed, for clarity, could the government address these questions in the closing comments by the Leader?

This bill says that the secretary can close illegal tobacco seller premises. The secretary is clearly not going to do this him- or herself. Who is going to do this? Will the secretary refer the process of closing shops to the enforcement officers who work for the Director of Public Health? If so, it appears strange to leave out the Director of Public Health if his own staff are going to be implementing the closures. This is an extra layer of bureaucracy that may cause administrative confusion. Who will physically implement the closures?

The department argued that public health qualifications and expertise are not necessary to decide whether to close premises, and that therefore, it is appropriate for the secretary to do so. However, the secretary is not likely to have any experience in closing premises. What qualifications is the secretary required to have to close premises?

This bill does not allow the Director of Public Health to close illegal tobacco seller premises, yet the director and councils can already close premises under other sections of the act, for example unhealthy premises. Why should they not be able to close illicit tobacco sellers?

Why bring the secretary into this section of the act when the *Public Health Act* is designed primarily to be managed and implemented by the director and councils and their staff? Requiring the secretary to close premises and jettisoning this power from the director, in his own legislation, makes no sense. Is this a deliberate subverting of the role of the Director of Public Health and the act?

Currently, there are comprehensive working relationships and protocols between public health enforcement officers and environmental health officers, state police, federal police and border force in relation to dealing with illicit tobacco. What will the role of the secretary be in this? The Director of Public Health and staff have managed these organisational arrangements but need closure powers. Why change these arrangements?

Whilst I am in mind to have an amendment drafted to remove the word 'Secretary' and substitute it with the word 'Director of Public Health', if in closing, the Leader can address my concerns, answer my questions and justify the advantages and reasoning of the secretary being the lead role, then I will not speak to my amendment in the Committee stage.

I asked a similar question when we had our Teams meeting, and the response was interesting and informative. It would be advantageous if the Leader could echo those sentiments for *Hansard* and for many Tasmanians concerned with the statistics relating to the health impacts and challenges.

I should also note the submission I mentioned earlier highlighted various concerns with the tobacco industry in Tasmania, including the vested interest and political delinquency which mires the proper functioning of tobacco legislation. This is a concern of which the public should be made aware and that lawmakers should bear in mind when examining any such legislation.

The submission of the Australian Medical Association of Tasmania suggested that the government should also consider the broader policy settings that influence tobacco

consumption, such as the density and visibility of tobacco retailers and the emergence of new nicotine products. Public education and cessation or addiction support was suggested as high priorities for the government to meaningfully reduce tobacco-related harm.

Despite these concerns, I am in favour of reform in this area. Noting the positive steps towards enforcement which have been made, I will support the legislation. Stronger enforcement and better regulation are good for Tasmania, and a standalone future piece of legislation has the potential to provide an adequate framework with which to manage the ongoing threat of illicit tobacco and vapes effectively and actively in Tasmania, provided that public health expertise and enforcement is built into such legislation.

I look forward to the contributions from other members and the closing remarks from the Leader.

[11.56 a.m.]

Ms ARMITAGE (Launceston) - Mr President, I thank the government and the Leader for bringing forward this bill. To my mind, it is important and contains necessary measures to facilitate public health and safety, which arises from prohibited tobacco products and the criminal activity that feeds into and results from it. This is something which is important to the community. That there is illicit tobacco in the community along with other similar products is an open secret. There's flagrant flouting of the law occurring for smokers and vapers to obtain a product for far less than what it would cost to obtain legally. A market driven by supply and demand has been created, which has serious flow-on effects for things like revenue collection, the formation of organised crime and cartel behaviour and the quality assurance and safety of products which people are purchasing. To my mind, it is a serious problem.

It has been acknowledged that tackling these issues requires responses from all levels of government - from the Commonwealth level, where customs, importation, federal policing and taxation are concerned, to the state level, where health and state policing are involved, to the local level involving planning and retail regulation. These issues are so significant that making progress in the right direction requires cooperation and coordination to ensure our laws adequately address them. I believe the bill is a good start.

I will flag at this stage I do have amendments to the bill that have been distributed to members with regards to liability for owners of certain retail premises and penalties.

Facilitating legal enforcement is an important element in tackling the problems raised by prohibited tobacco and other products. It's not the only element, but as state legislators, it's something we're able to make meaningful changes to.

As I may not move my amendments, depending on the answers from the Leader, I will mention in my contribution what they were, because I'm expecting the Leader to give me a reason not to move them. The amendments that I was bringing forward as an additional angle from which the sale of prohibited tobacco and other products can be tackled - these were amendments that were requested by people briefing us and also Tasmania Police.

When I spoke to them, they felt that they would be very helpful in their tackling of the situation as well. The first amendment was amending the *Retail Leases Act 2022*, and I will discuss that a little later. The Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 hold owners of certain retail premises criminally liable where they knowingly permit the

use of those retail premises for the sale of smoking products other than in accordance with the *Public Health Act*, and the sale of prohibited smoking products within the meaning of Division 3A of the act. The amendments that I would introduce have what I would call a three-strike system, where the owners of retail premises found in contravention would be subject to penalties. A natural person can be subjected to a fine not exceeding 200 penalty units, which is \$41,000 based on the penalty unit for 2025-26, which is \$205 per penalty unit for a first offence; 400 penalty units (\$82,000) for a second offence; and 800 penalty units (\$164,000) for a third or subsequent offence. I might add that these penalties came from within the bill, so they're fitting with other penalties within the bill. If they are bodies corporate, they can be subjected to a fine not exceeding 400 penalty units (\$82,000) for a first offence; 800 penalty units (\$164,000) for a second offence; and 16,000 penalty units (\$3,280,000) for a third or subsequent offence.

It's important to emphasise that these amendments do not allow or endow retail owners with the ability to shut down a premises or a business. It does give them a lawful avenue with which they can enter a commercial rental arrangement with such a business, and in fact compels them to do so in circumstances where they're aware of the prohibited trading activity occurring by the lessee. In some ways it does help a business if they do have someone leasing but they know is either undertaking a criminal activity or has been fined and caught doing so. As I mentioned in my second reading contribution, many illicit traders simply put the current fines and enforcements down to the cost of doing business, as they are otherwise making money hand over fist and can simply afford it. We hear that all the time, that they actually put how much money they may need to pay for fines and penalties into their business case; but they also need places to conduct business from, and this will make things harder for illicit traders to have a place where customers can find them and, frankly, make it harder for the customers themselves to access their products. This will either compel them to purchase tobacco legally, which is both regulated and properly taxed, or consider quitting options.

My questions are to do with the implementation of the bill should it pass. I've been advised that if my amendments were to pass, this bill would not be able to commence for many months. If the Leader could advise the reason: is it because the amendments would need to go back to the lower House, which would not sit until August? If so, perhaps they could be recalled; or is it because it would need to go out for further consultation? I'd really like to know what the reason is that I've been advised that my amendments would put a halt on this bill. Obviously, the last thing I want to do is slow the progress of this bill. It needs to be implemented as soon as possible. If I could get some clarity, and then I will decide whether to move the amendments or not. Of course, they would have to pass the House. I believe this is separate to the fact that one of the acts that would need to be amended is the *Retail Leases Act 2022*, an act that has yet to be fully proclaimed. Remember, this is 2022 - not fully proclaimed.

I might add, while I've been looking into the acts that haven't been proclaimed, I have come across one from 2007, so maybe 2022 is not as bad as I thought. How many people would realise, though, that even when a bill has received royal assent, it hasn't been fully proclaimed? In this case, I'm advised that there are new amendments to this act planned for next year, which is interesting; there are amendments to an act that hasn't been fully proclaimed. I'm not sure about my amendments. The only sections of this act proclaimed are section 2, which deals with the commencement provisions of the act, and section 88, which continues the legal application of the Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998.

It would be also appreciated if the Leader could confirm that if my amendments were passed, whether they would have any power if they're going into an act that's not fully proclaimed. How long would it take for my amendments in the *Retail Leases Act 2022*, which has only got sections 2 and 88 proclaimed; would my amendments be likely to be proclaimed, or would they sit there in a null-and-void act? If that's the case, it's very confusing, but I don't want to delay a bill from starting unnecessarily if I put amendments into an act that's not going anywhere. It is confusing and I really would like some clarification on that.

Ms Rattray - Probably need legal advice.

Ms ARMITAGE - As I said, I don't want to delay the bill, but I do have some real questions about it. As mentioned in briefings, illicit traders, often operating as organised networks, are increasingly absorbing penalties currently available under the *Public Health Act 1997* into the cost of doing business. As I understand it, in 2025-26 the Department of Health seized 3.3 million cigarettes, 2 tonnes of loose tobacco and 26,000 e-cigarettes or vapes, with an estimated value of \$6.86 million with \$10.3 million in excise avoided. Now, whichever way you look at it, this is unacceptable.

As the Leader mentioned, the influence prohibited tobacco and other products such as vapes have on the health and wellbeing of our communities is profound. You speak to people who smoke and they say, it's so hard to stop; I guess the cheaper you make it, the easier it is to continue. Many changes have been made regarding tobacco accessibility and appeal, such as the introduction of plain packaging and increasing associated taxes and therefore cost to the consumer, which have made meaningful reductions to smoking and therefore the risk to people's health. With the rise of illicit tobacco and vape sales, we're seeing these efforts undermined. I was informed in briefings that nicotine markers have gone up by 4 per cent in our wastewater detection. We're also seeing a significant loss of revenue which is then funnelled back, hopefully, into providing health services for things like smoking-related illnesses.

Shadow markets are invariably linked to criminal activity and even organised crime. Enforcement and investigation powers are therefore extremely relevant to addressing the rise in the sale of illicit tobacco and other products. We did hear in briefings as well that they're now packaging the illicit cigarettes to look exactly like the normal cigarettes, and that the flat packs are sent in from other countries, and they're just packaged now, so it doesn't stand out that someone's buying a cheaper product or a different product. To this end, the creation of a new offence for the sale or supply of illicit vaping products and the sale and supply of illicit tobacco and vaping products will be very important steps.

I emphasise that the purpose of this bill is overwhelmingly to reduce harm in our communities and especially to our young people. This is not just regarding people's health and wellbeing, but also their physical, mental and financial safety. Markets, especially those related to the selling and purchasing of goods harmful to health, need to be stamped out if they're unable to be regulated. Products are untested, unverified and potentially unsafe, at least with regards to tobacco, and much more unsafe than regulated tobacco. The proceeds enrich and encourage further criminal activity and actors.

Before too long it will get out of control. You wonder how many people realise when they are buying the cheap cigarettes, where the money is going and what illegal activities it could be actually providing. We're already seeing the violence and destruction becoming

significant issues in mainland jurisdictions and we cannot afford to have such a problem here. Obviously, when speaking to Tasmania Police, one of their main reasons for pushing all these, and particularly when I was speaking to the officers with regard to my amendments, is to try to prevent what's happening in some other mainland states from happening here. I believe it also shows that we're serious about how we address this sort of conduct. As the Leader said, the stronger penalties reflect the serious public health risks posed by these products and sends a clear message that engaging in unlawful trading in these products will not be tolerated.

The bill also introduces stronger enforcement powers to support compliance with Tasmania's smoking product laws. This includes the provision of new powers to close businesses that sell illicit products or who seek to operate outside of the licensing framework. The bill also seeks to minimise accessibility, visibility, normality and appeal of smoking products, including the sale and supply of smoking products from vending machines and the banning of smoking paraphernalia in retail stores. Additionally, the bill strengthens enforcement provisions relating to the obstruction of nominated officers and sale of smoking products to children and young people. I would ask, Leader, about nominated officers. You may not realise, but about 20 years ago, I was a nominated officer.

Ms Rattray - I'm not surprised, Mr President. I mean, she's an independent person. She's a member of parliament, and now that. Not surprised.

Ms ARMITAGE - However, I'm just wondering whether they still have the same thing because when I was a nominated officer, we were volunteers. We were volunteers, we were nominated officers and we reported to - I'm trying to think of the chap's name now, it was in Henty House - it must have been when I was on local council - and we had a badge. We used to assist, because there weren't very many actual paid officers, we were nominated officers. Then we would go into premises -

Ms Rattray - Pretend to buy a packet of cigarettes?

Ms ARMITAGE - No, we didn't go that far. We would go into premises to actually view, to make sure that everything was where it should be, that things weren't on display. The other thing we could do was where sometimes they would send a young person in to buy a packet of cigarettes and we would be in the store. As a nominated officer, you could be there as a witness, you were there officially, so if they sold to that young person, you were there.

I'm just wondering whether they still have volunteer nominated officers or whether it should be looked at again. It's something, I think, that worked very well; there were quite a number of us that did it. It helped to find places that were selling illegally. Just a thought, it was something from the past that maybe should be revisited.

It's all of these measures I was referring to earlier, when I said that tackling the problem of the sale and supply of prohibited tobacco and other products requires a multifaceted approach. None of these on their own will go very far to end the sale and supply of illicit tobacco and vapes, but altogether I'm confident that we could see a reduction in the sale of illegal tobacco and vapes and the consequent health and crime issues that come along with it.

The honourable Leader spoke about a staged approach to our state's tobacco, vaping and nicotine laws, alignment with other Australian jurisdictions and the consolidation of these laws into a standalone Tasmanian act. I believe this is a sensible way of approaching reform, but

I do understand that it will take time to do it properly. I believe the measures contained in the bill and in the amendments I seek to bring forward - if I bring them forward - contain good steps which can be taken now and thus start to make strides towards eliminating illegal tobacco and vapes in our community.

While I mention the amendments - and I might need to get some confirmation from the Leader on this, you might need to take some advice - it was suggested that if my amendments don't go into this bill, they might be put in the bill next year, into the *Retail Leases Act 2022*. There are amendments planned for that act that my proposed amendments could be added to for that bill next year.

I finally address the issue of harm minimisation. The honourable Leader mentioned that measures contained in the bill complement existing harm-reduction and smoking-cessation support measures. I would like to know if resourcing for things like Quit Tasmania - which I know celebrated its 30-year anniversary recently - and things like school programs, early intervention, and supporting settings like health care, urgent care and hospitals, are making quitting and support resources widely available to people in the community.

Programs obviously work, and people's efforts to quit harmful addictions like smoking and vaping are greatly increased when they have easier access to education and support like those offered by Quit Tasmania. Leader, could we be advised? Further, how much education do we provide in schools, particularly with regard to vapes? Because I'm hearing that vapes - and I'm not sure, do they still do flavoured vapes?

Ms O'Connor - Oh, yes.

Ms ARMITAGE - Things like that for children.

Ms Rattray - Bubble gum-flavoured apparently, all sorts.

Ms ARMITAGE - From what we hear, children and a lot of people don't seem to think that vapes are as harmful as cigarettes, that they can have vapes. It's an awful thought that children may think it's cool to have a vape, particularly a flavoured vape. I'm just wondering how much education we actually do in schools with regard to those things. I probably should be asking the Education minister.

I do support the bill. I wonder about my amendments. I would like to know whether it's simply because amendments would need to go to the lower House to be signed off or whether there are other reasons, because of consultation and whether this was proposed for further tranches. I spoke to the Health minister, Bridget Archer, last evening regarding my amendments and she was hopeful that the bill could progress as soon as possible. It would be interesting to find out the actual reason why the amendments would delay the implementation of the bill, which of course I don't want to do.

[12.16 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I only wish to make a brief contribution on this bill and to indicate that, of course, we'll support it. It's a piece of legislation that doesn't make any substantive structural reform, but it increases penalties and powers for retailers of tobacco products who are selling illegal tobacco products. It's not a particularly brave piece of legislation, but of course it's worth supporting.

The Public Health Amendment (Prohibited Tobacco and Other Products) Bill primarily provides for stronger penalties and powers. It amends the *Public Health Act 1997* to extend powers to compel information to nominated officers under the act and increase penalties for sale of smoking products to children, selling a smoking product without a licence, threatening or hindering an authorised officer, and manufacturing, supplying or selling smoking products not compliant with packaging guidelines.

We all know this is a huge issue right now if you talk to young people of a certain age. After this bill had landed in the other place, I had some conversations with young people about how available illicit tobacco products are, and it is common knowledge. It is very well known amongst the young people in and around Hobart where you go and at what time to get the illegal product that you're addicted to.

It even goes right back to smoking in the day. Young people took it up because they thought they looked cool, they looked like James Dean or whoever. It's a similar thing with vapes. We were down at Night Mass the other night: stacks of vapes. More vapes than the smell of cigarettes. The idea here of the retailers or the producers is to get young people hooked through initially marketing this product as cool and that's from cigarettes to vapes.

It reminds me of one of the first current affairs stories I was given at Channel 7 in Brisbane - and I cringe now when I think about it - but we were there to ambush tobacco retailers who were taking apart packets of cigarettes and selling single cigarettes to children under 18. Of course, we busted a few retailers selling cigarettes to children and that was 35 to 40 years ago. It's the same philosophy here. Get the kids; get them hooked.

Because we have a taxation regime at a federal level which successive governments have lazily applied, it's so much easier to hike taxes or excises on tobacco products because you're targeting often disadvantaged and poor people, you're not particularly upsetting the big end of town. But what it has done, of course, is it has very significantly raised the price of legal tobacco products. So, of course, young people and other people who are addicted to tobacco will seek out the much cheaper illicit product.

I want to thank the member for Mersey, Mr Gaffney, for his excellent contribution and the questions he raised about the influence of big tobacco on government policy more broadly, and whether there's been any influence on government policy here. He raised questions about the role of the Director of Public Health in this amendment bill, where, as we know, it is a power of the secretary to close a premises. As Mr Gaffney pointed out, the Director of Public Health can close a premises that is a food service premises if it is presenting a risk to public health, but has not got the power under this legislation to act to close an illicit tobacco sale premises. I too want to hear what the argument is for that, and flag with members there is a discussion paper out at the moment, also from the Minister for Health, in relation to the future powers of the emergency powers of the Director of Public Health.

Everyone will remember back in 2020 when we passed some, arguably necessary, unprecedented amendments that gave government, law enforcement and the Director of Public Health extra powers during a period of very significant risk to public health. The *Public Health Act* provides for that declaration of an emergency to be made by the Director of Public Health. To some people that was contentious, but the discussion paper and the approach that the government is taking now is to take that emergency power declaration away from the Director of Public Health and leave it with a politician, the minister. Now, we should all be concerned

about that. We do live in a time where there has been an undermining of expertise, a dismissal of science and other experts, and an obvious and wilful effort to undermine public health. We should not allow decisions that relate to broad population-scale safety in the event of, say, another pandemic, to be left in the hands of a politician who is worried about their popularity. I hope members do take an interest in that plan on the part of government. At every level we should be protecting and upholding public health in this state and allow for proportionate powers to remain with the Director of Public Health, who is not there to please anyone. Under the law, the Director of Public Health is there to protect public health.

I too am concerned about this being just one part of the picture, where there has been a noticeable drop-off in community education and engagement on tobacco addiction prevention. If you're serious about the sort of things we're talking about in this bill today, then you have to be serious about investing in community engagement and education. You have to be serious about talking to young people about what vapes and tobacco do to their lungs and to their life expectancy. We really don't see very much of that at all. It's pretty obvious when you look around, whatever we are doing isn't working. Our children and young people are either not hearing or not accepting the message that is coming out of government on the risks of tobacco addiction.

Obviously, we're not opposed to this bill. I look forward to any amendments that are going to come forward. It sounds to me like the member for Launceston will wait to hear the response from government to amendments she has long flagged. I look forward to that response to the member for Launceston.

But I would, in closing, simply encourage the government to do two things: invest properly in harm minimisation and particularly focus on preventing children and young people from thinking sucking on a tobacco product is cool and prevent future addiction. Also, do not seek to undermine the powers of the independent Director of Public Health to make an informed decision, in the event of a public health emergency, to declare an emergency period because I don't think that decisions of that magnitude should be left in the hands of a single politician. With those few words, we support the bill.

[12.26 p.m.]

Ms LOVELL (Rumney) - Mr President, I will be making some brief comments in support of the bill and in relation to some of the contributions made by the members. I think the contributions we've heard so far have been really thorough and well thought out. I really agree with most of what has been raised and don't want to go through repeating it just for the sake of saying the same thing.

Labor does support this bill. There are important reforms contained in this bill. We know that the bill will bring us in line with the Commonwealth in terms of this legislation. There is no power in our legislation currently to shut down illicit shops and that's an important change that will be brought in.

The increases in penalties are also important because we know that the penalties currently are too low. With the kinds of profits that are being made by people in the illicit tobacco trade, the penalties are just seen as a cost of doing business and not a deterrent in any way. We've heard from stakeholders like the Master Grocers Australia, who have said that the bill doesn't go far enough, so we know this has broad support from retailers.

But as the member for Mersey in particular has outlined, these reforms are not really about public health in any way. They're about the legalities of illicit tobacco trade, but there's a lot more that needs to be done around public health and reducing smoking rates, in particular amongst young people. Whilst I support this bill, this is only the start, and we do know that there are many further reforms needed.

In relation to this bill and in relation to the enforcement of it, I have similar questions to the member for Mersey on how this will be enforced and who exactly will be doing the enforcing, because we know that has been an issue for a long time here in Tasmania.

The resources that are put behind these pieces of legislation that are about enforcing our laws around tobacco control are not adequate. There are not enough resources and we're seeing that play out in terms of how these bills are not really being enforced in practice. You can have the best legislation in the world, but unless you back it with resourcing, it is not worth the paper it's written on.

I do want to acknowledge in particular the contribution of the member for Mersey. He spoke about the increasing smoking rates that we're seeing in Tasmania, which is out of step with the rest of the country and something this government should be paying particular attention to. We do have a preventive health strategy now, but I don't know if people have really taken much time to look at it. There's not a lot of tangible action in that strategy on what exactly the government will do.

We've heard these types of commitments from the government before on the healthiest state by - was it 2025? We're a long way off that, so this has to be a focus. We also know that preventive health is not an area this government has invested heavily in. There are countries around the world who set targets on how much of their health budget they will invest in preventive health. That is something we're yet to see.

Ms Webb - Should be 5 per cent.

Ms LOVELL - Exactly, 5 per cent is the standard, and we've asked this question through Budget Estimates for many years and it has always been something that the government has struggled to point to particular specific preventive health programs that have been funded. It isn't just a Health department issue; preventive health should be a whole-of-government approach. But without setting those specific targets, how do we know that the government is taking it seriously and how do we know that they're ever reaching those goals? While it's good to have a preventive health strategy, and I know that that strategy is broadly supported, I also know that there are many stakeholders and many experts in this field who are approaching this with a huge degree of cynicism.

I did have similar questions to the member for Mersey, and these concerns have been raised with me as well, around the display of drug paraphernalia and how that's being enforced or not.

There is also the question, which a number of members have spoken to, about the powers to issue short-term closure orders sitting with the secretary of the Health department and not the Director of Public Health. This was a particular concern of mine and it was something that I was considering an amendment around. I understand the director has said that he is comfortable with this and it is his preference, and I don't want to -

Ms O'Connor - It's not really relevant, is it, necessarily? Sorry, by interjection, not necessarily.

Ms LOVELL - I don't want to amend the bill in a way that is potentially something that the director is not supportive of, but without having access to the director to discuss these issues in a great level of detail, it does make it difficult for us to make those judgments sometimes. But there is a concern and I want the Leader to explain why that decision has been made. I know this is something that came up in the debate in the House of Assembly as well, and there was an amendment flagged there that was not moved. I know this is a very live issue and it is a concern for a number of people. I am very interested to hear that explanation as well and interested to hear how the member for Mersey intends to proceed with that, based on that explanation.

The member for Mersey asked a number of really good questions, actually, and I'm looking forward to the answers on those and likewise with the member for Launceston. I will be interested to hear from the Leader around the amendment that the member for Launceston had flagged and will be listening intently.

In short, Labor does support this bill. We supported it in the other place, as well. I don't have any intention to move any amendments but will listen closely to those further explanations around the amendments that have been flagged. But I do make the point that while this is a public health bill, it's an amendment to the *Public Health Act 1997*. It's not really about health. This is about enforcement, it's about legalities, it's about illicit tobacco trade. There's nothing in this bill that will really go any way to reducing smoking rates or supporting people to quit smoking or any of the other things we know we need to do to reduce smoking rates when we live in a state that has such a high chronic disease burden largely contributed to by smoking. I'd urge the government to really focus on that in the next tranche of reforms: to look at what we are actually doing, in a real way, in a resourced way, in a tangible way, to reduce smoking rates in this state, because we cannot continue to ignore this problem and hope that it goes away.

[12.34 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I'd just like to acknowledge the contributions that have been made and absolutely agree that they were very considered and well articulated. Thank you very much. We've managed to provide a number of responses to various issues.

Firstly, I want to thank the honourable member for Mersey for his interest in the government's broader efforts to reduce the harms of smoking and vaping in our state. The government has a range of policies and strategies in place which now include The Health Revolution: 20-Year Preventive Health Strategy. I'll just talk about that.

The honourable member asked whether the government was intending to consider options to act on tobacco availability and supply, and this is a key action under the government's Tasmanian Tobacco Action Plan 2022-2026. During public consultations, tobacco control and health advocates have called for limits on the number or type of stores that can hold a licence to sell tobacco products. It's the view of government that tackling prohibited tobacco and other smoking products is the immediate priority.

While sale and supply of these are still increasing, suppressing the legal sales of tobacco at this time may create more demand and profits in the illicit market. The focus of the amendments in this bill is to urgently address the sale and supply of illicit tobacco. Other prohibited products and restricting tobacco availability more broadly will be considered in the future.

A key goal of the government's 20-Year Preventive Health Strategy - which, by the way, has now been published - is to work towards a Tasmania that is smoke-free and vape-free, where nicotine addiction has ended and no-one feels pushed towards these products by stress or daily life. This goal will be at the forefront of further legislative reforms to address tobacco availability and supply.

The question about the funding: the 2026-27 State Budget includes a \$530,000 funding package for Cancer Council Tasmania to deliver youth-focused nicotine addiction and vaping prevention campaigns. A greater focus is now on prevention of uptake and the Commonwealth's OurFutures Vaping Prevention Program is now in over a quarter, 27 per cent, of Tasmanian secondary schools and continuing to expand.

An additional \$393,311 in time-limited funding from the Healthy Tasmania Fund has been provided to boost adult-focused campaigns to 30 June 2025 - 2025? I'll recheck that, not sure that that's the right date providing a temporary uplift in exposure to drive awareness and prompt quitting while this funding was available.

Evidence-based tobacco control measures will continue to be prioritised through the Health Revolution alongside the development of a new statewide tobacco action plan. The government has committed to \$20 million over the next four years to the Health Revolution, ensuring the community immediately sees the benefits of a strong collective commitment to preventive health.

The honourable member for Mersey also expressed concern around the influence of the tobacco industry on this bill. Australia is a signatory to the World Health Organization's Framework Convention on Tobacco Control, which places obligations on all levels of government to protect health policy from the influences of the tobacco industry. The Tasmanian government takes these obligations seriously.

It has also conducted a public health consultation and received a number of submissions from a range of individuals and organisations. These include submissions from a tobacco company and other organisations funded to influence tobacco control. These submissions are processed in the same way as any other submission to public consultation and have been published on the department's website.

Government policy is not influenced by tobacco companies as their profits undermine the aims to reduce the harm caused by smoking in Tasmania. The illicit tobacco trade also undermines this goal by keeping tobacco affordable and weakening efforts to help Tasmanians quit. A key goal of the 20-Year Preventive Health Strategy is to ensure young Tasmanians grow up without ever taking up smoking, vaping or using nicotine products, and this includes legal and illicit products alike. The government wants to work towards a Tasmania that is smoke- and vape-free, and where no-one is addicted to nicotine.

There is also a further answer concerning the tobacco industry, and the minister for Health has advised that she has not met with the tobacco industry during the bill's development or progression, nor has anyone in her office or from her office.

Further, to directly address Mr Gaffney's comments around transparency, all ministerial diaries, as we know, are publicly available and have been since 2023, ensuring everyone in the community has visibility of ministerial engagements and decision-making processes. The Premier has also recently announced further improvements to this process regarding disclosures, which are now occurring monthly.

Again, the member for Mersey and other members were interested to hear more regarding the next phase of tobacco and vaping reform in Tasmania, and there are other legislative developments happening across Australia and Tasmania. Tasmania needs to remain aligned with these reforms, and the current bill addresses urgent issues and seeks to disrupt that illicit trade immediately. Broader reforms will consider more technical issues requiring further consultation and will reflect feedback received during the consultation period for this bill.

The bill amends Part 4 of the *Public Health Act*. No other legislation is amended by the bill.

The next phase of reforms will see tobacco, vaping and smoking consolidated into a standalone act for Tasmania. This will bring Tasmania in line with other jurisdictions. The next stage of reform in 2027 will explore the development of that standalone piece of legislation to consolidate, as I've said, smoking, tobacco, vaping, and nicotine control legislation into an act for Tasmania. Consequential amendments may also be required for the *Therapeutic Goods Act 2001*, the *Poisons Act 1971* and the *Misuse of Drugs Act 2001*. The creation of a standalone smoking, tobacco, vaping and nicotine control act would align with the approach of other Australian jurisdictions such as South Australia and Queensland. It will also give effect to one of the key pillars of the 20-Year Preventive Health Strategy, currently in its final stages of development. Feedback received during the public consultation period for the bill will be considered in the next stage of reform.

Importantly, the approach taken in this bill reflects work in other jurisdictions. The increased penalties introduced by the bill are guided by the South Australian model, which has a long-established licensing system for smoking products, and a relatively well regulated retail environment that is similar to Tasmania. Queensland, New South Wales, Victoria and South Australia have recently strengthened their tobacco laws to broadly mirror the higher penalties under Commonwealth laws so that they can continue to use their existing state powers to search and seize and to combat increasing illicit trade.

Other jurisdictions such as Queensland and New South Wales have introduced closure powers for businesses operating outside the licensing framework, and bans on display of prohibited items and increased penalties, to provide strong deterrence against the sale of illicit products. The Australian Capital Territory and South Australia prohibit the sale of tobacco and vaping products through vending machines. The bill also addresses enforcement gaps that have already been closed elsewhere and brings Tasmania into line with current national practice.

The member went on to ask several questions, which I will now address in relation to the on-the-spot fines. In 2018, infringement notices for the offence of sale to a child were removed as an enforcement option to better align with increased penalties under the *Public Health Act*

that had been implemented. The intent was to send a strong message to retailers and suppliers that a supply of tobacco to a child is unacceptable. The department's current view is that the reintroduction of infringement notices will improve its ability to enforce sale to children offences in a timely and more efficient manner, providing an immediate consequence for the supplier at the same time as progressing court-based prosecution, which can be subject to delays.

The member asked a series of questions regarding the enforcement staff available in the Department of Health, and I will address those questions in turn. The Department of Health employs six full-time tobacco control officers to support compliance with laws, including in relation to the supply and sale of illicit tobacco and vapes. These officers are supported by Tasmania Police in higher-risk and organised illicit trade matters, with coordination under a formal memorandum of understanding. This provides additional enforcement capability beyond the department's dedicated workforce, particularly where activity extends into organised or criminal conduct.

Ms Armitage - Through you, Mr President, could I ask where they're located, the six officers, and whether they have considered going back to having some volunteers as well?

Ms RATTRAY - Just about to get there.

Ms Armitage - Where they are located as well.

Ms RATTRAY - I thank the member for her interjection. Two tobacco control officers are based in Launceston to cover the north of the state and four are based in Hobart to cover the south. The department, however, has the capacity to surge additional staff into regions as needed.

The memorandum of understanding between the Department of Health and Tasmania Police is largely focused on information sharing. Targeted information sharing means illicit activity can be picked up without a direct complaint needing to be made to the department.

What qualifications do tobacco control officers have? These officers have diverse backgrounds and qualifications. Many have a policing background, but this is not a requirement of the role and the term 'nominated officer' under the *Public Health Act* encompasses police officers. Tobacco control officers employed by the Department of Health have tactical response skills and qualifications, and many have a Certificate IV in Government Investigations (Regulatory Compliance), and they also operate under the oversight and guidance of the manager of tobacco control.

Ms Armitage - Through you, Mr President, you didn't answer my part about the volunteers.

Ms RATTRAY - I haven't arrived at your answers, these are all for the member for Mersey. They're very well covered, but I will get to the honourable member.

Ms Armitage - Thank you.

Ms RATTRAY - Thank you. This will be longer than any second reading speech I think I've provided to the House, by the look of it.

Ms Webb - I don't know about that.

Ms Palmer - I don't either.

Ms Armitage - My motion comes up soon.

Ms RATTRAY - Oh, it does. This question, as I said, concerns where the closure powers are allocated within the bill, and this was raised by the honourable member for Rumney as well. Vesting these closure powers with the secretary of the Department of Health is consistent with arrangements in other states and territories, where similar powers often sit with departmental secretaries or chief executives rather than public health statutory officers. In New South Wales, for example, the secretary has the power to issue one short-term closure order for 90 days. In South Australia, it is the minister who holds the power to issue interim closure orders and short-term closure orders. In the Australian Capital Territory, the ACT Civil and Administrative Tribunal can issue a short-term closure order. No other states or territories have closure powers sitting with the Director of Public Health. This is because the power to issue closure orders is primarily an enforcement and investigative tool. Short-term closure orders are an administrative function and high-level specialist medical input is not required to determine their application.

I note that the Director of Public Health has also been consulted on the provisions and is supportive of the powers sitting with the secretary. I emphasise that the Director of Public Health is a statutory officer who is appointed based on his public health expertise. He is supported in his role - and it could sometime be a her - by a range of staff, including the Chief Executive Public Health Services.

Concerns were also raised around decision-making - I'll just get on to the answer, not quite sure about the lead in there. The decision to issue a closure order is akin to a decision to cancel or refuse a licence under section 74C of the *Public Health Act 1997*. The decision-maker, the secretary or delegate, will be assisted by a dossier of information collected by tobacco control officers to make an informed decision. A high bar will be applied to decisions to issue a short-term closure order, and those decisions must be supported by evidence. These powers are subject to the same general legal principles that apply across many enforcement frameworks in Tasmania, such as warrant processes. The evidence must provide an objective basis for concern that would justify action by a reasonable decision-maker. It is important to remember these powers are not directed at ordinary compliant businesses operating lawfully. There would be no basis to issue a closure order without substantive evidence, unlawful activity, or serious non-compliance. This evidentiary threshold, together with procedural safeguards and oversight by TASCAT for repeated or longer closures, must ensure the powers are used appropriately, fairly and only where justified.

In response to the secretary delegating closure powers: I acknowledge the member for his question in relation to the enforcement of closure orders, in particular his question on who in practice will be responsible for closing premises. The secretary can delegate closure powers to tobacco control staff, in particular the Director of Environmental Health and tobacco control officers who work under that oversight.

Closure powers are a new provision introduced by the bill. They do not currently exist in Part 4 of the *Public Health Act 1997*. The bill does not propose to move any tobacco control powers from the DPH to the Secretary of the Department of Health.

Closure orders are a compliance and disruption tool for illegal activity rather than a decision requiring high-level public health expertise.

Under the new measures proposed by the bill, the secretary is limited to making two short-term closure orders per calendar year in respect to a single premises. Longer-term orders must be made by the Tasmanian Civil and Administrative Tribunal.

A decision made by the secretary is also subject to judicial review. At an operational level, these powers would be delegated to frontline statewide tobacco control officers who undertake compliance enforcement activities daily, again to disrupt trade in illicit tobacco.

In regard to display of drug paraphernalia: the bill will ban all display of smoking paraphernalia in retail premises. Following feedback from the public consultation on the bill in February and March of 2026, section 70A was strengthened to ban display inside and outside of stores. The wording of this provision reflects similar approaches in other states, where the focus is on banning the display of smoking paraphernalia within public view. The provision specifically focuses on the retail environment, including shopping centres where children and young people are passing by. This provision also reflects Queensland legislation, which specifically addresses hookahs, bongs and ice pipes, and specifically focuses on the retail setting.

Tasmania Police continues to support the enforcement in high-risk cases of commercial possession or manufacture and to share information and intelligence with the Department of Health as required, and I've already talked about the MOU between the Department of Health and Tasmania Police.

I thank the member for his concerns relating to further measures to reduce product availability and the density of tobacco retailers. The honourable member can be assured these concerns will be considered as part of the broader legislative reform which is to occur by the end of 2027. Quite an extensive list and certainly a terrific contribution by the member.

In relation to the answer to the honourable member for Mersey addressing funding: I can now clarify that the time-limited funding from Healthy Tasmania Fund was for campaigns to June 2025 - to June, that's where I got confused earlier. Additionally, a new piece of funding will cover the future. Thank you for that clarification.

I acknowledge the honourable member for Launceston for raising those proposed amendments to the *Retail Lease Act 2022* and the Fair Trading (Code of Practice for Residential Tenancies) Regulations and for her willingness to engage further on this issue. I think that's a message from the minister, possibly. These amendments not only align with feedback received during consultation on the prohibited tobacco bill, but also align with legislative change in other jurisdictions. The amendments require more fulsome consultation with multiple agencies, property peak bodies, the Minister for Small Business, Trade and Consumer Affairs and the broader public.

The intent of the prohibited tobacco bill is to make urgent amendments to Part 4 of the *Public Health Act 1997*, as I've said a number of times, to disrupt the illicit tobacco, vaping and nicotine trade in Tasmania. The next stage will involve that broader reform to the tobacco, vaping and nicotine regulation in our state, including that standalone act. It is likely to require amendments to other legislation in addition to the *Public Health Act 1997*. The Department of

Health will consider the proposed amendments for the next stage of the legislative reform to enable more comprehensive consultation.

The Department of Health raised the amendments with the Department of Justice at officer level. The department has advised that the prohibited tobacco bill is not the appropriate vehicle for legislative amendment to the *Retail Leases Act 2022* and will require, again, more comprehensive consultation to align with existing work being undertaken by Consumer, Building and Occupational Services. The Department of Health has consulted with the Department of Justice.

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

QUESTIONS

Macquarie Point Stadium - Precinct Power Supply

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

[2.30 p.m.]

In House of Assembly Estimates earlier this month, the Macquarie Point Development Corporation (MPDC) confirmed it has walked away from the original energy supply plan for the Macquarie Point stadium, a project with Veolia to provide complete onsite power solutions. It was established at the table that that was a complete waste of time and an expensive one. MPDC will have to reimburse Veolia up to \$2 million including GST for a project that never proceeded, as well as fork out almost \$670,000 to a consultancy to support the failed plan and \$23,000 to TasNetworks. A huge waste of public money.

Minister, what has TasNetworks told you about the next steps for providing power to the stadium site? Do you have any notional understanding or advice from TasNetworks about what it might cost? Can you confirm that, ultimately, Tasmanian power users will have to subsidise, through their power bills, whatever TasNetworks has to spend to deliver power to the stadium precinct?

ANSWER

I understand TasNetworks continues to work with Macquarie Point Development Corporation on the stadium project, as it does for all its connections. As with all large load connections, there is a clear process in place to work through what is needed in terms of electricity infrastructure to support a new or upgraded development.

As you'd expect on a project of this scale, the electricity connection details have continued to evolve as the stadium design has developed. This is an operational matter for TasNetworks and MPDC, and I have every confidence they will work through the details. I think I have mentioned previously that work is ongoing.

Ms O'Connor - So you haven't received any further advice to answer the questions?

Mr DUIGAN - I'm aware TasNetworks has received an application for the stadium connection and has agreed on a functional scope of the works and the next steps, which is essentially the phase that we're in at the moment. A connection report eight to 10 weeks from engagement will provide a potential solution. Once agreed on a potential solution, it will move to detailed design, a three- to six-month process and it would be at that point where the cost profile would become more apparent.

Education - Funding for A Fairer World Program

Ms WEBB question to MINISTER for EDUCATION, Ms PALMER

[2.34 p.m.]

Minister, my question relates to the need for ongoing delivery of preventive evidence-based programs such as those offered by A Fairer World, designed to improve inclusion, student wellbeing and teacher capacity to address matters of discrimination, all priorities identified in the 2025 Independent Review of Education in Tasmania. Evidence also shows these programs help avoid increased demand on higher cost services such as health, policing and child protection.

Minister, my question is: are you aware of the significant and growing unmet need within schools for access to the best-practice training in this area, with A Fairer World having to turn down 25 requested sessions this last year alone due to limited funding across six southern-based schools? Given A Fairer World's current funding for these programs runs out in December, will you confirm whether you intend to work with A Fairer World to discuss options to secure the ongoing delivery of these important programs and ensure that planning for the 2027 school year can get underway by November this year?

ANSWER

My understanding is that the service is funded until the end of the 2026 school year. I certainly appreciate the importance of partnerships with external organisations to assist in the delivery of programs in school. What I am advised, and can advise the House today, is the department will work with the organisation, A Fairer World, to review future funding options and processes and that is happening over the coming months.

Ms Webb - Well before the end of the year, minister?

Ms PALMER - I can advise you it's happening over the coming months.

Answer to Question - University of Tasmania - Land Sale Deed Poll

[2.36 p.m.]

Ms PALMER - Mr President, on indulgence for the member for Nelson, I have a question I took on notice the other day, if you're happy for me to answer that one. I did make a commitment that I would bring an answer to the House before the end of the sitting and it's regarding the deed poll and the STEM precinct at the UTAS Sandy Bay campus. This matter actually rests with the Minister for Innovation, Science and the Digital Economy. However, I have sought some answers to your questions on your behalf.

The university has provided a written undertaking to commit funds arising from the rezoned land above Churchill Avenue, Sandy Bay, to the future Sandy Bay STEM precinct. This commitment was made in writing by the Vice-Chancellor, Professor Rufus Black, to the former minister for Innovation, Science and the Digital Economy, Madeleine Ogilvie, on 1 December 2025.

While the university has provided this assurance to the government, it has been made clear that the government expects the commitment to be formalised and made public through an appropriate mechanism, such as a deed poll or similar instrument, to provide transparency and confidence to the community.

I'm advised that as the Tasmanian government has not made a commitment to purchase the rezoned land above Churchill Avenue, work on the deed poll has paused while further advice is sought on what is the most appropriate accountability mechanism.

I understand that in the interim, the university will also be writing to the state government reaffirming its commitment. That correspondence is expected by the end of this month, June, and I am advised this can be shared with members.

Elizabeth College Facilities

Ms O'CONNOR question to MINISTER for EDUCATION, Ms PALMER

[2.38 p.m.]

My question relates to the facilities of the Elizabeth College (EC) - a fantastic college - in the heart of my electorate of Hobart. Late last week I went and visited the college and met with representatives of the Elizabeth College School Association and saw the state of the facilities there. Minister, Elizabeth College has one toilet that's accessible for a person in a wheelchair, all the others require navigating stairs and even that one toilet has access challenges. In a school of 750 students, there are only three single cubicle toilets, and these are the only gender-neutral toilets in the school. All other toilets have doors and partitions that do not extend from floor to ceiling, as is the contemporary standard, and students report feeling unsafe and unwilling to use these facilities.

The school association believes the lack of safe, accessible, inclusive toilet facilities means Elizabeth College struggles to meet the 10 Child and Youth Safe Standards, particularly standard 8, which requires that physical and online environments promote safety and wellbeing. It appears the current facilities at EC also fall a long way short of the obligations set out in the Commonwealth *Disability Discrimination Act 1992* and the Disability Standards for Education 2005.

Minister, are you prepared to engage with the Elizabeth College School Association and make sure that they have the funds to provide accessible facilities for all their students, regardless of their ability?

ANSWER

I certainly acknowledge the concerns raised by Elizabeth College and the school association regarding the student bathroom facilities. I was last there at Elizabeth College,

I think from memory it was the end of 2024, and I have already advised the school that I will be coming to visit again, particularly to take a look at this matter.

The Department for Education, Children and Young People's director of facility services actually attended Elizabeth College in May of this year and met with senior college staff and representatives from the school association to discuss these particular concerns. I'm advised that an outcome from this meeting was a commitment to scope and cost potential works to provide safer student bathroom facilities for future consideration.

We're certainly committed to ensuring students learn in environments that are safe, that are inclusive, and that are accessible and really supportive of their wellbeing. While we continue to make record investment into education infrastructure, we also recognise that many of our school facilities, including amenities, are ageing and do not always meet contemporary expectations for accessibility or to be inclusive. Work to improve these spaces is ongoing across the state based on a priority order recommended by the department.

I will also add that this week I also met personally with the Australian Education Union's national team. They've been doing a tour right around the country undertaking the Schools For Our Future inquiry, which is advocating for greater Commonwealth funding for public education infrastructure.

Ms O'Connor - Through you, Mr President, minister, can I ask that you provide an update on the Elizabeth College potential works when we return or anytime in the interim following the May meeting?

Ms PALMER - I'm more than happy to engage with you on that, no problem at all.

Answer to Question - Disability Compliance in Schools

On indulgence, Mr President, I do have questions without notice from the honourable member for Hobart, which relate to the topic that we've been discussing in the previous question, if you're happy for me to? It's with regard to a question about disability infrastructure in schools.

- (1) I'm advised that the Department for Education, Children and Young People does not currently maintain a central register of sites which do not meet current disability code compliance requirements.

This is a concern for me as Minister for Education, as well as Minister for Disability Services. I have asked my office to instruct the department to start collecting this information in its asset management system.

- (2) What assistance does the department give schools with regard to disability compliance?

While I'm advised all Tasmanian government school facilities were compliant with national construction code requirements at the time they were built, I acknowledge that these requirements have changed over time and that we do have some older

sites which may not comply with current disability access and inclusion requirements.

The Department for Education, Children and Young People has a Built Environment Guide which contains a set of principles to guide architects and project teams working on infrastructure projects. One of the key principles in this guide is accessibility to ensure new and upgraded education infrastructure has equitable access and considers the needs of people with disabilities. I understand that when schools are redeveloped, accessibility improvements are undertaken in line with current code requirements.

The department also delivers an annual Disability Access Minor Works Program to support the inclusive education of students with disability within mainstream educational settings. I'm advised that schools are able to apply for funding through this program each year, with applications required to relate to a specific student with disability and correlate to needs identified through that student's learning plan. Examples of works provided through the program include accessible toilets and bathrooms, ramps, ceiling hoists and handrails.

Homes Tasmania Maintenance

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

[2.44 p.m.]

With regards to inspections, maintenance and service provision of Homes Tasmania properties, could the honourable minister please advise:

- (1) whether inspections and property management services are being undertaken by Homes Tasmania themselves, another Tasmanian department, agency, statutory authority or a private service provider;
- (2) if it's a private service provider, could you please advise who this is;
- (3) furthermore, if it's a private service provider, can the minister please advise the length of the contract retaining their services and the cost of said contract; and
- (4) how much money Homes Tasmania has spent on property management services in the past 12 months, including inspections and organising and managing property maintenance/repair, excluding the costs of the maintenance/repair services.

ANSWER

Properties owned and maintained by Homes Tasmania are predominantly inspected and managed by in-house teams within Homes Tasmania, with Property Maintenance, Tenancy, Housing Support Programs and Specialist Accommodation Services holding responsibility for their respective areas of the portfolio.

Inspections for properties subject to statutory maintenance as prescribed as essential building services maintenance under section 206 of the *Building Act 2016* are carried out at a defined frequency under contract by Contact Electrical Pty Ltd.

This is the only contract Homes Tasmania has for essential building service maintenance, and these inspections and associated works pertain to the ongoing compliance of health- and safety-related building features such as firefighting equipment, emergency lighting and occupant warning systems.

This contract commenced on 1 July 2025 and will end on 30 June 2027, with an estimated contract value of \$2.8 million, based on \$1.4 million per annum, including inspections, routine and responsive maintenance.

Homes Tasmania has spent \$11.5 million in the past 12 months on property management services, including asset- and tenant-related functions. This is in addition to the Contact Electrical Pty Ltd contract and does not include the actual cost of undertaking repairs and maintenance.

AI Data Centres - Energy Generation Investment

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

[2.47 p.m.]

On ABC Radio this morning, Leon Compton asked if you expected or would mandate that new AI data centre proponents invest in new renewable energy generation capacity to meet their massive power needs. You answered yes. Would you like to repeat that statement in here? What exactly does that mean in terms of new generation? Is it your expectation that Firmus will invest capex money into the construction of specific, new renewable generation projects to meet its total 440-megawatt draw on the energy system across its three current data centre proposals, or do they just have to buy power from a generator just like any other Tasmanian company? Do you consider everyday power users as investors in private renewable energy generation projects simply when they pay their power bills?

ANSWER

I will seek some advice. Our expectation, I think, stated without exception for large new load into Tasmania is the expectation that it would bring with it new generation, so whether that be e-fuels or hydrogen proponents or data centre operators, that there would be an expectation that it brings new generation to match its new load.

Ms O'Connor - Has Firmus been told they need to bring new generation?

Mr DUIGAN - The national AI infrastructure guidelines, the statement of expectations which was released in March, which Tasmania has been a party to, sets out very clearly that expectation and that there be no adverse impacts on other users in the network.

The Tasmanian government is also working on its guidelines or set of expectations around data centres and AI infrastructure, which will be released in the next 100 days. I've had

conversations with Firmus and it is very clear in its understanding of the need to pull through new generation in support of its, as you say, very substantial load.

Firmus - Energy Generation - Contract Terms

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

[2.51 p.m.]

Minister, we know that Firmus has signed a three-year contract with Aurora Energy for their energy supply. You've clearly stated that there's an expectation that new load brings new generation. I know it's not a long-term contract, but once they're built, if they haven't brought new generation online directly themselves somehow, then what does that mean? Does it mean they have to close down until they bring on new generation?

ANSWER

As you say, it's a short-term energy contract that has been provided for Firmus in that case in terms of it being an existing customer of Aurora in St Leonards, which it has been since 2019. But certainly, as I have said and will continue to say and continue to reiterate, that substantial new load brings new generation.

Firmus - Energy Generation - Contract Terms

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

The question I asked, and I'll repeat it, was when that contract expires, there is an expectation, the minister has clearly stated, that new generation will be brought on to provide for new load. Firmus is new load. After three years, when that contract is either up for renegotiation or expires or they have to go to someone else to enter into a power-purchase agreement, is there that point that they have to bring new generation on to meet the expectations that you've stated? And if they don't, what then?

ANSWER

As I've said, it's a three-year contract. Firmus would be aware of the requirement on it to continue to supply energy to that site, and it would be having ongoing conversations which will require pulling through new generation.

Firmus - Energy Generation - Contract Terms

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

[2.53 p.m.]

If Firmus were to enter into a power-purchase agreement with a mainland entity, for example, which they could, they could also seek to enter into one again with either Aurora or Hydro, but after all, Aurora is getting the power from Hydro - that's where it comes from. If

they do either of those things, that doesn't appear to be new generation according to your expectation - what does that mean for the further operations of Firmus?

ANSWER

Firmus would require energy for its site in St Leonards. It's got a three-year deal to supply energy for it. It will need to, going forward, find new energy, support new generation in Tasmania to supply that new load -

Ms Forrest - It's to be in Tasmania? Generation in Tasmania? But they can't enter into a power purchase agreement with the mainland?

Mr DUIGAN - As is the case, all new loads coming into our state.

Convicted Child Sex Abusers Divesting Assets

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

[2.54 p.m.]

- (1) Last Budget Estimates the Attorney-General said he would seek advice on how to ensure convicted child sex abusers cannot avoid justice by divesting their assets. Did the Attorney-General seek advice on this matter and, if so, what was the advice and how will government respond to the issue and the advice on this matter?
- (2) Does the Attorney-General have an update on the Commonwealth legislation that was aiming to ensure access to offenders' superannuation for victim/survivors of child sexual abuse? If so, could that information or update be shared with the Council?
- (3) Have any policies been put in place to avoid, prohibit or prevent public institutions from purchasing the assets from persons who've been convicted of serious crimes, including child sexual abuse?

ANSWER

- (1) Yes, the Deputy Premier sought advice from the Department of Justice, which is undertaking research and analysis on the issue. The department is considering options arising from the current operation of mechanisms, such as freezing orders, used to prevent persons from divesting assets in order to avoid meeting liability for compensation orders. The State Litigator raised the issue with interstate jurisdictions to see if there were learnings from other states and territories, but limited jurisdictional replies were received. The department has sought advice from the State Litigator on any issues it has encountered in seeking freezing orders in relation to child sexual abuse compensation matters.
- (2) The Commonwealth *Treasury Laws Amendment (The Survivors Law) Act 2026* received royal assent on 20 May 2026 and commenced the following day. The Commonwealth minister's media release noted that these significant reforms

improve transparency, reduce uncertainty and strengthen the enforcement of court-ordered compensation for victim/survivors.

Victims and survivors of child sexual abuse can apply for a court order to access additional personal or salary sacrifice superannuation contributions made by the offender where a related court order for compensation remains unpaid after 12 months. Victim/survivors will be able to apply to the Australian Tax Office (ATO), with appropriate safeguards, to identify any potential eligible superannuation of the offender prior to seeking access.

Unfulfilled historical compensation orders brought into existence before the bill's commencement will be eligible if they remain legally enforceable and were awarded in relation to a criminal conviction or finding of guilt for child sexual abuse offences.

The legislation has also amended the *Bankruptcy Act 1966* to allow compensation debts to survive an offender's bankruptcy. It does have a website - you can go to the Treasury website and receive that, which will be provided to the honourable member when she receives the answers.

- (3) The initial focus in response to ZAB's correspondence has been on mechanisms to prevent divestment of assets. The Deputy Premier wrote to the honourable member for Hobart on 11 September 2025 and 11 March 2026 with updates on this and other matters, noting that any updates from ZAB on the bankruptcy proceedings and findings would assist in addressing the issues raised in ZAB's correspondence. The findings on particular art acquisitions would be useful to ensure that any gaps in acquisition policies can be addressed.

In the interim, however, the department is liaising with the responsible department for the Tasmanian Museum and Art Gallery (TMAG) as a secondary focus. Indications are that there are not any purchases by TMAG of works known to be connected to Millwood. TMAG has a Provenance and Due Diligence Research Policy. The Provenance and Due Diligence Research Policy includes a requirement to check for evidence that 'there exist any pre-existing or prior disputes or wrong-doings, unless evidence is provided of a binding settlement or abandonment, remission of liability, or other extinguishment on binding terms of any claim resulting from the dispute or wrong-doing, in circumstances that do not compromise the contemporary ethical status of the item'. The policy also emphasises the need for documentation, transparency and accountability.

Any additional information provided by ZAB relating to concerns around acquisitions of Millwood's assets and other matters will be appreciated and investigated as part of the response to the concerns.

Ms O'Connor - Thank you, that was a really comprehensive answer.

Answer to Question - Eastern Shore Basketball Facilities

Mr DUIGAN - I'd like to add to an answer to a question from the member for Pembroke yesterday in relation to correspondence from Dominoes Basketball Club. I can confirm the correspondence referred to has been received by my office and additional information has been sought. I expect to be able to formally reply to the club this week.

PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (No. 8)

Second Reading

Resumed from above (page 27).

[3.01 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Prior to the lunch break I was responding to questions being put forward by the member for Launceston and I will continue.

On stakeholder consultation, CBOS has undertaken over two years of careful consultation with key stakeholders including the Law Society of Tasmania, the Shopping Centre Council of Australia - I'd like to belong to that - the Property Council of Australia and TASCAT to develop a proposal for a comprehensive and balanced package of amendments to the act.

Ms Armitage's proposed amendments to the *Retail Leases Act* have not been subject to any stakeholder consultation. Introducing significant new lease termination rights without consultation risks unintended consequences, legal challenge and stakeholder opposition, particularly from the Law Society of Tasmania, which has been closely engaged in the reform process.

I have an addition to that in regard to the request. The Department of Justice has been working on amendments to the *Retail Leases Act* to address stakeholder concerns which have prevented the bill from being proclaimed. The government would like to work with the member for Launceston to coordinate her proposed amendments to the *Retail Leases Act* in conjunction with the next tobacco bill to ensure they are all aligned.

I trust that is receptive to the member for Launceston, but I'm sure when we get to the Committee stage, there will be an opportunity for her to make a decision about that.

In regard to nominated officers, I congratulate the member on such a wonderful civic duty that you -

Ms Armitage - I must find my lanyard.

Ms RATTRAY - Well, I think you probably should. I want to join with the government to thank the member for sharing her experience of volunteering as a nominated officer. I note that the environment has changed significantly even in the past five years. I don't think they

want you to go out alone, I think that's what they're saying. Prior to this, the regulatory environment involved regulation of licensed operators selling legal products.

This has now been disrupted by the organised crime elements operating outside of the licensing framework. In this context, it is critical that the officers be appropriately qualified, trained and overseen. I don't think they want to take you up on it right now but I'm sure you will still be looking out in your Launceston community, member.

In regard to controlled purchase operations, these are used to monitor whether retailers comply with the ban on selling smoking products to people under 18 years of age. They are also an important tool for detecting broader unlawful trade. A retailer willing to break the law by selling smoking products to children may also be more likely to break the law in other ways, including by selling illicit, prohibited or noncompliant tobacco and vaping products. During a controlled purchase operation, a child, generally around the age of 14 years, seeks to purchase a smoking product from a retailer. Parent consent is obtained; a tobacco control officer leads the operation and there is a support person for the child. The ability to issue an on-the-spot fine as a result of this controlled purchase operation has been added in this bill. The department's current approach is to conduct a controlled purchase operation within existing resource constraints and in response to a complaint only.

The department has received low levels of complaints about licensed tobacco sellers in recent years, which may reflect reduced cigarette-smoking prevalence by young Tasmanians and a shift in increased access to online and peer-to-peer sources, often run by illicit traders. Data suggests young people are increasingly using non-retail products rather than purchasing from licensed retailers. These trends mean controlled purchase operations remain an important compliance tool, but they are used in a targeted and risk-based way rather than routinely to ensure resources are directed where they are most likely to detect and deter unlawful behaviour. The member for Launceston, I trust that provided you with a range of answers.

There were questions from the member for Hobart. The government acknowledges the member for Hobart for her words in support of this bill and would also like to reiterate the link between reducing illicit product and reducing overall harms. For decades, the high price of tobacco was a key measure to prevent uptake and reduce demand and so, improve health. Illicit products are sold at cheaper prices and not only flood the market but also undermine a key tool of preventive health. They also serve to renormalise widespread smoking and vaping, which, as the member has noted, is a tool used by the industry to keep people smoking and vaping. I reiterate the intent of this bill is to disrupt and deter the illicit trade.

The member for Hobart also expressed concern about undermining the powers of the Director of Public Health in a separate bill currently being prepared. The emergency powers amendment will be dealt with separately and the department has received significant feedback, which it is currently analysing. That bill is separate and deserves to be dealt with in its own time by the member.

To questions from the member for Rumney, the member has requested information on the Preventive Health Strategy. I note this strategy was launched recently and supported by a specific and detailed action plan which ranges widely across government and the community sector. Under that, planned smoking and vaping cessation and prevention is a key pillar and priority. The government is also working closely with national partners to strengthen tobacco

control and has secured an additional \$840,000 over two years under the 2025-26 Illicit Tobacco Compliance and Enforcement package.

The member for Rumney also expressed her concern in relation to the Director of Public Health's support for closure powers sitting with the secretary. The government can assure the member that the Director of Public Health has indicated, in this case, his support for this approach.

I trust that answered the questions that were put forward by members, but there's also that opportunity through the Committee stage to get any further clarification should that be required. So, that's my offering.

Bill read the second time.

**PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER
PRODUCTS) BILL 2026 (No. 8)**

In Committee

Clauses 1 and 2 agreed to.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Clauses 6 and 7 agreed to.

Clauses 8 and 9 agreed to.

Clauses 10 and 11 agreed to.

Clauses 12 and 13 agreed to.

New Division 3A agreed to.

New Division 3B agreed to.

Clause 14 agreed to.

Clauses 15 and 16 agreed to.

Title as read agreed to.

Bill reported without amendment.

SUSPENSION OF STANDING ORDERS

Third Reading Forthwith

[3.15 p.m.]

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

That so much of Standing Orders be suspended as would prevent the bill being read a third time forthwith.

Ms FORREST (Murchison) - Mr President, I apologise for not being here for the majority of the debate on this bill. However, I will rise on this request. We see this happen at the end of every session before the winter break. This is a problem of the government's own making. The government controls the schedule, as we well know in this place. The fact that we're here doing it on the Thursday of the last sitting day and the lower House aren't sitting again for, I think it's six weeks now, I can't support the third reading of a bill without a really genuine case being made for the haste. We all understand the importance of this legislation and the member for Launceston raised a number of matters in her comments. I haven't read your contribution on the bill, I'm sorry, member for Launceston, particularly with regard to parts of this legislation that haven't even been enacted. Now, we hear from the Leader who has replied that the government is happy to work with the member for Launceston to see those amendments she wished to put into the next lot.

I understand the importance of this legislation. I understand the very real risk to partly the federal government revenues from the illicit tobacco sales and I also appreciate the briefing we had from the police talking about the very real risks and challenges here. This is not Victoria, thankfully, at this stage. We hope that doesn't come, some of the things we've seen happening in Victoria. I've spoken to people who operate in Victoria and I'm sure to a degree in New South Wales as well. Unless I missed something in my absence, I'm not aware of a blinding rush for this. I understand the importance of it, but unless I can be convinced there is absolute urgency, we should always abide by proper process in this place, because when we don't, that's where things go wrong. It is the government's responsibility to get things that matter to us in a timely manner.

[3.19 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Mr President. I will support this and I've noticed that obviously the member for Murchison wasn't here to hear my contribution, and the reason that I'm not moving the amendments is that they do go into a bill that hasn't been proclaimed. It's nothing to do with the public health bill. It's the retail leases bill, because it's obviously regarding leases. I do accept that to actually put those amendments up would significantly delay this bill because of the need for consultation. I have been given a commitment that I will work with the Department of Justice to actually put those in; they are looking to put amendments into the retail leases bill. The reason I'm really prepared to support this - I appreciate the urgency for this bill, and I really don't want it held up significantly - the reason I actually am not even looking at my amendments is so that we don't delay the bill significantly. I understand that all those weeks before the other House comes back, to delay, I see it as an urgent bill. I believe that we should be getting it underway as soon as possible. Hopefully it receives royal assent fairly quickly and it gets proclaimed. I will support it.

[3.19 p.m.]

Ms WEBB (Nelson) - Thank you, Mr President. As a matter of putting it on the record, I won't be supporting the move to suspend Standing Orders to do this. I agree with the member for Murchison's position on this: there are all kinds of bills that we could make some form of urgency argument about, and it simply has to be a very, very high bar to warrant us subverting the practices of this place, the Standing Orders of this place. It hasn't been reached by this. It's a matter of seven weeks. Yes, of course, it'll be great when this gets going and we can actually put this enforcement into good practice in the field. But this is an issue that has been going on for years, I would say, and the government has dragged its feet addressing it. An extra seven weeks for the purposes of this place sticking to its guns and sticking to the proper process is neither here nor there.

I believe it's absolutely unacceptable for the government to do this to us every single time and pretend that it's our fault somehow for holding something up that they could have brought to us far earlier and got done and dusted if there was genuine urgency to it, to somehow portray that there's a roadblock here, potentially, for what is their own failing in time-management. Sure, this bill will be a very good one to have enacted and have underway - seven weeks, neither here nor there.

[3.21 p.m.]

Ms O'CONNOR (Hobart) - I respectfully completely disagree with the honourable members for Murchison and Nelson. Seven weeks is actually a long time in a legislative sense, and we have to ask ourselves, what are we trying to achieve here? Are we trying to make a point to government to get its act together? Well, we can say that and make that point.

I think we risk coming across as pretty bloody minded because of an attachment to proper process. It is not an improper process to suspend standing orders to bring on the third reading of this urgent bill. It's not improper to do that. In fact, it's the practice of the other place to do that on a regular basis.

Ms Forrest - They're not a House of review.

Ms Webb - And that's because we clean up their messes.

Ms Forrest - They're not a House of review, either.

Mr PRESIDENT - Order. Honourable member.

Ms O'CONNOR - It is absolutely no skin off this Council's nose to agree to suspend standing orders to have this urgent bill read a third time. We can make the point through what we say, but at the end of the day Council has passed the bill through the second reading and the Committee stage, and seven weeks is a long time just for a piece of process on the third reading. I'll be supporting the suspension of Standing Orders.

[3.22 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - I've got a number of speaking points here, but I don't think it's warranted to put all those onto the record. I completely understand what has been put forward by the honourable member for Murchison. She is consistent. Absolutely. The honourable member is consistent. I did give her

the heads-up at lunchtime because I didn't want to bring this on her and she wasn't here this morning to hear that I flagged it in my contribution to the second reading debate.

I acknowledge that. Likewise, I acknowledge the honourable member for Nelson in her contribution, but I am very pleased that there were a couple of members who stood and could see that there was some urgency around this. I agree that it's gone through the second reading, it's passed and the Committee stage has been had. Obviously, there were some fulsome answers to the questions, there was a number of those, and I'm very appreciative of the advisers who were part of that process. Thank you. It does make a big difference to be able to have fulsome answers to questions that are being posed.

It's not something that the government would want to do on a regular basis, but from time to time it has happened. I expect that there will be times again where there is some urgency and it may well happen again, whether it's this government, some other government or whatever that looks like.

I'm just asking members if they would be supportive of this suspension of standing orders to allow the third reading of what I consider - and I wouldn't stand here if I didn't think that it was worth the urgency to stand here and make this request. Again, I'm not going to read all the information that I've been given. Thank you, I did have a couple.

Mr PRESIDENT (Mr Farrell) - The question is that so much of Standing Orders be suspended to allow the third reading of the bill.

The Council divided -

AYES 9

Ms Armitage
Mr Duigan (Teller)
Mr Edmunds
Ms Glade-Wright
Ms Lovell
Ms O'Connor
Ms Palmer
Ms Rattray
Mr Vincent

NOES 5

Ms Forrest
Mr Gaffney
Mr Hiscutt
Ms Thomas
Ms Webb (Teller)

Motion agreed to.

PUBLIC HEALTH AMENDMENT (PROHIBITED TOBACCO AND OTHER PRODUCTS) BILL 2026 (No. 8)

Third Reading

[3.31 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Before I move that the bill be read the third time, I would like to thank those members who

agreed to do this today. I will endeavour to sit a bit later next time so we can get it all done before we need to.

Mr President, I move -

That the bill be read the third time.

Bill read the third time.

RESIDENTIAL PARKS BILL 2026 (No. 2)

Second Reading

Continued from 16 April 2026 (page 54).

Ms WEBB (Nelson) - I was on my feet when we adjourned this debate, but I had completed my contribution on the bill, thank you.

Ms O'CONNOR (Hobart) - I rise to speak in support of the Residential Parks Bill 2026, and I want to state at the outset we've been working really diligently on this issue for some years now, particularly my friend and colleague, the member for Bass, Ms Rosol.

This bill establishes a range of rights and obligations for long-term residents of caravan parks in Tasmania, whether they be residential or tourist parks. We have been the only state in Australia without specific legislation that protects the rights of tenants of caravan parks and, of course, of owners too.

It was developed in response to a really difficult situation faced by residents of the Beauty Point Tourist Park over the past couple of years. They brought proceedings against management following a spate of unlawful and unfair evictions and other legal disputes.

The bill establishes a number of protections for long-term residents of caravan parks including: requiring the preparation of a residential park agreement - which is very similar to a tenancy agreement - and park rules clarifying the rights of residents to sell their property; establishing obligations for park owners to keep residential parks clean and maintained, facilitate quiet enjoyment, maintain services and provide 24-hour access to residents; setting out rights and obligations for park owners and residents in respect of rents and other charges; outlining the circumstances in which a residential park agreement can be terminated; and providing residents and park owners access to the Tasmanian Civil and Administrative Tribunal for appeals.

I want to thank the representatives of Caravanning Tasmania, who came in to brief members yesterday. A number of issues were raised and I was really glad to see that the stakeholders got a very solid hearing from MLCs. I understand there have been some conversations with the minister's office overnight. Hopefully, those concerns put to us have been assuaged as a result of those conversations, but no doubt we will hear more about that in the response to the second reading.

The bill applies to agreements that grant a person a right to occupy a site in a residential park, when that site is to be that person's principal place of residence, with a right of occupancy to that site for 90 days or longer. The bill does not apply to a range of other tenancy arrangements, including holiday occupancy, where the site is not a person's principal place of residence, where a tenancy agreement under the *Residential Tenancy Act 1997* applies, or where the agreement includes the sale of land.

The bill also addresses many of the major issues that create enormous problems in people's lives caused by the lack of specific residential park protections. There were a handful of key issues raised in submissions to the draft bill. I would like to hear the government's response to those matters raised because they hadn't been dealt with in the other place. I don't know if there has been any further effort to engage with the concerns raised in the consultation process.

One was about section 22 - Access to residential park - extending access provisions to guests and service providers of residents. How do we protect that? Section 26 - Charges in respect of rented property - is adding a provision that prevents a park owner from adding an amount on top of the amount charged to the resident for electricity.

Concerns were raised in submissions around: section 42 - changes in respect of rented property; section 46 around variations of rents and the rights of tenants and landlords or park owners in that context; section 58 - Duty of mitigation; and section 72 - Termination at the end of fixed term. The Tenants' Union had recommended removing this provision in order to ensure there's no ability for a no-grounds eviction, and that is most certainly unfinished business in the current *Residential Tenancy Act*.

I want to discuss, briefly, because those of us in the Greens offices walked this journey with Cecily as she represented the Beauty park residents. She worked really hard in developing this bill and engaged with government on it. She also did a lot of work in Beauty Point itself, and she showed enormous solidarity with the residents of the Beauty Point Tourist Park. I think there was a time there when they really felt they weren't being heard, and they were certainly being heard by Cecily and the Greens.

She's campaigned tirelessly alongside the community since before she was elected to parliament, and continued that work through her time in the other place, including proposing a number of amendments that improved the bill, adding the right to appeal all types of terminations, the ability for a bond to be held by the Rental Deposit Authority, and the right for individuals, as well as groups, to apply to the tribunal for a determination on unreasonable park rules.

Ms Rosol has advocated for the rights of long-term residents of caravan parks, but also for renters in caravan parks and people who might find themselves living in a caravan for short or indeterminate periods. She's made sure the bill we have before us today provides rights and protections for all groups to the extent that we could in the other place. I want to acknowledge that, because it's easy to stand up and get your photo taken with people when an issue is hot in the media, but it's a lot harder to keep on doing the work behind the scenes with different stakeholders, interest groups, complex problems and working hard to achieve compromises and make decisions that provide the greatest benefit to those in need. That's what my colleague Ms Rosol has done on this bill.

I want to pinch a little bit from Cecily's contribution in the other place because I think it's worth acknowledging some of the community members who have brought us to this place, in this House also. Cecily said:

I cannot go further in my contribution without acknowledging the residents of Beauty Point. I first became aware of what was happening at Beauty Point when I was standing as a candidate for the 2024 state election. I had some very distressed residents of the caravan park contact me during that period. Over the next couple of years, residents at the caravan park faced evictions. Their family and service providers were sometimes prevented from visiting them in the caravan park. There were unilateral changes to park rules. Some residents were prevented from selling their residences, meaning they were stuck, or they lost their money. This was a time of incredible stress and distress for the residents of the Beauty Point Tourist Park. They faced much uncertainty because they didn't have the protections they needed.

I acknowledge some of the people who were impacted by this. I am thinking of residents like John Lowe, who was to be evicted from his property but was successfully able to fight his eviction in the courts. I think of John Dennis, Lexi and Bob, and I know there are other residents who have been impacted.

I also think of Roslyn, or 'Rozzi' Grima, who was prevented from selling her home before she passed away and spent the last few months of her life fighting for her rights over her home.

There are many stories of great distress at the tourist park in Beauty Point. There are also positive stories of community support. The community rallied around the residents of the tourist park and formed an association, and have been tireless in their efforts to protect residents of the caravan park and advocate for this bill.

Cecily went on to say:

I'm thinking of people like Sherryl Smith and Steve Shaw, and the support they gave residents of the tourist park through their involvement with the association. There are other people in Beauty Point like Marian Fletcher, who brought forward the petition signed by close to 2800 people, almost 2000 of which were on paper. It is a lot of work to gather that many signatures. I also give a shout out to Vanessa Bleyer, the lawyer who has been supporting the residents of the tourist park.

I'll just pause there briefly, Mr President, to acknowledge that Vanessa Bleyer, a wonderful environmental lawyer, will be our next senator for Tasmania, and I'm very happy about that.

[Vanessa] has fought tirelessly for them in the courts and been able to win them protections along the way.

Residents of Beauty Point and many other tourist parks around the state have lived with the fear of losing their home and with uncertainty. It is a huge

relief for them and for those of us who have advocated for them to have this legislation being debated today. It'll put solid protections in place that will provide security, confidence and peace of mind.

In saying that, on behalf of Cecily, I acknowledge the government's work on this, its receptivity to seeing reform and making sure that we did join the rest of the country in having protections for caravan park residents.

I commend the minister and the department for working really collaboratively in developing this piece of legislation and even downstairs, there's quite a collaborative process. I'm really pleased to stand here on behalf of the Greens in this place and indicate strong support for the Residential Parks Bill 2026.

[3.43 p.m.]

Ms FORREST (Murchison) - I don't intend to speak for a long time on this; there is a fair bit to get through if we get into the Committee stage. But I do rise to speak in support of the Residential Parks Bill 2026, and to indicate clearly I support the principle and the intent of this legislation. I begin by acknowledging the extraordinary efforts of the residents, advocates, lawyers and community members whose persistence has made it possible, their tenacity in the face of real hardship. The member for Hobart just spoke about some particular cases and I know the member for Rosevears did when she spoke as well. They have been the driving force behind this reform, and it would be wrong to begin any contribution to this bill without that acknowledgement. I do appreciate the contribution of other members, who have described their very direct insight into how and why we are here.

The central fact underpinning this bill is one that does not actually need to be stated. Tasmania has been the only state in Australia where long-term caravan park residents have not been protected by the same framework that applies to tenants in ordinary residential homes - not in relation to rent increases, not in relation to bonds and not in relation to evictions.

This fundamental inequity has become far more obvious with the ever-increasing cost-of-living pressures and the critical housing shortages impacting on some of our most financially vulnerable residents.

I believe it is important to acknowledge what this gap has meant for the real people in our communities. Residents who have lived in their parks for many years, in some cases, decades, found themselves with fewer legal protections than someone who merged into private rental last week. They owned their homes but rented the land beneath them, and when disputes arose, they discovered that the legal framework offered them almost nothing.

As well outlined by the members, the Beauty Point Tourist Park has understandably become the most cited case in this debate. I know it's not the only one, but it's a stark reminder of why we're here. Residents of that park, many of them elderly, many of them unwell, faced unlawful convictions, disruption to electricity and water supply, and were physically prevented from accessing their own homes through boom gate restrictions.

A Supreme Court judge ruled that at least one eviction notice was invalid and of no effect, but residents should not have needed to go to the Supreme Court. Many in such circumstances would have been unable to proceed down that path without the real support that they did receive and would have ended up completely homeless.

As the member for Hobart noted, and I'm pretty sure the member for Rosevears as well - it's a little while ago since she spoke - I also note the work of lawyer Vanessa Bleyer, now a Greens senator-to-be, from my own electorate.

The Examiner newspaper, which described residents in those court proceedings, observed that 'it appears the government had looked at every case that came before the Supreme Court and incorporated those specific issues into the bill to prevent them from arising again'. That's a really positive piece of work. The system can work from time to time. I commend the government on this approach; that is exactly what we expect of good legislation. It should be grounded in the demonstrated reality, the harm and not theoretical risks.

The Beauty Point situation drew national attention, but it was not the only case. Across Tasmania, residents of caravan and residential parks have faced sudden rent hikes, inadequate notice periods, profound uncertainty about whether they can remain in their homes or realise the value of the dwelling they actually owned.

I believe this bill is far more than a narrow consumer affairs matter. It must be understood in the full context of Tasmania's housing pressures because residential parks are increasingly a structural component of our housing system, whether we like that or not. It is quite a lovely community to live in for a lot of these people. The choice to live in these residential parks may be a matter of personal choice because of that sense of community that often exists in these residential parks, the caravan parks and communities that thrive around them.

Unfortunately, they're not always the choice of the people. Sadly, too many people find themselves with no other options. They don't have an actual house on a piece of land that they can rent through the private or public housing framework, and they can't afford their own home. More often than not, it's because it is the most they can afford.

Across Australia, and particularly in Tasmania, caravan parks and residential parks are home to retirees, pensioners, people on low and fixed incomes, people who cannot access public housing or face lengthy wait lists, people escaping family violence situations and people who simply cannot compete in the private rental market that has become extraordinarily difficult.

I do fear that we're going to see more and more of this displacement of vulnerable people in the north-west without proper planning for the Marinus Link project, the North West Transmission Developments, the mines that are about ready to hit the ground running with expansion and reopening. If we do get some of these major energy projects up like Whaleback Ridge, for example, that's just the start of it. There are real risks here and this is why it is so important that we protect the people who actually are already in these situations, so they can't just be shafted, which is a very genuine fear I have.

It's beyond residential parks, not as much the public but certainly the private rental space, on the west coast and the north-west coast. I know from talking to the general manager at the West Coast Council, who has done a power of work in this space, in 2027, when the Unconformity Festival is on - and I don't have it with me - but there will be a huge peak in the necessary accommodation in that period, that's just with the festival, that is unmet. They're going to probably have to have a tent city at the airport to facilitate that. It is a short-term pressure, but if several of the other projects get going up there, there will be people who will be displaced from private rentals that are quite cheap in the big scheme of things in many parts

of the west coast at the moment. The GM from West Coast Council, Scott Riley, said that, by his calculation, there could be at least 300 homeless families ending up on the coast on top of the other pressures that could come. It's a really serious matter, and I will keep talking about it because the planning hasn't been done. There's work going on now; Cradle Coast Authority and Phil Reid there have done some great work, but it is a massive pressure and you can't fix it once it starts. That's just the housing we're talking about now, so I won't go to the other points. I will stay on point here.

Some of these residents have made a deliberate, rational choice to live in the park settings, as I've mentioned, but sometimes it's because it's one of the few remaining forms of housing affordability available to them. It's not their first choice. For some it may be, but for the vast majority it's not. Tasmania's housing crisis is well documented. Vacancy rates are at historic lows. There is just no capacity. Rental affordability has deteriorated significantly. Median rents have risen sharply relative to incomes. Homelessness and housing services stress has increased and the services are stretched. Public housing lists are long and, in that environment, residential parks are not an easy lifestyle choice, but for many Tasmanians they are the genuine housing necessity.

This bill addresses the lack of protections for residents of those parks who have been without basic legal protections that have contributed to and possibly compounded housing insecurity. When advocate Josh Manticas spoke to the consultation process, he identified the population of Tasmanians these caravan parks serve. He identified that these were people who were escaping domestic violence, people who cannot afford private rentals but do not yet qualify for public housing, or who qualify but are on extensive waiting lists. He described these parks as addressing a significant gap in the market.

I just want to speak briefly about the substance of the bill, before coming to a couple of broader points I want to make. I know there are amendments being proposed that we will debate further in the Committee stage. The bill creates a dedicated legislative framework for long-term residency in residential parks. It provides clear written site agreements setting out the rights and obligations of both residents and operators. It establishes regulated processes for rent increases, bonds and evictions, bringing Tasmania into line with the protections available in every other Australian state. It confers fundamental residents' rights including secure occupation and quiet enjoyment, 24-hour access to essential facilities, a clean and well-maintained park, and fair rules governing alterations and operator entry. The bill also clarifies the obligations of residents to keep sites clean, respect neighbours, pay rents on time, comply with park rules and ensure guests behave appropriately.

This is a two-sided framework, and the balance is appropriate and important. Rights without corresponding responsibilities rarely produce workable outcomes for either party. Critically, the bill gives the Tasmanian Civil and Administrative Tribunal (TASCAT) clear powers to resolve park disputes quickly and fairly, covering compliance, compensation, agreement changes and possession orders. It also protects residents from retaliatory action for exercising their rights and that's important. Some of these people are quite vulnerable and it's really hard to take a matter up to someone who basically can determine whether you end up staying in the house you've finally got, or not; but the bill protects residents from retaliatory action for exercising their rights.

The bill presented includes amendments which secured the bond being held by the Rental Deposit Authority and the right of residents to appeal rule changes and evictions to TASCAT, which are important improvements in the bill's protective framework.

Notably, the bill includes retrospective provisions to protect existing residents, providing certainty and clarity for those currently living in parks, who should not have to wait for the new agreements to be entered into before they can enjoy the benefit of this legislation, and the fear that maybe something will go wrong in the interim.

Unlike some other legislation that has come before us over this last year, this bill has been through an extensive public consultation process. A discussion paper was issued in 2024. The draft bill was released for public comment on 20 December 2025, 58 submissions were received and the community was invited to participate, and did so substantively. The resulting legislation reflects that input. The bill was then introduced to the other place in March this year, where it underwent further amendment before passing with support across the Chamber.

I also want to acknowledge this reform involved genuine complexity. It wasn't a straightforward piece of legislation, as we can see when we work our way through it. Long-term caravan park residents occupy an unusual legal position: they often own the structure they live in, but they rent the land beneath it. Their circumstances interact with planning law, building law, public health law and consumer laws in ways that are genuinely intricate. It would be very difficult for many of them to understand all those obligations. Getting the framework right did require care and it has taken some time, but I believe the framework now before us, in broad terms - and I know there will be further debate in the Committee stage - is a measured and considered response to a clear and documented problem.

As I said, I support the principle of the bill without qualification. The principle is straightforward: if you make a residential park your home, you're entitled to the basic legal protections that every other Tasmanian renter enjoys. You should not be evicted without cause and without proper process; you should not face uncapped rent increases without notice or recourse; you should not be physically prevented from accessing your own home. It seems pretty basic when you look at it like this, but we do need legislation to deal with some of these matters because if it's not there, then people, most often very vulnerable people, are treated poorly. Residents should have access to fair and accessible dispute-resolution mechanisms. These are not radical propositions at all. They are the baseline expectation of a just tenancy system.

I also support the intent of the bill to create a framework that is durable, one that gives both residents and operators a clear understanding of their respective rights and obligations, reduces the conditions in which disputes escalate to litigation, and supports a stable and sustainable residential park sector. We need those, not just for housing, but we also need them for our tourism sector. More and more we're seeing them used for worker accommodation, which has its own challenges. Uncertainty is bad for everyone. Operators cannot plan effectively when their obligations are unclear. Residents cannot live securely when their rights are undefined. This bill does resolve those uncertainties.

I do have a couple of questions and I ask the Leader to provide some further detail in her reply: has TASCAT received sufficient resourcing to manage increased referrals and how has this been confirmed? I would also like to know the notice periods provided for the different categories of termination compared with other jurisdictions, if it's possible to get that. I know

some of these matters were referenced, I think, in a briefing we had some weeks ago now. It would be helpful to get those on the record as well.

I acknowledge it has taken some time to deliver on this legislation, but that's not a criticism, as it is a complex area that required careful consideration. That said, it has taken far too long for some people. There have been many Tasmanians who have been elderly, vulnerable and without resources to mount costly litigation, who have been seriously disadvantaged by this legislative gap. On a positive note, the bill has been brought in as Tasmania's housing market continues to experience acute pressure on those least able to absorb it. Providing a clear overdue correction to the legislative gap that was left in our state as the last jurisdiction in Australia to fix it, it will afford these protections.

As I said, I support the bill and I commend the residents, advocates and legal practitioners whose years of effort have made this reform possible. I thank the government for ultimately bringing it forward and the work done by others in their roles as elected members to improve upon the bill that was presented.

[4.00 p.m.]

Ms LOVELL (Rumney) - Thank you, Mr President. I will make a very brief contribution. We will obviously be supporting this bill. This bill is a really good example of where members from many different backgrounds and many different electorates have all advocated for a solution. The government has taken that on board and produced a bill that might not be perfect but certainly goes a long way to providing those protections that long-term residents in caravan parks have been waiting for so long. This is a great example of where that grassroots community action can really result in legislative change that we're here debating today. We are the last jurisdiction to take action, I understand, on protections for long-term residents in caravan parks in Tasmania. We're pleased that we're finally here. I do want to acknowledge the time that it's taken because while it's a good thing that we have that grassroots community action resulting in legislative change, that does come at a cost, particularly when we're talking about an issue that affects people so deeply and in such a vulnerable way.

There are lots of reasons why people may become a long-term resident in a residential park or a caravan park, but often at times that's because they're in a precarious housing situation and maybe quite vulnerable. It is really important we can act on this now to protect those Tasmanians. At the same time, balancing the interests of park owners, making sure we have a really robust framework in place that, as the member for Murchison said, provides the same protections for people who, for whatever reason, choose to make a residential park their home as they would get in any other home here in Tasmania.

I do have some amendments to move in the Committee stage, and I will speak obviously in detail about those amendments when we get to that point. I would like to flag with members that there have been some formatting issues, and I will make sure you have an absolutely correct version of those amendments before we get to that Committee stage. The amendments are targeted practical changes that respond to lived experience and aim to improve the bill in a few key areas, particularly regarding sale timeframes, transfer protections, security deposits for existing long-term residents, and ensuring comparable agreements are offered where a dwelling is sold but the existing agreement is not transferred. I hope members will consider supporting those amendments. I know there are some other amendments we will be debating. I look forward to those debates and hearing the case being put for those amendments, because this is an opportunity for the Chamber and the parliament to take a piece of work, make some

improvements to it, but deliver something that is desperately needed and has been long fought for in the community. Thank you.

[4.04 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Mr President. I thank the Leader for bringing the bill forward. I have a few remarks to make.

The bill creates some quite significant legal changes for both owners and operators of caravan and holiday parks and longer-term residents. This bill effectively creates a presumption that anyone who has lived in a caravan park for 90 days or more as their primary residence is considered a tenant of that park and is therefore granted a different set of rights.

Another thing I believe this bill does is it also vastly changes the responsibilities of caravan and holiday park owners, operators and managers. It will add duties to them that involve those similar to a landlord with rental properties rather than a holiday park owner-operator whose responsibilities extend only to those related to holiday stays. These are vastly different things. People's places of residence do need to be protected with basic rights. Warmth in winter, cooling in summer, safe cooking and washing facilities, insurance and contractual matters all need to be regulated in this regard. But owner-operators, the people whose responsibilities will be changed by this legislation, also need support and assistance. The business models of owner-operators of holiday and caravan parks in Tasmania are just that: holiday and caravan parks, not residential parks. Their entire business models have been devised to run places that are intended for holiday stays. To this end I'm not sure if the government is really taking the industry along with them, so to speak, but rather, unilaterally changing the playing field.

As we know, Tasmania relies heavily on holiday and caravan parks to provide tourists with safe, pleasant places to stay and a fun experience. We have to be mindful that changing the responsibilities of owner-operators could significantly change the character of these places. We should be doing everything we can to allow these businesses to focus on providing great short-stay and holidays stays, and I'm not sure if adding landlord responsibilities to that is very sensible.

I therefore have some questions, and I know much has been answered but I'd like it to be on the record for anyone reading *Hansard*. I'd like to put it to the Leader in the hope I can get a better understanding of the policies driving this bill, and the changes it will have for owner-operators, as well as those who stay with them.

Firstly, I'd like to know more about how the timeline of 90 days was devised. As I've foreshadowed, the difference in rights between people who have resided at a caravan park for 89 days compared to 90 days are vastly different, yet only separated by a matter of hours. Two very different, distinct classes of people are being created by this bill, so how are borderline cases resolved? I'd also like to understand better how existing rental rights apply to those living in holiday and caravan parks. For example, would the right to keep a pet now be extended to people who this legislation would apply to?

I have reached out to owner-operators, and they have expressed concern to me about the difficulties this legislation will raise for them. There will be many additional situations that owner-operators will have to contend with. These take time and resources to resolve - time that then cannot be spent on ensuring that holiday-makers are getting the best possible experiences

when they visit Tasmania. I would also like to know what sort of support is going to be provided to owner-operators, especially in terms of legal support such as devising contracts and dispute resolution processes. These are completely uncharted waters for Tasmanian holiday parks. I don't think it's necessarily fair to expect them to navigate them all on their own.

I also note and acknowledge the advice we received from those in the industry during briefings. Their input was helpful and valuable. In particular, operators support the intent of the bill and any measure which creates clarity and certainty around the rights of both operators and residents of holiday and caravan parks. There is support for clear legal frameworks and express rights and responsibilities for all parties involved.

From the briefing provided, I'm of the understanding there are concerns surrounding the way the bill is currently drafted, specifically that the bill may unintentionally capture accommodation arrangements that are not genuinely long-term residents, which in turn creates uncertainty for park operators and residents. Furthermore, this may have the unintended consequence of certain forms of accommodation being reduced or withdrawn from the market altogether, which is absolutely not the outcome any of us want.

Firstly, I understand that the bill appears to be directed at long-term residents who own their dwelling and occupy a site within a residential park. A more specific definition, however, is being asked for. As noted in the briefing, holiday and caravan parks offer a huge range of dwellings including cabins, vans, caravans, glamping tents, motorhome sites and other forms of temporary and short-stay accommodation. To this end, it has been asked that the bill expressly exclude park providers' short-stay accommodation, including cabins, caravans and vans, and make clear that where accommodation is supplied with a dwelling owned or controlled by the operator, it is not a residential park agreement unless it's specifically intended and documented as a long-term residential arrangement.

If the Leader could please provide some information that could help address these concerns, I'd be most grateful. I'm sure much of it has been, but it's really good to have it on the record, certainly to have it on *Hansard* even though I know some of it has been clarified in briefings.

I've already touched on the 90 days giving rise to the creation of long-term residential rights. There are a few more remarks I would make in the context of the briefings that we have received, particularly this week.

While I'm aware there are factors beyond just a 90-day stay, including things like where a person is registered to vote, mail forwarding and so on, there's still a great deal of uncertainty surrounding it. It is fair that park operators should be able to know whether they are entering into residential arrangements before that arrangement arises, not after the fact. This might mean creating an obligation for a resident to disclose this at the earliest possible opportunity.

Also raised in briefings was the issue of worker and staff accommodation. As I said, I know that many of these issues have been resolved. However it would be really good just to have the answers on the *Hansard* for the people who have come to me, so they can see them clearly in one place. Having a place for seasonal or project-based employees and staff is integral to Tasmania's economy. From agriculture to health care, we need this sort of accommodation.

In plenty of instances, such workers are in residence for 90 days or more and have no other primary residence during this time, endowing them with long-term residential rights, even though it's very obvious they will return home, possibly interstate or overseas, in the not-too-distant future. What has been asked for is a specific exemption for this type of resident to ensure that the rights and responsibilities of both the park owner-operators and the residents are clear and relevant to the circumstances.

Finally, the issues around legal complexities like insurance and zoning have been raised. Where a person becomes a long-term resident of a place like a holiday or caravan park, their legal responsibilities also change. This includes having an adequate level of insurance to protect themselves and the people who are living or staying around them. Moreover, how does local and regional zoning work where specific rights are being created for people to live in holiday and caravan parks as a long-term resident or tenant?

Will consequential zoning alterations need to be made? Who will therefore become responsible for resourcing and making those assessments? What is being asked for here is a clear allocation of risk, the cornerstone of any contractual relationship. Legislating to require a resident to show they possess adequate levels of insurance to protect themselves and those around them is not unreasonable.

I hope the Leader is able to provide some assistance or advice. I know there are many varied concerns relating to the bill, but they are important. We want people to be able to stay in residential parks and have the option of extending that into a longer-term arrangement with the security and safety that tenants of other properties get. I think many valid concerns have been raised and, again, know that holiday and caravan park owners and operators support the intent of the bill and the policy behind it.

What is being asked for is clarity and certainty, which is ultimately beneficial to everyone in the end. If I could have some answers to the questions and I probably know the answers to many of them, but it's really important to have them on the record, so they are in one place for people to be able to find. I certainly will support the bill.

[4.13 p.m.]

Mr HISCUTT (Montgomery) - Mr President, I don't have a prepared speech for this. I think many of the points were incredibly well put by the member for Mersey in his contribution a couple of weeks ago. I just wanted to follow on from the point raised by the member for Launceston regarding zoning.

Just to reiterate that I too am curious if someone does become a resident, as I understand the recreation and tourism zones don't have a permitted use to be a resident in those situations. That requires a lot of clarity in how that will be applied under this act and whether, as the member said, rezoning will be required for any residential agreement to come into effect. I'd like to seek some clarity on that. Thank you.

[4.14 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, in responding to second reading contributions, I'd like to acknowledge all those members who have made a contribution and those who will potentially support the bill as we move through. From the outset I also want to place on the record, which has already been done very well, I acknowledge the residents and their advocacy. I recall when they were in the

parliament, which seems like quite a while ago, but I actually went to school with one of the residents, Mr President, as you would recall, Mr John Dennis. I hadn't seen him for a very long time and here he was, sitting in the back of the Chamber. He probably thought he'd never see me there. They were very determined and that was certainly what I took away from that day. From what we've heard today, and particularly the contribution from the member for Hobart, on the support that they've had from elected members and other people as well in being able to get to what we have before us today, I really congratulate them on their advocacy and how they went about it. They were determined, that's for sure, and good on them.

I also acknowledge there has been an extensive community consultation phase to get to where we are. Again, we know how important that can be to the success of any piece of legislation coming to this place and then subsequently seeing favour.

The bill fulfils the government's commitment to draft legislation to regulate long-term residents of caravan and holiday parks. The bill also establishes a range of rights and obligations on park owners and long-term residents in parks. The government acknowledges the work of the other place; the bill received hours of scrutiny in the other place. I'm not sure if anyone has read the lengthy *Hansard*, but it certainly was extensive. Still, there is a responsibility here, for this House to review what has been presented. We know we've already flagged some amendments, and I will get to those through the course of the Committee stage.

The government will also be bringing forward some amendments, which have been shared with the House. The government also noted in the other place that it would not oppose the amendments to the bill to require security deposits to be paid into and claimed from the Rental Deposit Authority, a positive and proactive approach. However, the Deputy Premier did note at the time that the government would seek to make several subsequent amendments to the bill to ensure these changes could be implemented without delaying the commencement of the act.

In response to the member for Hobart: a range of changes were made to the bill as a result of consultation. Indeed, further changes were made in the other place, and the government is reassured that the bill now reflects a sound regime that balances the interests of both park owners and residents. It acknowledges the advocacy and interest of members of the Tasmanian parliament from both Houses - and I know that has been also acknowledged here, in second reading contributions; I want to endorse that - in specific issues arising at several parks in the state and also the interests of legitimate park owners and running suitable businesses.

The member for Murchison asked about TASCAT and whether it has sufficient resources to deal with the referrals. The department has liaised with TASCAT at various points in the drafting process to seek their views on the operation of the provisions. It is obviously still unknown exactly how many matters will be taken to TASCAT, and therefore the member's question is somewhat difficult to answer definitively. But the government is confident that TASCAT is well placed to handle applications under this act from its commencement and will continue to seek feedback from TASCAT on their needs as the act is embedded.

In relation to the honourable member's second question regarding the notification provisions under the act, I note that, for example, the requirements under the bill in relation to notification by the park owner that they do not intend to enter into another fixed-term agreement is 60 days. This compares to 60 days for similar notifications under the *Residential Tenancy Act 1997*. I hope that's clear.

Ms Forrest - Just compare it with that rather than other jurisdictions; that's what you're saying.

Ms RATTRAY - I also note that this bill has adopted a range of provisions from the South Australian act. However, other regimes across the nation have also been considered in drafting. There has been reaching out and looking at what happens in other jurisdictions.

The honourable member for Launceston, again in relation to the period of 90 days used as a threshold under the bill, this is in line with 90 days referred to in the *Residential Tenancy Act* that separates a short stay from a residential tenancy; the 90 day threshold mirrors South Australia and Western Australia. Both jurisdictions have had their legislation in place for several decades and is now well accepted.

The right to a pet is a recent reform to the *Residential Tenancy Act 1997*. This right does not appear in this bill, but there is a capacity of individual parks to consider pets and include them as part of their park rules. CBOS is well underway in preparing assistive and supporting information and resources to assist the implementation of the act, which will include a template agreement and model rules, an information guide and supporting fact sheet, and other interpretive material.

The government also notes the additional submission provided by Caravanning Tasmania which was provided during the briefing process yesterday, and certainly thanks them for being available to present to the Council; it was very useful. It's worth noting that Caravanning Tasmania provided a submission through the community consultation on the bill, which focused on operational and technical matters and which have been considered in the version of the bill that we're debating today. The issues raised yesterday leaned more towards scope and application of the bill, as well as a few new issues.

The bill seeks to regulate situations where the site or piece of land is being rented and the resident owns the structure. The legislation will not apply to holiday stays, non-principal residences, normal residential tenancies under the *Residential Tenancy Act 1997*, hotels, motels, education or healthcare accommodation, retirement villages, boarding/lodging mortgages, certain land sale contracts with temporary occupation rights or other prescribed agreements.

Some of Caravanning Tasmania's concerns relate directly to non-principal residence like hotels, vans, tents and motels, which are not covered under this bill. There is currently work underway looking at the scope of the *Residential Tenancy Act 1997*, for there is considerable overlap over some of these issues.

The government has committed to further meet with Caravanning Tasmania to discuss concerns outside the scope of this bill. In regard to the scope of this bill, I'll provide the following comment.

The first regards site-only arrangements compared with park-provided accommodation. Caravanning Tasmania has indicated that the bill should only apply to long-term residential site agreements where the occupant uses the site as their principal place of residence and that the bill should exclude park-provided short-stay accommodation. Both these issues are addressed in the bill.

Secondly, holiday accommodation and the transition to residential occupation, and workers and staff accommodation. The government recognises the important role that tourism and holiday parks play in providing accommodation for temporary workers, contractors and essential service personnel, particularly in regional communities. As identified, the bill does not contain a specific exemption for temporary or seasonal workers. However, the bill does not automatically confer residential park rights on every person who occupies a site for an extended period.

The application of the bill depends on a number of statutory criteria being satisfied. Section 4 provides that the legislation applies where a person occupies a site that is, or is intended to be, their place of residence and the occupation or agreement meets the relevant statutory thresholds. Importantly, section 5(1)(b) provides that the bill does not apply to an agreement for the occupation of a site where the site is not intended to be the person's principal place of residence. The bill recognises that not every occupation of a site within a caravan or holiday park will be captured by the act.

The factual circumstances of the arrangement must be considered in determining whether the site is being used as a person's principal place of residence. Factors such as electoral enrolment or forwarding of mail are examples of evidence of residence. However, the particular facts and circumstances can be considered by the tribunal. If someone is living at a park for 90 days or more, and that is their principal place of residence, this gives rise to a number of rights and obligations. However, it should be noted that compliance by both residents and park owners to the requirements of the act need not to be onerous. The government has committed that there will be a pro forma agreement, model park rules and a range of interpretive material available for reference and use by park owners. The requirements under the act have been drafted to reflect fair and practical consumer protections that are similar to requirements under consumer law and residential tenancy legislation, and are likely to reflect the practice of many businesses already. The bill ensures that these requirements are clear and enforceable for both residents and park owners.

In regard to insurance for resident-owned dwellings that covers third party, the government has previously considered insurance for resident-owned dwellings as part of the consultation process of the bill. Issues arose surrounding insurance market availability, in essence, whether there was a clear insurance policy on the market that covered third-party insurance. Further, it was considered that not everyone might be able to afford the insurance should it be available. If no insurance policy was available that met any such requirement, this would mean that all persons who own their own dwelling would be in breach of the act. The government has therefore not included a provision in the bill which covers insurance policies for resident-owned dwellings.

Further, in regard to the honourable member for Launceston in relation to intention to reside on the park.

Ms Armitage - The rezoning?

Ms RATTRAY - No, this is not around the rezoning. That must be on its way. I'll read this out, and if I still have something to add I'll certainly go and find it because I know the member for Montgomery's - so it might cover both, but I'm not sure. It doesn't say anything about it.

In relation to intention to reside on the park, the government is committing to providing some base-level fundamental protections to people living in a park even if their residing there is not permanent or more than a matter of months. It is clear that parks are already agreeing to have people living on their park for a season, six months or a year, for a contract or other employment. This is already occurring and the government considers that such residents do warrant certain rights and should owe certain obligations that are different to those expected by someone staying for days, or a week or so, for the purpose of a holiday. It hasn't answered the zoning question, so I will go and seek that advice before I resume my seat.

The members for Montgomery and Launceston have raised an interesting question around whether rezoning will be required for residential tenancy to come into effect: the department possibly doesn't have the most accurate information because it has only just been raised now, but as we work through the Committee stage there may be a more fulsome answer. I'm loath to put something on the record and then have to retract it if it's not exactly accurate, so I trust you might allow a little more time for something more precise to be provided to members because it appears it's not something that has been considered. We've received some fulsome responses to very important questions that have been raised by members through the course of this second reading debate, and we will see how we go.

Bill read the second time.

RESIDENTIAL PARKS BILL 2026 (No. 2)

In Committee

Clause 1 -
Short title

[4.39 p.m.]

Ms RATTRAY - Madam Chair, in response to the honourable member for Montgomery and the member for Launceston, the best that I can provide at the exact time is that the bill will not change the obligations of park owners and local government that already apply. This bill won't change existing zoning legislation. I trust that that gives you some comfort. It's not something that was raised. Again, if it doesn't change existing zoning legislation, then it won't impact. That's what I have.

Mr HISCUTT - I have a question and it may not be able to be answered, which is concerning at this eleventh hour, but the problem is, it may not change it, but is what we're putting into legislation here entirely contradictory to the *Land Use Planning and Approvals Act 1993* (LUPAA)? That's a concern which I don't think we're going to get answered by the people we've got here potentially, but if some adviser somewhere could try to find that out in the next hour.

Ms Armitage - It is a permitted use.

Mr HISCUTT - It's not a permitted use. It depends on what zoning; they're all different.

Clause 1 agreed to.

Clause 2 -
Commencement

Ms RATTRAY - I move the following amendment -

Page 7

Leave out 'This Act commences on a day'.

Insert instead 'The provisions of this Act commence on a day or days'

The government noted in the other place that it would not oppose amendments to the bill to require security deposits to be paid into and claimed from the Rental Deposit Authority. However, the Deputy Premier did note at the time the government would seek to make several subsequent amendments to the bill to ensure that these changes could be implemented without delaying the commencement of the act, which I've already provided as well today. Therefore, I'm tabling several amendments today to achieve this end: the first five changes simply enable sections of the act to commence on different days. Sections relating to the Rental Deposit Authority can then be commenced slightly later than the rest of the act so as to enable systems changes to occur. The government has committed to this being undertaken as a priority.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clauses 5 and 6 agreed to.

Clause 7 -
Functions and power of Director

Mr GAFFNEY - Perhaps a little latitude here in the fact that I hope I'm in the right space. We heard from the caravanners that one of the concerns that they have is the insurance for resident-owned dwellings. I accept the response from the government saying it has already been considered, issues surrounding products available, no clear-cut provision could be included in the legislation at this time, therefore, no amendment possible at this time; which means to me it has opened the door just a little bit, because in my second reading speech I mentioned the difference. Once we get to this arrangement, the parks have different traditional values and standards about buildings being close to each other, the nature of that permanent residence now, so that insurance with fire and stuff becomes a little bit more difficult or complex.

Therefore, if you look at 7(1)(d), it says:

to give advice, if appropriate, on the provisions of this Act and other subjects
of interest to the parties to residential park agreements;

Now, one of the things that's going to be really important for people living in those parks is the issue of insurance and fire and that sort of thing; I know it is for park owners as well. We have

this space that possibly cannot be addressed at this time, but when the government says therefore no amendment is possible at this time, I'd like to have some understanding of what they see might be possible; because in my second reading speech from one of the parks, I understand for one owner, their business insurance premium went up by \$6000 in just one year. Now, that additional cost is not going to be borne by the park owner. That additional cost is possibly going to be put through to the residents on the park. There is some work to be done here, and I think the government has indicated that they recognise this is an issue. I suppose I'm asking: from the government's point of view, will there be further work with both the owner and the residents regarding insurance obligations, and does the government see that they can facilitate a role in that to ensure that there is a positive outcome for all the groups? That was one of the things, the caravanners. That's my part A, my question to the government.

Ms RATTRAY - Just making sure that we have the best possible answer available. Questions were raised on accessibility of insurance, and this is technically not a legislation issue as it has the opportunity to cause unintended consequences to residents. The government has received advice on the matter but notes that issues arose surrounding insurance market availability. In essence, whether there was a clear insurance policy on the market that actually covered a third-party insurance of this nature. If no insurance policy was available that met any such requirement, this would mean that all persons who own their own dwelling would be in breach of the act. That's as much as can be provided at this point in time.

Mr GAFFNEY - Thank you. I recognise this is a complicated area, but if we go back to what's happening here: for park owners and residents the absence of any statutory framework in the bill creates a degree of uncertainty. The park rules do not allow park owners to insist that their residents have insurance or smoke alarms. Subsequently, they may face claims, disputes or pressure to compensate residents. The bill offers a highly regulated agreement structure between residents and park owners without addressing the most basic question of what happens when disaster strikes, and it's a grey area. Therefore, because some residents in parks have their own insurance and the park owner has to have insurance, as they would have, does that mean a person who signs a residential park agreement can only sign that if they have their own insurance to help mitigate what could happen?

Therefore, whilst we can't put it into the bill, we could actually put it into the regulations, or something like that. If you are going to take on a residential park agreement, you must ensure you have your own insurance. Because don't forget, the structures, houses, caravans and dwellings on parks are different to the bylaws where you might have a house, or whatever. The complexity of having a fire, and the impact on that, are many. I'm concerned that there is a grey area. I'm definitely not trying to hold up this bill. That's not what this is about. But this is about that more work needs to be done, to ensure that both - and for example, I understand the RACT did offer insurance for the owners of dwellings in residential parks, but that was only for ongoing policies. They don't offer that anymore, so they can see that there are some pitfalls in the nature of parks. I'm raising this as a concern that may need to be further considered. The question would be, is that a possibility for that to be further considered because it is a grey area with this bill?

[4.59 p.m.]

Ms RATTRAY - Yes, the government can consider what the member has suggested. However, there are no guarantees that the government will be able to resolve the issue in the model parks rules, and there is a risk to a termination of an agreement due to failure to comply

with the possible regulation. The government will commit to further research the issue as appropriate but at this stage cannot commit to a regulation at this time.

Mr GAFFNEY - Thanks. I think that's a good outcome. I'm thinking that they have to keep playing in that space. When something happens, and it might, then we need to ensure that we've at least thought about as many things.

As part of this, if we look at 7(1)(a) it says:

to investigate and research matters that affect the interests of parties to residential park agreements.

My question here is: is it up to the director to establish some protocols on how the residents' committees operate in terms of governance, minutes and decision-making? Because on parks you have a range of knowledge, experiences and backgrounds. Some residential park committees might be able to get up and just run with it. I'm wondering, is it envisaged that one of the director's roles might be to put out some guidelines, or whatever, for the committees that we're suggesting are included in this piece of legislation? I thought I'd ask it here because 7(1)(a) says that that would be of interest to parties. I'm not saying that it's the director's responsibility, but somebody has to be able to guide the committees on what their rights, wrongs and advantages are.

Ms RATTRAY - The answer to the member's question is absolutely, that is a role for the director: to provide that information. It's good to have it on the public record.

Clause 7 agreed to.

Clause 8 agreed to.

Clauses 9 to 11 agreed to.

Clauses 12 and 13 agreed to.

Clauses 14 to 16 agreed to.

Clauses 17 and 18 agreed to.

Clause 19 -

Sale of dwelling on site

Ms LOVELL - I move the amendment in my name -

Page 33, subclause (4), paragraph (c), after 'the period of'.

Leave out '14 days'.

Insert instead '7 days'.

The reason for this amendment has largely come from consultation with the residents of Beauty Point Caravan Park and other long-term residents with lived experience of being in this situation. The intent is reducing unnecessary delays in the sale process.

The bill currently provides that where a resident informs the park owner of an intention to sell a dwelling on site, the park owner has 14 days to reach an agreement before that option lapses and the dwelling may then be offered for sale elsewhere. The amendment that I'm proposing would reduce that period from 14 days to seven days. In practice, extended decision periods can leave residents in limbo and slow down a transaction that may be important to the resident's finances, housing arrangements or ability to move. A seven-day period still gives the park owner a fair opportunity to act first, but better reflects the need for timely decision-making.

We believe, in practice, park owners will ordinarily have a pretty clear strategy for how they wish their park to operate and be used in the future, so should therefore be fairly well placed to know whether they would wish to purchase a dwelling on site when it comes onto the market. Seven days would allow them the time they need to make that decision while not unnecessarily impeding the ability of the owner to move on with selling their dwelling.

Ms RATTRAY - In response to the member's amendment, clauses 19 and 66 deal with the sale of a dwelling and the requirement that the park owner have, in essence, the first right of refusal to purchase the dwelling. Clause 19 deals with the ordinary sales and clause 66 deals with the sales where the resident has passed. These are previous amendments to clause 19 and 66 from the other place to be amended to require only 24 hours notice period; that is opposed by the government and in the lower House on the basis that it was too short to have any effect. The revised amendments is for the option period to be shortened to seven days in both clauses.

Currently, the park owner has 14 days in the case of an ordinary sale and 28 days in the case of a sale due to the passing of a resident. The government remains of the view that 14 and 28 days are reasonable timeframes for these clauses and, in light of that, cannot support the amendment.

Ms O'CONNOR - I want to state at the outset that the Greens really do understand the intent behind this amendment. It's identical to an amendment that was moved in the other place and the amendment we'll be debating shortly to clause 66. Our concern is that these proposed amendments focus on shortening one aspect, which, in our understanding, is reducing the right of refusal period for the park owner to seven days, and we could accept that. The problem is that the remainder of both this clause and clause 66 require the resident or the resident's representative to reach an agreement on the sale within that same time period. So it's not just on the owner that has seven days to decide whether or not they want to buy the dwelling. It's that an agreement on its sale must be reached within seven days with this amendment. As anyone who's sold a house or a caravan or any other kind of thing would know, seven days to reach an agreement on sale is not particularly long, particularly if you're negotiating on price. We have talked to Vanessa Bleyer, who, as I said, was the lawyer acting for the residents at Beauty Point, and it was her view that 14 days is a reasonable time period.

Our question is: is reducing the right of refusal period really important enough to then impose a potentially unfair or rushed sale agreement on both parties?

Mr GAFFNEY - I hear what the honourable member for Rumney is doing, but I think seven days is a really tight timeframe in which to get an independent and agreed valuation or arrange a contract of sale and have a debate and discussion about that. I think that hopefully they can get it done within the seven days, but I think the 14 days gives a much more realistic timeframe for people who are in that situation, not only the resident but also the owner to have to go back and have to declare finances and that sort of thing as well. I think 14 days is reasonable, so I will not be supporting the amendment.

Ms WEBB - I rise because I think it's a courtesy to indicate taking a vote on an amendment and put it on the record here. Thank you, member for Rumney, I, similarly to the member for Mersey and Hobart, really appreciate the intent of the amendment, but I don't feel that 14 days is too onerous, a long time, and seven days is a really tight timeframe. Having gone through buying and selling houses, it's very tight to get something arranged within seven days that can be relied upon, I think. I won't be supporting this amendment at this stage.

Amendment negatived.

Clause 19 agreed to.

Clauses 20 to 22 agreed to.

Clauses 23 and 24 agreed to.

Clauses 25 and 26 agreed to.

Clause 27 -

Alterations to site by resident

Mr GAFFNEY - I will read both amendments in because they both have similar reasons.

First amendment

Page 42, subclause (1), paragraph (b), subparagraph (ii), after 'fail to respond to a'.

Insert 'written'.

Second amendment

Same page, same subclause, same paragraph, same subparagraph, after 'resident has made the'.

Insert 'written'.

These two amendments address concerns on the part of park owners that whilst they are expected to respond to a request in writing within 14 days, in the original draft there was no obligation for the request to be in writing from the resident or the committee. It ensures the request from a resident to the park owner is made in writing and gives an unequivocal paper trail of any discussion of the request; especially seeing that we have a piece of legislation where there could be legal ramifications of the debate and discussions between the park owner and

the resident, it seems fair and reasonable to me that both parties need to have it in writing. To give an example: you could have one of the committee members walk past the owner and say, oh, we had our committee meeting, we want you to do this, blah, blah, blah. All right, no record, no time, no date, no stamp, no authority; with my amendment, that wouldn't cut the mustard. It has to be in writing, and I think it's a fair and reasonable request from both parties to undertake that same result.

Ms RATTRAY - The government supports the amendment put forward by the member, and recognises it and acknowledges it is a commonsense amendment and thanks the member.

Amendments agreed to.

Clause 27, as amended, agreed to.

Clauses 28 and 29 agreed to.

Clauses 30 to 32 agreed to.

Clauses 33 to 35 agreed to.

Clauses 36 to 38 agreed to.

Clauses 39 to 41 agreed to.

Clauses 42 to 44 agreed to.

Clauses 45 to 47 agreed to.

Clauses 48 to 50 agreed to.

Clauses 51 to 53 agreed to.

Clauses 54 and 55 agreed to.

Clauses 56 to 58 agreed to.

Clauses 59 and 60 agreed to.

Clause 61 -
Residents committees

Mr GAFFNEY - I move an amendment in my name -

Page 79, subclause (7), after 'residential park makes'.

Insert 'written'.

The amendment echoes that of the previous one I made in clause 27, in addressing a significant concern on the part of park owners that they are expected to respond in writing within 14 days or face a severe penalty. It ensures representations from the resident committee

to the park owner are also made in writing and gives an unambiguous record of a representation with prescribed method of delivery. Before we vote on it, I would like to also thank the members from the government who have assisted in the drafting of this.

Ms RATTRAY - Madam Chair, the response to this amendment is exactly the same as I placed on the record for the previous one.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clause 62 agreed to.

Clauses 63 and 64 agreed to.

Clause 65 agreed to.

Clause 66 -

Sale of dwelling following death of resident

Ms LOVELL - Thank you to members for contributions on the previous amendment. I move this amendment in my name to clause 66 -

Page 83, subclause (3), after 'the period of'.

Leave out '28 days'.

Insert instead '7 days'.

I fully respect that members may have the same position on the timeframe with this one, which is fine, but I've made the commitment to move the amendments, so I will do so. This one is about shortening the timeframe for the park owner's first option to purchase a dwelling after the death of a resident, again, shortening that from 28 days to seven days. I appreciate that the Leader has already responded to this on the government's behalf after the first amendment. Again, this is the same rationale as the previous one. Obviously, deceased estates are often sensitive situations, and this is about reducing the period of time for that first option for the park owner to avoid any unnecessary delay for grieving families and what can be time-sensitive property arrangements. It's intended to reduce avoidable delays and administrative drag at a time when families need clarity and practical resolution. It's about reducing that timeframe for the first option to purchase the dwelling by the park owner.

Ms RATTRAY - Madam Chair, the government acknowledges the intent by the honourable member for Rumney in regard to this, but stands by its position. Thank you.

Mr GAFFNEY - I have a similar comment. It does give the park owner the first option to buy, but seven days is a very short time in which to arrange a valuation or consider any financial arrangement in subclause (4), so if there is no obligation of the estate to sell the dwelling to the park owner. The other thing too, at the death of a resident, it does take some time before the estate gets sorted and there could be some issues there with family members and whatever. I think 28 days is not an unreasonable time. I mentioned the probate issue they

had in one of the caravan parks, where it has been 18 months to settle it. I understand the intent, but I'm not going to be able to support the amendment.

Ms WEBB - I'm also not going to be supporting the amendment on this one, but I am interested in the fact - and partly because it brings it down to seven days, which I think is too short a time - but I am interested in that it's not consistent in the bill to the other clause that we did earlier. Potentially, I would have considered an amendment that brought it down to the 14 days to make it consistent with the earlier clause. I'm interested to hear from the government, if not now, while we're discussing the amendment, certainly as a question on this clause as to why it's 28 days here and not 14 days to be consistent with the earlier clause, because that would have seemed reasonable to me for there to be consistency across the two clauses. Thank you to the member for bringing it up. I appreciate the intent of the amendment, but I won't be supporting it today.

Ms LOVELL - To respond to the comments of the member for Mersey. Thank you again for your making your comments and I appreciate your position. To be clear, the right of refusal timeframe is from when the owner notifies that they want to sell or intend to sell. It doesn't take into account, necessarily, probate or family disputes, or whatever else might delay that process. It's the timeframe from when the owner, or when the family or executor, notifies the park owner that they intend to sell. They would then have seven days instead of 28 days to have that first option. To be clear, it's not about seven days from when the resident passes away, or the will is read, or any of those things.

Ms O'CONNOR - As it was with clause 19, we see the intent of this amendment and the logic of having the two time periods to be the same, but, again, this amendment would have the effect of when a person has died, their family members or next of kin have seven days within that time period to write to the park owner and offer to sell the property - indeed, negotiate the terms in which the property is sold, within that short, week-long timeframe. We don't consider that to be reasonable. It seems as though Labor is treating this clause of the bill as though it consists of the first right of refusal offered to the park owner, but it doesn't. It also says that the agreement of sale, and therefore the terms at which the dwelling is to be sold, also need to be reached in that timeframe. This clause goes further than clause 19 and provides for an independent valuation of the property to be conducted to ensure it's sold for a fair market value. If that has to occur, is it reasonable to require that it happens within seven days? From our point of view, that's a rhetorical question, especially when considering that the person involved might be in mourning.

Ms RATTRAY - The government recognises that a current resident may have a need to finalise a sale relatively quickly, and therefore, the first right of refusal is only 14 days. In the case of the sale after a death, 28 days is provided for in recognition that this need to sell to facilitate a move is no longer there, plus there are likely to be more challenges in communication between a personal representative or new owner who is not a resident on the park. I trust that that gives some indication to the honourable member.

Amendment negatived.

Clause 66 agreed to.

Clause 67 agreed to.

Clause 68 -
Application of Part

Ms RATTRAY - As the Leader for the Government, I move -

Page 85, after 'the commencement of this'.

Leave out 'Act'.

Insert instead 'section'.

This is in the same vein as my provision for the initial clause 2, so I won't repeat what I said then.

Amendment agreed to.

Clause 68, as amended, agreed to.

Clause 69 -
Termination of residential park agreements

Ms ARMITAGE - I just have the question, Leader, whether the zoning issue has been resolved because this is 'termination of residential park agreements' and I can't find anywhere else to ask the question. I have sought some advice from local council and my understanding is in many areas of many councils - they're all different, of course - that permanent residency is not necessarily a permitted use under LUPAA - that probably the normal way to have dealt with this would have been to amend LUPAA to make it a permitted use. Even if a council, and this is the question, had said, 'Okay, we'll allow that in our area', if you had a disgruntled neighbour who was unhappy with that, if they were to take it to TASCAT, my understanding is that TASCAT might not have the ability to go any way other than to say, 'Well, under LUPAA it's not a permitted use'.

I'm wondering whether the sensible option would be to report progress and sort this out during the next few weeks because we can't deal with it today anyway - it is an issue that has been raised. The last thing we want is to pass a bill that all of a sudden we find there's an issue. Your people here might be able to advise but, as I said, I've taken some local government advice to say that it could be an issue because of the LUPAA aspect. I'll just leave that with you.

Madam DEPUTY CHAIR - For clarity, the honourable member can move that we report progress, or she may want to hear from the Leader first.

Ms ARMITAGE - I'd like to hear the answer from the Leader's people here. As I said, I have taken some advice from some local government people and I believe that the member for Montgomery may speak as well.

It's just that, if this leads to an issue that hasn't been thought of or hasn't been resolved, the advice I was given suggested that the way to solve it would be to amend the LUPAA in order to make it a permitted use. Anyway, I'll sit down and hear the advice.

Ms RATTRAY - As we know, answers have to be right. Although permanent residency may not be a permitted use, this may not prevent a park owner from allowing a person to stay there for an extended period, for example, a period greater than 90 days but less than indefinitely. This bill is not intended to only cover people who have an intention to stay indefinitely, but also people who are staying for a period longer than a legitimate holiday stay. Currently under the bill, after 90 days, you're a resident for the purposes of being entitled to certain rights under the act. The bill does not change the obligations of park owners in relation to land use under the *Land Use Planning and Assessment Act*.

Mr HISCUTT - Sorry that the advice might need to come back, but wouldn't a resident under the *Land Use Planning and Assessment Act* - the permitted use is for residents, not for permanent residents - people rent all throughout what would be zoned residential zone, and they're not intending to be there permanently. No-one is there permanently, we all pass away eventually. How is that different to someone renting in a normal residential place? I fail to see how this being 'not indefinite' changes the definition of 'resident'. Thank you for providing an answer.

Ms RATTRAY - In light of some questions that have been raised by honourable members, perhaps not in the right area, but certainly questions that do require an answer, I'm going to move that we report progress and seek leave to sit again.

Madam CHAIR - To get some clarity before you put that, just for members' benefit, you might like to say what your actual intention is about sitting again. We've been sitting here for quite some time, just waiting. I think for anyone who's watching, everyone in the Chamber, it will be helpful to know what the intention is.

Ms RATTRAY - To come back when we come back in August.

Madam CHAIR - Tomorrow?

Ms RATTRAY - Tomorrow, but 'tomorrow' is not tomorrow.

Progress reported; Committee to sit again.

Leave granted.

ADJOURNMENT

[5.47 p.m.]

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

That at its rising the Council adjourn until 11 a.m. on Tuesday 11 August 2026.

Motion agreed to.

Ms RATTRAY - Mr President, before I move that the Council do now adjourn, I seek leave to table some answers to questions that were taken on notice through the budget Estimates process.

Leave granted; papers tabled.

Ms RATTRAY - Mr President, I move -

That the Council do now adjourn.

Parliament House Car Park - Use by Charity Groups

[5.48 p.m.]

Ms O'CONNOR (Hobart) - I rise to speak on the adjournment on quite a significant matter of public interest to my community, to raise a query with the Joint House Committee and presiding officers, and with the Tasmanian government, which is responsible for funding the maintenance and upkeep of the building that we work in and that we love.

A letter arrived in my inbox today from representatives of the Sullivans Cove Rotary Club, and I note there was also a story in today's *Mercury* newspaper. I'll read the letter into the *Hansard* dated 25 June:

Dear Mrs Petrusma and Mr Farrell:

Parliament House car park and Rotary impact of your decision on longstanding charitable fundraising arrangements.

I'm writing in relation to your decision, as Parliament House presiding officers, based on security risks to discontinue the longstanding use of the Parliament House car park by the Sullivans Cove Rotary Club for charitable fundraising.

I want to highlight the broader impact of your decision. The funds raised through the car park have directly supported some of the most vulnerable members of our community, including services such as Loui's Van and the Hobart Women's Shelter. These are not abstract outcomes, they're vital, practical supports relied on by people experiencing hardship.

Your suggestion that Rotary can instead apply to use the Parliamentary Gardens for community events does not address the realities of fundraising. Delivering an event involves significant costs, including Hobart City Council permits, equipment hire, insurance and compliance requirements. For volunteer-run organisations like Rotary, these costs are often prohibitive and materially reduce or eliminate any funds raised.

In practice, this alternative is not a like-for-like replacement. Rotary members have given decades of volunteer service through this car park arrangement with a proven and efficient model for raising funds for good

causes. The decision and the alternative proposed risk undermining that contribution and the people who ultimately benefit from it.

I respectfully ask that you reconsider the practical implications of your decision and engage with Rotary and affected organisations to explore a workable solution that preserves this important source of community support.

Yours sincerely,
Katrina Oakley

As we know, Rotary has been fundraising by using the Parliament House car park since 1991 and raised \$720,000 towards charitable causes. Seeing the smiling faces of those Rotary volunteers on market morning is a true delight as they greet so many of us as we go through the gate. Being able to park here as someone who enjoys the market, and I always pay, as I'm sure you do, Mr President, even though we're entitled to a free car park, it makes all the difference to the locals being able to park here.

There are very few and not enough parks around the market on Saturday mornings. On market day, the car park is always full, and it always feels safe.

My questions are: was there any specific security threat or risk or incident that was identified that prompted the security audit that went to the Joint House Committee? Is that security advice available for viewing by other members? Was alternative advice sought or just another opinion? I don't want to take anything away from our wonderful security people; I want to thank them for keeping us safe.

Were alternative solutions examined? Was the impact on Salamanca Market considered? Because it will be significant. Is there another way here? Has there been a conversation with the Tasmanian government about whether they could contribute towards a better solution here? Was relative risk weighed?

I think that, with respect, a mistake has been made and it's a mistake that will have consequences not just for Rotary but for the people that it has supported since 1991, and also for our wonderful Salamanca Market. I hope those questions can be answered. and I hope that indeed there is another way.

Member for Murchison, Ms Forrest - Sharing of Private Email to Media

[5.53 p.m.]

Ms FORREST (Murchison) - Thank you, Mr President, I appreciate the opportunity to speak on Adjournment about the matter related to the email that was leaked from, it appears, the Premier's office in relation to a committee communication that requested that staff and people appearing before Estimates committees refrain from using strong fragrances. I do this because it's a bit of an ongoing saga and I think it's important to put some matters on the record.

I did get a response to the letter I wrote to the Premier. He wrote on 11 June, and I will read his fairly brief letter into the *Hansard*:

Dear Ruth

Thank you for your correspondence dated 3 June 2026.

I am sorry to learn of the distress this matter has caused you, which I understand and appreciate.

As I understand it, the email sought for your request to be communicated to attendees at Estimates hearings, and I would have expected that such a request would be passed on to a broad cohort of people likely to attend.

As you know, I am a member of the Workplace Oversight and Culture Committee, and I value its ongoing work. I continue to place high priority on maintaining a safe and respectful workplace for all staff. All allegations suggesting otherwise is personally disappointing.

Prior to receiving your correspondence, I had in fact met with the Leader for Government Business in the Legislative Council in relation to this and other matters.

I confirmed with the Leader that that meeting had occurred.

While I understand the distress this matter has caused, how media outlets obtain information is a matter for them, and I am not able to account for how the information was provided to the media.

Again, I regret that this issue has caused you distress, and for that I apologise.

I wasn't asking for an apology for any distress I may or may not have suffered. I wrote back to the Premier making it quite clear that was an inadequate response from him. I won't read my whole letter in full. It is on my website if members want to read it; but I asked him three questions particularly, which had been asked in the original correspondence. I asked him to do three things:

- (1) to confirm or deny whether the leak originated from his office;
- (2) I requested that if this is not the case, to explain what steps he had taken to satisfy himself that no member of his office was responsible; and
- (3) to acknowledge the seriousness of the incident and offer a public apology for what had occurred.

Not whether or not I may have suffered some distress. This is an email containing confidential information for a particular purpose.

I went on to outline further matters related to that matter and I indicate his response was not sufficient. I wrote in my letter:

I particularly note that your response fails to address the substance of the matters I raised:

1. You have not confirmed or denied whether the leak of the email originated from your office, despite my specific request that you do so. Instead, you suggest that how media outlets obtain information is a matter for them. With respect, that is not the question I asked. I asked whether your office was the source. That question remains unanswered.
2. You have offered no account of any steps taken to satisfy yourself that no member of your office was responsible. As I noted in my letter, a number of other Ministers have undertaken at least some level of investigation within their offices. You have declined to do so.
3. Your letter offers a personal expression of regret for the distress I have experienced. I appreciate that but note this was not the subject of the letter I sent you. In addition, it does not constitute the public apology I sought, nor does it acknowledge that the leak itself was inappropriate conduct. This falls well short of my request.

I asked him to write back to me on these matters. I also note that he suggested I should take this matter to the Independent Complaints Commissioner in the Estimates hearing.

I also wrote to the secretary of the Department of Premier and Cabinet (DPAC) and in that I asked her if she could undertake an investigation since that seemed to be a more logical approach, and I was also recommended to do this by the Ombudsman's office. I wrote to her on 11 June and she responded on 24 June. I just want to read hers in full as well:

Dear Ms Forrest,

Request for investigation under *Personal Information Protection Act 2004*.

Thank you for your correspondence dated 11 June 2026 regarding an allegation of potential breach of the *Personal Information Protection Act 2004* (PIP Act) relating to the use and disclosure of your personal information.

In your correspondence, you outlined that an email which included your personal information was sent on your behalf by the committee secretary to an officer of Ministerial and Parliamentary Services to request that ministers and departmental staff refrain from wearing strong fragrances during budget Estimates hearings in the Legislative Council Chamber. You outline that this request was then, in some manner, shared by an unidentified person with a media outlet that subsequently contacted you.

You request that the Department of Premier and Cabinet (DPAC), as a relevant personal information custodian under the PIP Act, investigate this matter and, if relevant, commence an employment direction ED5 Code of Conduct investigation into the staff member involved.

Dealing first with the issue of the PIP Act: ministerial advisers are not State Service employees employed within agencies, but are appointed by the

Premier under a Crown prerogative. I am advised that ministers and their staff are not caught by the PIP Act as they do not fall within the meaning of personal information custodians. I am further advised that DPAC is not a personal information custodian in the case of information that has been provided to an officer of Ministerial and Parliamentary Services.

I confirm that the correspondence relating to your personal information was not received by or sent by any DPAC employee and/or executive member of DPAC, and as such, DPAC is not a personal information custodian with respect to the personal information.

With respect to the State Service Code of Conduct, as noted above, ministerial advisers are not state servants and therefore not subject to the *State Service Act 2000* and the State Service Code of Conduct. As such, I do not have any employee/employer relationship with these staff or the ability to conduct investigations into matters that relate to conduct of MPS staff. Ministerial staff are subject to the Ministerial Staff Code of Conduct as a term of their employment.

Thank you for your correspondence and should you wish to discuss any of the above matters, please contact me.

Yours sincerely,

Kathrine Morgan-Wicks PSM
Secretary

I'm back to where I started. I can confirm that I was informed by a person who had interaction with Pulse Media - not Pulse Tasmania where the email was sent - that it was in fact an email that was sent. They'd seen the email. There has been some suggestion that perhaps it was just a phone call. Someone who saw it told me they'd seen it. We've now had it confirmed by Ms Morgan-Wicks that it was not a state servant who sent it; it was a member of MPS staff. That narrows it down. I've been informed by a number of parties, and by the media, that the person who leaked it was the Premier's deputy chief of staff. If I know that, the media know that and several other people know that, then surely the Premier can find that out.

Ms O'Connor - I think you want to be a bit careful here. That's a rumour.

Ms FORREST - No, no, no.

Mr PRESIDENT - Order.

Ms FORREST - I will tell you what I've been told.

Ms O'Connor - It's still hearsay.

Mr PRESIDENT - Order.

Ms FORREST - I have asked the Premier, with all respect, right back when this first happened, to identify the person if they were in his employ, which they are, because

Ms Morgan-Wicks has confirmed it's not a member of the State Service. I have requested him respectfully to apologise for that behaviour, neither of which has been done, so I now call on the Premier to do what I asked him to do in the first place and offer a public apology for the action - not for whether I may or may not have been distressed, which is exactly the modus operandi I've seen from this government before, to not apologise for the action, the inappropriate action, but to apologise if someone happened to be upset by it.

Mr President, I stand by my previous request. I thank the members of this House sincerely for their support during this process and particularly I would like to mention the minister for Infrastructure and all other things, who has had personal contact with me on this. I appreciate him doing that. I just wish the Premier could have the same level of respect.

The Council adjourned at 6.03 p.m.