

PARLIAMENT OF TASMANIA
DEBATES OF THE LEGISLATIVE COUNCIL

DAILY HANSARD

Thursday 13 August 2026

Preliminary Transcript

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Thursday 13 August 2026

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

TABLED PAPER

Public Accounts Committee - Annual Report 2025-2026

Ms FORREST - I have the honour to present the Parliamentary Standing Committee of Public Accounts Annual Report 2025-26.

Report received and printed.

STATEMENT BY PRESIDENT

Joint Sitting

[11.05 a.m.]

Mr PRESIDENT - Honourable members, for completeness of the official record I wish to advise the Council that following the joint sitting of the parliament at 10.00 a.m. this day Chris Gatenby has been duly chosen to hold a place in the Senate of the Parliament of the Commonwealth of Australia, and this was rendered vacant by the resignation of Senator Wendy Askew. A copy of the minutes of the proceedings of the joint sitting will be tabled by the Clerk of the Council when printed.

STATEMENT BY THE LEADER FOR THE GOVERNMENT IN THE LEGISLATIVE COUNCIL

Detection of Avian Influenza H5N1 in Tasmania

[11.06 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, on behalf of the Premier of Tasmania, I rise this morning to update the House on Tasmania's first detection of avian influenza H5N1, following the identification of the disease in a wild bird at Rocky Cape National Park in the north-west of Tasmania. This is a significant development for Tasmania, one that we have been expecting and planning for. It is our first and only confirmed detection.

With increasing detections of avian influenza in other states of Australia, we have always known it was only a matter of time before the virus reached Tasmania. We have been preparing and we are ready to respond. Our biosecurity system has strong surveillance and response arrangements in place and Biosecurity Tasmania has acted swiftly following the initial suspected detection.

The bird, a brown skua, was reported by a Parks and Wildlife staff member after it was found at Burgess Cove in Rocky Cape National Park. I'm informed that this was part of a

proactive surveillance measure. Biosecurity officers responded promptly, collected the bird and transported it to the state Animal Health Laboratory for testing. The presence of the H5N1 virus has now been confirmed. Samples are now being sent to the Australian Centre for Disease Preparedness in Geelong, operated by CSIRO, for further analysis and confirmation of the genetics.

Following this positive detection, Natural Resources and Environment Tasmania has commenced additional surveillance activities. In particular, I want to commend members of the public who continue to report sick and dead birds. This is exactly the kind of community vigilance that strengthens our biosecurity response. Early reporting allows our experts to investigate, test and respond quickly.

The Natural Resources and Environment Tasmania incident management team has been operational in the past six weeks. During that time, the team has conducted targeted surveillance in high-risk areas and tested sick and dead birds reported by the public. More than 500 reports have been received through the Emergency Animal Disease Hotline and more than 80 birds have been tested. Significant work has been undertaken to prepare industry, veterinarians, wildlife carers and other key sectors.

Our government has been actively communicating with the community, industry and local government through advertising, social media, radio, airport and Service Tasmania signage, webinars and direct advice to poultry producers and other high-risk sectors.

In addition, Natural Resources and Environment Tasmania is finalising the necessary Commonwealth approvals and permit applications to implement a vaccination program for captive orange-bellied parrots. The captive-bred population remains one of our highest vaccination priorities. We will continue to assess the viability of vaccination for other priority threatened bird species as the federal regulatory framework and permit conditions continue to evolve. However, vaccination is only a complementary tool that may help reduce severe disease and mortality in selected captive or managed native bird populations, and it is not recommended to vaccinate wild bird populations as that is neither effective nor practical. It is important to note that there is no approved vaccine for commercial poultry in Australia, or for mammals. This means that there is no vaccine available for backyard domestic or commercial poultry and birds. There is no vaccine available for seals, dolphins and Tasmanian devils. The Commonwealth are working hard to make new vaccines available and to ensure that they are safe for use. Tasmania's broader preparedness strategy remains focused on surveillance, biosecurity, habitat protection and threatened species recovery.

I want to reassure Tasmanians that the government is taking this detection seriously and is working closely with the Commonwealth and relevant industry bodies, who have been notified. Our priority is to protect Tasmania's poultry industry, our unique wildlife and our broader agricultural sector. For poultry owners and keepers, good biosecurity remains the most important line of defence. This includes limiting contact between domestic birds and wild birds, reducing movement of at-risk birds, maintaining good hygiene practices and reporting any signs of disease promptly. In conjunction with industry, the Department of Agriculture, Fisheries and Forestry proactively recommended the housing of commercial poultry from 3 July 2026. This recommendation remains in place until 31 August and will be reviewed at that time or sooner if required. I also encourage all Tasmanians to continue reporting sick or dead wild birds to Biosecurity Tasmania through the Emergency Animal Disease Hotline. That

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information is critical to understanding where the virus may be present and how it may be moving through the environment.

Tasmania's island status has always provided us with an important biosecurity advantage, but it does not make us immune to emerging diseases. We have known this threat was coming, we have prepared for it and our systems are now responding.

I thank the staff of the Department of Natural Resources and Environment Tasmania, and the Commonwealth, for their rapid response. I also acknowledge the Australian Centre for Disease Preparedness, which will undertake further specialist testing to support our response and surveillance efforts. Most importantly, I thank Tasmanians for their vigilance and for playing their part in protecting our state. Our government will continue to provide updates as further information becomes available and as the results of further testing are received. Our advice to all members of the community remains the same: avoid, record and report to the Emergency Animal Disease Hotline. That hotline number is 1800 675 888. Thank you.

RESIDENTIAL PARKS BILL 2026 (No. 2)

Consideration of Bill as Amended in Committee of the Whole Council

[11.14 a.m.]

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

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

Motion agreed to.

Amendments read the first time.

Amendments read the second time.

Amendments agreed to.

RESIDENTIAL PARKS BILL 2026 (No. 2)

Third Reading

Bill, as amended, read the third time.

MT LYELL ACID DRAINAGE REDUCTION (REPEAL) BILL 2025 (No. 53)

Third Reading

Bill read the third time.

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POLICE OFFENCES AMENDMENT (INCREASED PENALTIES FOR DAMAGE TO TASMANIAN WAR MEMORIALS) BILL 2026 (No. 5)

Consideration of Bill as amended in Committee of the Whole Council

[11.23 a.m.]

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

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

Motion agreed to.

Amendments read the first time.

Amendments read the second time.

Amendments agreed to.

POLICE OFFENCES AMENDMENT (INCREASED PENALTIES FOR DAMAGE TO TASMANIAN WAR MEMORIALS) BILL 2026 (No. 5)

Third Reading

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

That the bill be read a third time.

[11.24 a.m.]

Ms FORREST (Murchison) - Thank you, Mr President. I rise to speak on the third reading of this bill, not because I wasn't able to commit to participate yesterday but because I want to make it clear as to why I supported the bill into the Committee stage, but I find myself in a position unable to support it in the third reading. I absolutely acknowledge the sensitivity of this issue, the importance of this issue. I acknowledge the RSL's contribution to this community and to the veterans they represent and the sanctity of our war memorials. Veterans deserve genuine respect and I fear this has become a politicised gesture when it could have been such a simple fix.

I listened intently to the whole debate yesterday and last evening and acknowledge this is a very serious crime, and I do not diminish that in any way. I have deep respect for the members of the RSL and all those who corresponded with me during this period, including Mr John Hardy, the CEO of RSL Tasmania. I want to read a couple of parts from his correspondence that illustrates why I think this is such an important decision I'm making today.

In his email to us dated 12 August, he said:

While RSL Tasmania did not develop or put forward this Bill, we have supported its intent from its early development and fully and wholeheartedly support the legislation now before the Legislative Council.

Mr President, I too wholly support the intent. I want to make that really clear. He said:

We believe Tasmania must send a clear, unambiguous and unapologetic message, one that is entirely apolitical: the deliberate desecration or destruction of a war memorial is not simply an act of property damage.

I agree wholeheartedly with Mr Hardy and other members of the RSL from my electorate and others beyond my electorate who have written to me. Mr Hardy goes on:

These memorials represent the service, sacrifice and, in far too many cases, the lives of Tasmanians who have served our nation.

Including three of my direct relatives whose names appear in Stanley, in Sheffield, and one who did return who has since passed away. Their names also appear on a memorial at Villers-Bretonneux in France, in a cemetery in Ypres, Belgium, which I visited, and my other grandfather, who's buried in a Tasmanian cemetery after returning.

Mr Hardy goes on:

Deliberately damaging them is an affront not only to the physical memorial, but to the veterans, families and communities for whom these places hold profound significance.

And they do. They also hold profound significance in the battlefields of the Western Front, where I sat and felt deeply moved at the care that is provided to those memorial sites and the grave sites that are scattered right across that countryside.

Mr Hardy continues:

Our cenotaphs and war memorials are sacred places of remembrance. They carry the names of Tasmanians who left their families, towns and communities to serve our nation, including many who never returned home.

There wouldn't be anyone in this Chamber, I don't imagine, who doesn't have some connection with a veteran or a person who is currently serving our country.

He did make a number of other comments. I won't read the whole piece, but further on in his email, he said: 'This bill is not, in our view, about politics', and that's exactly what it shouldn't be. It absolutely shouldn't be. In bold letters, he said:

It is about respect, remembrance, and just as importantly, the communities that these brave men and women came from.

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He went on with further information, too. I agree wholeheartedly with his sentiment, and with the sentiment that other RSL presidents and members have expressed to me during the passage of this bill and the development of it. In his closing statement here:

Our war memorials matter. The people they commemorate matter. Their service and sacrifice matter. And Tasmania will protect the places where we remember them.

And yes, indeed we should. I absolutely agree with him on that.

As I said, Mr President, I listened to the entire debate yesterday and made one brief contribution at the end, but I want to go to the core of my concern. The core of my concern is that every time parliament directs the courts to a specific outcome it impinges on the separation of powers. We need to be very careful about this and, sadly - and I say sadly because it distresses me every time we do it in this place, and we have done it a few times in this place - we use very sensitive issues to put forward minimum mandatory sentences, which makes it so much harder, and that's why I'm standing here today to speak on this because I find it quite distressing.

We are impinging again on the separation of powers. Every time we do it, we make it even more possible for the next time, the next good argument. We should allow the courts to do their job. As I understand it, from the questions asked last night by the member for Nelson, the court officials, members of the judiciary, were not consulted on this. We know there is no evidence to support minimum mandatory sentencing having an impact on a decision to commit a crime. We know from evidence it has an adverse impact on certain members of our community. We know all this. This shouldn't be a surprise to anybody, we know all this, and I've said it, as have other members many times in this place. We never have, in this place, all the information available to a court to make a determination about the most appropriate sentence for that person. What we have is the power to set a standard, which is by elevating the maximum penalty. If that had been what it had done, and if those amendments had been supported yesterday, I would be supporting this bill despite some reservations. I would, but I can't because several of those amendments, well-put amendments that took a restorative justice approach, which everyone seems to think is a really good idea, but there wasn't the support in the Chamber to deliver it. We have missed that opportunity, and we're directing the court in a way that is highly inappropriate.

The member for Nelson referred to the research done by our former Governor, Her Excellency Kate Warner, and I have referred to her work in the past in this place. The member for Nelson's summary of it in a non-academic fashion, I absolutely agree was correct. I can't remember the co-author, a former governor, in this work - and they found that when a group of citizens had all the information available to them that a court had, they actually recommended lower penalties than what the court had in the same case, except in the case of serious sexual offences against children. Here we are, we're ignoring all that and directing courts to predetermined outcomes without the information that they have, which I believe is wrong.

Minimum mandatory sentencing is not supported by me in principle or by evidence, and as I said earlier, it's disappointing to see populist politics and the politics of fear being used to infect such an important and sensitive issue such as this. It is deeply distressing to me, and I want every member of the RSL who may see this, read it or hear it second hand to know that I

am with them on this, but I also have a principle I must uphold. I'm so disappointed to be put in this position yet again. Not on this matter with war memorials, but on other things.

This whole issue of damage to war memorials is a very sensitive matter; the issue does deserve serious evidence-based treatment, and that is what we have sought to do through this process but in my view have failed to complete in a satisfactory manner. I can't support a bill that directs the court so conclusively. I can't support a bill that fails to have included the restorative justice approach that is so critical in this. I go back to the Leader's comment when she was in the Committee stage, talking about the young people who cut off the ears of Simpson's donkey in Scottsdale. Whilst that was not imposed by the court, I don't think it was, those are the sort of things that have far greater impact on a person's decision in the future than a fine and certainly than a jail sentence. To hear the story of that young person, now a very fine member of the community, that's exactly what we want to happen. Even as it is, the bill doesn't take away the courts' power to do that, but it makes considerable impositions on the court.

Mr President, I thank you for the opportunity to speak on this because I would have put some of these points yesterday if I had been in a position to do so. But where we have avoided the really considered restorative justice approach that we should be using in matters such as this, as well as the capacity for the court to impose heavy penalties, large fines and potentially imprisonment, we've failed.

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

The Council divided -

AYES 10

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

NOES 4

Ms Forrest
Mr Gaffney (Teller)
Ms O'Connor
Ms Webb

Bill read the third time.

RECOGNITION OF VISITORS

Mr PRESIDENT - Honourable members, before I call on the next order of the day, I think it would be polite to explain to our visitors why we lock them into the Chamber. It is not something we do with all our visitors, but we've been going through a process. We are at a third reading stage of a bill and we vote on that. If members disagree, then they have the right to call a division to tally numbers on either side. That was the process that we just went through. It's based on a fairly strong parliamentary practice to ensure that legislation is robust.

So, I would like to welcome students from Clarence High School, Montrose Bay High School and New Norfolk High School. I think there's going to be a few groups through; they're all taking part in the Beacon Foundation program today. You will probably get to meet some of our members in the lunch break - the speed interview. So we're moving through. We're just about to go on to another bill for the second reading and then we will go through a few more bills, and when we're through that we will all go home. I know all members really look forward to seeing students in the Chamber, seeing how we go through the democratic process. I know all the members here in the Legislative Council will make you most welcome and look forward to assisting you through the program as they have a lot of respect for the Beacon program and the students who take part.

Members - Hear, hear.

POLICE OFFENCES AMENDMENT BILL 2025 (No. 50)

Second Reading

[11.41 a.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Thank you, Mr. President. I'm pleased that you explained to our visitors because I did think that they would be wondering how come the doors were being locked and they'd only just arrived. I add my welcome to everyone who's here as well. I move -

That the bill be read a second time.

The Tasmanian government is committed to making Tasmanian communities and roads safer and will always explore any opportunity to support our police and the community in achieving this. The Police Offences Amendment Bill 2025 is a bill designed to make Tasmanian communities and roads safer. This bill has been the subject of extensive consultation with government agencies and non-government organisations, as well as the Tasmanian community and business groups.

The bill provides for the new offence of road rage to address the rise in incidents of aggressive and irrational driving behaviours on our roads, such as verbal abuse or gestures which lead to altercations, property damage or vehicle collisions, all of which may result in serious injury.

One recent example was in October 2024, where a 43-year-old man was sentenced to three years imprisonment for a road rage incident, which the court described as 'angry retribution for some perceived slight, and for the purposes of instilling fear'. This incident, which terrorised a husband and wife and their two children, was triggered by the victims allegedly having high beam lights on as they passed the offender's vehicle. This incident left the husband with back injuries and suffering PTSD, with his wife needing to take leave from work. The older of the two children, the five-year-old boy, also has dealt with health issues and received counselling as a result.

In January 2025, in a report on a road rage offence between a pedestrian and a car, a *Mercury* newspaper reader poll revealed that 86 per cent of the respondents indicated that they had experienced road rage. When the Department of Police, Fire and Emergency Management

first raised the road rage issue with the government in 2024, examples of road rage incidents included property damage, assault and an assault with a weapon.

This government will not sit idle while this type of offending continues to occur. This specific type of offending must be stamped out and, where it does occur, we need to send a strong message that this behaviour on Tasmanian roads will not be tolerated. Like those offences in other jurisdictions, such as 'predatory driving' in the Australian Capital Territory, 'menacing driving' in New South Wales, and road rage offences in Western Australia, the new road rage offence introduced by this bill will impose significant penalties for those who commit it. The road rage offence will be applied where drivers use threatening, abusive, obscene or offensive language or other gestures or behaviour that cause alarm, fear, distress or apprehension in another road user. This includes conduct that damages property or injures a person.

Research has shown that aggression is a threat to road safety and increases the risk of a crash. Law enforcement can be viewed as a legitimate strategy for changing attitudes, and for road rage offenders to be held to account for their behaviour.

I note, however, this bill does not interfere with the court's discretion regarding sentencing options. A person who is found to commit such an offence will be liable to arrest and on conviction may, at the discretion of the court, be fined or sentenced to a term of imprisonment. Offending vehicles will also be subject to clamping or confiscation.

With regard to young people who commit a road rage offence, there are limitations to arrest powers under the provisions of the *Youth Justice Act 1997*. Further, this is not a prescribed offence under the act, which means that where appropriate, early intervention and diversion remain options. The Tasmanian government fully supports a therapeutic approach as an investment in the safety and wellbeing of young people. This approach is underpinned by the Youth Justice Blueprint 2024-2034, in conjunction with the government's responsibility and commitment towards community safety.

Currently in Tasmania, when investigating road rage type offences, Tasmania Police looks to rely on other offences to deal with these incidents, such as negligent driving, destroying or injuring property, or common assault. This new offence will provide specific legislative recognition of the serious impacts of road rage incidents to both the victim and the public generally. It is an important step towards making the Tasmanian community and roads safer.

Acknowledging the dangers of road rage and discouraging it from occurring ought to be supported by other amendments. This bill recognises certain offences that have a significant impact on safety on our roads, with penalties for those offences being commensurate with the danger that this type of offending poses. As such, the bill increases penalties for motor-vehicle theft and hooning offences.

Aside from the economic impact or the potential for the loss of an innocent person's primary transport, the theft of a motor vehicle poses a great risk on our roads, particularly where the stolen vehicle is driven by an inexperienced or substance-affected driver. In Tasmania, the penalty for motor vehicle theft is currently a fine not exceeding 50 penalty units, which is currently at \$10,100, and a term of imprisonment not exceeding three years. These penalties are insufficient and inconsistent with those in other jurisdictions where the fine may be double

that of Tasmania's and periods of imprisonment average 10 years. The bill proposes doubling the maximum fine for motor vehicle theft to 100 penalty units, which is \$20,200.

Hooning vehicles - such as those used to perform burnouts, create excessive noise or smoke, execute speed or acceleration, or race against another vehicle on our streets - pose an unacceptable risk to our communities. This bill therefore doubles the penalties for those offences to a maximum of 40 penalty units, or \$8080, and/or imprisonment for up to six months.

Further to this, the bill enhances the ability for police to investigate and deal with reports of hooning and other prescribed offences. Currently, for Tasmania Police to clamp or confiscate a car used in hooning, dangerous or reckless driving, evading police or some disqualified driving offences, they must first observe or witness the offence rather than learning of it from another person or inferring it from evidence such as video footage. This current threshold does not support the use of evidence captured by electronic means from the public, other infrastructure, or surveillance cameras. This threshold does not align with road safety campaigns whereby members of the public are encouraged to report poor driving behaviour, hooning and road rage related offences, nor with other legislation that requires police to form a reasonable belief in relation to offences.

The bill will require a police officer to form a reasonable belief that a person is committing, or has committed, a hooning or prescribed offence, in addition to any electronic evidence. This, of course, will still require supporting evidentiary material such as statutory declarations and witness accounts for the laying of a charge.

In addition, the validity of any clamping or confiscation will, as is the case now, be subject to court proceedings. Where a vehicle is clamped or confiscated for a prescribed offence, the seriousness of the offending warrants an increase in those periods of clamping and confiscation.

For the first offence, the clamping or confiscation period will increase from 28 days to three months, and for the second offence from three to six months. Where a vehicle has been clamped or confiscated for a third or subsequent offence, upon conviction of that offence, the vehicle will be forfeited to the Crown unless the offending driver, owner or registered operator applies to the court for return of the vehicle. Currently, police are required to apply to the court for a forfeiture order where there has been a third or subsequent offence conviction. This automatic forfeiture provision mirrors that of South Australia, which demonstrates a strong commitment to reducing dangerous driving behaviours on roads. There are a number of miscellaneous amendments relating to traffic policing and clamped and confiscated vehicles in this bill and they include:

- reducing the time period for disposal of a non-recovered, clamped or confiscated vehicle from nine to six months;
- removing the requirement for an application to the court for forfeiture of a vehicle used in an evade police offence and where the driver has not been identified or an application for its return has been made;
- doubling the penalties for interfering with confiscated vehicles being transported to a holding yard or removing a vehicle from a holding yard

to a maximum of 40 penalty units, again \$8080, and 80 penalty units, \$16,160, respectively; and

- doubling the penalty for a vehicle owner or operator who does not comply with a legal demand to identify the driver of a vehicle at the time an offence was committed, to a maximum of 100 penalty units, or \$20,200.

Maximum penalties for these offences have been increased to better align with other jurisdictions and to meet community expectations and proportionate penalties.

In relation to community safety, the bill makes a number of amendments to the act, as well as including a number of penalties for offences against persons and property. Passenger transport and ferry services will now be included in the definition of a 'public place'. This amendment is essential in clarifying police powers when dealing with incidents or offences on public transport services.

Penalties are also increased for trespass offences where the offender is in possession of a firearm. The fine is increased from 100 penalty units, or \$20,200, to a maximum of 150 penalty units, or \$30,300, with the maximum term of imprisonment increased from two to three years. This latter increase will ensure the offence remains a summary matter while more closely aligning the gap between summary and indictable matters.

Penalties are also increased for property offences such as destroying or injuring property. Tasmania currently has the lowest penalties across all Australian jurisdictions for these offences. The bill increases the maximum penalty for property offences from 10 penalty units, or \$2020, and 12 months' imprisonment to a maximum of 50 penalty units, or \$10,100, and two years' imprisonment. These changes reflect the increased financial hardship on victims of property damage, where the court deems appropriate, and better aligns Tasmanian penalties with those in other Australian jurisdictions.

Turning to assault offences: in Tasmania the maximum penalties for common assault are at the lower end of the scale when compared to interstate penalties. The increases to assault penalties reflects the seriousness of violent offences upon the community and more closely aligns the Tasmanian maximum penalties with those in other Australian jurisdictions. The increases in penalties are as follows: for a common assault, from 20 penalty units, or \$4040, and 12 months' imprisonment to 50 penalty units, or \$10,100, and 18 months' imprisonment; and where the assault is considered aggravated in nature, the penalty increases from 50 penalty units, or \$10,100, and two years' imprisonment to 100 penalty units, or \$20,200, and three years' imprisonment. These increases will provide a broader range of discretion and afford the court an opportunity to apply a penalty proportionate to the facts that are presented and subsequent to the seriousness of the offence and/or the offender's personal circumstances. This bill does not impede any sentencing options the court would have for therapeutic or other rehabilitative purposes.

Finally, to matters relating to evidence. For offences relating to computers, mobile phones have been explicitly included in the definition of a computer. The inclusion of mobile phones as a computer will accommodate computer-related and other fraud offences where a phone or similar internet-enabled device is used.

The bill also improves evidentiary provisions as they relate to property complaints and consorting offences. The amendments will create an averment negating the need for a property

owner to be called as a witness where their property has been injured or destroyed or a motor vehicle stolen. Victims of crime, including agencies such as housing providers and business owners, are regularly called to give evidence in court proceedings to merely state that they were the property or vehicle owner and that the charged person did not have their permission to destroy, injure or steal that property. This new provision is contained within existing averments already in the act, such as those which relate to age, liquor and licensed premises where the charge is contested, and will not discharge the onus of the prosecution to the satisfaction of the court.

In relation to consorting of convicted offenders who have been given an official warning, an averment will apply to the official warning having been authorised, served and in force at the time of the alleged offence. This will, given the five-year life of an official warning, address the burden to the court where witnesses are not freely available to give evidence of those administrative matters. This amendment is similar to the evidential provisions for orders relating to family violence and underpins the prevention of convicted offenders establishing, maintaining and expanding criminal networks.

The bill is to commence on royal assent and I commend the bill to the Council.

Recognition of Visitors

[11.59 a.m.]

Mr PRESIDENT - Before I call the honourable member for Mersey, I'd like to welcome to the Chamber another group through from the Beacon Foundation and also Scott Harris, who is the CEO of the Beacon Foundation. We're currently going through a police offences bill and we're at the stage called the second reading stage, which is where the Leader for the Government has just presented the government's case. Now every honourable member of the Legislative Council will get the opportunity to speak to the bill. If there's a majority content with the bill, then it will go into what's called the 'Committee stage', where the bill is gone through line by line. If it gets through that then we vote on the third reading. If it passes, it's then taken to the Governor and given the royal assent, where a bill becomes an act. We're going through the Police Offences Amendment Bill 2025. The honourable member for Mersey is just about to make his contribution. I know all members look forward to interacting with you through the day and welcome to the Tasmanian Parliament.

Members - Hear, hear.

[12.01 p.m.]

Mr GAFFNEY - I rise to speak on the Police Offences Amendment Bill 2025, and I'd like to put on the record I did appreciate the briefings from the department where we walked through the bill. However, some of that information may need to be spoken in this place so we get the gist of what was happening. The honourable Leader spoke about the bill saying 10 units and you gave a figure. That figure is now outdated, it's now 213, according to the Justice portal, per unit. I'm just wondering for *Hansard's* purpose, do you reflect that in your closing statements because it's actually not correct at the moment? I will just leave that with you to figure out how that works.

Ms Rattray - Thank you, honourable member, and I will leave it with somebody else.

Mr GAFFNEY - I can appreciate the intention of the government in introducing the new offence of road rage, especially so as an attempt to remedy the issues of aggressive or irrational driving behaviours by people in charge of a motor vehicle and in a broader sense its efforts to try to improve and bolster the Tasmanian criminal justice system with other elements in the bill.

While I'm generally in support of the bill, I do have some concerns, a number of which have already been discussed in the other place. As such, I will endeavour to keep my contribution brief and to the point.

I have been observing the debate on this legislation. I also note that several minor targeted amendments could address at least some of the concerns that I have with the purpose and operation of the bill as currently drafted.

From the outset, I would like to recognise the issues that this legislation is trying to address. Road rage and overt aggression that leads to dangerous driving, intimidation and assault are a growing presence on our roads. I am certain that many of us have had experiences with other drivers being unsafe, irrational and irresponsible. There is no doubt that social media has only raised community awareness of such behaviours, along with the desire to see something done about it. The question then becomes how to go about it in a way that is fair and appropriate without adding further complications.

As noted in the other place, a vehicle has the real potential to be used as a dangerous weapon. It's a 2- to 3-tonne metal object that can move at significant pace, and we only have to witness the increasing number of supersized utes with darkened windows to get a sense of the level of intimidation that can come from large vehicles, both overt and subliminal.

Ms Rattray - So, you've had a Ram come towards you as well?

Mr GAFFNEY - No.

As such, it is vitally important that those in control of all vehicles are conscious of their potential for harm and operate them in a defensive and conciliatory manner. We must also ensure that the regulatory framework in place recognises the safety concerns and imbalance that comes from those good, responsible drivers and those who choose to vent their frustration through the red mist of pure aggression and intimidation. Dare I say, sometimes they seem to enjoy these behaviours a little too much.

We have also those that might be considered passive aggressive behaviours such as tailgating to push somebody along, the overtaking lane accelerator to defend their place, and last-minute overtaking merging traffic, a move that causes a dangerous multi-car concertina of rapidly braking traffic as they seek to avoid colliding with those individuals who must be in front of the traffic at all times, no matter the consequences.

Mr President, I must ask how the new definition of 'road rage' in the bill will apply to what may be seen as a part of everyday driving experience in Tasmania.

The three passive aggressive behaviours I described may well fit the definition of road rage in terms of, and I quote:

A risk or danger to a person that results in alarm, distress, apprehension or fear in another person.

If the apparent victim has a response which consists of threatening, abusive, obscene, offensive, profane or insulting words, gestures or behaviours, they too may be equally liable for conviction.

I assume the first cases that appear in the courts will establish the precedent that will define the future of such cases and the role of a dash cam that records the verbal utterances of both sides. Of course, no matter how well intended a legislative proposal is, the devil is always in the detail.

As has been championed by the Law Society of Tasmania and across various other submissions that opposed this legislation in part or in full, there are several concerns with this bill. Indeed, as was noted when it was debated in the other place, it is a shame that this bill did not receive a level of scrutiny like other more notorious legislative proposals.

Moving to my first concern, in an almost given for this government, it appears that some aspects of this legislation were simply not put out for community input and consultation in an appropriate manner. Other parts of the legislation may have been sent for community input, but from that consultation process little appears to have changed in the government's selective approach to such things.

Of course, this legislation has been touted as an anti-road-rage and hooning amendment bill, and while it does change the law to that end, the bill has almost an omnibus flavour. It adds a related offence and varies other offences that are prima facie unrelated. The bill also gives further power to police by flipping the onus of judicial oversight, furthering an ongoing trend in Tasmania, expands the umbrella of what some mobile phone and computer related offences relate to, some reasonable evidentiary matters relating to a property, witness proceedings and averments.

As such, it is quite difficult to expect adequate consultation to be made. To outline the order of events, the government put forward that it would be making an anti-hooning bill and that same bill has seemingly snuck in a variety of other fixes it would like to have for unrelated matters. With that in mind it's difficult to expect underfunded and time-poor organisations to be able to spend their time trawling the minutiae of the legislation for poor outcomes.

I am concerned that this leaves behind proper process for experience's sake. If the government could clarify as to how it views the role of these changes and the use of a police officer's reasonable belief in addressing or working together with existing processes to address the various forms of road rage and hooning. It does suggest a degree of subjective and selective judgment that may be problematic in securing a conviction.

As another example, we can assume that a video taken on a mobile phone and posted to social media will link in with a computer-related offence as per the bill. Or is it otherwise to ensure experience without harming participation and community interests? I would appreciate an understanding of how that would work.

Of course, I note that it was pleasing to see the Premier finally take on board the community feedback regarding the phase 2 draft Primary Produce Safety (Horticultural Produce) Regulations of 2026. Of course, much of what I saw of by way of community response to that decision was positive, overwhelmingly supportive of more consultation, but why was it even to progress as an obvious point of community aggravation that instantly fails the pub test of common sense?

I'm also concerned that this bill involves creating almost redundant criminal laws for the sake of a spectacle. It is already a crime to drive dangerously, recklessly, negligently, without due care and attention, or to cause harm to another person. These crimes broadly encompass the same activities that meet the proper definition of road rage.

One might argue that the proposed road rage crime is extending the law to the mental anguish or distress caused to the victim. However, would it not be more expedient to clarify that in law which gives force to the existing crime of dangerous driving rather than creating overlapping crimes that add vagueness and uncertainty?

Of course, one might argue it is designed to cover intentional threats, but the *Police Offences Act* also expressly includes threats within related crimes where necessary. If anything, this could be deviating from the norm.

I note that a separate crime appears to allow for greater clarity in sentencing, but I also note that the legislation will increase maximum sentences for various related and unrelated offences, reducing clarity. I am concerned that blankly increasing maximum penalties will have a flow-on effect to sentencing across the board, instead of encouraging or permitting more flexibility and targeted appropriate sentencing.

The Tasmania Sentencing Advisory Council's 2020 guide to sentencing in Tasmania notes a list of sentencing factors that a court is required to consider in its sentence. The first in the list is:

the maximum penalty for the offence - set in legislation, this is the maximum term of imprisonment and/or a maximum fine amount that a court can impose for a particular type of offence.

I would be interested to hear from the government on the impact of this bill on the possibly inflationary influence of sentencing in general terms, and how the government specifically envisages addressing the impact of the proposed criminal offence of road rage.

I note that I'm also concerned with the increase in police powers, and the shift to remove the need for a police officer to personally observe a prescribed offence and needing only reasonable grounds for believing that a person is committing or has committed a prescribed traffic offence before the officer may confiscate a vehicle and is required to make a forfeiture order. Whilst I can fully respect the growing use of dash-cam footage and CCTV as notionally objective evidence of an offence, it can still leave doubt if the offender cannot be clearly identified beyond reasonable doubt. This is the conundrum. If a police officer suspects on reasonable grounds, does that mean that they must clearly identify that that person driving the car was actually driving the car? The use of direct witness evidence can also be problematic, other than as an opportunity to further investigate a potential offence.

I am aware that the government has spoken about this legislative proposal at length in the other place, on the matter of vehicle seizures and many of the concerns I have raised. Nonetheless, I would appreciate the response from the Leader of the Government to the queries and concerns I have raised regarding the legislation. Thank you.

[12.12 p.m.]

Ms GLADE-WRIGHT (Huon) - Mr President, I rise to speak on the Police Offences Amendment Bill 2025.

Every Tasmanian has a right to feel safe when they are going about their daily lives. In a regional electorate such as Huon, where access to a vehicle is often essential rather than optional, dangerous driving is not an abstract concept. Hooning has been raised with me several times by residents in the Huon. Hooning, road rage, vehicle theft and reckless behaviour have very real consequences for communities because they place lives at risk, cause property damage, create fear and undermine people's sense of safety.

The government has presented this bill as part of its commitment to crack down on hooning, road rage and vehicle theft, and to provide police with stronger powers to respond to serious and dangerous conduct on our roads. I support effective action against people who repeatedly place others at risk through their behaviour. I also agree that road rage should not be dismissed as simply a moment of frustration or poor manners because, at its most serious, it can involve intimidation, pursuit, threats, deliberate collisions and conduct that leaves people genuinely fearful for their safety.

Tasmanians expect parliament to respond to that behaviour and they expect us to do so in a way that protects the community while also ensuring that laws remain fair, proportionate and effective.

However, supporting the purpose of the bill does not mean that we should set aside concerns about how it is drafted and how its provisions may operate in practice, or whether the measures it contains are likely to achieve the long-term outcomes that the government seeks. A number of stakeholders have raised important issues that deserve careful consideration because, while there is broad support for improving road safety, there is less agreement about whether increasing penalties alone will change behaviour.

TasCOSS, for example, questioned the assumption that harsher penalties necessarily lead to lower rates of offending, and pointed to research suggesting that the relationship between sentencing severity and behaviour change is far from straightforward. It also highlighted the disproportionate impact that financial penalties can have on people experiencing disadvantage and argued for a greater emphasis on prevention and early intervention, including investment in community-based services and support for issues such as mental ill health, alcohol and other drug dependency. In my view, these concerns should not be interpreted as a call for inaction. Rather, they are a reminder that if our goal is safer roads, we need to ensure that measures we adopt are not only tough but also effective.

Similar concerns were raised by Tasmania Legal Aid and the Law Society of Tasmania. Tasmanian Legal Aid questioned the increase in maximum penalties, expressed concern that the proposed road rage offence may capture conduct that falls short of genuinely serious offending and opposed aspects of the vehicle clamping provisions. The Law Society drew attention to language used in the bill, noting that terms such as alarm, distress, apprehensive

and fearful are inherently subjective and may be difficult to assess consistently. Their concern was that conduct that is not objectively serious could nevertheless expose an individual to significant legal consequences, including arrest, substantial penalties and, ultimately, vehicle sanctions. These are not trivial consequences, particularly when repeat offending may lead not only to fines but to confiscation and forfeiture of a vehicle.

Research undertaken by the Victorian Sentencing Advisory Council found that, while the possibility of imprisonment may prove a modest deterrent effect in some circumstances, increasing the severity of penalties does not necessarily result in a corresponding reduction in offending. What appeared to matter more was the likelihood that offenders believed they would be detected and held accountable for their actions. Similar observations have been made by the Australian Institute of Criminology, which has noted that deterrence is strongest when people believe there is a genuine and credible risk of apprehension. For that reason, some of the most significant aspects of this bill may not be the increases in penalties at all. Instead, they may be the provisions that strengthen enforcement and make it easier for police to establish offences through evidence such as CCTV footage, mobile phone recordings and dash-cam footage. These measures align more closely with the evidence because they strengthen the certainty of detection, and research consistently suggests that certainty has greater impact on behaviour than severity alone. If parliament is being asked to approve expanded powers, increased penalties and mandatory vehicle forfeiture provisions, then parliament should also expect clear evidence that those measures are working. A review mechanism provides an opportunity to assess whether the legislation is improving road safety, reducing offending and meeting its objectives, rather than simply increasing the scale of punishment imposed by the state.

I also want to touch on the question of proportionality because vehicle sanctions can have consequences that extend well beyond the individual offender. There is evidence suggesting that impoundment can reduce offending, particularly among serious and repeat offenders, because it removes immediate access to the vehicle used in the commission of an offence. At the same time, the research also highlights legitimate concerns about fairness, particularly where a vehicle is jointly owned, where family members rely on that vehicle, or where access to alternative transport is limited. That issue is especially relevant in regional Tasmania. Many people in the Huon do not have access to regular public transport and a vehicle is often the means by which they get to work, attend medical appointments and care for children or participate in community life.

So, I support the purpose of this bill and its objective of creating safer roads and safer communities. At the same time, I acknowledge the concerns raised by stakeholders regarding proportionality, evidentiary thresholds, police discretion, the breadth of certain provisions, and the potential impact of penalties and vehicle sanctions on vulnerable and regional Tasmanians. As this legislation is implemented, it will be important that its operation is monitored carefully, that its effectiveness is reviewed rigorously, and that it is accompanied by broader measures aimed at prevention and behaviour change. With those comments, I support the bill.

[12.19 p.m.]

Mr HISCUTT (Montgomery) - Mr President, I rise to give my thoughts towards the Police Offences Amendment Bill. I have no objection to this bill and encourage its passing in this House. Courts need to have the capacity to deal with problem offenders and the increasing of the penalties allows the courts the discretion to do so.

I also commend the inclusion of a road rage offence. This clause is not constructed to affect beeping at someone if they cut you off, but it will make it an offence for serious actions that can take place behind the wheel.

I think it is also important for the police to be able to use video evidence to form a reasonable belief that an offence has occurred, to seize vehicles that offend. However, I would like to ask the government, with the rise of AI footage, how will we manage to ensure that the footage is verified before commencing any actions? Although I recognise - as was spoken in the second reading - that supporting evidence will also be required to charge anyone, if the evidence used to form the reasonable belief is determined to be false, will that affect the ability to convict even if the subsequent offence found does prove guilt?

I think that the public expect our police to have the tools and abilities to keep our streets safe, and the clauses proposed in this bill go towards helping this to be achieved. We should all be able to feel safe on our roads, and if that is from hoons acting dangerously or those who are unable to keep their anger in check, I think these amendments assist with these goals. The bill also increases the penalty for other crimes, including trespass where the person is in possession of a firearm, common and aggravated assault, destroying or injury to property, and a few other offences. The increase in the maximum is applied and no minimum introduced against, which gives the courts the ability to impose a sufficient deterrent if required, and I think that will be of use.

I do have one question and perhaps I should ask it in the Committee stage, but I'll flag it here: in clause 21, section 37Y amended, it includes paragraph (i) which omits subsections (7) and (8) from the principal act. Subsection (8) of the principal act provides for the courts to impose conditions on any vehicles that were allowed to be used despite the forfeiture due to hardship concerns. I know that this was asked in our briefings and some notes provided, but I'd like those to be provided today as well; and although I acknowledge that the bill has now changed how and when the forfeiture will apply, I still would have thought that the court would have the right to impose these conditions in certain circumstances. I'll be interested in the government's response to this. I support the passing of this bill.

[12.22 p.m.]

Ms ARMITAGE (Launceston) - Thank you, Mr President. I thank the honourable Leader for bringing forward this bill and for the briefings provided. This bill contains a number of commonsense measures to address and deter certain offences, and I know that it's the result of extensive consultation and research. Tasmanian roads are not as safe as they should be and I think many in this Chamber were part of a road safety committee that we had quite a few years ago, and we discovered that there are many issues that are very difficult to address with regard to road safety. In fact, our state has some of the worst crash, casualty and fatality statistics in the entire country, particularly on a per-capita basis. The community is therefore right to expect us to do everything we can to deter risky and dangerous road behaviour and to penalise it commensurately when it does occur. To this end, this bill introduces a new road rage offence. I'm a bit surprised this sort of offence doesn't already exist. I believe the vast majority of people have been subjected to harassment, anger or fear on the roads. I think these are often characterised by an overreaction on a person's part where maybe a simple mistake has happened and someone's reaction is to swear, yell, gesture, or drive dangerously in response.

Ms Rattray - It happened to me last week.

Mr Hiscutt - Probably deserved, though.

Ms ARMITAGE - I was going to ask which one you were, Leader.

Mr Hiscutt - I was there.

Ms Rattray - Mr President, through you, the honourable member for Montgomery was in the back seat and I cut somebody off.

Mr Hiscutt - If I was in the back left I would have been hit.

Ms ARMITAGE - I wasn't sure whether the Leader was the one that caused the road rage or the one that had the road rage.

Ms Rattray - I caused it.

Ms ARMITAGE - With actions like tailgating or excessive beeping being common -

Ms Rattray - It was unintentional.

Ms ARMITAGE - as the honourable Leader said, in a poll undertaken by *The Mercury* newspaper, 86 per cent of respondents said that they had experienced road rage. I'm not quite sure what that says about those who commit road rage, however. If that many people have experienced road rage, that must mean there are also a lot of people on our roads committing it. This makes proportionate response all the more necessary and adds to my surprise that a road rage offence doesn't already exist, being aware that we already have offences relating to reckless and negligent driving that have been used to address road rage incidents to date. That being the case, it's never too late to introduce a specific offence that addresses a specific problem. I note that a person can be guilty of the new offence if they know, or ought to know, that their conduct is likely to cause alarm, stress, apprehension or fear in another person. It sounds like the member for Montgomery certainly had fear in the back of the car with the Leader.

Mr Hiscutt - Immense.

Ms ARMITAGE - I am wondering how this will operate in practice. What might cause alarm, distress, apprehension or fear in one person might not particularly bother another person. I'm just wondering how objective or subjective this standard is and how it's going to be applied. I would additionally be interested to hear more about what sort of defences might be available to a person who's charged with this offence and what sort of mitigating factors might apply. Perhaps the honourable Leader can provide some context from other jurisdictions. I know this is a new offence for Tasmania and we don't know exactly how it will unfold, but some further guidance and information would be really helpful and it would be good to have it on the public record.

Moving on, this bill further increases the penalty for trespass offences where the person is in possession of a firearm from 100 penalty units and two years' imprisonment to 150 penalty units and three years' imprisonment. I understand that this provision has come about largely from consultation with farmers and landowners around the state who are concerned about poachers and others who are armed and come onto their property. It increases safety for

everyone, for farmers and landowners to know that there are increased penalties for these sorts of trespass offences, and hopefully will encourage hunters and others to ensure they plan their sorties appropriately and properly with permissions in place.

Crimes against people that are particularly violent or frightening or violating, especially those that involve weapons, have a particularly significant impact on victims and their loved ones. The trauma which results from being subjected to these sorts of offences is very real and very damaging, and people have the right to live without fear of being hurt, threatened or violated. To this end, the applicable penalty of assault with indecent intent has also been doubled from 50 to 100 penalty units and the a period of imprisonment increased from two to three years. Additionally, the bill increases the penalty for destroying or injuring property offences from 10 to 50 penalty units and from 12 months' to two years' imprisonment.

While the bill contains even further measures, I want to remark on these penalties. I am hopeful they will go some way to deterring these offences taking place to begin with, particularly in circumstances of family and domestic violence, or not limited to these circumstances. Community expectations certainly reflect the need to urgently and properly address crimes against people and their property, and that a strong, proactive response is demanded. Additionally, people are right to believe they will be protected from these sorts of crimes and, when they do occur, that those who commit them will be appropriately penalised and rehabilitated. Of course, ideally these crimes will be deterred in the first place and if increased penalties help to achieve that, then I think it's only reasonable to support them.

With regard to hooning, this bill looks at excessive noise and smoke emitted from a vehicle, unauthorised racing and hooning in general. How many of us of a night hear hooning? You don't know where it is; but I know from where I live, I often hear screeching of tyres and I know that it's somewhere nearby. Of course there's no ability for the police to actually get to wherever it might be before the vehicle has sped off and gone - certainly something that causes a lot of angst in the community.

Ms Forrest - Certainly something close to the former member for Windermere's heart, if you remember. I think he was opposed to it, as opposed to a perpetrator of it.

Ms ARMITAGE - Oh, you mean the previous member for Windermere we're talking about?

Ms Forrest - Former member for Windermere.

Ms ARMITAGE - Right. I was thinking about the current one and forgetting our previous was a police officer, of course.

Ms Forrest - He had a very strong passion for hooning - for holding hooners to account.

Ms ARMITAGE - Yes. Specifically, this bill makes it easier for vehicles to be forfeited to the Crown by increasing clamping and confiscation periods and reducing the thresholds for the automatic forfeiture of vehicles in certain conditions. Moreover, the bill removes the need for a police officer to personally observe a prescribed hooning offence occurring before any action can be taken and allows an officer to be able to form a reasonable belief as to the occurrence of an offence based on evidence taken from CCTV, dash cam or direct witnesses. I'm assuming that would also cover mobile phones, Leader, because many people may actually

have a mobile phone? It's not mentioned here, but if the Leader could confirm that evidence from mobile phones - because there may be people there filming it, which sometimes they put up on Facebook and it can be determined from that. If we could just have that.

I'll close with some remarks on evidentiary provisions in the bill. I support all the measures contained in the bill, but I'm particularly in support of the measure for offences in relation to property. The bill proposes additional averment provisions which will reduce the need for a property owner to be called as a witness where their property has been injured or destroyed or a motor vehicle stolen. I would just like to make some comment about motor vehicle stealing, because I do notice the increase of fines and penalties for motor vehicle stealing.

I know the Chamber is aware that I'm often called to the police station to attend when offenders, particularly under-age offenders have stolen a motor vehicle, many of them with no concern for the owner, no concern at all that they've burnt the vehicle out and certainly no means of paying a fine. The question I have: given the fact that the majority of people I've come across who have stolen vehicles, and I believe on many occasions this happens with older people as well, have little or no financial means, so I really wonder what happens when it's impossible for these offenders to pay the fine. It's all very well increasing the fines, but if they can't pay the fine, they have no ability whatsoever, and I'd say on all the occasions that I've attended when someone stole a vehicle and burnt it, they have not cared at all about the fact that it belonged to someone, regardless. Many times, they've stolen the vehicle and it's been crashed, they've denied it until they've been seen on CCTV, and they've burnt the vehicle. I could tell many stories, but it's not the time for it.

Currently, victims of crime, including agencies such as housing providers and business owners, are regularly called to give evidence in court proceedings to confirm that they were the property or the vehicle owner and that the charged person did not have permission to destroy, injure or steal that property. The bill will, therefore, create an averment, negating the need for a property owner to be called as a witness where their property has been injured, destroyed or a motor vehicle stolen. Actually, I might just add one little story here because it might be useful to people with older vehicles if they are reading: my husband had his vehicle broken into two weeks ago and they tried to steal it, but being an older vehicle, something that he loves and that he's had for 20 years, he had a steering wheel lock; and just let me tell you, it is very, very hard for someone stealing a vehicle to get a steering wheel lock -

Ms Forrest - They should have looked through the window before they tried.

Ms ARMITAGE - Well, they like to get things out of the vehicle as well and see that you might have something in the glove box, so they like to break into it as well. They did try very hard to get the steering wheel lock off; they couldn't. For anyone listening who has an older vehicle, I'm not sure how much they are, \$50-\$60, it certainly saves your vehicle from being stolen. I would recommend it for people with older vehicles.

Anyway, this is a commonsense provision, and I think it will help the courts to efficiently handle matters relating to these sorts of offences without the need to undertake evidentiary formalities and waste people's time.

As I mentioned, I thank the honourable Leader for bringing the bill forward. It contains a number of sensible, proactive measures which will, hopefully, strengthen our response to

these sorts of offences and proportionately penalise those who commit them. I'm also pleased to see, Leader, that this act commences on royal assent. With that, and if you could answer a couple of the questions in summing up, I support the bill.

[12.33 p.m.]

Ms O'CONNOR (Hobart) - Mr President, I rise to speak on behalf of the Greens on the Police Offences Amendment Bill 2025, noting that we're here as the result of the government's election commitment during the election campaign to introduce a new offence for road rage, double penalties for dangerous or reckless driving and motor vehicle theft, and making it easier for vehicles to be forfeited to the Crown or crushed. This bill, as I recall, was tabled pretty soon after the last state election and for some reason that hasn't been explained, we haven't brought it on to debate until today.

The bill creates a new offence of road rage, and I feel that I should declare that I have participated in a road rage incident. It was in about the year 1990.

Mr Gaffney - Just one?

Ms O'CONNOR - Just the one, I believe, although I have been known to, under the dashboard, give people the middle finger when they're really frustrating me on the road, but not in an aggressive way. It only makes me feel good. This was an incident on the Brooker Highway near the hockey centre in New Town. A bloke in the car in front of me threw an empty stubby bottle out onto the verge, and the pink mist descended, and I ended up chasing that man down the Brooker almost all the way to Glenorchy, abusing him out the window as I went, and I think that probably falls within the new definition of road rage.

I also know, as a Tasmanian MP who is a Green and has Greens stickers on my car, and I have many friends and associates within the Green movement who have similar identifying regalia on their vehicles, we can be subject to some very aggressive and intimidating behaviour on our roads simply because of who we are as elected members and what we represent; I also note that. While tailgating can be an aggressive and intimidating behaviour on Tasmanian roads, it's very common, and I think this goes to perhaps some of the driver instructions that are given or how people are taught to drive by their parents, but certainly when I moved down here 30 or more years ago, I was really struck by how prevalent tailgating is in Tasmania. Sometimes the temptation when you're being tailgated - I wish I had a bull bar at the back because you could just sort of tap the brakes and make someone think twice about tailgating, but of course, I don't do that -

Ms Forrest - Not anymore, you won't, anyway.

Ms O'CONNOR - No, that's right; but it's very bad driving to tailgate. It's shockingly bad driving and it's dangerous.

Ms Rattray - It gets you nowhere fast.

Ms O'CONNOR - It gets you nowhere faster, that's exactly right, but it also puts you and others at risk because of the way you are driving. We were always taught to keep six car lengths between you and the car in front, and that doesn't seem to always be applied on Tasmanian roads. In the other place, we did not support this bill. I mean, there are some smaller elements of it that we do support, but it's a bill, apart from creating the new offence of road

rage, which is sort of largely lazy public policy because it simply increases penalties for a range of offences, and as we know, law professor David Brown has stated the bleeding obvious: the severity of punishment, known as marginal deterrence, has no real deterrent effect or the effect of reducing recidivism.

It is well established that simply increasing penalties provides no deterrent effect. Again, it might make some members of parliament feel better because it gives a feeling of being tough on crime, but it does nothing to deal with the causes of crime, and this is where this government repeatedly fails on early intervention and prevention. Time after time we see failures in this area of public policy. We see very little to no money being put into early intervention and prevention programs with young people, for example, who might take part in hooning; and until you have an approach that recognises you need to engage with people who may be tempted to engage in criminal or antisocial behaviour, all your attempts to make our roads safer or our communities safer will be blighted by that lack of investment into early intervention and prevention.

So, while the bill asks us to approve a doubling of maximum penalty units and, in fact, in some cases tripling, and a 50 per cent increase in maximum prison terms for a significant number of unrelated offences, we'd like the Leader for the Government to explain the justification for these moves beyond a broad comparison with other jurisdictions. The point has been made a number of times, we shouldn't necessarily make our law here based on what someone is doing somewhere else in Australia. If we're serious about making sure that our penalties are contemporary and fair, then there's a body of work here that the government could ask the Sentencing Advisory Council to undertake. At least then you'll have an evidence base for changing the laws and potentially increasing penalties. Is it the case that the significant range of penalty increases in this bill was requested by Tasmania Police? It's our understanding that this recommendation didn't come from the Department of Justice.

In the TasCOSS submission on the original draft bill they state:

The underlying assumption of the proposed changes in the Bill is that increased penalties will reduce offending. However, academic research into sentencing and its impact on criminal behaviour show[s] that this is not always the case.

And they raise the issue of the impact of increased fines, particularly on low-income Tasmanians, because of course the provisions within this bill demographically will have a greater impact on low-income Tasmanians. TasCOSS also recommended the Tasmanian government:

focuses on strategies and initiatives to prevent crime, and investing in community-based services to support people with underlying needs contributing to criminal behaviour ...

We note that there's the proposed doubling of the penalty for unlawful entry onto land, or tripling if the person has a firearm. It must be just absolutely confronting and potentially terrifying for a landowner to have someone trespass on their land with a firearm. So, I certainly understand the sentiment behind this increase in penalties, but is there an evidence base, or any criminal statistics that the government can point to so we can assess the extent of this as an issue? The change was presented as beneficial by government in situations where a property

owner may have a family violence order in place, although such circumstances would already involve a breach of that order and potentially other offences depending on the facts.

In relation to clause 37, the Tasmania Legal Aid said, and this is a question for the government:

It is difficult to reconcile why an increase in the term of imprisonment for assault is expressed as from 12 months to 18 months, but for destroy property it is from 12 months to 2 years.

The law sends a signal about what parliament values, and the signal that is sent by that disparity where, if you damage property you face a heavier sanction than if you hurt a person, is that parliament thinks property is of more value than a human person. Now, I don't believe that to be true. I don't believe that's what parliament believes or thinks, but can the government explain why a property offence under clause 37 is of a higher sanction than an offence against the person. So, if the government could please explain that, that would be very helpful.

On the hooning component of the bill, the Law Society of Tasmania's submission states the offence is committed if it results in another person feeling alarmed, distressed, apprehensive or fearful, including as a result of verbal abuse or threatening or obscene gestures, having regard to the definition of a driving related act.

I echo the questions that were put by the honourable member for Launceston; it's a very subjective test. One person may be highly offended by having a driver in the car next door giving them the middle finger, where another driver will just move on. It's subjective and a very broad test, we think, and we'd like to understand how these words, 'alarmed', distressed, apprehensive and fearful', could be measured objectively, in such a way that gave the person accused of engaging in road rage conduct fairness under the law. As the honourable member for Launceston said, what is the defence in those circumstances?

We've had government point to, as part of the rationale for this bill, other jurisdictions that have hooning or road rage offences, but they're defined, we believe, much more clearly. In New South Wales, predatory and menacing driving are defined very specifically. Predatory driving involves pursuing another vehicle with the intention of causing a collision or impact and causing actual bodily harm. So, it's about intent within that provision. And menacing driving involves driving in a way intended to threaten or appear threatening to another person or property. Menacing driving is established as an offence under their *Road Transport Act 2013*. So, there's an evidentiary issue here in the definition of road rage. It is a very broadly phrased new offence that is subjective to the feelings or experience of the person who feels offended against and I'd like to understand what the rationale was for wording this new offence provision in this way - because, if we are looking at how other jurisdictions have dealt with road rage or hooning, the Greens would argue that the Tasmanian government's approach is not aligned.

On clause 37Y, concerning vehicle forfeiture, these provisions shift from court-based evidence for a person who's been found offending to a police power based on reasonable grounds for believing. This is another example of the government shifting that evidentiary test from the police having a reasonable suspicion, which is a higher test, to a reasonable belief. The government has justified it as a way to ease court backlog by granting police additional authority. It's just extending police powers. The reason that we have a court backlog here, or

one of the key reasons, and we saw it in a report that was tabled yesterday, is very significant underfunding in our courts, particularly in our Supreme Court. Now we have a situation where, in the state budget, to make this worse, the state government has taken \$2 million away from Legal Aid over the forward estimates. So, the answer isn't to increase police powers to ease the pressure on the courts. It's to invest in early intervention and prevention, and to invest in the courts and make sure your legal support services at a community level - Community Legal Centres, Legal Aid and the Refugee Legal Service - are appropriately and adequately funded.

The bill allows for vehicles to be confiscated in certain circumstances, but the threshold relies on a police officer believing it is necessary. What we know is that results from the recent police wandling trial show that only about a quarter of searches based on reasonable belief, which was the test that parliament passed when that bill went through last year, actually resulted in a dangerous item being found. There are probably a lot more searches being undertaken because it's very easy for a law enforcement officer, on looking at someone, to form a judgement that forms a reasonable belief that person is trouble.

There are some parts of the bill that the Greens support, including recognising public transport as a public place and making it clear that mobile phones fall within computer offences. We do note, however, in relation to mobile phones as computers, that police are already operating on the basis that phones are included as computers, and we do know that police are already empowered to remove people from public transport if a bus driver has directed the offender off the bus.

We recognise that this is government coming good a little belatedly on an election commitment. We recognise the seriousness of the issue that the government is seeking to take on here; that is, the risk to public safety on our roads of road rage and hooning. But we are concerned about the way the government has structured the language in this new offence, and we are concerned that the rationale for these very significant increases in penalties for a range of offences does not have an evidentiary basis.

We'd like to see the government, if they're serious about this, engaging with the Sentencing Advisory Council for some proper research, consultation and advice back to government. Again, it's populism.

Ms Webb - Performative.

Ms O'CONNOR - Performative populism. Thank you, honourable member for Nelson. It signals to the community that you're doing something because you name an issue.

Ms Forrest - We're not fixing the problem.

Ms O'CONNOR - Sorry, what was that?

Ms Forrest - We're not fixing the underlying problems, the causes.

Ms O'CONNOR - That's right. The signal is, oh, we identify that road rage is an issue and a concern, therefore we're going to make it a crime and that's the signal that's gone out there. But the law that we're being asked to pass today, in our view, is poorly drafted and we need to see it in the light of this government's underinvestment in early intervention and prevention. A rogue police minister who believes in the principles, for example, of adult crime

and adult time for children and who is engaging in conduct as a police minister that is in direct contradiction of the principles and recommendations of the commission of inquiry.

If you want to deal with road rage and other person- and property-related crimes in a sustained and effective way, you tackle the causes of those offences and crimes, you work with the people who are at risk of committing those offences and crimes, you approach children and young people who are caught up in potential offences and criminal behaviour in a trauma-informed and therapeutic way. That is how you keep the community safer and our roads safer. Locking children and young people up does nothing for them, it does nothing for community safety. It might make some hard-hearted people feel a bit better, but it doesn't work and all the evidence points to that.

Disappointingly, I don't like saying we don't support something if it's about making the community safer; but because of the language in this bill and the lack of evidence underpinning very substantial increases in penalties, we can't support it.

[12.54 p.m.]

Ms FORREST (Murchison) - I always enjoy the member for Hobart's frankness about her past.

Ms O'Connor - I'm a whole new person now, honourable member for Murchison.

Ms FORREST - Yes, I'm sure she's a reformed character since she's been led to this place and once she sorted out all the parking fines she had and all those other things we've heard about.

Members who have contributed thus far made some really valuable contributions, and there are a number of questions that I won't go back over that have been posed to the Leader, but I want to speak broadly. I won't oppose the legislation, but I do have some concerns about some aspects of it that have been raised by some of my very thoughtful colleagues in this place. I was very heartened, however, when the Leader read the second reading speech that she left out the provocative, politicised, populist statement, obviously put in by the minister in the other place, about their 'strong plan to crack down on crime' because it's just provocative, it doesn't help, it doesn't seek to address the problem we've got. So, I do commend her on that, because it's totally unnecessary and it taints what comes following it, which is an attempt and an approach to address what are some pretty serious matters. I just wish the government would get that, that when you want to bring things that are serious matters of public safety and concern to this place, you avoid the rhetoric and stupid slogans like 'strong plan to crack down on crime'. So, thank you, Leader, for your attention to that.

I will just focus on a few of the areas particularly, but the issue of road rage and the driving behaviour of many of our fellow Tasmanians is something that I deal with every time I drive up and down the highway, which is very often. I'm a bit like the member for Hobart, who may make gestures - I don't make gestures, I just complain bitterly to my husband about the behaviour of the person, usually in front, but sometimes behind. Recently, I was driving from Wynyard. I think we were heading to Hobart actually on that day, and it was one of those days with really heavy rain. You don't have any choice about driving through that at times because you have to get to here. It really bothered me, and I did recall the licence plate of this, and I did report it to the police non-emergency number of 131 444, which is saved on my phone for just such an occasion. Or it might have been through their website. Either way, I reported

to the police the details of their registration number. In this weather, really wet, really dreadful driving conditions, and a car tailgating, as close as I've ever seen a car, a learner driver. Right from the back of Wynyard all the way through Somerset, because you can't get past, and certainly not in those conditions you can't, there's a lot of heavy traffic, including trucks that spray all manner of spray over you. The only time this person went past this poor learner driver was when it got to the divided road at Cooe, when the traffic lights were there, and the way that this driver went past was very intimidating. I thought, that poor learner driver: here's someone we want to build confidence on the road, we want them to feel safe driving on the road. I imagine the supervising driver in the car was probably trying to assist with that, but they were probably quite concerned too.

I did a defensive driving course at Symmons Plains many years ago. As the member for Hobart alluded to, if someone's tailgating, the best thing to do is slow down and encourage them to pass. Even pull over if you can, but it's not always safe or possible to do so. The thing that was drummed into me is: the only space you can protect is the space in front of you. So, if someone pulls in front of you and then slows right down, well you almost have to slow right down - well, you do have to slow right down, until you can go past them - to maintain that safe space, because that safe space gives you room to stop should you need to - to stop slowly if someone's roaring up behind you that you think is not going to be able to stop. So, there's some of these behaviours that are very frightening. But I go to the point - I can't remember which member made it, it might have been the member for Launceston perhaps - that what intimidates and frightens someone may be different for someone else. It's pretty clear - tailgating in terrible driving conditions, and we want our learner drivers out in these conditions.

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

QUESTIONS

Local Government Elections - Requirement to Disclose Residential Address

Ms WEBB question to MINISTER for LOCAL GOVERNMENT, Mr VINCENT

[2.30 p.m.]

Minister, you'd be aware of recent privacy and safety concerns raised by prospective candidates for the upcoming local council elections regarding the legal requirement to publicly display or disclose a residential address as part of advertising authorisations on electoral material. I'm being contacted by community members wishing to run as independent candidates who feel even further disadvantaged by these concerns as they do not have access to a party office street address that other candidates might have available to them as an alternative option. In light of those concerns and the need to balance our democratic responsibility of ensuring electors are confident in the validity of those seeking to represent them, with the need, sadly, to protect the physical and online safety of those seeking election, my questions for you are these:

First, what plans, if any, does the government have to consult with stakeholders to identify practical solutions that can be brought into effect before the close of council nominations at 12 noon, Monday, 21 September?

Second, how will you seek to ensure any alternative options are communicated and promoted to ensure prospective candidates are aware of them, including covering any promotional costs incurred by any efforts to raise awareness of the alternative options?

And last, is it not a fact that a long-term solution is required to this and in light of the fact that the current Joint Standing Committee on Electoral Matters terms of reference exclude examination of local government elections, are you open to future discussions regarding the possible expansion of that committee's brief?

ANSWER

I thank the member for her questions. It's extremely relevant at the moment and I have listened to comments and have been in communication with Mr Phillip Bigg regarding this matter. It does go back; I acknowledge the existence of this issue, it has been raised several times over the years, but not to the level it has in recent times, which is probably a reflection on some of the growth of social media issues now flowing over into things like this.

The intentions of the clause are still very valid in having a point of contact, so that's not the issue. We are talking with the Attorney-General about what may need to happen with changes so that it is in line with state and federal legislation as well. We don't want to jump at a very quick solution here that's going to create other issues and we talk about that in this House a fair bit. We are talking with other levels of government as well as the Office of Local Government and the Local Government Association of Tasmania (LGAT) regarding how this can be communicated through to candidates, and we're looking at various options there.

We want to look at how the legislation can be adjusted so that it fits. I don't, therefore, have the perfect answer for the last part of your question about providing all of that, but we would certainly look in my office, as already discussed, to the point of bringing things together so that things do match up. This really shouldn't be just to fix local government. We should be looking at what's needed in the state and how that flows on to local governments, so there's a bit of sync with it all. That will be the proper path over time. How we fix this immediately is what's being discussed in the days we're in now. I don't have all the information to answer all your questions, but I'm happy to come back on Tuesday next week with a bit more information on how that will be communicated. But we have been talking to the various bodies involved just to make sure we get it right and something can be done.

Ms Webb - Through you, Mr President, minister, do you anticipate that you'll be able to offer something that's a good viable option to candidates for this upcoming election?

Mr VINCENT - We certainly hope to, and I think you raised a point on your ABC interview regarding the fact that some people have used a Parliament House or a different business address, or another address. Those are aspects and legalities we're looking at at the moment. I would like to find something that people feel safe and comfortable in being able to address. It might not be important to a lot of us, but it is vital for those who do feel vulnerable or unsafe in those situations. In my earlier days in council I had things dropped in my letterbox that actually coincided with my posters being up, making all sorts of accusations. It died off pretty quickly, but I have experienced that firsthand myself, so I fully appreciate the position this does put people in. I'm surprised it hasn't been dealt with in the past. It's one of those things that probably never came to the top, but it's at the top now and we are looking at it. I'm happy to come back next week with a little bit more definition for you.

Ms Webb - Are you open to a Joint Standing Committee on Electoral Matters consideration of local government discussion?

Mr VINCENT - Yes.

Ms Webb - Thank you, minister.

Taxpayer-Funded Legal Fees - Heritage Tasmania Former Chair

Ms LOVELL question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.36 p.m.]

Minister, your government has revealed that the former chair of the Heritage Council has received taxpayer-funded legal assistance capped at \$108,000 to take action in the Supreme Court. Tasmanians already know they are paying hundreds of thousands of dollars for secret Supreme Court proceedings involving former Liberal ministers and the Integrity Commission. Does the former chair Supreme Court action also involve the Integrity Commission?

ANSWER

Just seeking some advice, Mr President.

Noting I think I put on the record yesterday all I'm able to share in regard to this matter, I won't be making any further comment.

Edgar Dam Strengthening Project

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

[2.37 p.m.]

Minister, the Edgar Dam Strengthening Project on the Pedder impoundment inside the Tasmanian Wilderness World Heritage Area was originally announced in 2019 as a \$15 million project, with construction being completed by 2022. That was in the 2019 government infrastructure pipeline. Fast forward to August of this year and both yourself and Hydro Tasmania have claimed works are complete, ahead of schedule and under budget at \$35.5 million. Do you stand by that statement?

You've also claimed the project was undertaken in accordance with the environmental conditions set under the EPBC, but according to RTI documents obtained by my colleague Tabatha Badger, member for Lyons, Hydro Tasmania and the department have admitted to breaking the EPBC environmental conditions surrounding truck movements on and off site outside of the permitted times, risking wildlife. Minister, I'm sure you agree it's important we tell the truth in life, in here, and particularly if we're ministers of the Crown. Would you today like to correct the record because the Edgar Dam Strengthening Project was not brought in ahead of schedule and under budget?

ANSWER

Just minister for Parks?

Ms O'Connor - Energy, take your pick.

Mr DUIGAN - In terms of any interaction with the EPBC, I will take that on notice. Regarding cost and budget, the board of Hydro Tasmania is responsible for managing the Hydro Tasmania capital investment program and making final investment decisions. As with any major infrastructure project, cost estimates can evolve through the planning, design, approvals and procurement phases. As the scope is redefined in more detail, information becomes available.

The Edgar Dam upgrade had an initial budget of \$21 million, which was revised early in the project's development following procurement processes and increases in construction costs. Hydro Tasmania's board subsequently endorsed a final investment decision based on a final project budget. My comments regarding delivery on budget and ahead of schedule reflect the project's delivery against the budget and schedule approved through Hydro Tasmania's final investment decision process, thereby four months ahead of schedule and under budget.

Taxpayer-Funded Legal Fees - Further Approval of Funds by Cabinet

Ms LOVELL question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.40 p.m.]

Minister, I feel like we've been here before. We all sat through Budget Estimates and heard minister after minister claim that they weren't able to comment on legal proceedings instigated by former Liberal ministers, and then only a short time later found that the government was able to comment and was able to confirm details around those proceedings. So, I will ask you again: We already know taxpayers are funding legal action involving former Liberal ministers and the Integrity Commission; has Cabinet now approved taxpayer funding for another public official to take legal action against the Integrity Commission?

ANSWER

Thanks, Mr President. As I detailed yesterday an amount and a date when it was considered by Cabinet, I certainly won't be making any further comments.

Edgar Dam Strengthening Project

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

[2.41 p.m.]

Minister, given your previous answer, I still think that your statement that the dam strengthening works had come in under budget and ahead of schedule is disingenuous given the history. But if we move on from there, you've said that there's a \$35.5 million price tag for these works, which is \$20.5 million more than the original budget, but there's five years of

rehabilitation and environmental monitoring to go as we understand it, as required under the EPBC conditions. Do you have an understanding of what these works will cost? Will those costs be on top of the current \$35.5 million price tag? Did that budget of \$35.5 million include the promised campground, boat ramp and toilet upgrades?

ANSWER

I will seek some advice. Thank you very much, Mr President. As to whether that ongoing monitoring is part of the project cost, I will take that on notice. I don't have that information with me. In terms of restoring the campground and the boat ramp, I think those works are underway and part of the site reparation that the crew is doing at the completion of the dam works.

Scotts Peak Dam Works - Progress and Cost

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

[2.43 p.m.]

The works for the Scotts Peak Dam upgrade were estimated to be complete in 2025 with a budget of \$50 million, as we understand it. Have these works started? What is the revised timeframe for these works? Is there a revised budget, given what we know now happened to the original budget for the Edgar Dam strengthening?

ANSWER

I will seek some advice. Scotts Peak, as members may or may not be aware is also adjacent to the Lake Edgar faultline, and planning work is currently underway to upgrade and strengthen the dam. Once completed, the risk of dam failure will be significantly reduced. Obviously, that's important. These upgrade works are complex, and it is key that they are staged appropriately. Further work on Scotts Peak Dam will occur after the Edgar Dam upgrades are complete later this year, so that's out of date. When I was talking to Hydro when I was up at Edgar the other day, work was imminently about to commence on Scotts Peak.

In the meantime, Hydro Tasmania is managing risks at both dams appropriately. Last year, Hydro Tasmania engaged a team to complete the detailed design of the Scotts Peak upgrade. The design phase is expected to be completed in financial year 2028-29 and result in a preferred design solution costing; once the detailed design is complete, we'll have an updated figure of the capital investment required, but I think I've had a briefing that would put it north of the \$50 million mark.

Answer to Question - Crown Lease Renewal - Melaleuca

Mr DUIGAN (Windermere - Minister for Parks and Heritage) - While I'm on my feet, I'd like to add to my answer to the member for Hobart yesterday around the Willson family at Melaleuca, and acknowledge their significant contribution the family has made to Melaleuca and conservation effort over a number of years. The lease commenced on January 1 2013 for a 10-year term and is currently continuing on a month-to-month holding-over basis. Following

Barbara Willson's passing, her family applied to take over the lease. Now, as you would appreciate, this is a unique lease within the Tasmanian Wilderness World Heritage Area.

Progressing the renewal has required consideration of heritage listing requirements which need to be incorporated into any new lease, as well as the outcomes of recent site and engineering assessments. The Parks and Wildlife Service met with the family in October 2025 to explain the process and considerations. A building inspection completed in January of this year identified a number of structural and maintenance issues requiring further assessment.

I'm advised that the Parks and Wildlife Service is supportive of offering a new three-year lease, consistent with arrangements for similar shacks on reserved land. Work is continuing to finalise the outstanding matters so that the lease can be considered and resolved as soon as practicable.

Answer to Question - Gas-generated Electricity - Tamar Valley Power Station

Mr DUIGAN (Windermere - Minister for Energy and Renewables) - I will also add to my answer to the member for Murchison yesterday during Question Time regarding the Tamar Valley Power Station, which is currently operating: Hydro Tasmania has advised the primary reason for operating the combined-cycle gas turbine at Tamar Valley Power Station is to support energy security due to the planned outage at Poatina, which is Tasmania's second-largest power station. As the member acknowledged, we do have strong levels of energy and storage; however, we also need to have enough generating capacity in service at any point in time to meet maximum Tasmanian demand.

Having the combined-cycle unit in service during July and August this year ensures we have enough capacity on line on high-demand winter mornings, while one of our largest stations, Poatina, is out of service for critical maintenance works. Because the turbine has a minimum operating load and cannot be frequently started and stopped, it continues generating even when demand is lower. As a result, while the unit is running to support Tasmania's requirements, it can also contribute to energy exports from the broader system during periods when local demand is not at its peak, on the basis that the combined cycle takes some time to spool up and down.

**Answer to Question - Ashley Youth Detention Centre - Auditor-General
Recommendations - Update**

[2.49 p.m.]

Ms PALMER (Rosevears - Minister for Children and Youth) - I took a number of questions on notice yesterday from the honourable member for Nelson that I would now like to answer. The first question was in regard to the Auditor-General's report, so I thank the honourable member for the question. Young people in custodial settings are some of the most vulnerable in our community, and our government continues to action ongoing improvements at Ashley Youth Detention Centre (AYDC) to ensure the wellbeing and safety of young people at the centre. I note that when the Auditor-General's report on the alignment of the duration of custodial stays at Ashley Youth Detention Centre with related sentencing orders was released in 2024, which was before my time as Minister for Children and Youth, the Department for Education, Children and Young People responded, noting that it supported all five of the

recommendations in full. As the department secretary, Ms Ginna Webster, noted in her response to Audit Tasmania, detailed in the report published this week, the department will continue to treat unresolved matters as a priority.

I understand the department is progressing its response to the recommendation that the department should regularly monitor and publicly report on the alignment of youth detention custodial stays with sentencing orders. I'm advised the department's youth justice information technology system, which was implemented in September 2025, is configured in a way which allows the department to more accurately and securely record and monitor the alignment of individual young people's custodial stays at AYDC with sentencing orders issued by the courts.

I understand that the public reporting on the alignment of AYDC custodial stays with young people's sentencing orders is currently scheduled to commence in 2027. I have asked my office to seek further information from the department on whether this could be brought forward earlier.

Answer to Question - Firearms Legislation - Family and Sexual Violence Prevention

Ms PALMER (Rosevears - Minister for Women and the Prevention of Family and Sexual Violence) - The honourable member for Nelson also asked me a series of questions in relation to victim/survivors being consulted around gun laws. That's a very general description of what -

Ms Webb - I understand, thank you. That's fine. That's a broad topic.

Ms PALMER - Just so that we know what we're talking about. So again, I thank the member for her question and for her acknowledgement of my recent appointment to the portfolio. The government recognises that family, sexual and gender-based violence remains a significant issue in our community and is committed to ensuring that victim/survivors remain at the centre of policy development and service responses.

In relation to the member's first question, I am aware of information provided by Tasmania Police during budget Estimates regarding family violence incidents involving firearms. Any incident involving the threat or use of a firearm in a family violence context is deeply concerning and highlights the serious risks faced by victim/survivors. I'm advised that of the recorded family violence incidents for 2025-26, 110, or 1.55 per cent, of incidents involve the actual or threatened use of a firearm, reflecting a reduction compared with the 2024-25 figures provided by Tasmania Police at budget Estimates.

With respect to consultation and policy development, the Tasmanian government is committed to ensuring that a broad range of perspectives inform its work to prevent and respond to family and sexual violence. The implementation of Tasmania's Third Family and Sexual Violence Action Plan 2022-2027: Survivors at the Centre continues, with a system-wide evaluation currently underway to help inform future strategic directions. As part of this work, the voices of victim/survivors and those with lived experience remain critically important. In relation to the next family and sexual violence action plan, work to inform future priorities will be guided by the findings of the current evaluation, evidence, stakeholder engagement and the experiences of victims/survivors.

The government acknowledges the serious risks that firearms can present in family violence situations and will continue to consider all evidence-based approaches that improve safety outcomes for victim/survivors.

Responsibility for firearms legislation and any associated reform processes rests with my colleague, the Minister for Police, Fire and Emergency Management. Nevertheless, I agree that the impacts of firearms in family and gender-based violence settings are an important consideration wherever policy and legislative reform intersects with community safety and the prevention of violence.

Regarding the advisory arrangements referred to by the honourable member, decisions relating to consultation mechanisms for firearm policy and legislative reform are matters for the Minister for Police, Fire and Emergency Management. I'm advised that the government continues to engage with a range of stakeholders when it comes to firearm reform, including engagement with the Alannah & Madeline Foundation, Engender Equality and Medics for Gun Control. I'm advised minister Ellis met directly with Engender Equality earlier this year.

The government appreciates the need for high-quality advice when it comes to all elements of reform and particularly in relation to firearms. I'm also advised the government will set up a new advisory body to consider any future firearms reform. It will support implementation of reforms and help keep the balance between law-abiding firearm owners and community safety.

I will continue to work collaboratively across government to ensure that the prevention of family and sexual violence remains a central consideration in relevant policy discussions. I will write to the Minister for Police, Fire and Emergency Management to seek his consideration of how the voices of victim/survivors and those with lived experience can continue to be heard in relation to reforms.

The government remains committed to reducing family, sexual and gender-based violence, strengthening responses for victim/survivors and ensuring that policy development is informed by evidence, expertise and lived experience.

Firearms Legislation - Family and Sexual Violence Prevention

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

[2.56 p.m.]

I thank the minister for coming back with such comprehensive responses to the answers to the questions I put yesterday. I really do appreciate it, and I know you're genuinely engaged in this portfolio and care a lot about delivering outcomes in it, so thank you.

I have a follow-up question. I appreciate that at the end there of your answer, you pointed to writing to the minister for Police to ask about how the voice of the victim/survivors can continue to inform policy. I ask you: will you commit to asking him to put somebody or a range of voices from that cohort onto the new advisory group? Will you directly advocate for that, given that that's really going to be the body that's looking at implementing and advising into the future? Unless those voices are centrally there, it's very difficult for community have

confidence that they're going to have a central role in informing it. Will you take it on as part of that correspondence to directly advocate for that to happen?

Ms PALMER - Yes, that will be part of what my letter will be to him around those considerations.

Ms WEBB - Thank you.

Question on Notice No. 45 - Timeline for Answer

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

[2.57 p.m.]

Minister, I appreciate the response in relation to the use of the Tamar Valley gas-fired power station for energy supplies, and you reference the shutdown at the moment at Poatina. I put in good faith, Mr President, a question on the Notice Paper seven weeks ago that deals with some of these matters about the current transmission assets that are out of action or undergoing maintenance at the moment. I'm wondering when I can expect to get a response.

ANSWER

Thank you. Let me interrogate that one.

I'm aware that you have a matter or two outstanding and I'm prepared to get that back to you. Let's make it next week.

POLICE OFFENCES AMENDMENT BILL 2025 (No. 50)

Second Reading

Resumed from above (page 27).

[2.58 p.m.]

Ms FORREST (Murchison) - Before the break, I was informing members of an incident I witnessed in very adverse weather conditions with a car tailgating a learner driver. I was making the point that it's really critical that our learner drivers do get experience in these conditions because ultimately, they will be driving in these conditions unsupervised once they get their licences. It's critically important that whilst that young learner driver (I assume it was a young person) may not have reported that incident, they wouldn't have been able to do it at the time. Even the supervising driver I don't think would have been in a position to do it. We need to call these things out when we have the opportunity.

Further on in my journey, along the Bass Highway, a dual carriage highway between Ulverstone and Devonport and probably past Latrobe, this continued. I was tailgated by a number of very large black four-wheel drives, one after the other. I don't know if they were travelling together or not. I have no idea. None of them had their lights on. Seriously, the weather was so bad you couldn't see them until you looked in the rear-view mirror and it was just looming so large in the back that you thought, 'Oh my God, where did they come from?'

Two things: I mean, that's unacceptable driving behaviour, too, but then they did go past because I wasn't going very fast and I wasn't intending to. Then, it was a number of cars coming in the other direction too, without their lights on. It just makes it so hard to have a safe driving experience for anybody. This is someone who's been driving for a very long time now, with a very good driving record, I might say.

Ms O'Connor - Impeccable?

Ms FORREST - I might have had one speeding fine years ago, or it might have been a caution, actually.

Ms Rattray - Not intentional.

Ms FORREST - No, I probably wasn't paying enough attention at the time. But it's one of those things, I wasn't intimidated in that circumstance, but I can imagine many other people would be, particularly in light of the nature of the conditions we were driving in. I do note the member for Launceston's comments on this. It would be helpful for the Leader to provide a bit of clarity on how the judgement will be used in that and how those matters will be assessed.

I know there've been some comments raised about the lack of evidence of impact of raising penalties. It is a fact that it has very little deterrence. A lot of these people who engage in these sorts of behaviours don't think at all before they start taking those behaviours. It's almost part of their second nature. What is important is that, and other members have mentioned this as well, when we set a maximum penalty as opposed to minimum penalties, we set an expectation of how seriously we see this offence. Whilst I don't think it acts as a deterrent in itself, should someone fall foul of the law, and particularly if it's not a first offence, and the court sees the impact on a particular individual because of that behaviour, then they have that capacity to impose a higher fine or penalty.

I think, along with the last debate that was held in this place, we need to have a really strong focus on restorative justice here. I don't know if it would have worked in the case I described with that learner driver. I wasn't in a position to look across when I did pass them, whether it was a young person. Most learner drivers are, but not all. Perhaps, you use some of those restorative practices where you get the driver to actually hear from that person, how that impacted them, like the witness impact statements and that sort of thing. Maybe that will happen anyway, I don't know. But we do need to look at trying to prevent the problem that starts with.

This goes to some of the other matters in this bill, which is quite a collection of various parts of the *Police Offences Act* that are being looked at once. Even like hooning, theft of motor vehicles, all those sorts of things. In rural electorates, and I'm sure it happens in the cities as well, but sometimes people steal vehicles because they have no means of transport. Some of these people are living in abject poverty and they really want to get somewhere. It doesn't make it right, doesn't make it acceptable, and some of these people won't be licenced. Well, they may own a vehicle but may not be able to afford to register it. We need to look at what the underlying problems are here and try to address these long-known issues of intergenerational poverty and disadvantage, and rather than just throw the book at them, understand what's going on in their back story. That's what the courts are for too, I might add: the courts can understand or take the evidence about what led the person to commit this crime, and to be aware. I'm not saying there's an excuse; I'm just saying if there are persistent problems that appear to sit behind some of

these crimes - particularly related to motor vehicles and theft - that we try to address those, not just use the hammer to crack the nut.

I mentioned by interjection the former member for Windermere, who would be very pleased to see that hooning offences are being considered, or so-called loss of traction, skidding, doing burnouts, all the things that you see particularly in our rural networks. You probably see them in the cities as well, I imagine, but I spend more time on the rural ones where you see the evidence of that. Sadly, you also see it on some of the road verges and in other public places, which is not ideal. I think hooning offences can often be a precursor to more serious crashes and things like that. When someone does lose control of their vehicle or is driving with excessive speed, there is a very real risk of injury to themselves and to others.

I won't say any more about hooning and other related offences with motor vehicles. The other thing about the former member for Windermere was, he didn't just want to clamp their cars, he wanted to crush them. That was his thing; he wanted to crush them, didn't he? I'm glad we're not trying to go down that path because you potentially penalise the wrong person.

The issue has also been raised by members around trespassing with a firearm and it is an issue in rural properties. I know when my family owned a farm and there were deer on it - like there are on so many farms - my father was very strict about who he allowed onto our property to shoot deer. We were lucky in that respect because we were at the end of a road and you had to come past the house to get onto the property. There was another road to go down, but gates were shut that they may have been able to access. But for anyone out working on their farm or out doing whatever they need to do, finding someone trespassing on their property with a gun or firearm that they weren't expecting to be there must be quite frightening. Particularly if they happen to be out at night, checking on calving cows and things like that - they're concerned about a cow that's calving, they go out in the dark to check and they find someone with a firearm. It would be frightening because who's to say that they won't be the person who's inadvertently shot at that point?

In broad terms, I acknowledge the areas that are being addressed through this legislation. I note the member for Hobart's concerns and comments about it, but I'm interested to see what the Leader has to say about some of those matters. I am happy to support the increase in penalties, even though I don't think they act as a deterrent, but for the reason that it does send a message or indication to the courts as to how seriously the parliament sees this offence and to consider that in their sentencing if we leave them to do their job.

[3.08 p.m.]

Ms THOMAS (Elwick) - Mr President, I rise to speak in support of the Police Offences Amendment Bill 2025. This bill contains a range of measures aimed at improving community safety, as we've heard, and I've appreciated the contributions of other honourable members and the detailed second reading speech provided by the Leader on this bill.

The bill strengthens the law in response to dangerous driving and road rage and provides Tasmania Police with more practical tools to deal with offending behaviour. While there are a number of provisions in the bill, I would like to focus my remarks on those dealing with road rage and hooning because they are the issues I hear about time and time again from people throughout the electorate of Elwick.

One of the greatest responsibilities of being a local member of parliament is listening to the people we represent, and I hear the concerns of my community every day. I share many of those concerns and I'm committed to doing what I can in this place to address them. People rightly expect that when they raise genuine issues affecting their quality of life, those concerns are not simply acknowledged but acted upon. Supporting this bill is one way I can do exactly that. It won't solve every problem overnight, but it is a practical step towards addressing issues that have frustrated residents of Elwick for years, and for that reason I'm pleased to support it.

One of the privileges of representing a community is that people trust you with their stories and, unfortunately, many of the stories I receive are not isolated incidents. They reveal patterns of behaviour that have been allowed to continue for far too long. I've lost count of the number of emails, phone calls and conversations I've had with residents who tell me they're simply fed up with hooning. I've also lost count of the number of calls I've made to our local inspector, pleading with them to do something about the impact hooning was having on innocent people in our community. Inspector Semmens, who's here with us in the Chamber today, will recall many of those conversations, I imagine, because he was a local inspector at Glenorchy when I was mayor. I think we had a number of conversations, as I did with the former inspector prior to him, Inspector Ward. I remember visiting businesses who were at their wits' end with hooning going on in cul-de-sacs in Sunmont Street, particularly, near Derwent Park, which was used for a long time as a hooning hotspot at night. Business owners in that street would turn up the next day to loads of litter, burnt rubber littering the streets and their streets just vandalised by tyre marks. It has a negative impact on the reputation of the area and on business owners. It has an impact on people living on straight stretches of road, who, I've heard, are waiting for a car to come through their house. People with health issues suffer the impacts of hooning as well. People are fed up with the noise, they're fed up with the intimidation and they are fed up with the damage to public spaces.

Most importantly, they are fed up with fearing for their own safety in the neighbourhoods where they should feel secure. Some people dismiss hooning as revheads showing off and making some noise, looking for something to do, but that's not what my constituents describe. They describe streets becoming unofficial racetracks or burnout competition decks late at night. They describe repeated burnouts outside their homes and businesses. As I said, burnt rubber littering the gutters, tyre marks, vandalising streets. They describe being woken by engines revving for hours. One constituent sent me a video taken from the backyard of their own home. The footage was quite extraordinary: thick clouds of tyre smoke from sustained burnouts drifting over neighbouring properties and through open windows in the house. This wasn't simply an inconvenience; the smoke was affecting the residents' breathing and aggravating existing respiratory issues. Nobody should have to close their windows on a warm evening because someone's decided that a residential street is an appropriate place to perform burnouts. That's not freedom, it is selfishness and it demonstrates a complete disregard for the wellbeing of everyone else in the neighbourhood.

Another issue I hear repeatedly is the frustration experienced by residents who have done exactly what we ask responsible members of the community to do. They capture footage, install security cameras, obtain dash-cam recordings, record registration numbers and report the behaviour to police, only then to be told that under the current law, unless a police officer personally witnessed the offending, there is very little that can be done. Imagine how frustrating that is. A resident summons the courage to gather evidence, sometimes at considerable personal risk, only to discover that the law prevents police from acting on it. I've spoken to constituents who have been genuinely frightened while attempting to record dangerous behaviour. They

feared retaliation if they are identified and worried that offenders would return knowing where they lived. Yet, despite taking that risk, they were told the evidence could not be used because police had not directly observed the offence. That understandably leaves people asking a very simple question. If we have clear footage showing people breaking the law, why can't police act? This bill provides an answer to that question.

One of the most practical and important reforms contained in this legislation, so far as I see it, is allowing Tasmania Police to rely on CCTV footage, phone footage and dash-cam recording when taking action against hooning offences, rather than requiring an officer to personally witness the behaviour. That is a sensible reform. Technology has changed and almost every street has surveillance cameras, many homes have security systems and thousands of vehicles are now fitted with dash cams. It is entirely reasonable that the law reflects this reality. If reliable evidence exists, police should be able to use it.

This reform also recognises another reality: that police simply cannot be everywhere at once. We cannot expect officers to personally witness every burnout, every dangerous manoeuvre or every act of reckless driving before they are able to intervene. The community should not lose protection simply because an officer happened to be a street away. The expanded powers in this bill will make enforcement more practical and more effective.

Another issue often overlooked is the damage that hooning causes to public infrastructure. When people think about burnouts, they often do picture the black tyre marks on roads, but the damage goes well beyond that. Local councils repeatedly face repair bills after parks, reserves and recreational areas are deliberately driven over and destroyed. Grassed areas become churned into mud, sporting fields are damaged and playgrounds become inaccessible. I saw that just this week, as I went for a walk in my own neighbourhood in Berriedale: the Berridale Foreshore Reserve ripped up once again. And I heard it. Mr President, woken at night to the vroom, vroom, vroom of the engines. And you know you can't see it. You know where it probably is. And not much you can do about it. By the time you call the police, they will probably be gone. That causes significant damage and it comes at a significant cost to communities. Public open spaces that families enjoy are left scarred.

These are not victimless offences. Every dollar spent repairing avoidable damage is a dollar that cannot be spent improving community facilities elsewhere.

Importantly, this bill strengthens the consequences for hooning and repeat hooning through expanded vehicle confiscation and forfeiture provisions. For many offenders, losing the vehicle is a far greater deterrent than receiving another fine. I support these provisions.

Before I move on from hooning, I will mention a letter I received from a constituent urging me to propose an amendment to this bill to outlaw excessive vehicle noise, specifically to create the power for police to confiscate vehicles deliberately fitted with noisy mufflers and keep them off the road until a new compliant muffler is fitted. I appreciate the concerns expressed by this constituent, and I share them.

But I also appreciate the response provided through the Leader's office to this suggested amendment, which confirms that noisy mufflers are already adequately provided for in the *Police Offences Act 1935*, section 37J of this act:

Excessive noise, smoke, &c., from vehicles

- (1) A person must not, unless otherwise authorised under this or any other Act, operate or control a vehicle in a public place -
- (2) in a manner that makes or emits unnecessary and unreasonable noise; or

Section 37J provides for enforcement and disqualification from driving for any person who operates a vehicle in a manner that emits unreasonable noise. This would capture noisy mufflers.

The offence in section 37J(1) is also a prescribed offence for the purposes of section 37K of this act, which means that if a person is operating or controlling a vehicle, that is driving, a vehicle that emits unnecessary or unreasonable noise, then that vehicle can be clamped or confiscated under section 37N of the act.

I'm satisfied with this response, Mr President. I appreciate the advice being provided ahead of the briefing and enabled to be shared today, and I will communicate it to my constituent.

Mr President, moving on from hooning and excessive noise to road rage, another element of the bill, I'm sure my community will agree the new road rage offence this bill provides for is a welcome addition. As other honourable members have noted, most people have encountered road rage or aggressive driving at some point, tailgating, intimidation, threatening gestures, pursuing another driver after a disagreement. These behaviours have become increasingly common, and left unchecked, can escalate into serious violence. Driving is something almost every Tasmanian does. People should not have to fear being threatened simply because they made a mistake in traffic, or because someone else lost their temper.

This new offence sends an important message that using a motor vehicle as a tool of intimidation will not be tolerated. A vehicle is not just a mode of transport. In the wrong hands, it becomes a weapon. When somebody deliberately uses their vehicle to frighten or menace another road user, that behaviour deserves to be recognised as criminal.

I accept the overwhelming majority of motorists treat their vehicles responsibly and derive responsibly, but those who repeatedly use them to terrorise neighbourhoods should not expect to keep them indefinitely. There is, of course, always a balance to be struck between strong enforcement powers and appropriate safeguards. Our Legislative Council has an important role in ensuring legislation is proportionate and workable.

I look forward to hearing from the department - assuming we progress through the Committee stage of this bill - in response to some of the questions raised by other honourable members. Certainly, they are valid questions, and I have some questions that I raised in the briefing I will also raise should we work through this bill clause by clause. However, having considered the bill overall, I believe the balance has been appropriately struck. Most importantly, I believe these reforms respond directly to concerns repeatedly raised by ordinary Tasmanians and by the people in my electorate of Elwick. People are not asking for the impossible: they are asking for quieter neighbourhoods, safer roads and to enjoy their local parks without seeing them destroyed. They are asking that when they responsibly provide

evidence of dangerous offending, police are actually able to use it. These are reasonable expectations and this bill goes some way towards meeting those. For these reasons, I support the bill.

[3.21 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on the Police Offences Amendment Bill 2025, with just a few remarks. It's a mix of a bill, in that there are parts of the bill that are unremarkable and uncontentious and sensible changes and reforms, and which all of us or most of us are pleased to see. There are other parts that perhaps have some questions around them but seem to be headed in the right direction. Then there are some aspects of the bill that seem to remain a little problematic in terms of the approach taken and whether it's hit the mark.

There is no question that each of the issues that are being addressed by the bill are valid issues to be addressing, certainly the ones I will speak about to some extent. I have some concerns about their treatment in the bill and it's not because I, in any way, resile from the fact that there are issues to be addressed there. For example, on road rage, certainly we are all very familiar with experiencing some form of road rage either directed to us or directed to other people in whose car we're travelling, or observing it occur on the road around us, potentially perpetrated by us at times. Who knows? Certainly, I will admit to mild forms: some choice words at times, perhaps the odd gesture. I'm making light of it, but I don't mean to because it actually can have serious consequences. There can be serious intimidation occurring, there can be absolutely people feeling in danger. We all know what it's like when we've just made an oopsie by perhaps pulling out at the wrong moment or going 'Oops, shouldn't have done that,' and then someone really lets us know we shouldn't have done that, and you feel quite dreadful, but it probably doesn't warrant the response you got anyway.

That's to say we don't need to quibble about there being an issue to address. The idea is, as point of discussion, what is the effective, appropriate and proportionate way to address that issue? Effective is the main one. Coming into this place to represent your community, and wanting to do a good job in that, wanting to make sure that views and concerns held by your community are brought to here, considered well, met with acknowledgement and good solutions, is a shared sentiment, all around this Chamber. The thing I'm really focused on is that sometimes in acknowledging the genuineness of a problem to be solved and acknowledging the genuineness of a community's desire to see solutions for that can then travel into proposed policy solutions and legislative solutions that, actually, while seemingly purporting to address and provide a solution, don't, and on all evidence fail to do that. That's problematic because then when we go back to our community and say, guess what, I represented you; I heard your concerns, I've acted on it; I've passed this piece of legislation and helped it get through and, actually, it's legislation that won't meaningfully address those concerns or may be problematic in the way that it does. That's an unfortunate thing ultimately. With my approach I'm very focused on evidence base and what evidence tells us will work to genuinely address issues and deliver a solution.

In that space with this bill, I do have some concerns, and these are going to be echoes of things raised in more detail by others in their contributions. I acknowledge the contributions made by each member who's spoken here today. I think a range of good questions have been put forward. I'm interested to hear the answers provided and won't necessarily repeat those questions in my contribution. Some of the things I will raise aren't unique, but they're the ones that I would like to focus on.

Increased penalties are one in the bill. It's really clear there is no evidence to tell us that increased penalties will act as an effective greater deterrent to offences occurring. It's as simple as that. And we can note that referred to in a number of submissions made on the exposure draft of this bill back when it was out for consultation. Of particular note, the Tasmanian Council of Social Service note in their submission, where they talk about these increased penalties provided for in the bill, on page 7: [tbc 3.26.55]

The underlying assumption of the proposed changes in the Bill is that increased penalties will reduce offending. However, academic research into sentencing and its impact on criminal behaviour show[s] this that is not always the case. As noted by the Tasmanian Law Reform Institute, 'there is little support for the proposition that harsher sentencing brings about any significant reduction in the crime rate.' TasCOSS is also concerned about the disproportionate impact of fines on people on low incomes, noting academic research demonstrates the inherent unfairness of imposing financial penalties as punishment as the impact of such penalties is significantly harsher for those on low incomes.

And it goes on to say:

TasCOSS does not support the introduction of clauses increasing penalties and recommends these clauses are withdrawn from the Bill.

As an alternative -

And I like that this is the case in this submission, Mr President. They go on to propose an alternative. It says:

As an alternative to increased penalties, we recommend the Tasmanian Government focuses on strategies and initiatives to prevent crime, and investing in community-based services to support people with underlying needs contributing to criminal behaviour (such as unaddressed mental health issues, alcohol and other drug use, or homelessness).

This is the case, Mr President, that there has simply been for a very extended period now, particularly the last 12 years under this government, absolute underinvestment and lack of focus on those preventative efforts in the criminogenic precursors to offences and crimes being committed. We've seen an underinvestment there.

We've also seen greater division driven in our community. We've seen a greater cost of living stress being experienced by our community. We've seen a bigger cleaving between those who have and those who don't have in our community. Our two Tasmania scenario is worse over these 12 years under this government. All of that, far from preventing higher incidences of crime is actually driving higher incidence of crime and antisocial behaviour and all those sorts of things we see that are genuinely unpleasant and awful experiences for people in our communities.

I want to put on the record that it might make us feel good to increase penalties and think that we're making a harsher consequence for crime and that is the right thing to do, but no

evidence tells us that it's the right thing to do. It will not achieve the outcome that's desired by all of us. That's one aspect I wanted to comment on.

The other, in terms of some specific aspects of the bill, I will touch on the matter of the new offence of road rage because there are some smoke and mirrors here that are performative in this bill. Again, it's an absolutely genuine issue to address, absolutely genuine community concern and harm being caused that needs to be addressed and acknowledged, but I'm concerned we have gone about this in a way that's less well considered than it might have been.

We've had other members, I think it was the member for Hobart in her contribution, who mentioned some things that I was going to touch on the fact that we're dealing with this differently to other jurisdictions, where one narrative is we might be bringing ourselves into alignment because we're addressing it and other jurisdictions have legislatively addressed it. We're doing it in a different way to those other jurisdictions, and in a way that's less effective and more potentially problematic.

I do know that in some of the other jurisdictions potentially, I think it's the Australian Capital Territory and New South Wales, where they have - oh no, Queensland and New South Wales have explicitly included road rage as an aggravating factor in sentencing options rather than a standalone offence in this way. There's also different sorts of descriptive language that is more sort of specific around menacing driving and things like that in other jurisdictions. That hit the mark more effectively than what we've landed on here. I will speak more about the specific language and elements of the clause shortly. Western Australia also doesn't have a separate offence of road rage as such. Rather, it's seen as it's an aggravating circumstance in terms of other offences. It's not clear to me what consideration was given to actually looking at those approaches and applying them here.

I'm concerned about it for sure. To speak about it specifically in terms of what we're looking to insert with this bill into the *Police Offences Act*, the 37FA road rage clause there, there are elements of it that the legal experts who have made submissions on the exposure draft of the bill have highlighted as being particularly problematic.

Both the Law Society and Tasmania Legal Aid specifically are concerned about the language that's in 37FA(1)(a) where it's done in a manner that the person knows or ought to know is likely to cause alarm, distress, apprehension or fear in another person, given that those are potentially difficult things because there are very different triggers and very different levels of resilience and levels of sensitivity around those sorts of things amongst the community.

What I might anticipate to cause those things could be quite different from what in reality does, and then that brings us to some difficulties in trying to faithfully apply this. Some of those legal experts who made submissions have suggested that this proposed provision is far too broad in the language it uses.

Concerns have been raised about language in 37FA(1)(b)(iv), for instance, where one of the things it may result in under (b) is a risk of danger to a person, where a risk of danger to a person is a very, very broad thing. There's a small risk in getting into a car in the first place. There's a small risk in many instances. You could jump up and down, say 'boo' on the side of the road could be deemed to be a risk, minor potentially, but with this language, a risk of danger is a very broad way to interpret it. They've suggested that simplified language there might be prudent, taking out the words 'a risk of'.

The other thing that's been raised in some of these submissions which really merits attention is - and I'm looking now at a submission made by Tasmania Legal Aid, and they suggest:

If the provision is to remain, it is strongly recommended that further consideration be given to the rewording and/or amending the section to ensure there is a distinction between behaviour which poses a threat to other road users (and is already the subject of criminal sanctions), and behaviour which is merely offensive.

And in that they're looking at some of the things that would be captured potentially, over the page in (2)(a) of that provision is part of the definition of a driving-related act, meaning an act that 'consists of threatening, abusive, obscene, offensive, profane or insulting words, gestures or behaviour'. Much as all of those things can be regarded as distasteful, unfortunate, unnecessary and certainly offensive, to effectively criminalise them, in some sense, becomes problematic, I think. Much as I might not like somebody being profane or insulting or things like that, it's a muddy grey area between somebody's right to be expressive in ways that we may find insulting and profane, whatever it might be - but to then bring a sanction in through our legal system for that is dicey. That's what some of these submissions are suggesting and I am inclined to agree. I think it's problematic. It begins to look like curbing behaviour that, as much as we may not like it, is part of a normal spectrum of behaviour.

What I imagine people might say is, 'Well, that's not the intention of this, this is to capture certain sorts of things.' But the fact of the matter is, if it's written and drawn up in legislation in a way that's too broad - beyond what you might intend it to capture and the way you might intend it to be interpreted - it potentially will capture other things. I think that's why the concerns are being raised in these submissions. I'm looking at a submission here from the Law Society and they expressed it similarly to Tasmanian Legal Aid. The Law Society said:

A distinction must be maintained between behaviour which poses a threat to other road users and is already the subject of criminal sanctions and behaviour which is offensive. Whilst the latter behaviour is not to be encouraged, it should certainly not be criminalised.

The provision as drafted, and because of its breadth creates a danger of the criminal law being weaponized and unnecessarily diverting police resources.

I think any of those sorts of concerns being raised should give us pause for thought when we are introducing a new offence in this way. I would have thought that the intent and the intended outcomes of a new offence should be able to be delivered without the legal profession and legal experts raising these sorts of concerns. Yet, we're charging ahead with something that still has those concerns hanging over it. That gives me pause for thought.

I'm mindful that I don't want to take up a great deal of time with my contribution because, as I said, I endorse the more detailed contributions made by some others, and I don't feel the need to repeat much of it other than the bits that are of particular interest or concern to me. It will be interesting to see, and I guess this is where the rubber hits the road - and hopefully it's something that we'll be able to pay attention to here in this place - if we pass this piece of legislation largely as it is, further down the track we will look to see what evidence can be provided of the difference, if any, that it's made. That's where the proof will be in the pudding.

We know what evidence tells us is likely to occur as a result of a range of these measures, and that's nothing - except people being further criminalised for things that are potentially problematic, people being fined more heavily in some areas in ways that might ultimately be much more harmful, and, horrifically and ironically, might become criminogenic in and of themselves because of the way that fines impact the person, their life and their family, et cetera.

Criminal justice is a complex area. Addressing criminal behaviour is a complex area. It's rarely something simplistic that can be done that actually delivers a straightforward outcome. We raise these penalties and straightforwardly less of this bad thing happens - it doesn't work that way, much as we would love it to so. We will hopefully be able to track the impact or otherwise of this legislation as it goes through. I have sent around to members, I've drawn up just two very basic amendments for us to potentially consider during the Committee stage, if the bill goes through to the Committee stage. They by no means fix all the things that I think are probably unfortunate about this piece of legislation, but they pick up on a couple of matters raised in some submissions without intruding on the intent of the bill too intensively. Generally, when I'm looking to amend something - sometimes I really do want to change something in the bill and get it out; with these amendments that I'm looking to bring in the Committee stage, it's more about making some tweaks to dial some of the problematic aspects back a bit. I shared those earlier and hopefully members might give them some thought and, if it comes to that, we can discuss them during the Committee stage.

On that, there are lots of good elements of this bill, some really good, straightforward changes and updates and whatnot. There are some other bits that I feel a little bit lukewarm about, but some of these things still cause me some concern. I think it's unfortunate because I think it's sort of partly misleading to the public to be suggesting that what we might do here today in passing this is some form of effective solution.

[3.42 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I'd like to acknowledge the contributions from the members who have spoken, and I look forward to progressing into the Committee stage if that's the will of the Council.

The first matter that I'd like to address is the one that was identified by the honourable member for Mersey, which is about the correction of the value of penalty unit. It was adjusted on 1 July 2026; as he has rightly identified, it was \$205 at the time and is now \$213, so that's acknowledged. I have some corrections to make for the record, but I won't go through what every penalty unit actually relates to because I think that might take up a lot of extra time. I'd like to acknowledge that and say that it was an oversight on my behalf.

The motor vehicle theft, which was the 50 penalty units, which is now \$10,650, and the purpose is to double that to 100 penalty units, or \$21,300; the bill also doubles the penalty for hooning offences to 40 penalty units, a quantum of \$8520; the penalties for interfering with confiscated vehicles being transported to a holding yard, or removing a vehicle from the holding yard, 40 penalty units, or \$8520, and 18 penalty units, which is \$3834; and the doubling of the penalty for a vehicle owner or operator who does not comply with the legal demand to identify the driver of a vehicle at the time an offence was committed to a maximum of 100 penalty units, which is \$21,300. Also, penalties have increased for trespass offences around firearms, with an increase from 100 penalty units, or \$21,300, to 150 penalty units, or \$31,950; also, the maximum penalty for property offences, from 10 penalty units, or \$2130, to a maximum of 50 penalty units, or \$10,650; and for assault offences, the increase in penalties for

common assault is from 20 penalty units to 50 penalty units, or \$10,650. And where the assault is considered aggravated in nature, this penalty increases from 50 penalty units to 100, or \$21,300. That's to correct the record in that matter.

In response to the new definition of road rage, and this was certainly something that was raised through a number of contributions, the proposed offence requires a course of conduct, and the person must know or to have known that their behaviour would result in one of the listed outcomes. This requires the establishment of the guilty mind, and this element will be determined impartially by a court; a momentary reaction - honking a horn, using a gesture or a verbal expression of frustration - will be insufficient to establish the offence. The intention of the road rage offence is specific to aggressive and irrational driving behaviour, which can be characterised by a course of conduct where verbal abuse or gestures lead to altercations, property damage, vehicle collisions or alarm, distress, apprehension or fear in another person. In drafting the new offence, it was recommended that, in addition to actual assaults and property damage, inclusion of conduct that causes harassment, alarm and distress, but which does not result in property damage, collision or injury, is necessary. Subject to evidence, the offence will be made out if a person is menaced by a threat of personal injury or damage to property, or the offender is driving in a manner that is dangerous to a particular victim.

The section is not wholly based on how a complainant might feel, but requires that the offender performs the behaviour without reasonable excuse, and knows or ought to have known the behaviour was likely to cause alarm, distress, apprehension or fear in another person and result in the required points of proof. This is the right balance, requiring guilty knowledge on the part of the offender and objectively determined by a court.

The question if a victim displays road rage behaviour in return was raised, and I thought it was a reasonable point. It is a matter for the police to investigate the alleged behaviours and to obtain an account from both the person who complains of an offence and from the person who is complained about. Investigation is never about a one-sided account of what the fact may be. Ultimately, police are not the final arbiter of the offence. It is the role of the courts to be satisfied on the available evidence. Police have the responsibility of proving the offence to the requisite standard before an independent court.

There was a question on some aspects of the legislation not being put out for community input and consultation, and from the first consultation process there, little appears to have changed; that was the question. The response to the original bill was consulted on and then, after the wanding aspect was removed, further consultation occurred on 23 September through to 25 October 2025, with extension of time for those persons or agencies who requested it. Submissions were received from a broad section of the community reflecting the breadth of consultation from government agencies, NGOs and businesses.

The question was around: the bill is publicly touted as a hooning and road rage bill, but it sneaks in fixes and other matters unrelated to the hooning and road rage. It was originally an omnibus bill, and as members noted in the briefing, it originally included wanding for knife crime, and the provisions were separated out into two bills and both were consulted on.

There was a question of the bill changing the evidentiary threshold from 'found offending' to 'reasonable grounds for believing': this is consistent with all other offending. Police still need to conduct an investigation and gather evidence to establish a prima facie case. Where this is not obtained, the person does not face charges. This is no different to allegations of assault or

stealing or other offences where the offending does not need to be witnessed by police but police must rely upon investigation and evidence to inform their belief. Mere suspicion will be insufficient to clamp or confiscate a motor vehicle.

What this amendment does is overcome the current gap in authority of 'found offending' where police currently have no authority to seize, clamp or confiscate a vehicle after the event if the police did not personally witness it. By amending the authority to 'reasonable grounds for believing', this empowers police to clamp or confiscate a vehicle after gathering evidence, including video footage. The authority is limited by the fact police only have 90 days to undertake an investigation and exercise the clamping or confiscation.

There was a question about the risk of the bill creating redundant criminal laws as it's already a crime to drive dangerously, recklessly or negligently: the offences of dangerous driving, negligent driving and reckless driving refer to driving conduct, specifically the manner of driving. Those offences are not sufficiently broad to capture road rage behaviour because aggression and violence are directed at a person. This bill is aiming to fill that gap and is informed by research.

There was a question relating to the increase of maximum sentences for various and unrelated offences having a flow-on effect in sentencing across the board and potentially leading to the inflation of sentencing: in response, the bill increases the maximum sentencing that is available to the court for the most serious examples of offending. The bill does not seek to impose mandatory minimums. These amendments will bring Tasmania into alignment with how sentencing for some reoffending is approached in other Australian jurisdictions, and it's also noted that the bill does not disturb the sentencing options and alternatives that are open to a court in the *Sentencing Act 1997*.

The matter raised by the member for Huon about TasCOSS and assumption about harsher penalties decreasing offending and that there should be intervention support for mental health, et cetera, which was raised by other members as well: it could and should be a holistic approach. The proposed increases in penalties are to the maximum. The court will still have the ability to impose an appropriate sanction within the range as well as other sentencing options from the *Sentencing Act 1997*, as I said. Legal Aid and the Law Society questioned whether the increase in maximum penalties and the road rage will capture conduct lower than road rage definition and conduct listed in subjective assessment. In response, the conduct defined in the definition of 'road rage offence' is not subjective. It is acknowledged that the definition includes how a victim feels, especially when they are alarmed, distressed, apprehensive or fearful. This outcome of fear or apprehension is the point of the unacceptable behaviour undertaken by the offender. The objectivity of the offence is maintained by the fact that the act must be without reasonable excuse, and that the offending driver knew or ought to have known the points of proof known as the essential ingredients for the offence would happen. This is a matter to be objectively determined by the court considering all the available evidence.

Parliament should expect clear evidence that proposed mechanisms work; a review provision would achieve this. Sorry, that's the question. There was a question around clear evidence. In developing the policy underpinning this bill, the department considered peer-reviewed academic research to inform the approach taken. This included considering reports from the Monash University Accident Research Centre, a University of Western Australia paper considering driving-related violence, and also the Criminology Research

Council of Australia that considered offender trait factors that recommended interventions would have more effective impact than public education and improved road systems.

A question, again on proportionality. Evidence suggests impoundment reduces offending, but at the same time there is a concern about fairness where a vehicle is jointly owned, where family members rely on the vehicle and where access to alternative transport is limited. I represent a lot of those rural areas where there is next to no public transport. The act already includes a provision at section 37ZE where an inspector of police can consider a request and, where this is necessary or desirable in the circumstances, release a clamped or confiscated vehicle. This ensures that when there is a vehicle that is jointly owned or relied upon to maintain employment or use for attending medical appointments, the vehicle may be released. Where a vehicle has been stolen, release to the owner is mandatory.

A question from the member for Montgomery on AI doctoring of footage and how will the video evidence be verified, a current issue that police deal with. Any footage on its own will need to be corroborated. This occurs with all recorded evidence. Footage may instigate an investigation or identify a line of inquiry and as part of the investigation, this will need to be corroborated or supported for any court proceedings. Where there is a suggestion of evidence being tampered with or manufactured, there are investigative techniques to deal with this. I think it's pretty well covered there.

On clause 21, S37Y(i) subsection (8) and the court releasing vehicles and imposing conditions, there was a request for some information to be put on the record. The current situation is that a court can consider return of a vehicle prior to the determination of forfeiture if an applicant demonstrates severe hardship. The court can impose conditions such as not to sell or dispose of the vehicle pending the outcome. Under the proposed amendment, if the court receives an application demonstrating severe hardship, then the vehicle is released.

This is a more compassionate approach, so that when a vehicle is returned it is not in jeopardy of still being subject to a forfeiture. Essentially, on the demonstration of hardship, the vehicle is released and the matter is concluded. The test is the same but applied with a permanent outcome in favour of the driver or owner of the vehicle.

The honourable member for Launceston: what defence is available for road rage? The response: any charged person has the right to require the prosecution to prove all elements of the charge for the court to assess and ultimately determine. It is not an absolute liability offence, meaning there are defences. The court must be satisfied there was *mens rea* (criminal mind) as well as *actus reus* (the criminal act). Both elements are required to prove the offence. The police must demonstrate a course of conduct must be without reasonable excuse and must have known or ought to have known the outcome of their conduct.

A question on what are the mitigating factors of road rage: mitigating factors, what might be a reasonable excuse, needs to be considered by the police when investigating. The assessment of the police is always subject to review by the independence of the courts. As the courts interpret this legislation, the law will build examples that courts have found to be sufficient excuse or to have not met the required level of proof. This is the proper role of the courts.

Another question on the examples of road rage application from other jurisdictions. The second reading speech cited Tasmanian examples, and it is noted that the approaches taken in

New South Wales, Australian Capital Territory and Western Australia are different. There is no one national approach. While Tasmania proposes an approach supported by the examples in Tasmania and supported by the peer-reviewed research, a comparison to differently constructed offences in other jurisdictions does not provide a peer-to-peer example of how offences are approached.

A question on mobile phones and footage captured on phones. Mobile phones are one of the many sources of evidence that police can seek to inform the outcome of an investigation.

The matter raised on people stealing vehicles who have little or no financial means: this is a matter for the courts to decide under the *Sentencing Act 1997*. We will know that one off by heart by the end of this in consideration of the facts and circumstances of each individual case, and again, courts have the discretion to not impose a fine.

The honourable member for Hobart asked on the increase in penalties, and for there to be a justification for doubling the penalties beyond reflecting penalties in other jurisdictions: when developing the policy, the department undertook a judicial scan and noted that the summary penalties in Tasmania are inconsistent with other jurisdictions, with Tasmania imposing the lowest penalties across all jurisdictions. It is the position of the Tasmanian Government to bring penalties into closer alignment with other jurisdictions.

The question on the increase in the term of imprisonment for assault, and then why destroying property goes from 12 months to 18 months, and the property goes from 12 months to two years. The question was: why a higher sanction for one offence than for the other? I'm advised this is because the transition to an indictable destroy property offence is now up to \$50,000 in effective damage. The transition to Criminal Code assault is not related to monetary value. Where a person is charged with assault and the facts are so serious as to warrant a penalty greater than what is provided in the *Police Offences Act 1935*, the defendant is likely to be charged with Criminal Code assault and the matter determined by a jury.

A question on hooning, alarm, distress, apprehension, et cetera, echoes questions put by the member for Launceston. This is a subjective offence, where one may be highly affected by the use of a finger while another driver will not. Again, a subjective and very broad test. How are these words measured objectively? This has been answered. It's not the fear of the victim that is the objective element. The fear of the victim is about the outcome of the offending behaviour. The objectivity is maintained by requiring the proof of the offender knowing, or to have known, the offending outcome of their behaviour. Minor or fleeting behaviour by an offender, is not a course of conduct and will not be sufficient to prove the offence.

The rationale for the wording of the new road rage offence provision in this way: it has been designed to specifically address conduct that causes harassment, alarm and distress, and other jurisdictions have considered this, but not to the extent Tasmania has. The wording of the offence was created through extensive consultation with the principal legal officer of the Department of Police, Fire and Emergency Management (DPFEM) and with the v Office of Parliamentary Counsel (OPC). DPFEM considered the wording used in the predatory driving, menacing driving and road rage circumstances from other jurisdictions as a basis. Further consultation feedback received from the Department of Justice informed the wording of the new offence, such as driving-related act, to particularise specific behaviours and/or conduct and to be consistent with existing Tasmanian legislation.

The question concerning 37Y, vehicle forfeiture being a shift from court-based evidence to police power based on reasonable grounds for believing, and this is just an extension of police powers: the proof of offence required to trigger forfeiture is not changing. What is changing is that when the third or subsequent offence has been proven, then forfeiture by the court is presumed. The threshold to consider severe hardship still remains and this will assist police in not being forced to retain vehicles that are unwanted, unclaimed, or waiting for long forfeiture proceedings when the vehicle could have simply been returned if there was severe hardship.

There was a question about the results from the wandering trial, and that only about a quarter of searches based on reasonable belief resulted in dangerous items being found. Matters in relation to the Police Offences Amendment (Knives and Other Weapons) Bill 2025 have already been debated in this place. The bill being debated today is not about wandering or wandering trials. It's not seeking new belief thresholds like those previously sought to target specific harmful behaviours, and it is noted that an external review of the wandering provisions was required by the parliament and is currently underway.

The member for Murchison's question on people who steal vehicles because they haven't any other transport and need to be somewhere: the government agrees it's not right that people who suffer their vehicles being stolen also suffer hardship and an inability to get to work, school or medical appointments, and offenders should be held to account. Courts do have sentencing options available to them when considering specific circumstances.

Ms Forrest - It wasn't really the point I was making, but I accept that as well.

Ms RATTRAY - Yes. It just shows how thorough this House is, with the amount of questions that have been asked through the second reading debate process and how valuable it is.

The honourable member for Nelson talked about whether there was a genuine problem to solve and community expectation to do something about it.

Ms Webb - I didn't question that there was a genuine problem to solve; I absolutely asserted that there was. It's just this isn't necessarily the indicated solution. That was the whole contention of my contribution.

Ms RATTRAY - Perhaps I tried to paraphrase what had been put in front of me in the interests of time. I do apologise to the honourable member. Thank you for making that clear on the record and restating that. The academic research clearly shows that these proposed approaches are warranted, as stipulated in the second reading speech. It refers to the *Journal of Road Safety* of the Australasian College of Road Safety and the frequency and nature of aggressive acts on Australian roads, which was as referenced by TasCOSS in their consultation feedback. Considering the document in its entirety, aggressive driving is a problem on Australian roads. Law enforcement, with specific regulations or enforcement programs targeting aggressive driving is likely to be an effective strategy for changing these attitudes. It also refers to the University of Western Australia's study 'Boys and Road Rage: Driving-Related Violence and Aggression in Western Australia', as referenced by TasCOSS in their consultation feedback. It goes on to say that support for police hotlines for reporting aggressive drivers and new laws dealing specifically with road rage may be effective strategies for dealing with the predominantly young male drivers - and I apologise to all my young male

friends who probably do the right thing - but who engage in driving-related violence. The establishment of distinct driving-related violence offences will also help name and thus acknowledge this form of criminal behaviour and targeted measures focusing on the perpetrators of driving-related violence.

There was a question around increased penalties, which I've already responded to. I won't go over that again. We've already answered the road rage one. We've already answered that. Just in regard to 37FA, road rage, the department considered all the consultation responses that were submitted, and it is important that submissions are genuinely considered, but a submission is not the only view. In developing the offence of road rage, the department also sought its own legal advice to inform the drafting of the offence.

I trust that that provided members with a level of detail, and obviously, if the Council supports the bill into the Committee process, there'll be opportunity to further explore those questions.

Bill read the second time.

POLICE OFFENCES AMENDMENT BILL 2025 (No. 50)

In Committee

Clauses 1 and 2 agreed to.

Clauses 3 and 4 agreed to.

Clauses 5 and 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9 -
Section 37FA inserted

Ms WEBB - Madam Chair, I have amendments to move on clause 9 in my name. I'm going to move them separately.

Madam Chair, I move the following amendment -

Page 7, proposed new section 37FA, subsection (1), paragraph (b), subparagraph (iv).

Leave out 'a risk of'.

I spoke about this briefly in my second reading contribution, so members will have understood where I was coming from with this. It was a matter raised by the legal experts who provided input during the consultation phase, particularly the Law Society and Legal Aid Tasmania. There's a concern that the wording there is too broad, too wide and that there is a risk of danger in virtually any instance we can think of, so their suggestion is to take out the words 'a risk of' so that (1)(b)(iv) would simply read 'danger to a person'. This is in terms of

the list here under (b) about the various things that that might result from the action taken by the person. Obviously you have:

- (i) damage to property; or
- (ii) injury to person; or
- (iii) a collision with another vehicle; or
- (iv) danger to a person

I don't think it's changing the intent of what that is, it's just more specific and less open to being interpreted very broadly or applied to virtually any instance that you're in a car on a road. I don't think I need to explain that any further, but if people have questions about it or want me to speak about it at greater length, by all means ask me.

Ms RATTRAY - Madam Chair, in responding to the honourable member for Nelson's first amendment, it's the government's view that the threshold for liability becomes higher and instead of the offence being triggered when the conduct creates a risk of danger, it would require actual danger to a person. In the context of the road rage offence, a 'danger' is 'a circumstance that has proceeded to a point whereby there is a real exposure to harm and it is a credible threat to the safety, health or wellbeing of a person or property.' In the physical capacity, it includes a specific exposure to physical injury, severe impairment or even a threat of death. Including 'a risk of danger' provides for the real possibility that the behaviour or conduct has the possibility of leading to an adverse event, so risk is a real and measurable chance or probability that behaviours or actions will lead to such harm, injury or damage. So, the government opposes this amendment.

Ms LOVELL - Madam Chair, I'm coming to this with a really open mind and I'm genuinely undecided at the moment. I have some questions that maybe are both for the member for Nelson and the government. It's just in terms of how this amendment would change the operation of the bill, I suppose. I don't have prepared questions, so I'm speaking out loud to see what happens - to see if I make any sense at the end of this. My question is whether removing 'a risk of' changes is the legal definition of that clause and how it would operate.

My thinking at the moment is, I suppose, in line with what the Leader was saying. I feel the intention of this bill and the behaviour we're trying to address is behaviour, whether there is a real danger or not. I think the type of behaviour that could lead to danger or creates a risk of danger is, in my mind, and I think in many people in the community's minds, just as bad, whether there ends up being an actual danger or not. I'm a little unclear on how you'd measure whether there is a danger or whether there's just a risk of danger. At what point does it become an actual danger rather than a risk of danger, whether there needs to be some harm caused or how would you determine that? I guess that's where I'm sitting at the moment. I'm open minded and keen to hear responses on both sides about that.

Ms RATTRAY - Look, I understand where the honourable member is coming from in regard to that. I thought I would just restate the first part of that question and that might make it a little bit clearer again. The honourable member for Nelson may well have something to add; I didn't want to take her opportunity to use other speaks that she might need to use. I just reiterate, to leave out 'a risk of', instead of the offence being triggered where the conduct creates

a risk of danger, it would require actual danger to a person. So, that actually means that the threshold for the liability becomes higher. I'm not sure if that completely answers your question, but in my mind it appears clearer.

Ms O'CONNOR - I'm sort of thinking this through as well. Is there a real-world example that the Leader can point to where that threshold question is of substantive relevance to this? Because, presumably, road rage, in and of itself, is a danger to other people on the road. It puts other people at risk. So, I don't really see clearly that the removal of 'a risk of' danger to another person changes the effect of the clause in any substantive way. And shouldn't we have a reasonably high threshold anyway if we're talking about an offence that has a potential six-month jail term attached to it, and who's the one to make the judgement of whether there was 'a risk of' danger to a person?

Ms LOVELL - Madam Chair, I thought I'd stand again while the Leader is getting some advice, and I feel like we're like on the cusp of turning this into one of those things where we just overcomplicate things and get muddled. I guess, what I'm trying to think through in my head now is how this would operate in the real world. If someone is driving aggressively as a result of a road rage, they're driving in a way that anyone would see is a risky way of driving and a potentially dangerous way of driving, to me, at the moment, 'at risk of danger to a person' would capture that. If we remove the words 'at risk of' and we're saying 'results in danger to a person,' at what point would it become 'danger' rather than 'a risk of'? Does that make sense? Is it just they're driving down the street fast, weaving in and out of traffic and across lanes, and there's no cars around them, but then all of a sudden if there are cars around them, then there's actual danger. Where does it become an actual danger as opposed to a risk of danger?

Ms Webb - Where's the distinction between the two?

Ms LOVELL - Exactly, so, to my mind, the member for Hobart and I are grappling over the same question, but maybe coming at it from different angles, because I'm feeling it's better to have that 'risk of', and I think the member for Hobart is feeling the opposite. I think we're all kind of trying to get around the same question.

Ms ARMITAGE - I wasn't sure because I thought I might have more questions that the Leader might want to answer. That was all.

Ms RATTRAY - I do have an answer, Madam Chair, but I'm happy for the honourable member to go first.

Ms ARMITAGE - I don't mind whether you call me or -

Madam CHAIR - You did stand to take the call. I gave you the call.

Ms ARMITAGE - That's okay.

Madam CHAIR - But we should probably give the Leader the benefit of responding to a question that's been put to her.

Ms ARMITAGE - I've probably got a similar question, that was all.

Madam CHAIR - You can put it now if you want, because you're using your call.

Ms ARMITAGE - Okay, that's fine, because I'm a little bit conflicted and confused, much like the others.

Leader, if we just have danger, that's a clear focus that's existing or immediate, but the question I have is along the lines of the other members. The risk of danger brings in the probability and uncertainty and I'm wondering too, that does lower the threshold. Where's that decision made? Who actually is making that decision? Is it the individual officer? I would imagine just like anyone else, police officers, every officer might determine something differently - looking at Jason and Jim - someone could see something differently. The probability and the uncertainty with the 'risk of', as opposed to something that is perceived as an actual danger, that's where I'm struggling. It is lowering the threshold by saying 'risk of', but there's a risk of getting run over when you cross the street. It's bringing that threshold down. I'm just trying to determine where or who actually determines it. Is it an individual determination whether it's a risk of danger or not?

Ms O'Connor - An individual police officer or -

Ms RATTRAY - Thank you. They are similar questions and the one answer at this stage will possibly suffice for both. The construction is about the conduct, not the consequence. It's about the offender and the distinction is because the behaviour is targeted at a victim. Does that work?

Ms O'Connor - Can you say that first part again, please, Leader? It's about the conduct, not the -

Ms RATTRAY - Construction is about the conduct, not the consequence. It's about the offender and the distinction is because the behaviour is targeted at a victim.

Ms Webb - Well, this is result then.

Madam CHAIR - She's still on her feet.

Ms RATTRAY - And the assessment is to be made by the police and obviously, ultimately, by a court. Also, there are no examples because it's not yet an offence, we don't actually have any examples to be able to share.

Ms Webb - Think of an example of what would be captured.

Ms RATTRAY - I will take some more advice.

Ms Webb - We've created an offence; we have to understand what would be captured.

Madam CHAIR - No more questions until she's finished this call. I'm managing the timing, so we just need to play the game. Give the Leader the chance to finish that question. She's seeking further advice. I will allow her to do that. This may help inform the question that the member for Hobart or others wish to put.

Ms RATTRAY - Some examples of risky behaviour are ducking and weaving, cutting off cars on the road and the risk, but not yet a danger, so that's a risk, but it's not yet a danger. Then danger is the same conduct of higher speed and particularly in a school zone, as we know

how risky that is, and heavier traffic, doing things in heavier traffic and then certainly any dangerous behaviour aimed at an individual. There are some examples of what would fall under this particular clause unamended.

Ms Webb - Which of those wouldn't be danger?

Ms O'CONNOR - I just point you to your earlier statement, Leader, that the intent of this clause is about the conduct and not the consequence, and I dispute that because the conduct is in the new 37FA(1)(a) that is the person knows, so that's about their understanding of their conduct and the consequence of their conduct that is that it results in damage to property injury, collision, danger, or making a person feel alarmed, distressed, apprehensive or fearful. It is about the consequence, and I think that the first three parts of (b) are much more concrete provisions, that is damage to property, injury to a person, collision with another vehicle -

Ms Webb - Not risk of.

Ms O'CONNOR - No, that's right, and then we go into a more subjective and broader provision. If you asked a person on the street whether driving a car in a manner that was ducking and weaving on a public street was a danger to other people, that would say yes, it's a danger. This proposed amendment makes this clause more precise and less subjective, without taking anything of substance away from the threshold test of whether a person has engaged in road rage.

The next part of this clause, (v), is problematic. I note the honourable member for Nelson has a proposed amendment there to excise it from the bill, which I will be supporting. I think, Leader, just to walk back that statement, it's not just about the conduct, it's also about the consequence. It's got hard consequences in the first part of it, concrete provisions and then we go off into subjective test of risk.

So, I hope that the Leader will accept this amendment because I don't think we've had a satisfactory explanation for why you'd put that subjective test in there at the beginning of that part of the clause.

Ms RATTRAY - For some clarification, and I appreciate the honourable members' offering, the intent of the use of the word 'risk' is about their conduct, and the risk arises from the conduct and the consequence follows.

Ms Webb - No, it's not.

Ms RATTRAY - That's what it says.

Ms Webb - That's not what the bill says.

Madam CHAIR - Are you done with that response, Leader?

Ms RATTRAY - Yes.

Ms ARMITAGE - I'm going to give you the legal clarity and phrasing from AI, we all use AI now -

Ms O'Connor - I don't ever.

Ms ARMITAGE - Well, many people do, and I think it's really important because I thought it made a lot of sense. It says:

Danger to persons direct and clear. It means the act itself creates an actual real-world hazard or peril for others on the road.

And it says:

'Risk of danger': redundant wording. Danger inherently implies a degree of risk, making the addition of 'risk of' confusing for courts interpreting intent.

Ms O'Connor - Very good, thank you, AI.

Ms THOMAS - Thank you, and I appreciate that explanation from the member for Launceston too, also for getting some assistance. Where I'm going with it is what we consider to be unacceptable, and that's the whole intent here of these provisions when we're talking about road rage. Does it have to end in a crash or assault, in terms of actual danger? Does it have to end in a crash or assault before we consider it unacceptable, or is someone who's deliberately tailgating someone unacceptable? It comes down to that threshold question, and for me, having the word 'risk' in there is sending the message that doing that tailgating is what is unacceptable because it could cause that danger of a crash. If a driver is tailgating someone excessively, that's creating a risk of danger. If they crash, that is the danger that is caused. If someone gets out of their car and starts yelling at someone at the traffic lights and yelling at them through the window, that's a risk of danger; if they then punch through the window, that's danger.

Ms Armitage - That's assault.

Ms THOMAS - That's assault: I'm being clumsy with my wording, but that's the way I'm looking at it. For me, the intent of having 'risk of danger' in there is to say that doing that tailgating, that initial behaviour is what is unacceptable as road rage.

Madam CHAIR - I just want to give the Leader the opportunity to respond if she needs to.

Ms RATTRAY - No, thank you.

Mr GAFFNEY - I was not going to support this amendment and then the honourable member for Launceston looked at 'risk of danger', and I've just looked at the term 'danger' and this is where I think it has solidified my thinking, because 'danger' is the chance or high chance that someone or something will get hurt, feel pain, lose something or die, so the definition of 'danger' there means that there is a chance that will happen, so 'chance' to me is like 'a risk of', so I would say that the amendment is correct, because when you have danger to a person that is actually saying the chance or high chance that somebody will get hurt, so that's the risk part.

I wasn't going to support the member but when I looked in a bit further, I think the words 'a risk of' are superfluous and we don't need them. The aim is already there. The police can already act on danger as being, 'don't stand too close to that because there's a danger', if you're going to stand on the cliff, there's a risk of danger but the danger is there anyway, so if I'm

standing on the cliff and looking over the thing and there's no fence, the risk of danger is there, but danger is there because there's a high chance you're going to fall. So, I don't think the words, 'a risk of' - don't worry, nobody's going to push me. I'm going to support the amendment because I think it makes sense.

Ms RATTRAY - At the risk of being -

Mr Hiscutt - Dangerous.

Ms RATTRAY - not being taken seriously, I just wondered if the honourable member would like us to change 'a risk' to 'chance' and then that might solve all the problems? Chance of danger.

Members interjecting.

Ms LOVELL - I think we're all on the same page about the wording. It's just working out what the best outcome is now. I think a number of us had our phones out and were Googling various definitions of different words, and I think I've landed in the same place as the member for Launceston in that 'risk' and 'danger' to me are kind of the same thing. It's complicated by the fact that danger can be a verb or a noun too. It is clunky wording, I think without -

Ms Webb - So can 'risk', actually.

Ms LOVELL - True. They're interchangeable, aren't they? You could say it's a risk of a danger, or it's a danger of a risk. I'm not suggesting an amendment, I don't know if the government would be open to this, but maybe clearer wording would have said, if you wanted to include that, not just that something has happened but that there's a risk of it happening because that's about the behaviour and the offender's behaviour, not necessarily the consequence on the person who suffers a consequence as a result of that, but maybe a risk of injury to a person, or a risk of damage to property, a risk of a collision with another vehicle might have been a cleaner way to explain it; you could also say danger of damage to a property - use either of those words but actually point out what is the danger that we're talking about, when they're identified already in (i), (ii) and (iii).

It's not just we're saying it has to result in the damage or the injury or the collision, but just the risk of injury or damage or collision. That to me would make it clearer. At the moment, I feel like it is clunky and potentially redundant wording, but I'm also reluctant to support the amendment simply because I don't want to lower the threshold, because I think the threshold needs to be about the behaviour, not necessarily the consequence, so I don't know if the government would be open to something along those lines and how we work through that now. This is my third call, so I will leave it in others' hands.

Ms RATTRAY - In regard to the suggestion of changing the words, there's a view that changing the words won't materially make any difference to what's been proposed here, and the will of the Council will be the will of the Council.

Ms WEBB - Goodness, wasn't that a lovely conversation, because I didn't expect it to generate quite that much interest, to be honest. You just never know, and I really appreciate people giving it a really good thought and even researching quickly on their phones and their laptops. It has also helped me solidify my thoughts around it. I'm still very much advocating

for this amendment because it is about what's being resulted in - 'results in', as the lead in there in (b), and results in, obviously, the tangible things in (i), (ii) and (iii): damage, injury, collision; this is an intangible chance that something bad is going to happen, and as identified by the member for Launceston with her definitions that she looked up, danger to a person is absolutely indicating there's a chance that something bad is going to happen.

Tailgating, for example, is absolutely captured there in 'danger to a person' that means there's a chance that something bad is going to happen from that behaviour. It absolutely picks up on that chance of harm occurring as a result, 'results in danger to a person' means that they are at risk of harm, that there is a chance of harm. It's redundant to say there's a 'risk of'. Redundant sounds neutral, though. The reason I brought the amendment is because the two legal bodies that made submissions on the bill at the exposure draft stage suggested it's problematic to leave it like it is because of potential to over-interpret it. In some ways, you could look at the current wording, 'a risk of danger to a person' is a risk of a chance of harm to a person.

Mr Gaffney - A risk of a risk, almost.

Ms WEBB - Yes. So, how do we even interpret what that is, a risk of a chance of harm? So, that's why I think that the legal fraternity suggested simplifying the language here with no change to the core intent that what you're picking up on; it has resulted in there being a chance of harm occurring, which absolutely picks up on tailgating, it absolutely picks up on swerving all over the place, or chasing someone down, or coming right up beside them to do whatever. All of that gets picked up in terms of what it causes as a chance of harm. So, I encourage members to support the amendment as being aligned with the intent but removing issues that may present, from the legal advice we've been given through these submissions.

Ms Armitage - Confusing for the courts.

Mr GAFFNEY - I hope the government takes this on board because, as has been stated, our legal advice or the legal advice from the Law Society and those people who operate in this space has said it's superfluous. We don't need the words 'a risk of'. They just go straight to danger. The government should say, yeah, they also work for the government. They also give advice out there, and hopefully that will help. I would just accept it and say that they can still have that function with the wording that's been suggested by the amendment, which has been confirmed or suggested by the Law Society. To me it's a no-brainer, personally, because that's the advice and I take it on board.

Ms Rattray - Another AI contribution?

Ms ARMITAGE - Look, I wasn't going to stand again but having listened to the members for Mersey and Nelson, it's really important just to reiterate the last sentence. It was AI, but as it said, 'making the addition "of risk of" confusing for our courts interpreting intent'. I think that's really important too, that if it does get to court, it does make it a little bit more confusing for the courts, particularly when we've had the advice from our legal experts.

Amendment agreed to.

[4.47 p.m.]

Ms WEBB - Thank you, Madam Chair, I have a second amendment to move in my name to this clause 9. I move -

Page 8, same proposed new section, same subsection, same paragraph, subparagraph (v).

Leave out the subparagraph.

I will just turn the page here. We're still looking at the same part, which is what it results in. It results in that list of things - and this is the last of that list - which reads 'alarm, distress, apprehension, or fear, in another person'.

Again, I'm picking up on the advice that came through submissions from the legal profession on this. For example, what was noted in the submission from the Law Society was that the offence is committed if it results in another person feeling alarmed, distressed, apprehensive or fearful, including as a result of verbal abuse or threatening or obscene gestures. Having regard to that definition, which is below it, of 'driving-related act', the words 'alarm, distress, apprehension, or fear' are extremely broad and cannot be measured objectively, which may result in a person claiming to feel distressed, alarmed, apprehensive, or fearful in a circumstance where this is objectively not reasonable. As an example, a person who is shown the middle finger by another driver may claim to have been alarmed, placing the driver who flipped the middle finger at risk of being arrested without warrant, fined or imprisoned. The thing that I thought about it too because you do have to consider this in respect of the other elements here, particularly the driving-related act definition which is below in subclause (2).

Let's just walk our way through it a little bit here. Back here, under the definition of road rage under (1): 'A person who, without reasonable excuse, drives or uses a vehicle, or performs a driving-related act' - so someone who performs a driving-related act - 'on a public street, in a manner that' they know is going to 'cause alarm, distress, apprehension or fear', and results in alarm, distress, apprehension or fear in another person is guilty under this. And the driving related act could be 'abusive, obscene, offensive, profane or insulting' words or gestures or behaviours.

Here's an example of what would be captured by this act, when I was trying to figure it out. The breadth of this is disturbing. I'm a driver who's going along and potentially inclined to road rage. A car does something dodgy in front of me. I can see there's a Christian sticker on the car and, I think, 'Right, that's a Christian person.' I drive up beside them at the lights, wind down my window and call out profane words to them: 'God damn you to hell, you Christian so and so's,' and they feel distressed and offended. In doing that, I've absolutely been captured by this, and I'm at risk of being criminalised as a result, I've committed the offence in that sense - because I've done a driving-related act under (a), I've used profane or insulting words, I have done it knowing, because I knew they were Christians from the sticker on their car, that they are likely to be distressed by me saying profanities at them, and under (v), which is the bit that this amendment relates to, they were in fact distressed. All those bits have been met by that.

Now, what I've just described, is that a nice thing to do? No, absolutely not. Is it an absolutely awful thing to do? Yes. But do we want to risk somebody being imprisoned as a result of that? Is that what we want to criminalise? Of course, it's what we want to not have happen. If other results were in the mix, it might be that there was damage to property, it might

be that I put them in danger, that I created a danger, that would be captured here. But the bit there that's 'alarm, distress, apprehension, or fear,' really broadens it out, because that's all that has to happen potentially; that list is an 'or, or, or' list under (b). If we think this, as an instance, didn't result in damage, didn't result in an injury, didn't result in a collision, and potentially the act didn't result in a danger, but it did result in distress or alarm by the person, that it's just something they felt, I'm captured. All I'm saying is, under this list, under what we already have there in (i) to (iv) - damage, injury, collision, risk - the danger there, that's captured, the chance that harm is going to happen, that's sufficient, given everything else left the same. If we take out (v), we take out things that could become problematic because it's incredibly subjective and it's an incredibly low bar to criminalise behaviour that's absolutely distasteful, and abhorrent. We would condemn the behaviour, but do we want to criminalise the behaviour by having it in here? In a nutshell, that's where I'm going with this, and why it was raised as problematic again by legal experts. I don't think we're losing the opportunity to capture what we really do want to capture here, and the real risks that the behaviour we want to capture presents. I don't think we need to open it up to what is included if you have (v) in the 'or, or, or' list.

Ms RATTRAY - Thanks, Madam Chair, just in response to the honourable member for Nelson's amendment. I'd like to place on the record that similar terms are already present in various Tasmanian statutes, such as the *Police Offences Act 1935*, section 6A; the *Family Violence Act 2004*, sections 4, 7, 8 and 9; and the *Justices Act 1959*, section 106A. In this statutory context, the terms are used to describe the state of emotional disturbance or mental anguish caused by the driving-related act, that being the conduct stipulated in section 37FA(2). This behaviour is synonymous with road rage incidents and an important aspect of this reform. Not including this clause would mean that police would not be able to adequately respond to or investigate road rage behaviour that causes alarm, distress, apprehension or fear. This would mean that for these behaviours, police would be seeking to establish other offences. This is the exact gap that this bill is designed to fill. It's the exact gap demonstrated in road rage behaviour that is regularly reported to police. In that context, the government opposes this amendment.

Ms O'CONNOR - Thank you, Madam Chair. We just had a series of statutes rattled off to us that in the time that we had this afternoon, we can't go and check everyone and we can't check whether that test is a singular test that could lead to conviction or whether it's part of a test under the *Police Offences Act* or the *Justices Act* or the *Family Violence Act*.

The problem, as has been articulated by the honourable member for Nelson, is that someone could be convicted of a road rage offence and face up to six months in jail if they really upset someone through their conduct on the road, and it's a fact that some people are much more easily offended than other people are. If your intention, through these amendments and this new offence of road rage, is to keep people safe and prevent damage to property, injury to a person, collisions on the road or danger to people, then that effect is achieved by the first part of the rightly amended clause that we're talking about now.

The problem is that the government has, as the member for Nelson said, created a clause that goes 'or, or, or', which means that if the person's conduct, their intent is to frighten someone on the road, they're abusive in their car, then they could face up to six months in jail. Just going on what the Leader's response is, there's enough there for the police to work with. If the police want to establish that someone has committed the offence of road rage, they could go to an assessment that the conduct created a danger to a person and that would be enough. We should not be allowing people potentially to be sent to jail for six months on the basis of 'feels', that someone felt offended or frightened.

So, I hope honourable members will see that this is a clanger in the back of this clause and it could lead to significant injustice. I hope honourable members will support the removal of that part of this clause.

Madam CHAIR - I'm just going to see if the Leader wants to respond or not.

Ms LOVELL - Sorry, can I seek some clarification.

Madam CHAIR - Because we've got to time all this and because the Leader often will get up and start speaking, something else will be raised and she'll seek further advice, so I stop the clock and we keep going, and so it's easier if she can answer one question and then I'll go to further questions.

Ms LOVELL - Could I just seek a point of clarification because I understand that's the case when the Leader has been given the call and then is seeking further advice, but I don't see that the time limits need to change the way we structure the debate in that whoever jumps first gets the call because there might be more questions for the Leader, but like the Leader might not need to be jumping up and down between every call to answer.

Madam CHAIR - The reality is that the Leader needs to have the opportunity to take advice on the question that's been posed. If she's seeking that advice and further questions are being asked, it makes it difficult and so we're just trying to manage this. Now she can just indicate that and then I'll go to whoever else wants the call.

Ms LOVELL - Fair enough, but I don't think it has anything to do with the time limits, that's always been the case.

Ms Armitage - No, time limits have nothing to do with the Leader.

Ms Webb - What was the question?

Madam CHAIR - The reason we allow the Leader to have the time to answer the questions is because it may actually answer someone else's question in responding to the member who has just raised the question. My advice is and I agree that it's not a chance to relitigate second reading speeches and matters. I think the Leader, if she wants to respond to a question that's been posed, then I think we should give her the opportunity to. She has unlimited calls.

Ms RATTRAY - I'll take the opportunity to provide a further response. Subparagraph (v) considers the alarm, distress, apprehension, or fear. However, it is just one element, just one element -

Ms Webb - It could be the only element.

Ms RATTRAY - of the offence. The offence requires that the offender knows, or ought to have known, and without reasonable excuse a fleeting remark is insufficient. It requires a course of conduct, so it couldn't be just the one time.

Ms Webb - What's the direction of time then? Repeated how often?

Madam CHAIR - Order. The Leader has completed her contribution?

Ms RATTRAY - Yes.

Ms LOVELL - I understand what the member for Hobart, in particular, was saying, but I don't agree with the member for Hobart. I mean, I do agree in that what she was saying is that the bill - and I'm paraphrasing, I might get it wrong and she's not here to correct me if I do - but what I believe she was saying is that the intention of this is to create an offence where someone could be charged for making somebody feel upset or frightened. I think that's right. That is what we're doing here; that's the intent of this clause and I am supporting that because if we take out paragraph (v) - and again, understanding the arguments of the member for Nelson - if we take out this paragraph the person would have to have known, or ought to have known that it's likely to cause alarm, distress, apprehension, or fear in another person, but then, it would have to result in damage to a property, or injury to a person, or a collision with another person, or a danger to a person, for it to be an offence. In that instance, as I read it, somebody could follow someone all the way home, be abusing them, be flashing lights and acting in a way that's intimidating and is frightening, and does make people feel unsafe and should, in my view, be an offence. But it wouldn't be an offence because they haven't crashed, they haven't caused injury to them, they haven't caused a collision or they haven't caused damage to the property.

Then there's the question of what 'danger to a person' means, and whether danger to a person means that they're feeling upset and frightened if they were driving. Someone might not even be driving fast. They could drive behind them with their lights on high beam, there are any number of behaviours that I know lots of us have witnessed or experienced on the road that did nothing else but cause us distress, to feel frightened and unsafe. In my mind, that's exactly what this clause is aiming to address and if we remove this subparagraph, it won't address that any longer. That's how I read it. That's my understanding of it. Given that we've raised the threshold around the danger to a person with the passing of that amendment that also makes me feel like we should not take this out.

I did have something else to say, but I've lost my train of thought now.

I'm sure there'll be members in the room who might disagree with me, but I think at some point we have to have a level of faith in our police officers to make these judgments correctly. I can't see any of the police officers I know trying to charge someone under this for giving someone the finger or yelling one thing out of the window to them. I know it's open to that, I understand that, but I have confidence in the police service and there has to be some level of discretion in our laws around these things, otherwise it becomes too prescriptive.

I also have confidence in the threshold of evidence that would need to be provided in courts for someone to be convicted of this. So, I think I'm leaning towards not supporting the amendment because I feel that that would then raise the threshold so high that it would no longer address instances of road rage where there is no physical harm or damage caused, and that's not what I want to do.

Ms RATTRAY - The government agrees entirely with the honourable member for Rumney in this particular case, and because of the amendment that has previously been supported - and as I said in that contribution - the threshold for liability does become higher

with the amendment that has been passed, so that's gone. Now there's a higher threshold and then you put the next amendment in, well, that takes away some effectiveness of the bill.

Ms WEBB - Thank you, Madam Chair. Thank you to members for their contributions to the amendment. It's an interesting conversation, isn't it? I don't agree with the member for Rumney's assessment here, or the Leader's assessment in terms of taking this out resulting in not being able to capture the activities that we wanted to capture. What's required and again, I think back to the Leader's summing-up speech, she talked about the *mens rea*, the intent to do a bad thing and then the actual bad thing happening, right? So, you have to have the intent and then the action as part of what's demonstrated to prosecute someone here.

The intent part is here, and we're picking up on the potential impact in the intent part under (1)(a). This is when someone does something as a driving-related act under the various definitions of that, that they know or ought to know would cause alarm, distress, apprehension or fear in the other person, so this requires that the person doing the act thinks that one or more of those things would be likely to be happening in the other person. It also requires that it results in one of these things: damage to property, injury, collision or danger, and danger to a person, in the examples provided by the member for Rumney: following somebody home, flashing a light, that's clearly creating a danger on the roads.

If you're doing it for more than just one flash, or if you're following them home, as the Leader said, it is a course of action, that's not just a one-off quick, little, abrupt, knee-jerk response to someone; it's a course of action. We know it has to be a course of action which, therefore, is something that's repeated or ongoing or something more than just a quick one-off. We know that to be captured by this, the person doing it has to understand or ought to understand that it's likely to cause those emotions in the other person, and then it has to have a result which can be as intangible as 'danger', which is a chance of harm. All of those things are there available without (v). They know it's likely to cause those feelings. They're doing it, it's resulting in, at most intangible, a chance of harm, a danger; and I think every example we could come up with that also met the test of 'a course of action' would be captured by those things. I would put it to the Leader to provide an example of something that we would want to capture by this that wouldn't then fit into what I've just described and requires (v).

Ms RATTRAY - I'll answer the first part of the question while I continue to take some advice, if I can provide an example to the honourable member and to the Council. Fear, apprehension, alarm and distress are key elements of the road rage offence, so causing someone to be apprehensive or scared is not a danger to them. Obviously, it's the will of the Council, but to leave that in so that you've got those there - and I'd like to share a story, but I won't - I ask that honourable members really consider not supporting the amendment in this particular case, because it is important.

Madam CHAIR - Do you have further advice coming?

Ms RATTRAY - I have further advice coming.

Madam CHAIR - You can take a seat while you wait to receive that.

Ms RATTRAY - Thank you. Following a person down the highway at speed, this is the example, but with a distance between the vehicles of 100 metres and flashing their lights on high beam and sounding the horn does not satisfy (iv) but may satisfy (v), and still requires

objective assessment of the other elements. All of those elements are still needed to be part of the objective assessment as well, so that's an example that has been provided, and it's almost my personal story.

Ms Webb - But the person has to think of that, then.

Ms GLADE-WRIGHT - Leader, what you just described sounded pretty dangerous to me; how does it not satisfy (iv)?

Ms Webb - And also you've got (a).

Ms RATTRAY - The 100 metres is the key, because if they're doing 100 metres distance and they're going 100 kph behind you, there's still ample time to stop. So, yes, that's why that is an example of why it wouldn't be coming under (iv), but it might come in under (v). I'm going to share a story: up in the north-east, some friends of mine were followed home; they were coming over the Sideling, a pretty scary place late at night, and they were followed out of Waverley. They pulled over a number of times to try to get somebody to go past them, and they wouldn't go past, and they ended up taking refuge at Nunamara. Every time I drive home late at night, I get frightened now if someone comes up behind me quite quickly, and I think, do I pull over and let them go past, or I just keep going at my speed, and I've got fear around that. So, it is real for people, particularly when they travel on their own at night.

Ms Webb - It's not about whether it's real; it's about whether to criminalise it.

Madam CHAIR - Order.

Ms RATTRAY - I'm just sharing with the Council that there are examples. These people were petrified, and I've been petrified ever since, of driving late at night on my own. So, if you could get a number off the car but I'm not going to stop, and there's no service much between Nunamara and Scottsdale, I can tell you, sadly, there are genuine apprehension, distress, and fear when you are on the road. But the example that I gave about the 100 metres and the 100 kilometres actually doesn't come in under (iv) because they do have time to stop.

Ms GLADE-WRIGHT - I just wanted to dig into that a little bit more. With the 100 metres, you also said that there was flashing and honking. Does that not create a danger? I know you've explained the 100-metre thing, but is that activity still dangerous and would be captured, and given that (a) talks about the fear?

Ms Rattray - Would it frighten you?

Ms GLADE-WRIGHT - Yes, absolutely.

Ms RATTRAY - It would frighten most.

Ms GLADE-WRIGHT - In my mind, that would still be captured if we took out (v).

Ms RATTRAY - Seeking advice, Madam Chair.

Thank you, Madam Chair. In response to the honourable Member for Huon's question, apologies if I have been a little bit anxious about when I was sharing my story. It wasn't about your question; it was just about a personal situation.

A vehicle travelling at 100 kilometres an hour is 17 metres per second. We've learnt something else new today. This is an example that provides the following vehicle an opportunity to stop in the event of the first car braking. The flashing of lights and the sounding of a horn alone is not considered dangerous.

Ms GLADE-WRIGHT - I accept that, but if you are doing it in a dangerous way where you're doing lots of flashing and lots of honking, you might still be 100 metres away, 17 seconds. But is that still not dangerous? Is that not an offence in itself? Dangerous driving?

Ms Webb - Wouldn't that be pulled up by the police if they saw that happening on the highway?

Ms RATTRAY - That would be a traffic offence, not dangerous driving, Madam Chair.

Mr HISCUTT - Thank you, Chair. Just while we're throwing hypotheticals around, I've cut someone off in traffic. 'Sorry, accidentally did that.' As we've experienced recently in the last couple of weeks that I drive along, I think everything's okay. I've said sorry. 'No, I'm sorry.' That person then drives behind me. They don't drive too close, but they drive behind me. I turn left; they follow me. I turn left; they follow me. I turn left, they follow me, I turn right. They follow me. I'm pretty worried. Maybe that's someone I didn't know, maybe it's someone that I do know. You know, I would start to feel pretty worried if there's someone continually doing that activity for maybe in the next hour. They're still following. I think that is something we should be charging people for. They haven't acted dangerously. They have caused me significant fear. And thank you for the vulnerable story before, Leader, because clearly situations like that can cause reactions for many years to come. And that is something that is very reasonable to conclude this clause, in this bill, so that circumstance can be covered. We should trust the police and the courts to judge this appropriately.

Ms WEBB - Thank you, Madam Chair, my final call on this one. Just a couple of things on this. One is that, in seeking this amendment to remove (v) from this, it in no way says that apprehension, distress, fear don't occur. And it in no way says that it isn't important to - that what -

Mr Hiscutt - It's not required, though.

Ms WEBB - we're aiming to do is to try to not have these things happen and reduce the incidence. There's no taking away from or suggesting people shouldn't or don't feel those things. It's not about that.

A couple of things about it. I'd like to talk about the two examples just provided. Firstly to the member for Montgomery's example just then. I'd like the Leader to respond - on advice from the advisers at the table - would what the member for Montgomery just described, which was somebody simply following, not engaging in anything that was dangerous, none of the honking, or the lights, but the story you gave was a very plain one of just potentially being followed.

Mr Hiscutt - For an hour.

Ms Armitage - Which is awful.

Ms WEBB - Yes, and again, I'm not suggesting that that's not an unpleasant thing to happen, but I'm just checking, would that be prosecutable under this? Let's just clarify that.

Then back to the other example that was provided, as what wouldn't be captured - by the advisers at the table - driving down a highway at 100 kilometres an hour, regardless that you're an appropriate distance back from the car in front of you, you are honking your horn and flashing your lights knowing, as per the clause here, that it's likely to cause distress and apprehension, et cetera. How does that not get captured by danger to a person, as in the result of it?

If that's a traffic offence, the reason it's a traffic offence - just to do that out of the blue - let's say there's no reason, but I'm just driving down the Brooker Highway at 100 kilometres an hour, I'm not too close to anyone, but I'm honking my horn and flashing my lights. You will pull me over for a traffic offence because that kind of behaviour is dangerous. That kind of behaviour causes a danger. That's why it would be a traffic offence. That is why you would pull me over to charge me with it.

If it's a traffic offence that you would pull me over for because of danger, why on earth doesn't it get captured by 'results in (iv) a risk of danger to a person'? It seems very bizarre to suggest that's an exception here that requires (v). What if you were doing all that and I didn't feel scared at all? I'm a big, tough guy who has felt no apprehension or fear or alarm or anything. What if that element wasn't fear in me as the person who was the subject of the behaviour? Are you telling me you couldn't capture it because of (iv)? Gosh, I hope you would capture it under (iv).

If charging someone for that example under this offence requires me to feel fear as the subject of the behaviour that it's directed at, that's hugely problematic, particularly if I don't want to go anywhere near that and don't want to suggest, or say, or come forward as feeling any of those emotions in relation to it. Surely that doesn't mean you can't prosecute it under this new clause and this new offence because it fits everything else, and (iv) 'danger to a person', because the person undertaking the act, driving at 100 kilometres per hour, flashing the lights, honking the horn, they knew that that was likely to cause distress, apprehension or fear. That's why they were doing it. They fit (a), and quite frankly, driving that way does create a danger, and that's why you pull me up for it on a traffic offence.

Are you saying that in order to prosecute that scenario, it would require me to feel - if I was the target of the behaviour - alarm, distress, apprehension or fear? And without me feeling those things, you can't prosecute it. Is that what you're telling me?

I would like to suggest to members - this is my last call, sorry, I shouldn't have sat down, I'm still on my feet, Madam Chair.

I hope the things I ask there are clear. One, was what the member for Montgomery described able to be prosecuted under this, and two, why on earth does this require me to feel those things in order to prosecute the example you gave?

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And because it's my last call, I encourage members to consider the advice provided as well through the other independent - external to the police force - legal experts who provided input at the consultation stage. Realise that in doing this, I'm not trying to take away anything in terms of what's available for these genuine instances that we want to capture here. What I'm just trying to do is make sure that it's not too broad, that we capture things that absolutely are bizarre and unusual.

And yes, again, that's not a statement that in any way takes away from our police force or the fact that the vast majority of the time we absolutely trust the police force to utilise these laws correctly and as intended. But we also have to be careful to make sure that we've made laws as appropriately as possible when we're adding in new offences and potentially new powers that go with those offences, or new circumstances under which we're criminalising people with those offences, any time we're broadening what we're criminalising, I think we have to be really thoughtful about it, so I encourage members to consider that and support this amendment.

Ms RATTRAY - Just in regard to the honourable member for Montgomery's example, that would cause an investigation. If you reported that -

Ms Webb - That's a different thing to whether it's going to be prosecutable -

Ms RATTRAY - I was just responding to the honourable member.

Ms Webb - on the facts of it.

Madam CHAIR - Order. Let the Leader answer the question.

Ms RATTRAY - In response to the honourable member for Nelson, (v) is about those trait factors identified in research and, sadly, commonly seen in young male offenders' targeting behaviour at female drivers, so that was part of the intent for that. So that's what I have as an offering to the Council.

Ms Webb - What about the answer to my question about the other example? That's such a disappointment, Madam Chair, not to have an answer. Well, that's so disappointing. It's because they're shown up.

Madam CHAIR - Order. The Leader can answer the question as she sees fit.

Ms Webb - Yes, because they provided a dud example.

Madam CHAIR - Order.

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

The Committee divided -

AYES 4

Mr Gaffney
Ms Glade-Wright

NOES 10

Ms Armitage
Mr Duigan

Ms O'Connor
Ms Webb (Teller)

Mr Edmunds
Ms Forrest
Mr Hiscutt
Ms Lovell
Ms Palmer
Ms Rattray
Ms Thomas (Teller)
Mr Vincent

Amendment negatived.

Ms WEBB - This is my third call on this clause, because I had two calls with my amendments, just to be clear. I'm going to put my question again because I'd like an answer from the Table on this question: in the example provided in our discussion on the amendment just now of somebody who is engaging in what all of us would understand to be road rage, following me down the highway at 100 kilometres an hour, flashing lights, beeping a horn, staying well enough back from me that it would be regarded as appropriate distance, but doing those other things and I'm not scared, are you able to prosecute them under this law? If not, that makes a nonsense of this because, patently, that behaviour is road rage and we're creating an offence of road rage. We are trying to stop people behaving that way. That's patently road rage, and if it requires my fear, because you said it needed to have (v), it couldn't just be captured by (iv), that makes a nonsense of this.

It is not well thought out enough, and I'm raising this not because I have any intention for us to not capture these behaviours and address them effectively; I want to do that. That's what I'm here to do as a legislator too, particularly with this piece of legislation on this topic. That's what we're trying to do, but it has not been well thought through enough. It has not been constructed effectively enough. If what is true under our previous discussion of my amendment - if it's true that you can't prosecute that behaviour unless I, as the driver in the front vehicle, felt alarm, distress, apprehension or fear, if I felt none of them and you can't prosecute it, what a nonsense to have this offence of road rage. I want a categorical answer to this question: can you still prosecute that example? Let's make it even easier: can you start an investigation of that behaviour, because if your answer to me right now is yes, then that belies what you put forward in the discussion on the amendment. It makes a mockery of what was suggested to us in relation to that amendment that just got voted down. I want an answer to that, please.

Ms RATTRAY - I am seeking advice, honourable Madam Chair, to the honourable member's question.

Madam Chair. So, driving at distance, flashing the lights and sounding the horn is a traffic offence. It is not sufficient to prosecute road rage because it is not of itself dangerous.

Ms Webb - Then why is it a traffic offence?

Ms RATTRAY - It is not of itself dangerous. The distinguishing factor is the fear, the apprehension, et cetera, and if the honourable member who was driving the car down the Brooker Highway wasn't in fear, then I expect that she wouldn't have reported it to the police.

Ms Webb - So, that wasn't road rage, you're saying? Fascinating.

Clause 9, as amended, agreed to.

Clauses 10 and 11 agreed to.

Clauses 12 to 14 agreed to.

Clauses 15 to 17 agreed to.

Clauses 18 to 20 agreed to.

Clauses 21 to 23 agreed to.

Clauses 24 to 26 agreed to.

Clauses 27 to 29 agreed to.

Title agreed to.

Bill reported with amendment.

[5.39 p.m.]

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

That the bill as amended be taken into consideration tomorrow.

Motion agreed to.

OCCUPATIONAL LICENSING AMENDMENT BILL 2026 (No. 6)

Second Reading

[5.40 p.m.]

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

That the bill be now read a second time.

The Occupational Licensing Amendment Bill 2026 delivers the government's commitment to strengthen Tasmania's licensing laws, crack down on phoenix activity and better protect Tasmanians who are building or buying a home.

The bill also improves the regulator's ability to take timely and effective disciplinary action against licence holders. Together, these changes reinforce Tasmania's building regulatory framework and support safer, fairer outcomes for consumers, workers and industry.

Illegal phoenixing is a concerning problem in the construction sector, which relies heavily on subcontracting and trade credit. This practice occurs when a company is liquidated to avoid debts and liabilities, only for the same individuals to start a new entity and continue

trading. The result is often incomplete work, unpaid subcontractors and lost wages for employees.

While Commonwealth corporations law targets phoenixing, it does not determine who may hold a building licence as this is regulated under state occupational licensing laws. This may allow individuals involved in repeated insolvencies to re-enter the industry unchecked. Other states have acted to close this gap and this bill will do the same in Tasmania.

In our state, the *Occupational Licensing Act 2005*, regulates licensing for those involved in electrical, gas fitting, plumbing and building services work. Currently, under the act, before issuing a building services licence, the administrator must be satisfied an applicant has the appropriate qualifications, experience and competence. To assist in making this decision, the administrator may require information about their capacity, competence and fitness, including whether they have a sound and stable financial background. While this process provides some scope to take insolvency or bankruptcy history into account, it may fail to capture indirect influence and lacks strong enforcement mechanisms. The bill closes these gaps by making prior insolvency or phoenix-type behaviours grounds for building licence refusal or disqualification, thereby directly affecting an individual's and company's ability to operate in the sector.

This will protect Tasmanians by helping to stop harmful operators before they cause further consumer and subcontractor losses.

A consultation draft of the bill was released on 23 January 2026 for a four-week public and targeted consultation period. Consumer Building and Occupational Services within the Department of Justice has also consulted directly with key industry stakeholders, including peak building industry bodies Master Builders Tasmania and Housing Industry Association Tasmania, and others. The government thanks them for their valuable input and their support for these important reforms. It was pleasing that the bill received such positive support from members across the parliament when it was before the other place.

Following further engagement with industry peak bodies and constructive discussions with members, the government proposed two amendments in the other place to improve the operation of the bill, which were unanimously supported.

The first of the changes enables a person to seek an internal review of a decision by the administrator to take disciplinary action under section 93, in addition to the existing right to appeal a decision to the Tasmanian Civil and Administrative Tribunal, fondly known as TASCAT, in respect of any decision of the administrator.

Second, the timeframe for the statutory review period of the new provisions has been reduced from five years to three years, with the review to be tabled in four years rather than six years.

These changes will enable timely consideration of how effectively the amendments are operating and help ensure the legislation is providing the most appropriate protection for consumers and the construction industry.

I will now go through the amendments made by the bill, starting with the reforms to address phoenixing. A range of categories and classes of licensed building services are regulated under the act, so the amendments provide the ability to ensure the scope of application of the new requirements is appropriate by applying them to prescribed building services

licences. The list of prescribed building licence classes will be included in the regulations to commence with the bill.

The bill introduces the following key terms:

A 'bankruptcy event' is where someone becomes bankrupt or they apply to take the benefit from the laws for the relief of bankruptcy.

An 'insolvency event' occurs when a liquidator, administrator or controller is appointed to the body corporate, it is wound up or ordered to be wound up. The approach taken is similar to that taken in other jurisdictions and revolves around the concept of an excluded person for the purposes of building services licensing.

A company is an 'excluded person' if it has experienced an insolvency event within the last three years or if a director, secretary or influential person for that company is an excluded person or permanently excluded person.

The concept 'influential person' is important as it captures individuals who work behind the scenes to control or substantially influence the conduct of the organisation, such as so-called shadow directors.

The bill also deals more seriously with those involved with multiple insolvencies by providing that individuals and companies may be declared to be permanently excluded if their licence is cancelled twice within a five-year period due to two separate insolvency events.

I will now outline the main consequences of being an excluded person or permanently excluded person. Excluded persons must not be granted a prescribed building services licence during the period of exclusion, which is three years from the relevant bankruptcy or insolvency event. Permanently excluded persons are not entitled to hold prescribed building services licences. Existing licences can be cancelled if the licensee is an excluded individual or permanently excluded person.

The amendments also provide that excluded persons and permanently excluded persons must not manage, contract for or carry out building services work under the authority of a licence held by another person.

The new requirements also apply to excluded persons from other jurisdictions seeking registration in Tasmania by providing that excluded persons and permanently excluded persons are disqualified from holding a prescribed building services licence under deemed registration.

In response to feedback received during consultation, the bill now provides a pathway for an individual to avoid licence exclusion if they experienced a bankruptcy or insolvency event despite having taken all reasonable steps in the circumstances to avoid it. Such a person may apply to be a permitted person.

The bill also provides a safeguard for unforeseen and unusual cases where strict application of the insolvency-related licensing restriction would produce an unfair or unintended result while still protecting consumers and creditors. It does this by providing the administrator a limited discretion to refuse to act in certain exceptional circumstances. Examples of exceptional circumstances might include the collapse of a major client, principal

contractor or developer who owes substantial debts to the applicant or licensee which could not reasonably have been foreseen or mitigated by the business, or a significant natural disaster, pandemic-related disruption or other major external event that severely affected the business and could not reasonably have been foreseen or mitigated.

I also wish to stress the amendments do not fully prevent a tradesperson who may be an excluded person from working in their recognised trade. Work can still be sought as an employee of a licensed building services provider. An excluded person can also continue to contract for some work that is low-risk work under the *Building Act*, which is work that is neither permit work nor notifiable work, and is nominated as low-risk work by a competent person, and that is under the \$20,000 threshold, where the *Residential Building Work Contracts and Dispute Resolution Act 2016* applies.

To further protect consumers and others in the building industry, a new section 371 allows the administrator to publish the relevant details of excluded persons and permanently excluded persons on a public register. Importantly, the amendments ensure procedural fairness is provided to applicants and licensees through the new processes. Written notice and the opportunity to make submissions must be provided before the administrator takes action under the new provisions, including deciding whether a person is an excluded or permanently excluded person, cancelling a licence on those grounds, and publishing relevant details on the register. The administrator's decisions are also subject to both internal review and appeal to TASCAT.

A number of offences support the new requirements. For example, excluded persons and permanently excluded persons are not permitted to perform notifiable or permit building work under the *Building Act 2016* or enter into residential building work contracts under the *Residential Building Work Contracts and Dispute Resolution Act 2016*.

In the interest of fairness and certainty, any application for a licence submitted prior to commencement will be assessed and determined based on the provisions prior to the commencement. In addition, bankruptcy and insolvency events will only be relevant to new offences, and refusal and cancellation of licences, if they occurred after commencement.

The administrator is also provided with more flexibility to deal with disciplinary matters more effectively and efficiently. Under the amendments, the administrator will be able to consider a disciplinary matter without having to refer the matter to a disciplinary panel. However, the administrator could still convene a panel and may still refer to any expert they see fit as part of an investigation. Importantly, anyone directly affected by a decision of the administrator retains the right to appeal to TASCAT for a review of the decision.

These important reforms will strengthen Tasmania's building licensing system. The reforms in the bill will improve confidence and fairness across the sector. Consumers are better protected from projects that fail mid-construction. Subcontractors are less likely to be left unpaid for completed work, and employees gain greater certainty that wages and entitlements will not disappear with an insolvent business.

In short, these changes promote a more accountable industry, reduce the burden of repeated business failures and help to ensure that only financially responsible operators hold a building licence in Tasmania. I commend the bill to the Council.

Mr President, I move -

That the debate stand adjourned.

Debate adjourned.

RESIDENTIAL PARKS BILL 2026 (No. 2)

House of Assembly Agreed to Council Amendments

The House of Assembly advised that it had agreed to amendments made by the Legislative Council.

ADJOURNMENT

[5.56 p.m.]

Ms RATTRAY (McIntyre - Leader for the Government in the Legislative Council) - Mr President, I want to inform honourable members, and I known they've already been informed via email today and kind of a brief conversation: a quorum call is not required for tomorrow.

Mr President, I move -

That the Council at its rising adjourn until 11 a.m. on Tuesday 18 August 2026.

Motion agreed to.

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

That the Council do now adjourn.

Tasmanian Courts Backlog

[5.56 p.m.]

Ms O'CONNOR (Hobart) - Thank you, Mr President. Yesterday, the third-party review of backlogs in the Tasmanian court system, an independent review conducted by Lloyd Babb SC, was tabled in this place and in the other place. I just wanted to draw to Council's attention the recommendations in that review, ever so briefly, the problem that we have in implementing those recommendations under current government policy, and a question for the Attorney-General at the end of my short contribution.

Everyone knows justice delayed is justice denied. It's because of extensive delays in the delivery of justice, particularly through the Supreme Court, that the government commissioned this independent review to examine what could be done to deal with the backlog.

It's a terrific short report. Some of the recommendations are: legislating changes to powers in the Magistrates Court; protocols for police to provide more effective and timely disclosures of case information; early-stage conferences; removing residential tenancy disputes to TASCAT; improved IT systems; mentoring, training and development of new early-career professionals, also, though, early resolution of matters through Legal Aid.

During the recess I spoke to a number of stakeholders in Legal Aid, Community Legal Centres, the Refugee Legal Service, and the Environmental Defenders Office. I am deeply alarmed about this government's agenda for the provision of legal services for disadvantaged and at-risk Tasmanians. Honourable members will recall that the budget papers confirmed a \$2 million cut to Legal Aid across the forward Estimates. What is it that they'll have to cut? Well, we can't be sure yet, but we know it will be the people we represent who hurt the most.

Another recommendation was to increase the number of Supreme Court judges and the reserve judge pool. Well, again, go to the Budget and have a look at the allocation to the Supreme Court, which has had about a \$2 million cut across the forward Estimates. So, it is simply not good enough to be building a stadium at Macquarie Point while you're starving our courts and our legal service providers of funding. Lloyd Babb says:

Meaningful systemic reform and absolute cost neutrality are antithetical, particularly when existing funding is already being stretched thin. I believe Tasmania is in a position where opting not to sensibly invest in reform as a way of avoiding immediate expense will ultimately prove very expensive.

That is the space that we are in now, and this is in the context of the Department of Justice having to find around \$7.5 million in efficiencies across the forward Estimates as well. We are facing a crisis in the delivery of justice and legal services.

My question to the Attorney General: the justice system is sorely feeling the effects of these cuts and those impacts will only deepen and impact on the people we represent. In the face of that, how will the government respond to Lloyd Babb SC's review? Will it provide the resources required to implement the changes that he recommends and improve access to justice? Can the government outline how it will respond and the resources it will provide to deliver the necessary reform? Will the Attorney-General accept that cutting funding to the Supreme Court and Legal Aid will cause societal harm and put more pressure on the justice system? Will the government please, on behalf of the people we represent and the delivery of justice and access to justice, reverse the cuts?

The Council adjourned at 6 p.m.