

Legislative Council

Hansard

Tuesday 4 November 2025

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

[excerpt...]

**CUSTODIAL INSPECTOR AMENDMENT (PROTECTION FROM REPRISAL)
BILL 2025 (No. 44)**

Second Reading

[8.27 p.m.]

Ms WEBB (Nelson) – Mr President, I rise very briefly to speak on this bill, and I'm very happy to be doing so. Thank you to the Greens and to the member for Hobart in this place on their behalf for bringing this bill forward for us to consider and debate. It is an incredibly important piece of work and made possible in the context of a minority parliament, which the member for Elwick has also mentioned. That is worthy of mentioning.

The reason that's worthy of mentioning is we all here would acknowledge the incredible importance of the role of our independent statutory oversight entities, and we have legislated for these entities to be in place to undertake that oversight role in order to ensure Tasmanians are protected, that decision-making and government are accountable, and to make sure that our systems work as well as we want and expect them to.

The attitude of a government towards the independent statutory oversight entities is writ large in two ways in my view. It is writ large and demonstrated in the way that those entities are treated by government, primarily through both the extent to which they are funded sufficiently in government budgets, and the response that a government makes to the recommendations made by those oversight entities. On that front, it's clear what this government thinks of our independent statutory oversight entities, and they don't think much of them, when you look at the fact that they're chronically underfunded year after year. To the extent that, as the member for Elwick alluded to we have noted many times in this place, in these last couple of years, the heads of those independent oversight entities have had to come into the public domain to plead their case for the lack of funding that they received to just do the basic work that under statute they're required to do. It's shocking we see that.

I am sure the people leading these entities got to the absolute end of their tether, exhausting all private direct entreaties to government on the matters of funding, before they get to the point of coming into the public domain and stating that they need that funding to do the basic work they're required to do under the acts that establish them. That's appalling. It's a blatant statement about the value that this government places on those entities.

The other side of it is how are the recommendations made by the entities responded to? Is there a prompt, welcoming response where recommendations are actioned and put into place through policy and processes? Typically, no. That's what this bill is a result of. Year after year when these recommendations have come forward for just sensible law reform, quite frankly, to update the act that underpins the custodial inspector. Basic law reform to make sure the

functions of the office can be undertaken appropriately, that people are protected appropriately when they're engaging with the custodian inspector and the like, as we've heard from the member for Hobart in relation to what's in this bill.

The lack of response to those recommendations made speaks volumes. It's a blatant and obvious indication of a government that really does not care about or for independent statutory oversight. It's shameful, quite frankly. In that context - and because we have a minority government situation in this parliament, we now have at least the opportunity and the great pleasure actually in seeing something progressed on behalf of a statutory entity to improve the way it's able to do its work, to provide better protections, to make sensible basic law reform to the act that underpins it in the face of that neglect for many years. It's great to see that.

I would really hope we would see some different indications from this government in relation to oversight entities such as the custodial inspector, but of course all the others. When it comes to the interim budget we'll be seeing later this week, I don't hold out much hope. I am not going to hold my breath, that's for sure.

We do know that, particularly - the member for Elwick mentioned this, and I'm going to reiterate it because we have discussed it already other times that we've talked about the last two budgets in this place, or the attempted budget earlier this year and the one before it last year. The Tasmanian National Preventative Mechanism established under our OPCAT act has only been around for a couple of years. We can all remember, those of us who were here, passing that act a couple of years back. It was a nation-leading thing to do at the time. We were really on the front foot. Then, after funding being provided for the development of the office and the role, what then needed to happen was for a new approach to funding that office that would actually fund it to do the role. That was last year. Guess what? Absolutely no funding to do the role. We were literally told by the NPM, which was the also the custodial inspector, also the Ombudsman, that they didn't have the funding available to go out and do the inspections that were required under the act. None. Could do none of the activity legislated. Absolutely shocking.

If that's the case on Thursday when we look at this interim budget, my goodness me. That will be every single member of this government saying that they do not care about or value the work of oversight entities. It is as simple as that.

I am not going to go into detail through each of the elements of the bill. The member for Hobart took us through them in detail, and I agree that they're sensible. I appreciate the questions the member for Elwick has put. I am really keen to hear the answers and some further explanation around some of those. I am more than happy to be supportive of this bill.