

Legislative Council

Hansard

Wednesday 5 November 2025

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

[excerpt...]

EXPUNGEMENT OF HISTORICAL OFFENCES AMENDMENT BILL 2025 (No. 51)

Second Reading

[12.29 a.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on the Expungement of Historical Offences Amendment Bill 2025 with a full heart today. It's a wonderful day. This will be a good day in this place. There are so many days we don't get a chance to say that and today, we most certainly will be able to say it. I'm honoured to be here, as part of today, as we consider and support this bill through our Chamber. Mr President, it is a bill on this sort of topic and work we do on it that puts me in mind of Martin Luther King Jr's quote, which I hold very close to my heart, and that's that 'the arc of the moral universe is long, but it bends towards justice' and I hold that to be true. In fact, I hold it as a North Star sometimes. Anybody who is active in advocacy on matters of social justice, on matters of human rights, on matters of human decency, that sentiment is something that is needed. To be tracking against effort, because sometimes effort comes again and again and it doesn't necessarily come to fruition as quickly as you would like or in the way that you would like but effort, over time, takes us towards justice and that's what's happened here.

Having said that, justice sometimes is far too long delayed and far too long coming. I would imagine there's been genuine concern and frustration about various delays of this work. I acknowledge we have been decades in the making here. Tasmania, again, quite incredibly and positively will have gone from being the last jurisdiction to decriminalise homosexuality back in 1997, when we were lagging everybody and then we stepped into a more proactive space with our anti-discrimination legislation being quite an exemplar. Then we moved forward, and I recognise previous premier, Will Hodgman, and his efforts with the Expungement of Historical Offences Act in 2017 and where that took us forward. Now, through continued work through the independent review of that bill, the recommendations made, we are now in a position to be considering legislation which will further improve the Expungement of Historical Offences Act and bring to fruition now all 13 of the recommendations from that act.

It has been efforts by so many people across time to get us to this point, not least Mr Rodney Croome, who's here with us today in the Chamber. I recognise him, along with other members, for absolute courageous persistence and effective advocacy over time with this and Equality Tasmania as the organisation that sits around him in these efforts. I also recognise the work done in this place by persistent advocates in a parliamentary and legislative sense, not least the Greens, who ensured that what we had in this bill was not just 12 of 13 excellent recommendations, but was all 13 of those recommendations to be addressed and brought to fruition.

Legislative activism is really important. It is an important element of making improvements to our governance in this state, to our statutes and to our policy and it should always be acknowledged when it has contributed to forward progress. It is disappointing that it wasn't adequately acknowledged formally, in the government's address on this bill, but I certainly put my acknowledgement here.

We only rectified the gaps and improved this bill because of the effort and the impetus thrown into it by the Greens and, I would note, by the opportunity presented by a minority parliament. Again, those efforts and advocacy still would have been brought forward by the Greens, I am sure, but in a majority parliament, would have been blocked in the other place and that would have been the end of it. They would not have been able to make amendments to the bill there.

My applause and thanks to all members of our parliament who look to be advocates and to be thoughtful in their pursuit of legislative activism and particularly who look to engage with the opportunity of a minority parliament. On that, I am appreciative of the expert work that's gone into that independent review by Melanie Bartlett and Taya Ketelaar-Jones and the fact that we are able to give effect to each of those recommendations now. I acknowledge the work of the Gender and Equality Committee, who took the referral for the elements relating to redress and have done excellent work, as the member for Rumney, also pointed out and acknowledged. I also acknowledge the work of committees is incredibly fruitful, not just for what comes out the other end of it, in the report and recommendations, but in the process itself. It is always educative of the parliamentarians who are involved, of the broader parliament via the work that they present to us and also of the community, because the work of a committee is done in public, accountable, is on the public record. It becomes part of a parliamentary record.

There's real value in the process undertaken by the committee. At the time, I did not vote for it to go into Committee either because I was hopeful we could get this bill passed a year ago. In retrospect it has come out in an incredibly positive way to have undergone the process, to have had the recommendation from the committee and to arrive here where we are.

Having said that, my goodness, the two prorogations of parliament that have held this bill up in these latter stages have been incredibly frustrating. We now have a bill that's complete. We will have, through this amendment bill, a primary piece of legislation that is improved, that sets up appropriate processes. I am not going to go into each of them in detail, as the government has covered in the second reading speech, other members have spoken in some detail about specific elements.

We have had it flagged with us there are maybe some future further elements for discussion, but there is not a need to hold this up further in looking to rectify some of those matters. I am particularly pleased to have drawn to my attention one of those matters for future consideration relates to families of deceased persons who can seek for an expungement of their family member's criminal record, but cannot access the redress element of what's outlined in this bill. There's a complexity around that needs to be looked at carefully before we think about how to take that forward and hope that proactive work is done.

I am incredibly pleased to hear expert stakeholders point to this Tasmanian approach now as given effect to in this bill as being best practise, as being nation-leading, as being a gold standard of human rights: All of those things fill me with pride for our state. When you think about the bookends in this particular situation, of decriminalisation in 1997 and here in 2025, another opportunity to be a gold standard, a nation-leader, to be the jurisdiction others can look to and seek to emulate is incredibly pleasing and fills me with pride.

While we can take that pride, I do also remain concerned though about what happens next. Once this is passed and once we have that approach laid out nicely, the thing that still concerns me about that is the challenge of how we make sure the people who need to benefit from this, do in fact benefit from this. We have heard throughout the numerous discussions on this bill as it has come and gone in this place about the fact that many of the Tasmanian men to whom this is relevant - who have those criminal charges and convictions there on their record - are now quite elderly.

They have also dispersed in many senses to various parts of our state, but also into other states and also internationally and sometimes that has actually been, in a sense, an exile because of what they suffered and what they were forced to endure via their criminal charges and convictions. One of the things that bothers me is we appear to be setting ourselves up to take a fairly passive approach to implementing and giving effect to what's in this bill, particularly the expungement and the redress elements of it. Often what we do with these sort of things is we put some ads in papers and say 'there's this thing that's happened and it might be relating to you and please come forward,' that passive approach, where we expect people to come to us, as the state, in order to be able to access their rights is not acceptable. It is not good enough.

When we are talking about something with such a significant historical profile of active harm, active discrimination, and active cruelty that was embodied in the criminalisation of homosexuality and the charges and sufferings that resulted from that.

As part of appropriate justice and redress, we need to have an active, proactive outreach approach to ensuring that we give effect to what we hope can be a shadow of an offering from the state to say that we're sorry and say that we recognise that harm and the impact that it had on people's lives enduringly.

I believe it's unacceptable for us to do anything less than to, in good faith, seek to make contact, seek to find and seek to offer what's in this bill to the people who are affected by it. That won't always be possible. Certainly, we know it's not possible for those who have already passed away. However, we can also seek to reach out to their families. We can seek to, in good faith, find those who are still alive.

For a government to perhaps suggest that effort is too much effort, or too expensive an effort, I believe, is small. That's a small way to regard the fundamental principle and importance of that principle that sits behind this. I would like to see us have a good-faith, proactive effort to find the Tasmanian men who are relevant to what we're legislating here and to actively offer them their rights via this legislation. That would be compassionate and that would be right to do so.

Mr President, I will conclude my remarks by adding a broad acknowledgement, again. I offer my admiration and acknowledgement and my thanks on behalf of myself, but also those I represent in the community, for the enduring efforts of the LGBTIQ+ community advocates, experts, allies, and all those who've brought efforts to bear to move things forward across a whole range of areas. In this instance, on this matter of the expungement of historical offences and the proper redress for that.

As I said at the beginning, the arc of the moral universe is long, and it is through the true efforts of courageous, persistent advocates that that arc does, in fact, bend towards justice. Long may that continue. I wholeheartedly support this bill.