



TASMANIA

LEGISLATIVE COUNCIL

SESSION OF 2019

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 29

TUESDAY, 10 SEPTEMBER 2019

1 COUNCIL MEETS.— The Council met at 11.00 o'clock in the forenoon and the President read Prayers.

2 WINDFARMS AND PROTECTED AND ENDANGERED BIRD SPECIES.

—Mr *Dean* asked the Honourable the Leader of the Government —

With reference to the Andrew Bolt program which aired on television on 18 July 2019 reported on windfarms and the devastation caused to both protected and endangered bird species.

- (1) What is the extent of the windfarm to be constructed by EPURON in the Central Highlands (including the number of towers)?
- (2) When is it expected that this farm will be in operation?
- (3) What protective screening, including the extent of it, will be provided to protect bird life and specifically protected and endangered species?
- (4)
 - (a) Have any studies been undertaken to determine the population of protected and endangered birdlife in the area of this windfarm development;
 - (b) If so, what are the numbers; and
 - (c) If not, why not?
- (5) Is monitoring occurring in and around existing windfarms to gauge the extent of bird deaths and injuries due to tower contact?
- (6) In the previous calendar years 2016, 2017 and 2018 what have been the number of bird deaths attributed to windfarm operations in Tasmania?
- (7)
 - (a) What penalties currently apply to windfarm owners/operators should the windfarm operation lead to the death of protected and endangered bird species; and
 - (b) What penalties currently apply to any member of the public who kills a protected or endangered bird species?

The Leader answered,

- (1) The proposed St Patrick's Plains Wind Farm covers approximately 10 000 hectares. It is proposed to have up to 67 wind turbine generators, with a maximum generating capacity of up to 300 megawatts (MVV).
- (2) The proponent has estimated that the windfarm, should it be approved, could be in operation by 2023.

- (3) It is too early in the proposed project to know what methods or technologies will be used to mitigate any adverse impacts. The best available and economically feasible technology from both Australia and overseas will be investigated. Should the windfarm be approved, it would also be required to meet all regulatory requirements.
- (4) (a) The project is still in its inception stage. Any potential impacts on protected and endangered species will be assessed by avifauna studies to be undertaken over the next 12 months to two years.
- (b) Population numbers and species present in the proposed development area are currently unknown and will be informed by studies over the next 12 months to two years.
- (c) Population numbers will become available when studies have been completed.
- (5) Existing windfarms are required to undertake monitoring to determine, and report on, the number of bird deaths or injuries associated with collisions with wind towers.
- (6) The table below provides the numbers of bird deaths attributed to windfarms operations during the 2016-2018 years, and includes the numbers of endangered (listed birds) and non-listed birds.

Site	2016		2017		2018	
	Non-listed	Listed*	Non-Listed	Listed*	Non-Listed	Listed*
Bluff Point Wind Farm	0	0	0	0	1	0
Studland Bay Wind Farm	2	0	1	0	1	0
Musselroe Wind Farm	29	1	36	2	31	2

*Listed refers to birds listed under the Tasmanian Threatened Species Production Act 1995.

In addition to the numbers provided above, a further seven deceased birds were located on the windfarms as part of the monitoring programs during the same period. However their deaths could not be directly attributed to the operation of the wind turbines. These seven birds included two non-listed birds at Bluff Point Windfarm and four non-listed and one listed bird at Musselroe Windfarm.

- (7) (a) Offset requirements are imposed upon windfarm operators in the event of eagle mortalities due to turbine collisions. Historically, nest protection has been the offset mechanism - that is, the windfarm operator was required to find an eagle nest to covenant for each mortality. The cost of nest protection is in the order of \$50 000 - \$100 000 depending on location, natural values of the site and landholder negotiation. If nest protection is not a viable offset option, the windfarm may provide a financial contribution commensurate with nest protection to research and/or education programs that will benefit the species.
- (b) Under the *Threatened Species Protection Act 1995*, the maximum penalty for knowingly taking (which includes killing) a listed threatened species without a permit is 629 penalty units (currently \$105 672) or 12 months' imprisonment, or both. Under the *Wildlife (General) Regulations 2010* the maximum penalty for taking any protected and specially protected wildlife without a permit is 100 penalty units (currently \$16 800).

3 PAPERS.— The Clerk of the Council laid upon the Table the following Papers:—

- (1) Tasmanian Health Service 2019-20 Service Plan.
- (2) Revised Tasmanian Health Service 2019-20 Service Plan (August 2019)
- (3) Parliamentary (Disclosure of Interests) Act 1996: Primary Return. Hon Meg Webb MLC, Member for Nelson.
- (4) Environmental Management and Pollution Control Act 1994: Statutory Rules 2019, No. 34, containing Environmental Management and Pollution Control (Smoke) Regulations 2019.

4 DISTINGUISHED VISITORS.— The President said “I would like to draw to the attention of Honourable Members the presence in the President’s Reserve of Distinguished Professor Maggie Walter, Pro-Vice Chancellor (Aboriginal Research and Leadership) and Ms Taimeka Mazur, Project Officer Strategic Plan for Aboriginal Engagement and Indigenous Student Support, both from the University of Tasmania.”

5 SPECIAL INTEREST MATTERS.— The President advised the Chamber of six Members who had indicated their desire to speak and of the order in which they were to speak as follows —

- (1) *Ms Rattray* - Ridleys Pellet Factory;
- (2) *Mr Finch* - Regional Tourism Opportunities;
- (3) *Ms Webb* - Indigenous Cultural and Educational Exchange Programme at the University of Tasmania;
- (4) *Mrs Hiscutt* - Vale Brian Inder and Ted Howe;
- (5) *Ms Armitage* - Headstone Project; and
- (6) *Mr Dean* - Building Insurance Hikes.

At the conclusion of Special Interest Matters the Council proceeded to Orders of the Day.

6 RIGHT TO INFORMATION ANNUAL REPORT 2017-18.— A Motion was made (*Ms Rattray*) and the Question was proposed, That the Right to Information Annual Report 2017-2018 be considered and noted.

A Debate arose thereupon.

7 DISTINGUISHED VISITORS.— The President said “I would like to draw to the attention of Honourable Members the presence in the President’s Reserve of the Hon Speaker Mr Peter Watson MP and the Sergeant-at-Arms Dr Isla McPhail, from the Parliament of Western Australia.”

8 RIGHT TO INFORMATION ANNUAL REPORT 2017-18.— The Council resumed Debate on the Question, That the Right to Information Annual Report 2017-2018 be considered and noted.

And the Question being put,

It was resolved in the Affirmative.

9 NATIONAL ASSESSMENT PROGRAM LITERACY AND NUMERACY SCHOOLS TESTING SYSTEM.— A Motion was made (*Mr Willie*) and the Question was proposed, That the Legislative Council –

- (1) Acknowledges the high-stakes culture that has developed around the National Assessment Program Literacy and Numeracy schools testing system (NAPLAN);
- (2) Notes that the Victorian, NSW and Queensland governments have agreed to band together and conduct their own ‘breakaway’ comprehensive review;
- (3) Is concerned that this year’s NAPLAN testing encountered a range of difficulties – with students hampered by technological issues in Tasmania and across the country;

- (4) Acknowledges education expert David Gonski's comments regarding limitations at the classroom level where NAPLAN reports on achievement rather than growth and the results are six months old by the time they are released;
- (5) Notes that NAPLAN data published on the MySchool website is being used as a school rating tool rather than a measurement of student progress;
- (6) Notes there has been a decade of unhealthy debate on standardised testing with little improvement as a result; and
- (7) Calls on the Tasmanian Government to join the 'breakaway' review that will report back to the Education Council.

A Debate arose thereupon.

10 SITTING SUSPENDED.— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

11 QUESTION TIME.— The President called for Questions without Notice. There were eight Questions asked.

12 LEAVE TO TABLE ANSWER TO QUESTION.—*Ordered*, That Mrs *Hiscutt* have leave to Table a copy of the Agreement between the Commonwealth and Tasmania – Waiver of Outstanding Housing Related Loans.

13 NATIONAL ASSESSMENT PROGRAM LITERACY AND NUMERACY SCHOOLS TESTING SYTEM.— The Council resumed the Debate on the Question, That the Legislative Council –

- (1) Acknowledges the high-stakes culture that has developed around the National Assessment Program Literacy and Numeracy schools testing system (NAPLAN);
- (2) Notes that the Victorian, NSW and Queensland governments have agreed to band together and conduct their own 'breakaway' comprehensive review;
- (3) Is concerned that this year's NAPLAN testing encountered a range of difficulties – with students hampered by technological issues in Tasmania and across the country;
- (4) Acknowledges education expert David Gonski's comments regarding limitations at the classroom level where NAPLAN reports on achievement rather than growth and the results are six months old by the time they are released;
- (5) Notes that NAPLAN data published on the MySchool website is being used as a school rating tool rather than a measurement of student progress;
- (6) Notes there has been a decade of unhealthy debate on standardised testing with little improvement as a result; and
- (7) Calls on the Tasmanian Government to join the 'breakaway' review that will report back to the Education Council.

An Amendment was proposed to be made to the Motion (Mr *Valentine*)

Leave out

- (7) Calls on the Tasmanian Government to join the 'Breakaway review that will report back to the Education Council.

Insert instead

- (7) Calls on the Tasmania Government to consider the merits of joining the 'Breakaway' review that will report back to the Education Council.

A Debate arose thereupon.

Question put, That the Amendment be agreed to.

It was resolved in the Affirmative.

Debate resumed on the Question, That the Motion as amended be agreed to.

A further Amendment was proposed to be made to the amended Motion (*Ms Rattray*)

Leave out the word ‘unhealthy’ from paragraph (6).

A Debate arose thereupon.

And the Question being put, That the further Amendment be agreed to.

It was resolved in the Affirmative

Debate resumed on the Question, That the Motion as amended be agreed to.

And the Question being put,

It was resolved in the Affirmative.

14 ADJOURNMENT.— A Motion was made (*Mrs Hiscutt*) and the Question was proposed, That the Council will at its rising adjourn until 11.00 o’clock am on Wednesday, 11 September 2019.

A Debate arose thereupon.

It was resolved in the Affirmative.

Resolved, That the Council do now adjourn. (*Mrs Hiscutt*)

The Council adjourned at 5.52 o’clock p.m.

D.T. PEARCE, *Clerk of the Council*.