LEGISLATIVE COUNCIL

SESSION OF 2025 – 2026

(FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT)

VOTES AND PROCEEDINGS

UNCORRECTED PROOF

No. 62

THURSDAY, 26 NOVEMBER 2026

1 COUNCIL MEETS.— The Council met at 11.00 o'clock a.m.

2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.— The President said:

"We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past and present. We recognise them as the first inhabitants and the continuing custodians of this land."

3 PRAYERS AND REFLECTION.— The President read Prayers.

4 LEAVE TO TABLE ANSWER TO QUESTION AND INCORPORATE ANSWER INTO HANSARD.— *Ordered*, That Mr *Vincent* have leave to Table answer to Question No. 72 and have the answer incorporated into the Hansard record.

5 MARINUS LINK FIBRE OPTIC CABLE CAPACITY.— Mr *Gaffney* asked the Minister for Energy and Renewables —

With reference to the potential market value in the commercial use of spare fibre-optic cable capacity in the Marinus Link interconnector, and to the Doolan v Burnie City Council [2026] TASCAT 134 decision, from which in paragraph 59 the Tribunal observed:

'*The use of excess capacity of the fibre-optic cable and its supporting infrastructure on the site for telecommunications and data connectivity between Victoria and Tasmania unrelated to the transmission of electricity may well fall outside the classification of the use under cl 6.2.2, and constitute a use on the site which is not approved. In respect to the fibre-optic cable through for the shore crossing, such an extended use may also fall outside the exemption.' —*

(1) In regard to a possible extended use of surplus capacity in the fibre-optic cable and supporting infrastructure for telecommunications and data connectivity unrelated to the transmission of electricity:
    (a) Has any possible extended use been formally assessed for planning purposes and if so, what authority assessed it, when was it assessed, and what permit, approval or statutory exemption has been relied upon; and
    (b) If any extended use has not already been assessed for planning purposes, or if its planning status remains unresolved, what further planning approval, determination or exemption does the Government understand will be required before a non-electricity transmission usage can commence?
(2) Following the Tribunal's decision, in considering the steps the Minister or relevant Government Department may have taken to resolve the planning status of the contemplated use of excess capacity of the fibre-optic cable for telecommunications or data connectivity use, unrelated to the transmission of electricity:
    (a) Has the responsible planning authority been asked to confirm in writing whether the use is authorised, exempt from planning approval, or requires a further separate approval;

(b) If such confirmation has been received, what was the conclusion and will the Minister make it public; and
(c) If such a confirmation has not been sought, why not and what precedent is being relied on to support the decision?

(3) Given that the fibre-optic infrastructure will include both capacity required for electricity transmission and a potential extended spare capacity contemplated for telecommunications and data connectivity:
(a) Will the Minister, through Tasmania's shareholder arrangements, seek an immediate temporary pause on installation of the fibre-optic infrastructure until the responsible authority has confirmed in writing that the contemplated non-electricity transmission use is authorised or exempt, or, if separate planning approval is required, until that approval has been granted and taken effect; and
(b) If not, what written advice or risk assessment does the Government rely upon in allowing installation to proceed before that use is authorised or exempt, including the risk that any required planning approval may be refused or may not ultimately take effect?

(4) Marinus Link Pty Ltd has publicly stated that commercial use of the spare fibre capacity must be '*ring-fenced*' and not cross-subsidised by the electricity business. It has also stated that part of the fibre capacity is required for electricity control and protection, while substantial spare capacity is available for prospective commercial use, including telecommunications:
(a) What cost-allocation methodology applies to the shared fibre-optic infrastructure;
(b) What additional costs, if any, have been incurred or committed because the project includes spare capacity capable of commercial telecommunications use; and
(c) Has that cost-allocation methodology been independently reviewed to ensure comparable commercial market rates have been factored in to ensure Tasmanian electricity consumers do not subsidise prospective commercial telecommunications activities?

The Minister answered:

The Government respects the independence of statutory planning authorities and the Tasmanian Civil and Administrative Tribunal (TASCAT) in exercising their responsibilities.

It is important to recognise that different project activities are subject to different approvals, permits and statutory frameworks. It is also important that tribunal and court processes operate independently of Government. Decisions regarding approvals, compliance and the conduct of legal proceedings are matters for the relevant statutory authorities, tribunals and courts.

As Minister for Energy and Renewables, I am not the proponent for the project, nor am I a decision-maker in relation to the statutory approval or review processes that apply to it.

As the project proponent, Marinus Link Pty Ltd (MLPL) is responsible for project delivery, obtaining the necessary approvals and complying with permit conditions. Burnie City Council is the planning authority for the project's planning permit, and decisions on the planning matters raised in this question are matters for that Council to determine.

It is the Government's expectation that all proponents, including MLPL, comply with permit conditions, approval requirements and any decision of a court or tribunal.

The Government does not propose to seek a pause on works authorised by an existing permit. The project proponent is responsible for project delivery and compliance with applicable approvals and permit conditions. Decisions relating to compliance and enforcement are matters for the relevant statutory authorities.

I do not have a role in undertaking a separate ministerial risk assessment in relation to these matters. Rather, the statutory planning framework, planning permit DA2022/76, and the responsibility of the project proponent to obtain the necessary approvals and comply with permit conditions provide the basis on which the project proceeds.

MLPL has provided the following information in response to the matters raised by the Member for Mersey:

- The installation and use of fibre-optic cables and related infrastructure are exempt from separate planning approval requirements to the extent that they are, or will be, used for the purposes of electricity transmission. This position is consistent with TASCAT's decision.
- The *Land Use Planning and Approvals Act 1993* distinguishes between development and use, and section 57 of the *Electricity Supply Industry Act 1995* applies to qualifying works associated with the installation of fibre-optic cabling that forms part of the electricity transmission infrastructure.
- The use of the fibre-optic cables and related infrastructure for the electricity infrastructure use is exempt under section 57 of the *Electricity Supply Industry Act 1995*, and TASCAT's decision is consistent with that position.
- Planning permit DA2022/76 remains in effect and developments authorised by that permit may proceed. The possibility of future telecommunications or data connectivity use of spare fibre-optic capacity does not affect the project's ability to proceed with the development and use already authorised under the permit.
- No written confirmation has been sought from Burnie City Council as to whether any future telecommunications or data connectivity use of spare fibre-optic capacity is authorised, exempt or requires a separate planning approval. While those matters remain with Burnie City Council, MLPL is continuing to consider TASCAT's observations and will consult with Burnie City Council on planning permit requirements, as required in due course.
- To date, no business case has been completed for commercialising surplus fibre-optic capacity and no commercial arrangements for providing access have been entered into.
- Should commercialisation of surplus fibre-optic capacity be pursued in the future, appropriate advice would be obtained, relevant planning authorities consulted as necessary, and all statutory obligations complied with.
- Access to surplus fibre-optic capacity is not anticipated to be provided exclusively for AI infrastructure developers and MLPL does not intend to operate data centres itself.
- Cost allocation between regulated electricity services and any future non-regulated telecommunications activities would be governed by the National Electricity Rules and the Australian Energy Regulator's Cost Allocation Guidelines. The Australian Energy Regulator approves the applicable cost allocation methodology, and any future non-regulated telecommunications activities would also be subject to applicable ring-fencing requirements.

In conclusion, while TASCAT considered the potential future use of spare fibre-optic capacity for standalone telecommunications and data connectivity, it did not determine whether such use requires planning approval.

That question remains for the relevant planning authority. MLPL is continuing to consider the TASCAT observations, including in relation to the potential use of excess fibre-optic capacity for separate and additional data connectivity and telecommunications purposes, and will have regard to legal advice, expert planning advice and its statutory obligations. As part of that process, it will consult with Burnie City Council on any relevant planning permit requirements should future commercialisation of surplus capacity be pursued

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

(1) Office of the Custodial Inspector Tasmania: Hostile Management Regime – Review 2026.

(2) Property Agents Board: Annual Report 2025-2026.

(3) Parole Board of Tasmania: Annual Report 2025-2026.

(4) Director of Public Prosecutions: Annual Report 2025-2026.

(5) Tasmanian Civil & Administrative Tribunal (TASCAT): Annual Report 2025-2026.

(6) Office of the Solicitor-General: Annual Report 2025-2026.

(7) WorkCover Board Tasmania: Annual Report 2025-2026.

(8) Tasmania Legal Aid: Annual Report 2025-2026.

(9) Supreme Court of Tasmania: Annual Report 2025-2026.

(10) Magistrates Court of Tasmania: Annual Report 2025-2026.

(11) Tasmanian Museum and Art Gallery: Annual Report 2025-2026.

(12) Theatre Royal Management: Annual Report 2025.

(13) Tasmanian Economic Regulator: Comparison of Electricity and Gas Prices Available to Small Customers in Australia. Dated November 2026

(14) Department of Health- Public Health Protection: Guidelines for Tattooing. Issued under the *Public Health Act 1997*, these Guidelines contain the legal requirements for businesses providing tattooing in Tasmania. Effective 16 October 2026.

(15) *Residential Building Work Contracts and Dispute Resolution Act 2016*: Statutory Rules 2026, No. 85, Residential Building Work Contracts and Dispute Resolution Regulations 2026.

7 BILL NO. 48.— The Order of the Day was read for the Second reading of the Tasmanian Homes and Housing Bill 2026.

A Motion was made (Mr *Vincent*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

8 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.

9 QUESTION TIME.— The President called for Questions without Notice. There was one Question asked.

10 BILL NO. 48.— The Order of the Day was read for resuming the Debate on the Question, That the Tasmanian Homes and Housing Bill 2026 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 10 agreed to.

Clause 11, Amendment made (Ms *Webb*).

Page 20, after subclause (2).

Insert the following subclauses.

(A) The Minister administering the *Crown Lands Act 1976* may not make an order under subsection (1) unless a draft of the order has been first approved by each House of Parliament.

(B) For the purposes of subsection (A), a draft of an order under subsection (1) is taken to be approved by a House of Parliament if a copy of the order has been laid on the table of the House and –

(a) it is approved by the House; or

(b) at the expiration of 5 sitting-days after it was laid on the table of the House, no notice has been given of a motion to disallow it or, if such notice has been given, the notice has been withdrawn or the motion has been negatived; or

(c) if any notice of a motion to disallow is given during that period of 5 sitting-days, the notice is, after the expiration of that period, withdrawn or the motion is negatived.

Clauses 12 to 27 agreed to.

Schedules 1 to 3 agreed to.

Title agreed to.

Bill to be reported with Amendments.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council with Amendments.

Ordered, That Mr *Vincent* have leave to move a Motion without Notice.

A Motion was made (Mr *Vincent*), and the Question was proposed, That so much of Standing Orders be suspended in respect of this Bill, in order that the Bill may be now taken into consideration. (Mr *Vincent*)

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

Ordered, That the Bill, as amended in the Committee, be now taken into consideration.

The Council, accordingly, proceeded to take the same into consideration.

The Amendments were read the First time.

The said Amendments, being read the Second time, were agreed to.

Ordered, That the Bill as amended in the Committee, be now read the Third time. (Mr *Vincent*)

The Bill was read the Third time and passed.

11 BILL NO. 48.— A Message to the House of Assembly:—

HONOURABLE SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled, 'A Bill for an Act to establish the Crown as a housing agency for the State, to develop, acquire and manage land, premises and housing, to deliver and facilitate homelessness services, social and affordable housing, housing support services and community support services, to help with, promote and secure the development and sustainability of assistance for the housing and homelessness sector, to provide support and additional services to persons who require housing, and for related purposes'.

12 BILL NO. 28.— The Order of the Day was read for resuming the Debate on the Question, That the Tasmanian Sentencing Amendment (Good Character) Bill 2026 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate

A Motion was made (Mr *Vincent*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 8 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

Ordered, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Ms *Rattray*)

13 ADJOURNMENT.— *Resolved,* That the Council will, at its rising adjourn until 9.30 o'clock a.m. on Friday, 27 November 2026. (Ms *Rattray*)

The Council adjourned at 5.27 o'clock p.m.

C.L. VICKERS, *Clerk of the Council*.

Briefings:

- *Tasmanian Homes and Housing Bill 2026*