

DRAFT SECOND READING SPEECH

HON FELIX ELLIS MP

Land Use Planning and Approvals (Sensitive Disclosures) Bill 2025

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I move that the Bill be now read a Second time.

The Land Use Planning and Approvals (Sensitive Disclosures) Bill 2025 proposes an amendment to the Land Use Planning and Approvals Act 1993 to prevent the public disclosure of culturally sensitive Aboriginal heritage matters.

In 2022, Parliament passed the *Land Use Planning and Approvals (Amendment) Act 2022*, which introduced provisions allowing certain sensitive matters to be concealed from public display during the major projects assessment process. This includes culturally sensitive Aboriginal heritage information.

The North East Wind project was declared a major project on 12 August 2022. At that time, the North East Wind project proponents were not required to comply with the ‘sensitive matters’ provisions, as they had not yet come into effect.

The assessment of the North East Wind major project is now nearing its final stage. During this stage, the proposal documents will be made available to the public, including those that address project-specific assessment criteria.

Without legislative change, culturally sensitive Aboriginal heritage information related to the North East Wind project area will be disclosed during the public assessment process. This could include identifying the location of culturally significant sites, which poses a risk of potential damage.

Honourable Speaker, the existing major projects process in section 60BA(1) of the Principal Act requires proponents to submit a ‘sensitive matters’ request to Aboriginal Heritage Tasmania before requesting a major project declaration. This request must also be made before seeking to amend the declared major project area or project permit. The ‘sensitive matters’ request identifies culturally sensitive information or areas at risk of harm, and such information

is only made available to participating regulators and the independent Development Assessment Panel of the Tasmanian Planning Commission.

However, because the North East Wind project was already declared before the 'sensitive matters' provisions came into effect in 2023, the proponent was not required to make the relevant request under section 60BA of the Act. Even if the proponent voluntarily made such a request, it would have no legal effect.

As a result, the independent Development Assessment Panel for the North East Wind major project will not be able to prevent the public disclosure of sensitive information unless this Bill is enacted.

Honourable Speaker, this Bill addresses that risk by amending the Principal Act to apply the 'sensitive matters' provisions to any major project declared prior to 17 May 2023, regardless of when the assessment process occurs. The North East Wind project is the only major project that will be affected by these changes, as all other projects declared after 2023 have already followed the sensitive matters requirements.

This Bill will ensure that the assessment of the North East Wind major project is conducted in a way that respects Aboriginal cultural heritage by concealing sensitive information.

Honourable Speaker, these changes have been requested by Aboriginal Heritage Tasmania and the Tasmanian Planning Commission.

Consultation on this Bill has been undertaken with those directly affected: the proponent of the North East Wind major project, Aboriginal Heritage Tasmania (through the Department of Natural Resources and Environment Tasmania), and the Tasmanian Planning Commission. The Local Government Association of Tasmania was also consulted.

This Bill ensures that the major projects assessment process for the North East Wind project will provide adequate information for proper assessment, while protecting culturally sensitive information from public disclosure.

Honourable Speaker, I commend the Bill to the House.